

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
May 17, 2016**

A meeting of the Fayetteville City Council was held on May 17, 2016 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports, and Discussion Items

Agenda Additions

A. Consent:

1. Approval of the May 3, 2016 City Council Meeting Minutes.

Approved

2. **MICROSOFT CORPORATION ENTERPRISE AGREEMENT RENEWAL:** A resolution to authorize a three year renewal of the enterprise agreement with Microsoft Corporation, through its authorized reseller Shi International Corporation, for software products in the amount of \$137,200.00 per year plus applicable taxes, and to approve a contingency in the amount of \$13,700.00 per year for additional software licenses as needed.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 96-16

3. **ANIMAL SERVICES DONATION REVENUE:** A resolution to approve a budget adjustment in the amount of \$81,602.00 representing donation revenue to Animal Services for the first quarter of 2016.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 97-16

4. **ALLIANCE PUMP & MECHANICAL, INC.:** A resolution to approve a change order to the contract with Alliance Pump & Mechanical, Inc. in the amount of \$43,521.00 plus applicable taxes for additional repair services required to rebuild seven (7) gearboxes at the Noland Wastewater Treatment Plant.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 98-16

5. **BID #16-30 CENTRAL LAUNDRY EQUIPMENT, INC.:** A resolution to award bid #16-30 and authorize the purchase of four commercial washer extractors and five drying units from Central Laundry Equipment, Inc. of Ward, Arkansas in the amount of \$65,130.00 plus applicable taxes for use by the fire department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 99-16

6. **BRADEN NEIGHBORHOOD PARK:** A resolution to approve a budget adjustment in the amount of \$3,723.00 recognizing Parkland dedication fees from the northeast quadrant to be used for a portion of improvements to and expansion of the playground at Braden Neighborhood Park.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 100-16

7. **ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT :** A resolution to authorize acceptance of a 50/50 matching grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program in the amount of \$150,000.00 for the construction of playground and parking improvements at Wilson Park, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 101-16

- 8. PARKS AND RECREATION DEPARTMENT DONATION REVENUE:** A resolution to approve a budget adjustment in the amount of \$29,387.00 representing donation revenue to the Parks and Recreation Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 102-16

- 9. RECREATIONAL TRAILS GRANT APPLICATION - TRAIL REPLACEMENT:** A resolution to express the willingness of the City of Fayetteville to utilize Federal-Aid Recreational Trails Funds and authorize application for a 20% local match grant through the Arkansas Recreational Trails Program in an amount up to \$56,000.00 for the replacement of a section of the Razorback Regional Greenway from Maple Street to Frisco Avenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 103-16

- 10. TRANSPORTATION ALTERNATIVES PROGRAM - MUD CREEK TRAIL LIGHTING:** A resolution to express the willingness of the City of Fayetteville to utilize Federal-Aid Transportation Alternatives Program Funds and authorize application for a 20% local match grant through the Arkansas Transportation Alternatives Program in an amount up to \$500,000.00 for the installation of trail lighting along the Razorback Regional Greenway and the Mud Creek Trail from the Fulbright Expressway to Old Missouri Road.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 104-16

- 11. LEVI STORAGE CENTER, LLC PURCHASE FOR CATO SPRINGS TRAIL:** A resolution to approve the purchase of 1.5 acres of property for construction of the Cato Springs Trail from Levi Storage Center, LLC in the amount of \$31,296.00, and to approve a project contingency in the amount of \$3,129.60.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 105-16

- 12. HOME TEAM, LLC:** A resolution to accept the donation of 1.5 acres of property from Home Team, LLC with the restriction that no development shall occur on the property for at least fifty (50) years.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 106-16

- 13. FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP AMENDMENTS:** A resolution to approve amendments to the Fayetteville Active Transportation Plan Map to add a connector trail between the Hamestring Creek Trail and the Shiloh Trail, to remove a paved trail from the Kessler Mountain Ridge, and to add a loop trail around the Regional Park.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 107-16

B. Unfinished Business:

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

THIS ORDINANCE WAS MOVED TO THE JUNE 21, 2016 CITY COUNCIL MEETING

2. **VAC 16-5354 (1137 W. MLK BLVD./ARENA VILLAGE):** An ordinance to approve VAC 16-5354 submitted by Steve Fowler for property located at 1137 West Martin Luther King Boulevard to vacate portions of a utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5872

3. **AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION:** An ordinance to amend chapter 116: door to door solicitation of the Fayetteville Code by repealing § 116.01, enacting a replacement § 116.01 and by amending the definition of solicitor in § 116.02 (a) (4).

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5873

C. New Business:

1. **FALLING WATERS APPEAL:** An ordinance to rezone that property described in rezoning petition RZN 16-5385 for approximately 35.31 acres on Dead Horse Mountain Road from R-A, Residential Agriculture to RSF-2, Residential Single Family, 2 units per acre subject to a Bill of Assurance limiting development to 51 homes.

THIS ORDINANCE WAS LEFT ON THE FIRST READING

2. **U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT:** An ordinance to waive the requirements of formal competitive bidding and authorize a joint funding agreement with the U.S. Geological Survey for stream gauge operation and maintenance and water quality sampling and monitoring at various locations in the City of Fayetteville for 2016 with the amount paid by the city not to exceed \$61,721.00.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5874

3. **AMEND § 92.31 DANGEROUS ANIMALS AND ENACT § 92.07 INHUMANE TRAPS PROHIBITED:** An ordinance to amend § 92.31 **Dangerous Animals** to provide the animal services division WTH additional options to declare an animal dangerous and allow the rehoming of a dangerous animal with the approval of the animal services superintendent, and to enact a new § 92.07 **Inhumane Traps Prohibited**.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5875

- 4. SPECIAL ELECTION FOR FAYETTEVILLE PUBLIC LIBRARY:** An ordinance calling and setting a date for a special election on the questions of (1) the raising by one and one-half (1.5) mills the current one (1.0) mill city tax on real and personal property supporting the maintenance and operation of Fayetteville Public Library, and (2) the imposition of a one and two-tenths (1.2) mill city tax on real and personal property to be pledged to an issue or issues of bonds not to exceed \$26,500,000 in principal amount to finance capital improvements to Fayetteville Public Library; prescribing other matters pertaining thereto; and declaring an emergency.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5876

- 5. ECONOMIC DEVELOPMENT STRATEGIC PLAN:** A resolution to approve and adopt the Fayetteville First Economic Development Strategic Plan.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 108-16

City Council Agenda Session Presentations:

City Council Tour

Announcements

Adjournment: 9:20 p.m.

Subject:		ROLL			
<i>Alderman Schoppmeyer was absent</i>	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	<i>absent</i>			
	Mayor Jordan	✓			

80

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

Subject:	CONSENT				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Marsh			
A1-13 <i>Minutes</i> <i>Approved</i> <i>passed</i> <i>9-11-16</i> <i>trill</i> <i>10-12-16</i>	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	absent			
	Mayor Jordan				

7-0

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

Subject:	AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES				
Motion To:		<i>Tabled</i>			
Motion By:		<i>Tennant</i>			
Seconded:		<i>Long</i>			
B.1 Unfinished Business <i>2nd Meeting</i> <i>June</i> <i>6-21-16</i>	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	<i>Absent</i>			
	Mayor Jordan				

7-0

Subject:	VAC 16-5354 (1137 W. MLK BLVD./ARENA VILLAGE)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Long</i>	<i>Kinion</i>		
Seconded:		<i>Tennant</i>	<i>Marsh</i>		
B.2 Unfinished Business <i>passed</i> <i>5872</i>	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION			
Motion To:			<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>
Motion By:			<i>Long</i>	<i>Tennant</i>	
Seconded:			<i>Gray</i>	<i>Long</i>	
B.3 Unfinished Business <i>Passed</i> <i>5873</i>	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	<i>Check Vote</i>
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Schoppmeyer	<i>Absent</i>	<i>_____</i>	<i>_____</i>	
Mayor Jordan					

7-0

7-0

7-0

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

Subject:		FALLING WATERS APPEAL			
Motion To:		<i>and Read</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>La Tour</i>			
C. 1 New Business <i>Left on 1st Reading</i>	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	<i>N</i>			
	Petty	<i>N</i>			
	Tennant	✓			
	Schoppmeyer	<i>Absent</i>	—	—	
	Mayor Jordan				

Failed

Subject:		U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT			
Motion To:		<i>Amend</i>	<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>
Motion By:		<i>Kinion</i>	<i>Kinion</i>	<i>Marsh</i>	
Seconded:		<i>Marsh</i>	<i>Petty</i>	<i>Kinion</i>	
C. 2 New Business <i>passed 5874</i>	La Tour	✓	✓	✓	✓
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Schoppmeyer	<i>Absent</i>	—	—	—
	Mayor Jordan				

*7-0**7-0**7-0**7-0*

Subject:		AMEND § 92.31 DANGEROUS ANIMALS AND ENACT § 92.07 INHUMANE TRAPS PROHIBITED			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Kinion	Long	
Seconded:			Long	Tennant	
C. 3 New Business <u>Passed</u> 5875	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	Absent			
	Mayor Jordan				
		7-0	7-0	7-0	

Subject:					
Motion To:		SPECIAL ELECTION FOR FAYETTEVILLE PUBLIC LIBRARY			
Motion By:			2nd Read	3rd Read	Pass
Seconded:			Marsh / Gray	Gray / Marsh	Emergency Clause
C. 4 New Business <u>Passed</u> Emergency Clause Approved 5876	La Tour	N	N	N	N
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Schoppmeyer	Absent			
	Mayor Jordan				
		6-1	6-1	6-1	6-1

Subject:	ECONOMIC DEVELOPMENT STRATEGIC PLAN				
Motion To:		<i>Approve</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Marsh</i>			
C. 5 New Business <i>passed</i> <i>108-14</i>	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>Absent</i>			
	Mayor Jordan				

7-0

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: May 18, 2016

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of May 17, 2016

1. A resolution to authorize a three year renewal of the Enterprise Agreement with Microsoft Corporation, through its authorized reseller SHI International Corporation, for software products in the amount of \$137,200.00 per year plus applicable taxes, and to approve a contingency in the amount of \$13,700.00 per year for additional software licenses as needed.
2. A resolution to approve a budget adjustment in the amount of \$81,602.00 representing donation revenue to Animal Services for the first quarter of 2016.
3. A resolution to approve a change order to the contract with Alliance Pump & Mechanical, Inc. in the amount of \$43,521.00 plus applicable taxes for additional repair services required to rebuild seven (7) gearboxes at the Noland Wastewater Treatment Plant.
4. A resolution to award Bid #16-30 and authorize the purchase of four commercial washer extractors and five drying units from Central Laundry Equipment, Inc. of Ward, Arkansas in the amount of \$65,130.00 plus applicable taxes for use by the Fire Department.
5. A resolution to approve a budget adjustment in the amount of \$3,723.00 recognizing Parkland Dedication fees from the Northeast Quadrant to be used for a portion of improvements to and expansion of the playground at Braden Neighborhood Park.
6. A resolution to authorize acceptance of a 50/50 matching grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program in the amount of \$150,000.00 for the construction of playground and parking improvements at Wilson Park, and to approve a budget adjustment.
7. A resolution to approve a budget adjustment in the amount of \$29,387.00 representing donation revenue to the Parks and Recreation Department.
8. A resolution to express the willingness of the City of Fayetteville to utilize Federal-Aid

Recreational Trails Funds and authorize application for a 20% local match grant through the Arkansas Recreational Trails Program in an amount up to \$56,000.00 for the replacement of a section of the Razorback Regional Greenway from Maple Street to Frisco Avenue.

9. A resolution to express the willingness of the City of Fayetteville to utilize Federal-Aid Transportation Alternatives Program Funds and authorize application for a 20% local match grant through the Arkansas Transportation Alternatives Program in an amount up to \$500,000.00 for the installation of trail lighting along the Razorback Regional Greenway and the Mud Creek Trail from the Fulbright Expressway to Old Missouri Road.

10. A resolution to approve the purchase of 1.5 acres of property for construction of the Cato Springs Trail from Levi Storage Center, LLC in the amount of \$31,296.00, and to approve a project contingency in the amount of \$3,129.60.

11. A resolution to accept the donation of 1.5 acres of property from Home Team, LLC with the restriction that no development shall occur on the property for at least fifty (50) years.

12. A resolution to approve amendments to the Fayetteville Active Transportation Plan Map to add a connector trail between the Hamestring Creek Trail and the Shiloh Trail, to remove a paved trail from the Kessler Mountain Ridge, and to add a loop trail around the Regional Park.

13. An ordinance to approve VAC 16-5354 submitted by Steve Fowler for property located at 1137 West Martin Luther King Boulevard to vacate portions of a utility easement.

14. An ordinance to amend Chapter 116: Door to Door Solicitation of the Fayetteville Code by repealing § 116.01, enacting a replacement § 116.01 and by amending the definition of solicitor in § 116.02 (a) (4).

15. An ordinance to waive the requirements of formal competitive bidding and authorize a Joint Funding Agreement with the U.S. Geological Survey for stream gauge operation and maintenance and water quality sampling and monitoring at various locations in the City of Fayetteville for 2016 with the amount paid by the City not to exceed \$61,721.00.

16. An ordinance to amend § 92.31 Dangerous Animals to provide the Animal Services Division with additional options to declare an animal dangerous and allow the rehoming of a dangerous animal with the approval of the Animal Services Superintendent, and to enact a new § 92.07 inhumane traps prohibited.

17. An ordinance calling and setting a date for a Special Election on the questions of (1) the raising by one and one-half (1.5) mills the current one (1.0) mill City tax on real and personal property supporting the maintenance and operation of Fayetteville Public Library, and (2) the imposition of a one and two-tenths (1.2) mill City tax on real and personal property to be pledged to an issue or issues of bonds not to exceed \$26,500,000 in principal amount to finance capital improvements to Fayetteville Public Library; prescribing other matters pertaining thereto; and declaring an emergency.

18. A resolution to approve and adopt the Fayetteville First Economic Development Strategic Plan.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, May 17, 2016

5:30 PM

City Hall Room 219

City Council Meeting

*Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

ELECTED OFFICIALS:

*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith*

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions:****A. Consent:****A. 1** [2015-0647](#)

APPROVAL OF THE MAY 3, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0236](#)**MICROSOFT CORPORATION ENTERPRISE AGREEMENT RENEWAL:**

A RESOLUTION TO AUTHORIZE A THREE YEAR RENEWAL OF THE ENTERPRISE AGREEMENT WITH MICROSOFT CORPORATION, THROUGH ITS AUTHORIZED RESELLER SHI INTERNATIONAL CORPORATION, FOR SOFTWARE PRODUCTS IN THE AMOUNT OF \$137,200.00 PER YEAR PLUS APPLICABLE TAXES, AND TO APPROVE A CONTINGENCY IN THE AMOUNT OF \$13,700.00 PER YEAR FOR ADDITIONAL SOFTWARE LICENSES AS NEEDED

Attachments: [MICROSOFT CORPORATION ENTERPRISE AGREEMENT RENEWAL](#)

A. 3 [2016-0196](#)**ANIMAL SERVICES DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$81,602.00 REPRESENTING DONATION REVENUE TO ANIMAL SERVICES FOR THE FIRST QUARTER OF 2016

Attachments: [ANIMAL SERVICES DONATION REVENUE](#)
 [BA ANIMAL SERVICES DONATION REVENUE](#)

A. 4 [2016-0212](#)**ALLIANCE PUMP & MECHANICAL, INC.:**

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE CONTRACT WITH ALLIANCE PUMP & MECHANICAL, INC. IN THE AMOUNT OF \$43,521.00 PLUS APPLICABLE TAXES FOR ADDITIONAL REPAIR SERVICES REQUIRED TO REBUILD SEVEN (7) GEARBOXES AT THE NOLAND WASTEWATER TREATMENT PLANT

Attachments: [ALLIANCE PUMP & MECHANICAL, INC.](#)

A. 5 [2016-0222](#)**BID #16-30 CENTRAL LAUNDRY EQUIPMENT, INC.:**

A RESOLUTION TO AWARD BID #16-30 AND AUTHORIZE THE PURCHASE OF FOUR COMMERCIAL WASHER EXTRACTORS AND FIVE DRYING UNITS FROM CENTRAL LAUNDRY EQUIPMENT, INC. OF WARD, ARKANSAS IN THE AMOUNT OF \$65,130.00 PLUS APPLICABLE TAXES FOR USE BY THE FIRE DEPARTMENT

Attachments: [BID #16-30 CENTRAL LAUNDRY EQUIPMENT, INC.](#)

A. 6 [2016-0213](#)**BRADEN NEIGHBORHOOD PARK:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$3,723.00 RECOGNIZING PARKLAND DEDICATION FEES FROM THE NORTHEAST QUADRANT TO BE USED FOR A PORTION OF IMPROVEMENTS TO AND EXPANSION OF THE PLAYGROUND AT BRADEN NEIGHBORHOOD PARK

Attachments: [BRADEN NEIGHBORHOOD PARK](#)
 [BA BRADEN NEIGHBORHOOD PARK](#)

A. 7 [2016-0229](#)**ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 50/50 MATCHING GRANT FROM THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM IN THE AMOUNT OF \$150,000.00 FOR THE CONSTRUCTION OF PLAYGROUND AND PARKING IMPROVEMENTS AT WILSON PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT](#)
 [BA_ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT](#)

A. 8 [2016-0237](#)**PARKS AND RECREATION DEPARTMENT DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$29,387.00 REPRESENTING DONATION REVENUE TO THE PARKS AND RECREATION DEPARTMENT

Attachments: [PARKS AND RECREATION DEPARTMENT DONATION REVENUE](#)
 [BA_PARKS AND RECREATION DEPARTMENT DONATION REVENUE](#)

A. 9 [2016-0227](#)**RECREATIONAL TRAILS GRANT APPLICATION - TRAIL REPLACEMENT:**

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID RECREATIONAL TRAILS FUNDS AND AUTHORIZE APPLICATION FOR A 20% LOCAL MATCH GRANT THROUGH THE ARKANSAS RECREATIONAL TRAILS PROGRAM IN AN AMOUNT UP TO \$56,000.00 FOR THE REPLACEMENT OF A SECTION OF THE RAZORBACK REGIONAL GREENWAY FROM MAPLE STREET TO FRISCO AVENUE

Attachments: [RECREATIONAL TRAILS GRANT APPLICATION - TRAIL REPLACEMENT](#)

A. 10 [2016-0228](#)**TRANSPORTATION ALTERNATIVES PROGRAM - MUD CREEK TRAIL LIGHTING:**

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS AND AUTHORIZE APPLICATION FOR A 20% LOCAL MATCH GRANT THROUGH THE ARKANSAS TRANSPORTATION ALTERNATIVES PROGRAM IN AN AMOUNT UP TO \$500,000.00 FOR THE INSTALLATION OF TRAIL LIGHTING ALONG THE RAZORBACK REGIONAL GREENWAY AND THE MUD CREEK TRAIL FROM THE FULBRIGHT EXPRESSWAY TO OLD MISSOURI ROAD

Attachments: [TRANSPORTATION ALTERNATIVES PROGRAM - MUD CREEK TRAIL LIGHT](#)

A. 11 [2016-0230](#)**LEVI STORAGE CENTER, LLC PURCHASE FOR CATO SPRINGS TRAIL:**

A RESOLUTION TO APPROVE THE PURCHASE OF 1.5 ACRES OF PROPERTY FOR CONSTRUCTION OF THE CATO SPRINGS TRAIL FROM LEVI STORAGE CENTER, LLC IN THE AMOUNT OF \$31,296.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,129.60

Attachments: [LEVI STORAGE CENTER, LLC PURCHASE FOR CATO SPRINGS TRAIL](#)

A. 12 [2016-0234](#)**HOME TEAM, LLC:**

A RESOLUTION TO ACCEPT THE DONATION OF 1.5 ACRES OF PROPERTY FROM HOME TEAM, LLC WITH THE RESTRICTION THAT NO DEVELOPMENT SHALL OCCUR ON THE PROPERTY FOR AT LEAST FIFTY (50) YEARS

Attachments: [HOME TEAM, LLC](#)

A. 13 [2016-0233](#)**FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP AMENDMENTS:**

A RESOLUTION TO APPROVE AMENDMENTS TO THE FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP TO ADD A CONNECTOR TRAIL BETWEEN THE HAMESTRING CREEK TRAIL AND THE SHILOH TRAIL, TO REMOVE A PAVED TRAIL FROM THE KESSLER MOUNTAIN RIDGE, AND TO ADD A LOOP TRAIL AROUND THE REGIONAL PARK

Attachments: [FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP AMENDMENTS](#)

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

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

(LEFT ON SECOND READING)

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

Left on the Second Reading at the April 5, 2016 City Council Meeting and Tabled until the May 17, 2016 City Council Meeting. At the March 1, 2016 City Council Meeting, this ordinance was left on the second reading and. Tabled to April 5, 2016. This Ordinance was left on the first reading at the February 16, 2016 City Council meeting.

B. 2 [2016-0194](#)**VAC 16-5354 (1137 W. MLK BLVD./ARENA VILLAGE):**

AN ORDINANCE TO APPROVE VAC 16-5354 SUBMITTED BY STEVE FOWLER FOR PROPERTY LOCATED AT 1137 WEST MARTIN LUTHER KING BOULEVARD TO VACATE PORTIONS OF A UTILITY EASEMENT

(LEFT ON FIRST READING)

Attachments: [VAC 16-5354 \(1137 W MLK BLVD. Arena Village\)](#)

This Ordinance was left on first reading at the May 3, 2016 City Council Meeting.

B. 3 [2016-0205](#)**AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION:**

AN ORDINANCE TO AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION OF THE FAYETTEVILLE CODE BY REPEALING § 116.01, ENACTING A REPLACEMENT § 116.01 AND BY AMENDING THE DEFINITION OF SOLICITOR IN § 116.02 (A) (4)

(LEFT ON FIRST READING)

Attachments: [Amend Chapter 116: Door to Door Solicitation](#)

This Ordinance was left on first reading at the May 3, 2016 City Council Meeting.

C. New Business:**C. 1** [2016-0248](#)**FALLING WATERS APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5385 FOR APPROXIMATELY 35.31 ACRES ON DEAD HORSE MOUNTAIN ROAD FROM R-A, RESIDENTIAL AGRICULTURE TO RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE SUBJECT TO A BILL OF ASSURANCE LIMITING DEVELOPMENT TO 51 HOMES

Attachments: [FALLING WATERS APPEAL](#)

C. 2 [2016-0193](#)**U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE FOR 2016 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$61,721.00

Attachments: [U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT](#)

C. 3 [2016-0197](#)**AMEND § 92.31 DANGEROUS ANIMALS AND ENACT § 92.07 INHUMANE TRAPS PROHIBITED:**

AN ORDINANCE TO AMEND § 92.31 **DANGEROUS ANIMALS** TO PROVIDE THE ANIMAL SERVICES DIVISION WITH ADDITIONAL OPTIONS TO DECLARE AN ANIMAL DANGEROUS AND ALLOW THE REHOMING OF A DANGEROUS ANIMAL WITH THE APPROVAL OF THE ANIMAL SERVICES SUPERINTENDENT, AND TO ENACT A NEW § 92.07 **INHUMANE TRAPS PROHIBITED**

Attachments: [AMEND § 92.31 DANGEROUS ANIMALS AND ENACT § 92.07 INHUMANE TRA](#)

C. 4 [2016-0235](#)**SPECIAL ELECTION FOR FAYETTEVILLE PUBLIC LIBRARY:**

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ON THE QUESTIONS OF (1) THE RAISING BY ONE AND ONE-HALF (1.5) MILLS THE CURRENT ONE (1.0) MILL CITY TAX ON REAL AND PERSONAL PROPERTY SUPPORTING THE MAINTENANCE AND OPERATION OF FAYETTEVILLE PUBLIC LIBRARY, AND (2) THE IMPOSITION OF A ONE AND TWO-TENTHS (1.2) MILL CITY TAX ON REAL AND PERSONAL PROPERTY TO BE PLEDGED TO AN ISSUE OR ISSUES OF BONDS NOT TO EXCEED \$26,500,000 IN PRINCIPAL AMOUNT TO FINANCE CAPITAL IMPROVEMENTS TO FAYETTEVILLE PUBLIC LIBRARY; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY

Attachments: [SPECIAL ELECTION FOR FAYETTEVILLE PUBLIC LIBRARY](#)
 [ADDITIONAL: SPECIAL ELECTION FOR FAYETTEVILLE PUBLIC LIBRARY](#)

C. 5 [2016-0238](#)**ECONOMIC DEVELOPMENT STRATEGIC PLAN:**

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE FIRST ECONOMIC DEVELOPMENT STRATEGIC PLAN

Attachments: [ECONOMIC DEVELOPMENT STRATEGIC PLAN](#)

D. City Council Agenda Session Presentations:**E. City Council Tour:**

F. Announcements:**G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

Clay Carlton
Falling Waters, LLC
2826 Joyce Blvd.
Fayetteville, AR 72703

RECEIVED

MAY 04 2016

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

May 4, 2016

City of Fayetteville
Attention: Sondra Smith, City Clerk

Re: Appeal of the Planning Commission denial of the Falling Waters rezoning request

I am writing this letter to appeal to the City Council over the Planning Commission's denial of a rezoning request for Falling Waters at the April 25th Planning Commission meeting. While I understand the staff and Planning Commission's decision, I believe that there are other factors involved that the City Council is able to take into consideration; whereas the Planning Commission is limited to adopted future land use plans only.

The property that we are requesting to be rezoned from R-A to RSF-2 consists of 35.31 acres, borders the Stonebridge Meadows Subdivision at the end of Pumpkin Ridge Road on the north side, and is accessed from Dead Horse Mountain Road on the west side. Along with our request, we have provided a Bill of Assurance that guarantees a maximum of only 51 single-family homes to be allowed. This equates to 1.44 homes per acre. For comparison of compatibility with surrounding properties, the bordering properties to the north (Stonebridge Meadows) and northwest are both zoned RSF-4, as you can see on the attached map. The northwest bordering property is currently being designed for a 130 home development at a density of 2.5 homes per acre. Additionally, only 3,500 feet to the north there is a property zoned Neighborhood Conservation allowing for a density of 10 units per acre. All utilities necessary to service the development are already on-site or stubbed-out to the property, and neither the Fire Department, nor the Police Departments had any objections to this rezoning request.

With the property's close proximity to the Fayetteville square, the future residents of this development will most certainly provide an economic benefit to the businesses located downtown and in the entertainment district. As you can see on the Google Maps exhibit, the property is a 4.4 mile/10 minute drive to the Fayetteville Square. By comparison, the new Sloanbrooke residential development in west Fayetteville is a 5.0 mile/14 minute drive. The proposed neighborhood on the Razorback Golf Course is a 4.7 mile/14 minute drive. And the highly desirable Savannah neighborhood in east Fayetteville is a 4.8 mile/12 minute drive. These existing or already approved developments are further from downtown Fayetteville, yet not considered Urban Sprawl by the City Planners. We believe our proposed project's nearness to historic central Fayetteville, in comparison to these and other residential developments, shows that Falling Waters should not be considered Urban Sprawl either.

As some of the City Council members may recall, a portion of this property was brought before the Council for a rezoning request approximately one year ago. We have revised this request based on feedback received from neighbors and Council members. As you can see on the proposed preliminary plat, we have extended the road connection from Pumpkin Ridge Road through to Dead Horse Mountain Road. We have also added a Bill of Assurance requiring all construction traffic to access Falling Waters from the entry point at Dead Horse Mountain Road rather than through the existing Stone Bridge Meadows subdivision. Another exciting improvement to this request will utilize the natural characteristics of the land to design and build a uniquely planned neighborhood. For example, as you see on the proposed plat, we are planning to only construct homes

on one side of the street (the downhill side) rather than a typical subdivision layout with homes fronting both sides. By doing this, all homes in this development will have back-yard views of downtown Fayetteville and the University. And because the uphill lots are all at least 200 feet deep, it will allow the preservation of a large green belt of mature trees along the back of those lots. While adhering to the Hillside Overlay District policies, Falling Waters will additionally have Protective Covenants in place that will be more stringent than the HOD, limiting tree removal outside of the building footprint. Lastly you will notice that in most cases the lots have been staggered so that the homes on the upper street will be positioned primarily to create view corridors between the two lower lots rather than directly into the roofs of those homes. To illustrate this you will notice that Lot 49 will have primary views between Lots 7 & 8, Lot 48 will have views between Lots 8 & 9, Lot 47 will have views between Lots 9 & 10, and so on.

The main reason for this appeal request, though, has more to do with the history of this property and area. In 2005 this property was and still is part of a larger 137 acre piece of land. The City Council approved a PZD for the entire 137 acres allowing for 258, half-acre +/- lots. In fact, it was approved unanimously through all three readings taking place in one night. At that time the area did not have adequate water and sewer infrastructure so our company partnered with 3 other groups to extend both services from the industrial park. This required boring under the White River and then installing approximately 6,300 feet of water and sewer line to service our properties and allow for future growth in this area. The project was completed and the improvements were turned over to the City. The total cost of the project was \$2.5 million and my company's share in that cost was approximately \$850,000. We considered this investment to be worthwhile, as we needed water and sewer services on the property to develop it according to our approved zoning. Our company then began developing the first Phase of the property by clearing for the street right of ways, but paused development when the economy began to turn downward. Had we not stopped, this property would have become another of the completed but empty subdivisions around Northwest Arkansas that resulted during that time. As we waited for the economy to rebound our PZD zoning expired and the property was rezoned Residential Agriculture, changing from 2 homes/acre to 0.5 homes/acre. Due to the initial land cost, added cost to "carry" the land for the last 11 years, and the cost of extending utilities to the property, developing the property with 1 home to every 2 acres is financially unfeasible. While the financial implications are a hardship to our company and not to the City, the financial hardship accrued by the current zoning is impossible for us to absorb. Eleven years ago our development was hailed as a great addition to Fayetteville by our City staff and leaders, and we are hopeful today that our current City leaders will view it the same way. This rezoning request is for only a small portion of the entire property, as we are open-mindedly taking into account the opinions of City staff and the nearby residents to be more conservative. Pending the success of this first phase we may end up developing larger lots on other sections of the property in the future.

Buffington Homes has valued our successful partnership with the City of Fayetteville for more than eleven years now. We have developed and are currently developing and building in numerous areas of the City, and we hope for this proposed development to be another beneficial partnership. Thank you for your consideration of this appeal request. If you have any questions please feel free to reach out to me at the information below.

Sincerely,



Clay Carlton
Owner, Buffington Homes
479-283-3843
claycarlton@buffingtonhomesar.com

**BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of Falling Waters, LLC, 35.31 acres, (hereinafter "Petitioner") Falling Waters, LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request to RSF-2.

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

1. The Petitioner's property shall be limited to: 51 lots within the rezoned acreage.
2. All construction traffic shall access this 35.31 acre Falling Waters from the entry point at Dead Horse mountain Road.
3. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, Falling Waters, LLC, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

5-10-2016
Date

2826 Joyce Blvd.
Fayetteville, AR 72703
Address

Falling Waters, LLC

Clay Condit
Managing Member of Carlton Holdings,
LLC, which is a member of Falling Water,
LLC

NOTARY OATH

STATE OF ARKANSAS }
 }
COUNTY OF WASHINGTON } .ss
 }

And now on this the 10 day of MAY, 2016, appeared before me,
Jake C. Helton, a Notary Public, and after being placed upon his/her oath swore
or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her
name above.

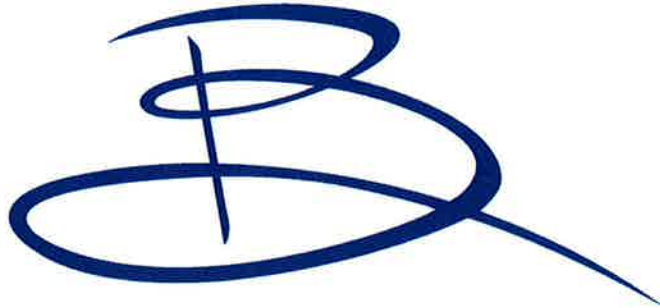


NOTARY PUBLIC

My Commission Expires:

10-10-18

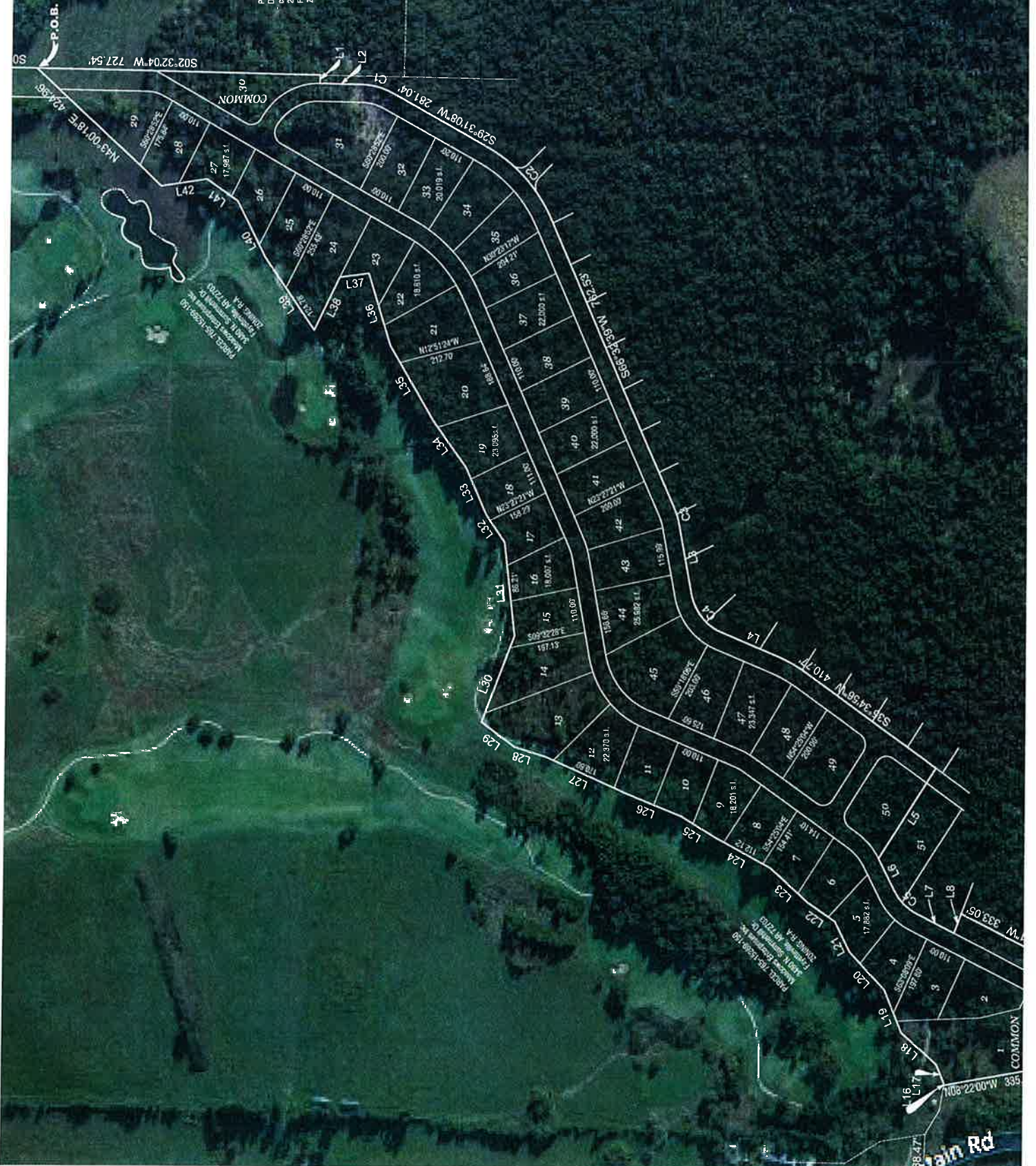




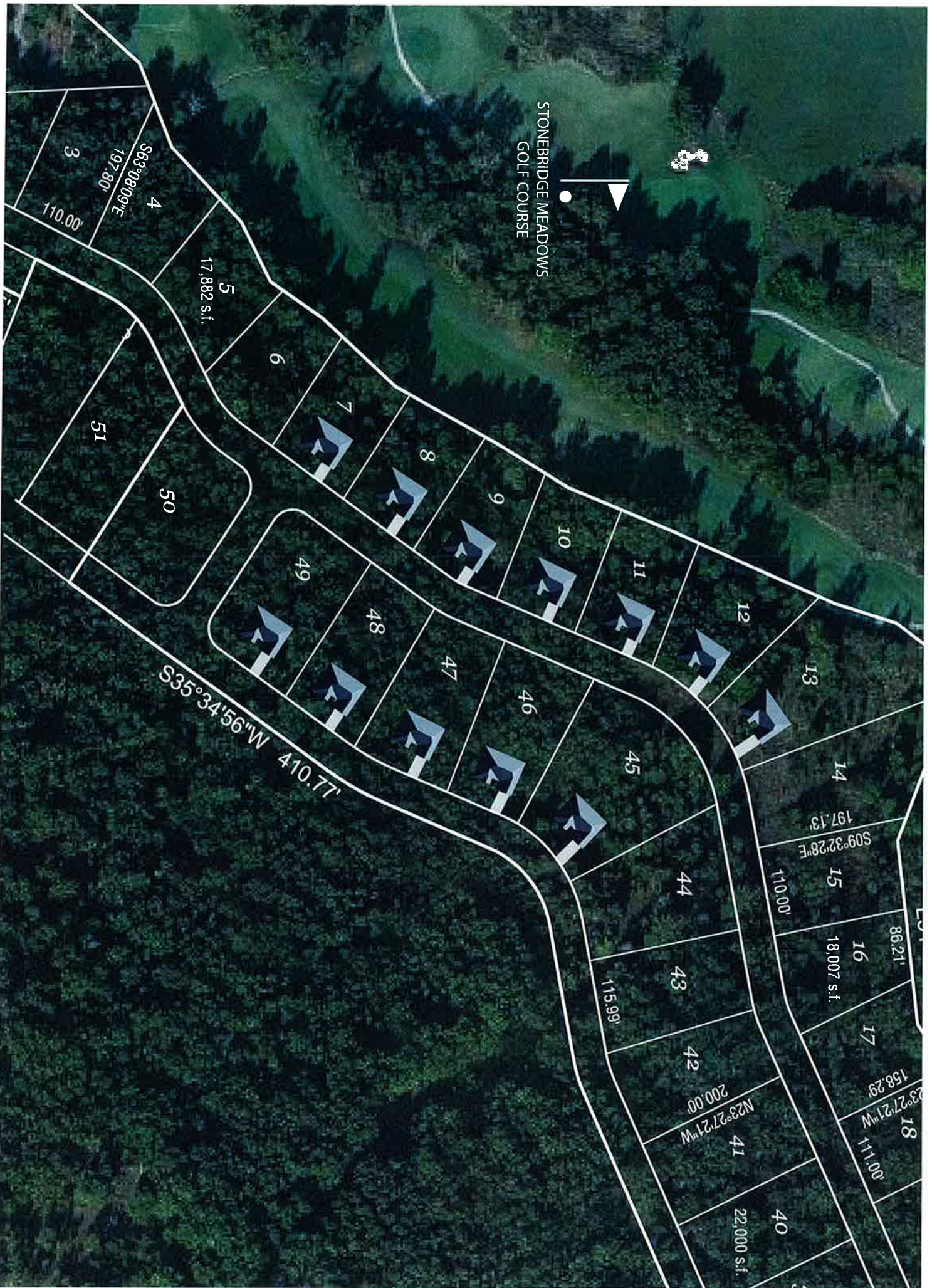
BUFFINGTON HOMES
OF ARKANSAS

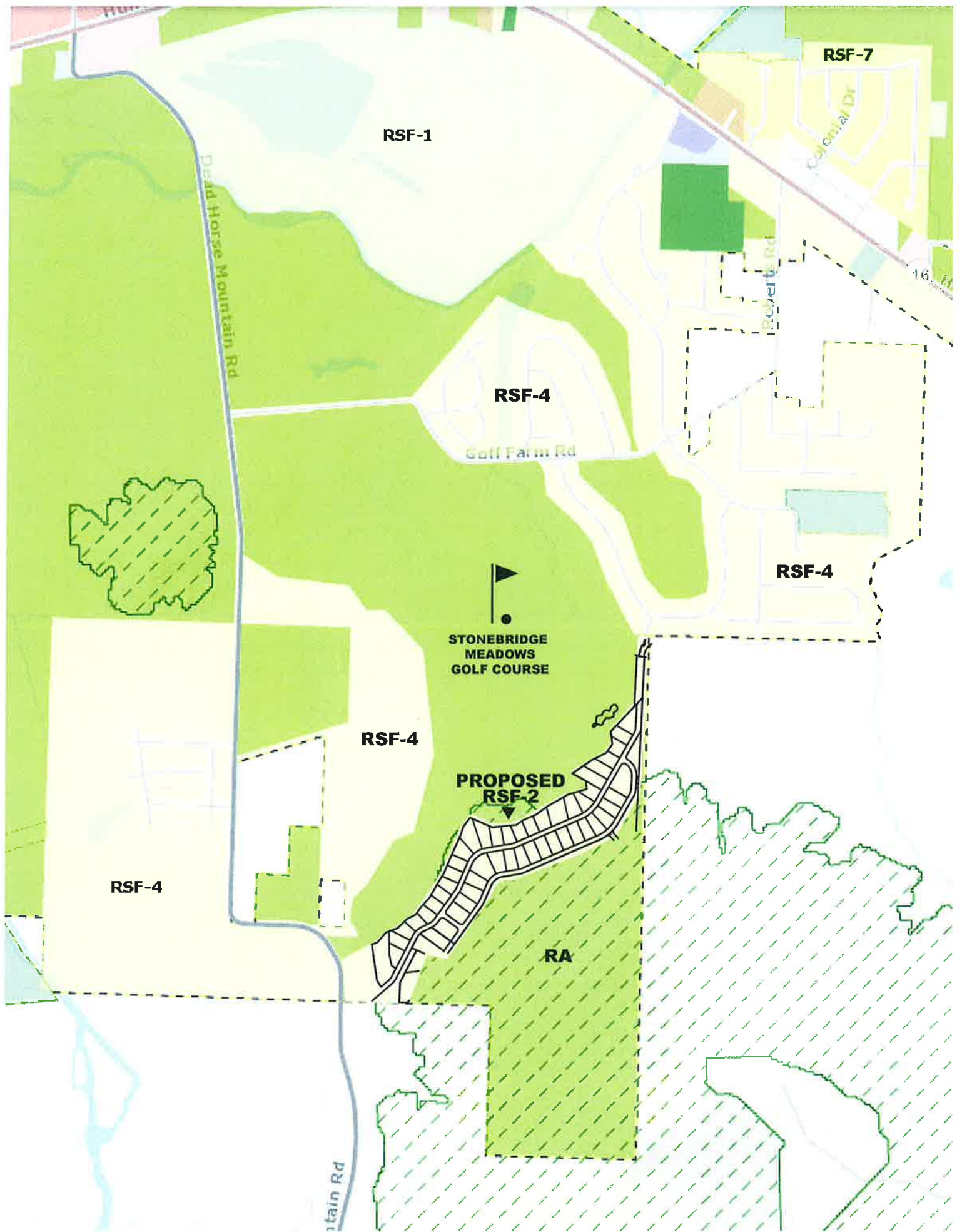
Details Make The Difference

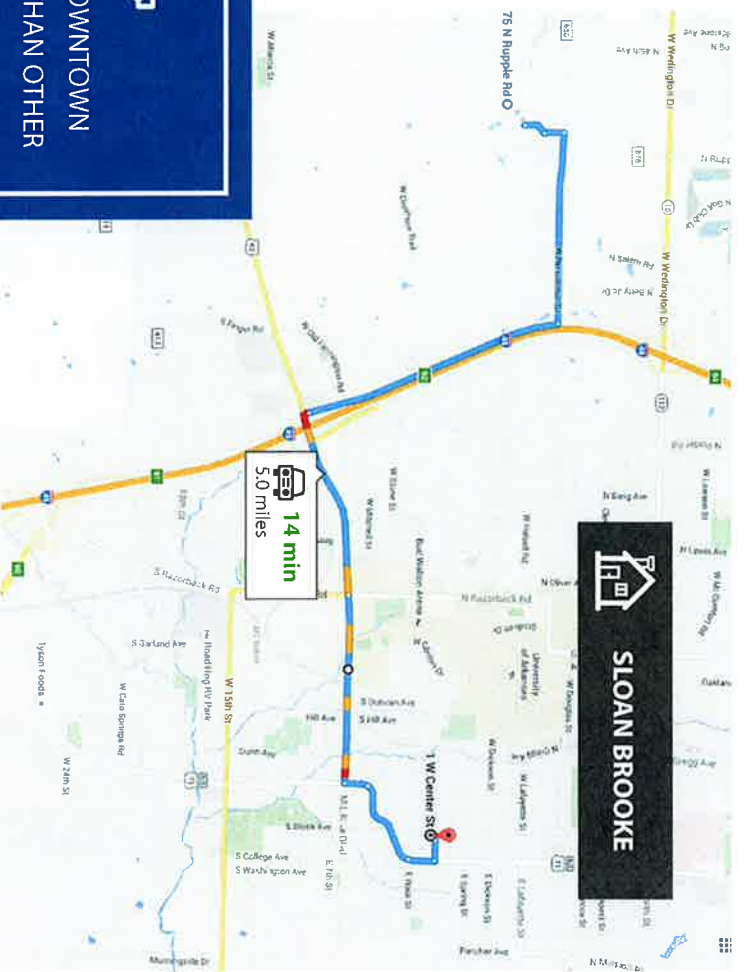
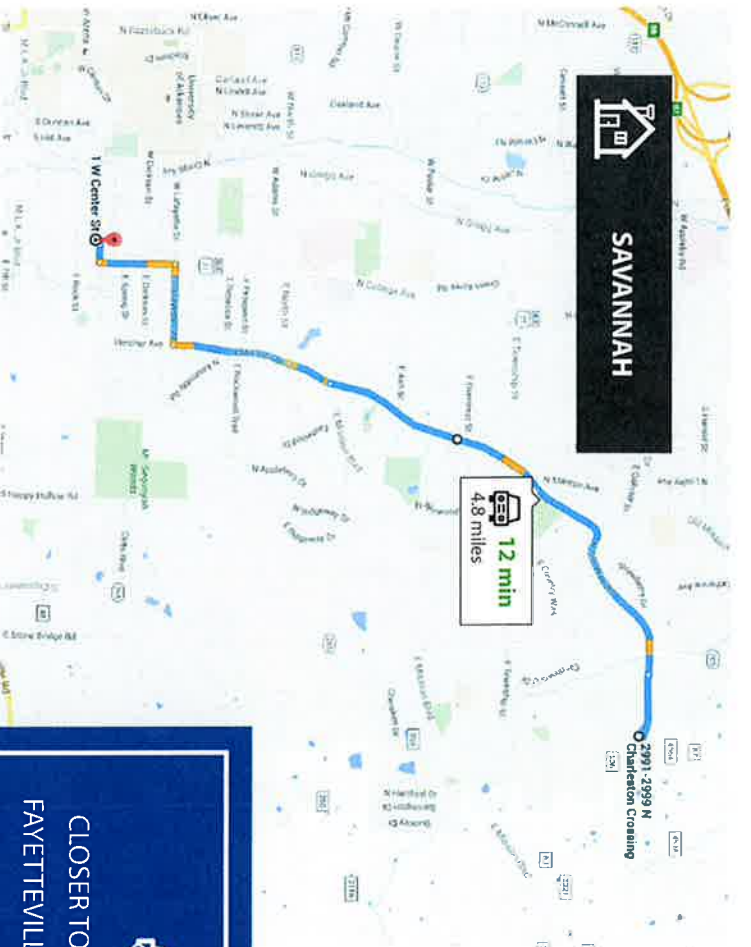
PARCEL 001-1022-000
500 N. Highway 100
2765 Rural Lane
Fayetteville, AR 72701
Zoning: Rural



STONEBRIDGE MEADOWS
GOLF COURSE







**CLOSER TO DOWNTOWN
FAYETTEVILLE THAN OTHER
NEIGHBORHOODS**

BUFFINGTON HOMES
OF ARKANSAS
Drives the Value Difference



City of Fayetteville Staff Review Form

2016-0248

Legistar File ID

5/17/2016

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

Jeremy Pate

5/6/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5385: Rezone (SOUTH OF PUMPKIN RIDGE DR./FALLING WATERS, 646): Submitted by JORGENSEN & ASSOCIATES, INC. for properties SOUTH OF PUMPKIN RIDGE RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain approximately 35.31 acres. The request is to rezone the property to RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE, subject to a Bill of Assurance.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 17, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: May 6, 2016

SUBJECT: **RZN 16-5385: Rezone (SOUTH OF PUMPKIN RIDGE DR./FALLING WATERS, 646):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties SOUTH OF PUMPKIN RIDGE RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain approximately 35.31 acres. The request is to rezone the property to RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE, subject to a Bill of Assurance. Planner: Quin Thompson

RECOMMENDATION:

The Planning Commission and staff recommend denial of an ordinance to rezone the property to RSF-2, Residential Single-Family, subject to a Bill of Assurance, as shown in the attached Exhibit 'A', 'B' and 'C'. The applicant has appealed the Planning Commission's decision to the City Council. The City Planning Division recommends denial of the request.

BACKGROUND:

The subject property is located south of Stonebridge Meadows Subdivision and golf course, approximately 400 feet south of Pumpkin Ridge Drive. With the exception of areas of linear clearing, the site is heavily wooded with much of the property located within the Hillside/Hilltop Overlay District.

The property was previously zoned for a Residential Planned Zoning District, Falling Waters. The project was approved in 2005 for the development of 258 residential lots with a density of approximately 2 units per acre over 137 acres. The property was never developed and the development rights expired. City staff brought forward several rezoning requests in 2011 to address many of the expired PZD developments, including the expired Falling Waters project. Staff recommended and the Planning Commission and City Council approved rezoning the property to R-A, Residential Agricultural.

In 2015, the property owner requested to rezone approximately 17.4 acres of the site from R-A, Residential Agricultural to RSF-2, Residential Single-family, 2 units per acre. The Planning Commission denied the request. The applicant appealed the decision to City Council, where the rezoning was denied.

Request: The applicant is once again requesting to rezone the property to RSF-2, subject to a Bill of Assurance. The Bill of Assurance would limit development of the property to 51 single family lots.

Land Use compatibility: The proposed rezoning is not consistent with land use planning objectives, policies or land use plans. The property is located at the edge of the City and with the exception of the Stonebridge Meadows neighborhood 400 feet to the north, the property is surrounded by large agricultural and forested properties. In staff's opinion, introducing more suburban development in this area is incompatible with the prevailing land use in the area.

Land Use plan analysis: Further, this area of the City is designated as a Rural Residential Area, which are classified in order to preserve woodlands and agricultural lands. Rezoning the property to RSF-2 would allow suburban densities along a wooded hillside that is now envisioned to remain rural. This rezoning is in opposition to the City's adopted land use policies and planning objectives.

DISCUSSION:

On April 25, 2016 the Planning Commission denied the applicant's request for a rezoning to RSF-2 with a vote of 7-2-0. Commissioners Noble and Hoskins voted 'No'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

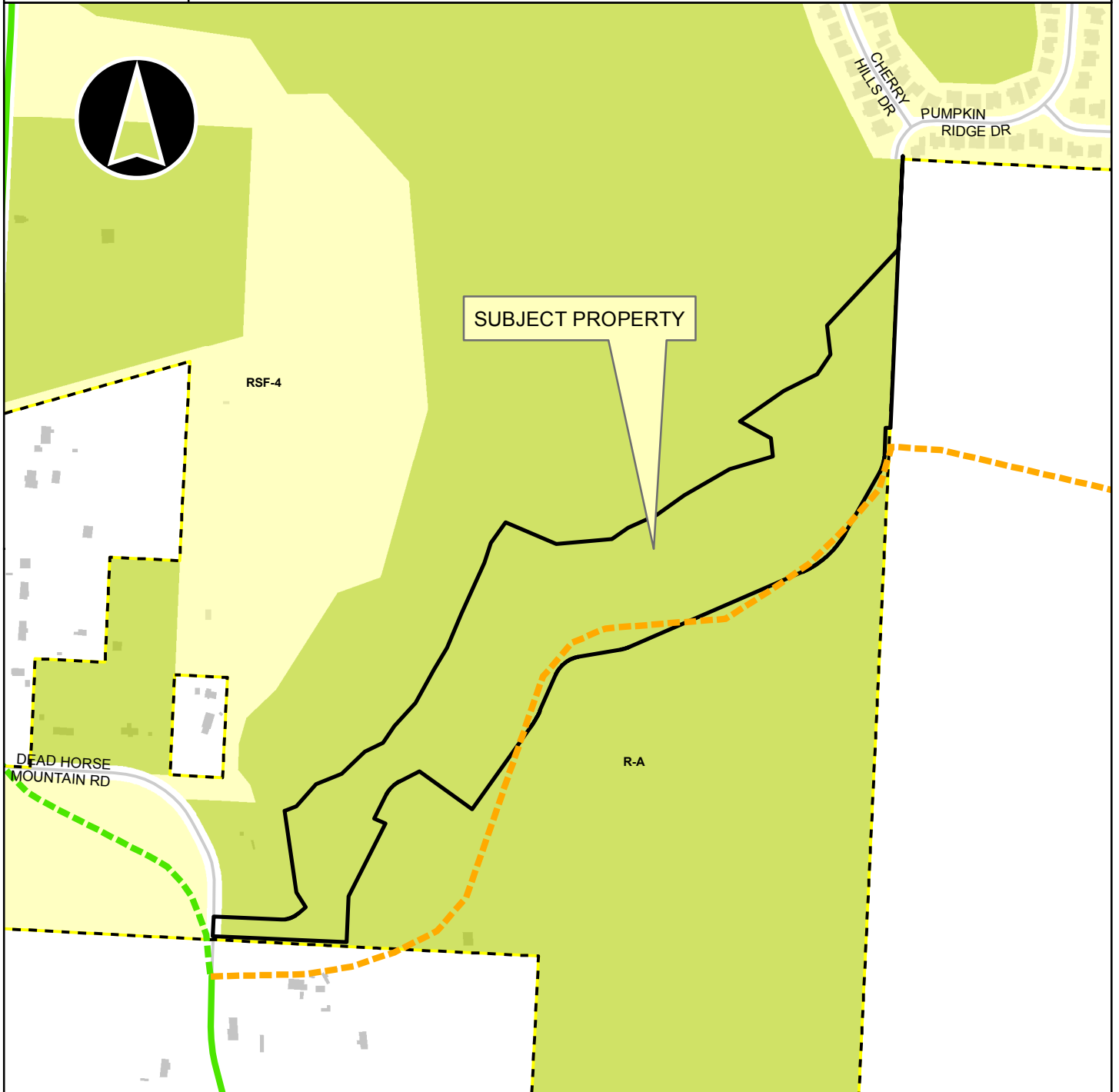
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

16-5385
EXHIBIT 'A'

RZN 16-5385

Close Up View

FALLING WATERS



Legend

- RZN16-5385
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area

0 250 500 1,000 1,500 2,000 Feet

EXHIBIT 'B'

FALLING WATERS REZONING LEGAL DESCRIPTION:

A part of the NE1/4 of Section 25, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said Section 25, thence S02°32'04"W 376.66 feet to the POINT OF BEGINNING; thence S02°32'04"W 727.54 feet, thence N87°27'56"W 20.00 feet, thence S02°32'04"W 108.23 feet, thence along a curve to the right 80.77 feet, said curve having a radius of 171.50 feet and a chord bearing and distance of S16°01'36"W 80.03 feet, thence S29°31'08"W 281.04 feet, thence along a curve to the right 240.07 feet, said curve having a radius of 371.50 feet and a chord bearing and distance of S48°01'53"W 235.91 feet, thence S66°32'39"W 762.53 feet, thence along a curve to the right 41.65 feet, said curve having a radius of 171.50 feet and a chord bearing and distance of S73°30'05"W 41.55 feet, thence S80°27'32"W 167.81 feet, thence along a curve to the left 127.89 feet, said curve having a radius of 128.50 feet and a chord bearing and distance of S51°56'51"W 122.67 feet, thence S23°26'09"W 154.23 feet, thence along a curve to the right 78.75 feet, said curve having a radius of 371.50 feet and a chord bearing and distance of S29°30'32"W 78.61 feet, thence S35°34'56"W 410.77 feet, thence N54°25'04"W 262.27 feet, thence S63°29'25"W 87.30 feet, thence along a curve to the left 82.15 feet, said curve having a radius of 128.53 feet and a chord bearing and distance of S45°10'45"W 80.76 feet, thence S26°51'51"W 106.95 feet, thence S66°44'11"E 50.10 feet, thence S26°51'51"W 333.05 feet, thence S02°31'02"W 184.33 feet, thence N87°28'58"W 543.25 feet, thence N02°08'59"E 78.37 feet, thence S87°30'44"E 274.66 feet, thence along a curve to the left 76.87 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of N70°27'57"E 74.99 feet, thence N48°26'39"E 38.91 feet, thence N31°54'00"W 71.49 feet, thence N08°22'00"W 335.71 feet, thence S78°20'01"E 2.44 feet, thence N68°41'50"E 50.69 feet, thence N41°05'19"E 119.42 feet, thence N68°18'59"E 111.78 feet, thence N46°46'09"E 129.81 feet, thence N63°34'51"E 81.77 feet, thence N34°16'15"E 82.98 feet, thence N42°15'31"E 127.02 feet, thence N29°04'45"E 153.99 feet, thence N31°30'14"E 104.87 feet, thence N22°36'15"E 149.96 feet, thence N24°08'06"E 226.37 feet, thence N17°42'30"E 85.55 feet, thence N36°36'49"E 103.73 feet, thence S66°41'34"E 223.03 feet, thence N84°34'52"E 226.46 feet, thence N55°22'35"E 80.92 feet, thence N66°22'11"E 126.81 feet, thence N54°30'16"E 137.60 feet, thence N60°05'50"E 212.34 feet, thence N73°33'08"E 182.83 feet, thence N05°40'12"W 74.86 feet, thence N61°27'21"W 143.18 feet, thence N55°13'12"E 216.60 feet, thence N63°06'08"E 152.12 feet, thence N34°51'53"E 95.96 feet, thence N06°44'08"W 119.49 feet, thence N43°00'18"E 424.96 feet to the POINT OF BEGINNING: Containing 35.31 acres more or less subject to easements and right of way of record.

16-5385
EXHIBIT 'C'

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of Falling Waters, LLC, 35.31 acres, (hereinafter "Petitioner") Falling Waters, LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request to RSF-2.

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

1. The Petitioner's property shall be limited to: 50 lots within the rezoned acreage.
2. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, Falling Waters, LLC, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

3-24-2016
Date

Falling Waters, LLC

Clay Carlton
Managing Member of Carlton Holdings,
LLC, which is a member of Falling Water,
LLC

P.O. Box 8519
Address
Fayetteville, AR 72703

NOTARY OATH

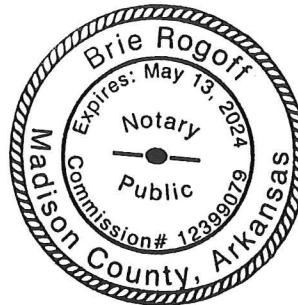
STATE OF ARKANSAS }
 }
COUNTY OF WASHINGTON } .ss

And now on this the 24 day of March, 2016, appeared before me,
Brie Rogoff, a Notary Public, and after being placed upon his/her oath swore
or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her
name above.

Brie Rogoff
NOTARY PUBLIC

My Commission Expires:

May 13 2024



CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant ☒ Representative

Applicant (person making request):

Name: Falling Waters LLC

Address: PO Box 4034
FAYETTEVILLE, AR 72702

E-mail: _____

Phone: _____
() _____
() _____

Fax: _____
() _____

Representative (engineer, surveyor, realtor, etc.):

Name: _____

JORGENSEN & ASSOCIATES, INC.
ENGINEERS & SURVEYORS
Address: 124 W. SUNBRIDGE DRIVE, SUITE 5
FAYETTEVILLE, AR 72703

E-mail: justin@jorgensenassoc.com

Phone: _____
() 442-9127
() _____

Fax: _____
() _____

Site Address / Location: South of Stonebridge Golf Course
(FALLING WATERS)

Current Zoning District: R-A

Requested Zoning District: RSF2

Assessor's Parcel Number(s) for subject property: 765-15269-100, 800, 200 & 900

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed):

David J. Jorgensen

Date: 3/16/16

Signature:

[Signature]

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Property Owners of Record (attach additional info if necessary):

Name (printed):

Falling Waters, LLC

Address:

Signature:

W.D. Zabrada, member

Date:

3/15/2016

Phone:

()

Name (printed):

Address:

Signature:

Phone:

Date:

()

Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
 - \$325.00 application fee
 - \$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~April 25, 2016~~ **UPDATED 4-26-2016**

SUBJECT: **RZN 16-5385: Rezone (SOUTH OF PUMPKIN RIDGE DR./FALLING WATERS, 646):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties SOUTH OF PUMPKIN RIDGE RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain approximately 35.31 acres. The request is to rezone the property to RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE, subject to a Bill of Assurance.

RECOMMENDATION: Staff recommends denial of **RZN 16-5385**.

BACKGROUND: The subject property is located south of Stonebridge Meadows Subdivision and golf course, approximately 400 feet south of Pumpkin Ridge Drive. With the exception of areas of linear clearing, the site is heavily wooded with much of the property located within the Hillside/Hilltop Overlay District.

The property was previously zoned for a Residential Planned Zoning District, Falling Waters. The project was approved in 2005 for the development of 258 residential lots with a density of approximately 2 units per acre over 137 acres. The property was never developed and the development rights expired. City staff brought forward several rezoning requests in 2011 to address many of the expired PZD developments, including the expired Falling Waters project. Staff recommended and the Planning Commission and City Council approved rezoning the property to R-A, Residential Agricultural.

In 2015, the property owner requested to rezone approximately 17.4 acres of the site from R-A, Residential Agricultural to RSF-2, Residential Single-family, 2 units per acre. The Planning Commission denied the request. The applicant appealed the decision to City Council, where the rezoning was denied. Surrounding land use and zoning is depicted on *Table 1*.

Table 1 : Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Golf Course	R-A, Residential Agricultural
South	Undeveloped	R-A, Residential Agricultural
East	Undeveloped	Washington County
West	Undeveloped	R-A, Residential Agricultural

Request: The property owner is requesting to rezone the property from R-A, Residential Agricultural to RSF-2, Residential Single-family, 2 units per acre subject to a Bill of Assurance.

The applicant's proposed Bill of Assurance would limit the subject area to a maximum of 51 single-family lots. The allowable density would be approximately 1.4 units per acre.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Dead Horse Mountain Road and the stub out of Pumpkin Ridge Drive. Dead Horse Mountain Road is unimproved with open ditches, no sidewalk, curbing or storm drainage. Any further street improvements would be determined at time of development.

Water: Public water is available to the site. An 8" water main stubs out to the northeast corner of this area at the end of Pumpkin Ridge Drive. A 6" water main also exists in the Dead Horse Mountain Road right of way.

Sewer: Public sewer is available to the site. An 8" sewer main stubs out to the northeast corner of this area at the end of Pumpkin Ridge Drive. An 8" sewer main also exists in the Dead Horse Mountain Road right of way.

Drainage: Any additional improvements or requirements for drainage would be determined at time of development. No portions of this parcel lie within the FEMA designated 100-yr floodplain. No protected streams are present on this parcel. Some portions of this parcel lie within the HHOD, and GIS does indicate some areas of 15% or greater slope.

Fire: This development will be protected by Ladder 3 located at 1050 S. Happy Hollow Road. It is 2.9 miles from the station with an anticipated response time of 6 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.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as a **Rural Residential Area**. These areas recognize existing low-density, large lot residential development, but are identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled. They may not have adequate street and water infrastructure or public services, such as police and fire, to support urban or suburban densities and development patterns, nor should these services be expanded to accommodate further growth unless they are in line with the following guiding principles:*

- a. Allow and encourage historical agricultural and related uses to continue and to occur as permanent land uses within planned developments.
- b. If developed, encourage alternative development patterns, such as conservation or cluster development types, to achieve compatibility with surrounding rural areas.

- c. Foster a culture that supports local food production on a variety of scales.
- d. Encourage, preserve and protect viable agribusinesses such as orchards, berry farms and small scale produce-yielding businesses that provide goods for the local market.

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: **Land Use compatibility: The proposed rezoning is not consistent with land use planning objectives, policies or land use plans. The property is located at the edge of the City and with the exception of the Stonebridge Meadows neighborhood 400 feet to the north, the property is surrounded by large agricultural and forested properties. In staff's opinion, introducing more suburban development in this area is incompatible with the prevailing land use in the area.**

Land Use plan analysis: Further, this area of the City is designated as a Rural Residential Area, which are classified in order to preserve woodlands and agricultural lands. Much of this area had been previously designated as a residential area, which encourages urban and suburban development, but the City Council adopted a rural designation for the area in 2011 with the adoption of City Plan 2030. This is a critical change from previous recommendations and policies decisions. Rezoning the property to RSF-2 would allow suburban densities along a wooded hillside that is now envisioned to remain rural. This rezoning is in opposition to the City's adopted land use policies and planning objectives.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **In staff's opinion, the zoning request is not needed or justified. The property is currently zoned to allow 2-acre residential lots, which provides development rights that are more compatible with adjacent properties than 17,860 square foot lots. However, neither zoning scenario may actually result in less public infrastructure to be maintained. Larger lots, though, could allow the use of individual septic systems. These systems would be maintained by the property owners instead of a publically maintained sewer line at a great cost compared to the number of residents served. Therefore, from a long-term cost analysis, there is a possible savings to the public.**

In addition to development costs, there is a general policy decision that will be made in this case. Should the City encourage more development at the periphery of the City, or should existing development rights be maintained? Unfortunately, there isn't an absolute answer. Each property and area of the City is unique and therefore different responses are expected. In this case the property is clearly in a predominantly rural area. Increasing the density

of this property will only encourage more development on the edge of the City and set a new policy for development in southeast Fayetteville.

One final reason to not rezone the property to RSF-2 is that there are other development options available, should the City Council determine that increased density in this area is desired. A conservation subdivision or cluster development could result in the same number of dwelling units while also:

- Reducing short-term infrastructure costs.
- Reducing long-term maintenance costs.
- Increasing tree preservation.
- Preserving natural woodlands.
- Preserving animal habitat.
- Reducing soil erosion.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning the property to RSF-2 will allow a maximum of 51 residential lots with the Bill of Assurance. It's unlikely that this number of houses would appreciably increase traffic congestion or traffic danger, however the number of lots may exceed fire code limitations for sub-divisions with only one street access.

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 to RSF-2 will not undesirably increase the load on public services, such as schools, or water and sewer facilities. However, the property in question is estimated to have a response time for fire and/or emergency services of 6 minutes, which is at the outside limit of the City's goals to respond to citizen calls for service.

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

RECOMMENDATION: Staff recommends denial **RZN 16-5385** based on the findings discussed throughout this report.

BUDGET/STAFF IMPACT:

None

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
Date: <u>April 25, 2016</u>	☐ Tabled	☐ Forwarded ☒ Denied
Motion: HOFFMAN, MOTION TO DENY THE REQUEST.		
Second: THURMOND-QUINLAN		
Vote: 7-2-0, WITH HOSKINS AND NOBLE VOTING 'NO'		
CITY COUNCIL ACTION:	Required	<u>YES</u>
Date: <u>May 17, 2016</u>	☐ Approved	☐ Denied

Attachments:

- Unified Development Code sections 161.03 & 161.06
- City Fire Department comment
- Request Letter
- Bill of Assurance
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

161.06 District RSF-2, Residential Single-Family – Two Units Per Acre

(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

(A) *Purpose.* To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (one acre and over) and areas that have developed with smaller lot sizes (8,000 sq. ft.), and to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(D) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) *Density.*

Units per acre	2
----------------	---

(F) *Bulk and area regulations.*

Lot width minimum	100 ft.
Lot area minimum	17,860 Sq. Ft.
Land area per dwelling unit	17,860 Sq. Ft.

(G) *Setback requirements.*

Front	Side	Rear
30 ft.	15 ft.	30 ft.

(H) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(I) *Building area.* None.



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365

Fax (479) 575-0471

To: Jesse Fulcher, Jorgensen and Associates
From: Jeremy Ashley, Assistant Fire Marshal
Date: March 16, 2015
Re: RZN 15-5004

This development will be protected by Ladder 3 located at 1050 S. Happy Hollow Rd. It is 2.9 miles from the station with an anticipated response time of 6 minutes to the beginning of the development.

The Fire Department anticipates 6 (4 EMS -2Fire/other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 - 18 months, after the development is started, before maximum build-out and the service impact to occur. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

Captain Jeremy Ashley
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!



JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

March 16, 2016

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services

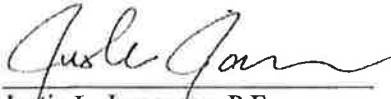
Re: Rezoning for Buffington Homes (Falling Waters)

Attached herewith please find the submittal documents in regards to a rezoning to the property formerly known as the Falling Waters Subdivision. The existing zoning is R-A and the request is to RSF-2 with a bill of assurance that guarantees only 51 singly family lots will be allowed on the proposed rezoning of 35.31 acres. This will guarantee a yield of less than 1.5 units / acre. The proposed rezoning extends from Dead Horse Mountain Rd east to Pumpkin Ridge Rd. The plan is to keep all construction traffic and access off of Dead Horse Mountain to avoid any through traffic to adjacent neighborhoods. If rezoned the new concept will be to put in two new streets with much larger lots (roughly half acre lots) and only have lots on the downhill side of the streets. This will allow for much larger green spaces between the houses and the downhill street. It is also the developers desire to stagger lots to help preserve views to the north. 8" water and sewer lines are stubbed out to this property in Stonebridge Meadows Subd Ph 2 to connect to.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.

Sincerely;


Justin L. Jorgensen, P.E.

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of Falling Waters, LLC, 35.31 acres, (hereinafter "Petitioner") Falling Waters, LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request to RSF-2.

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

1. The Petitioner's property shall be limited to: 50 lots within the rezoned acreage.
2. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, Falling Waters, LLC, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

3-24-2016
Date

Falling Waters, LLC

Clay Carlton
Managing Member of Carlton Holdings,
LLC, which is a member of Falling Water,
LLC

P.O. Box 8519
Address
Fayetteville, AR 72703

NOTARY OATH

STATE OF ARKANSAS

}
}
}.SS
}

COUNTY OF WASHINGTON

And now on this the 24 day of March, 2016, appeared before me, Brie Rogoff, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.


NOTARY PUBLIC

My Commission Expires:

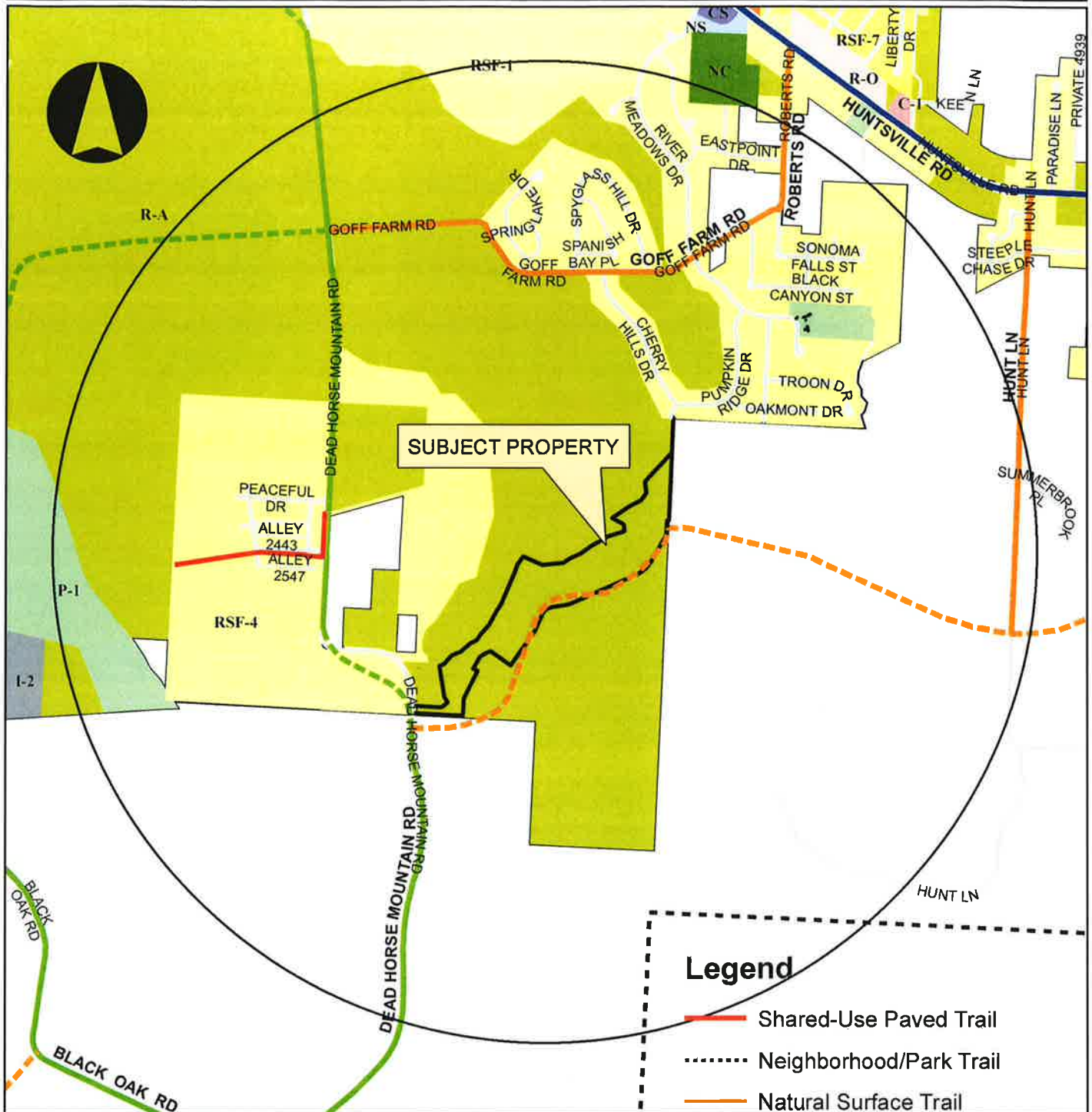
May 13 2024



RZN 16-5385

One Mile View

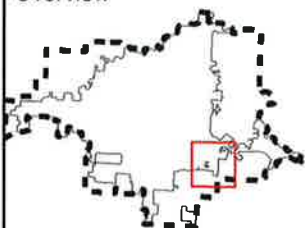
FALLING WATERS



Legend

- Shared-Use Paved Trail
- ⋯ Neighborhood/Park Trail
- Natural Surface Trail

Overview



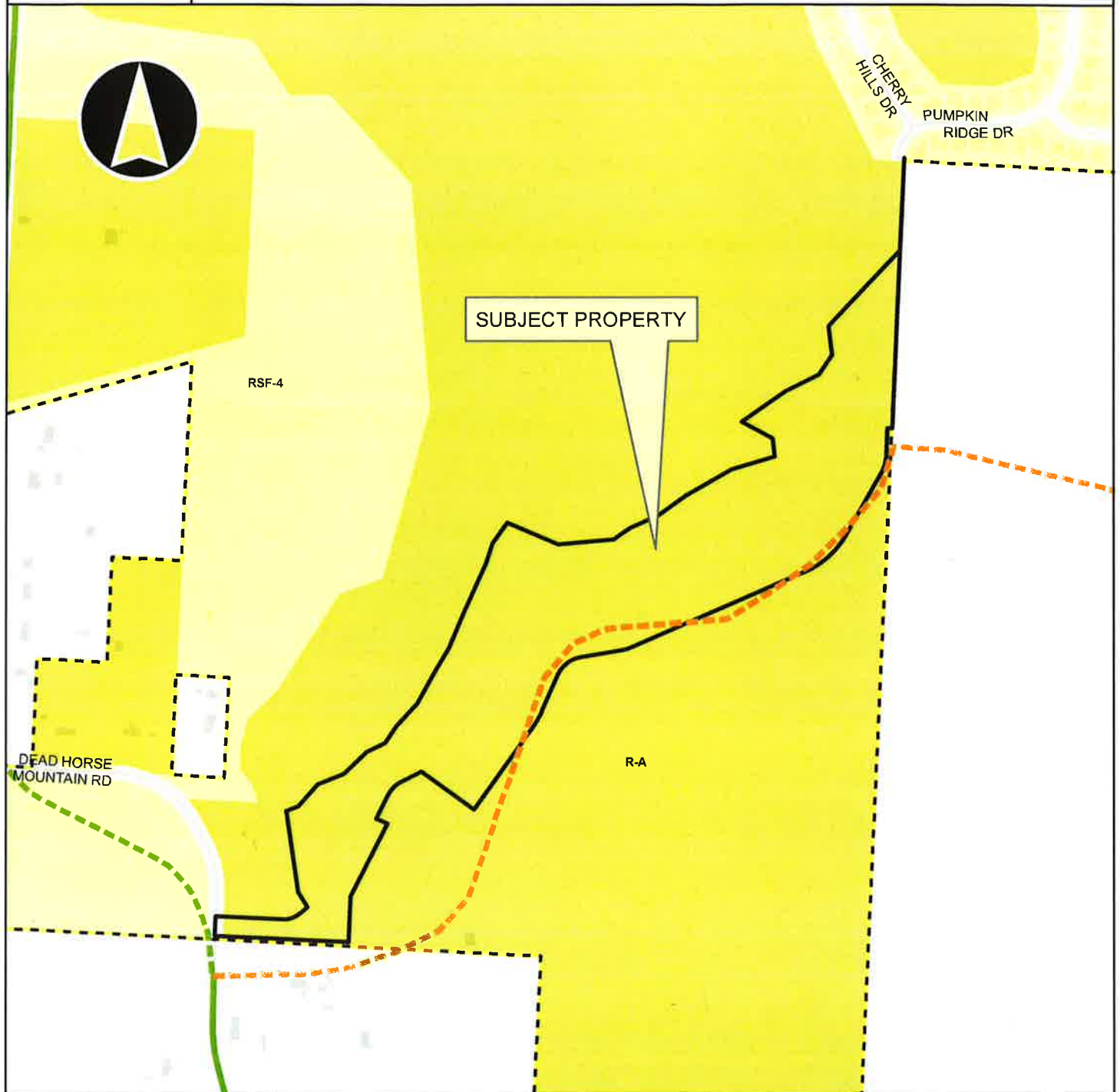
0 0.25 0.5 1 Miles

- RZN16-5385
- Design Overlay District
- Planning Area
- Fayetteville

RZN 16-5385

Close Up View

FALLING WATERS

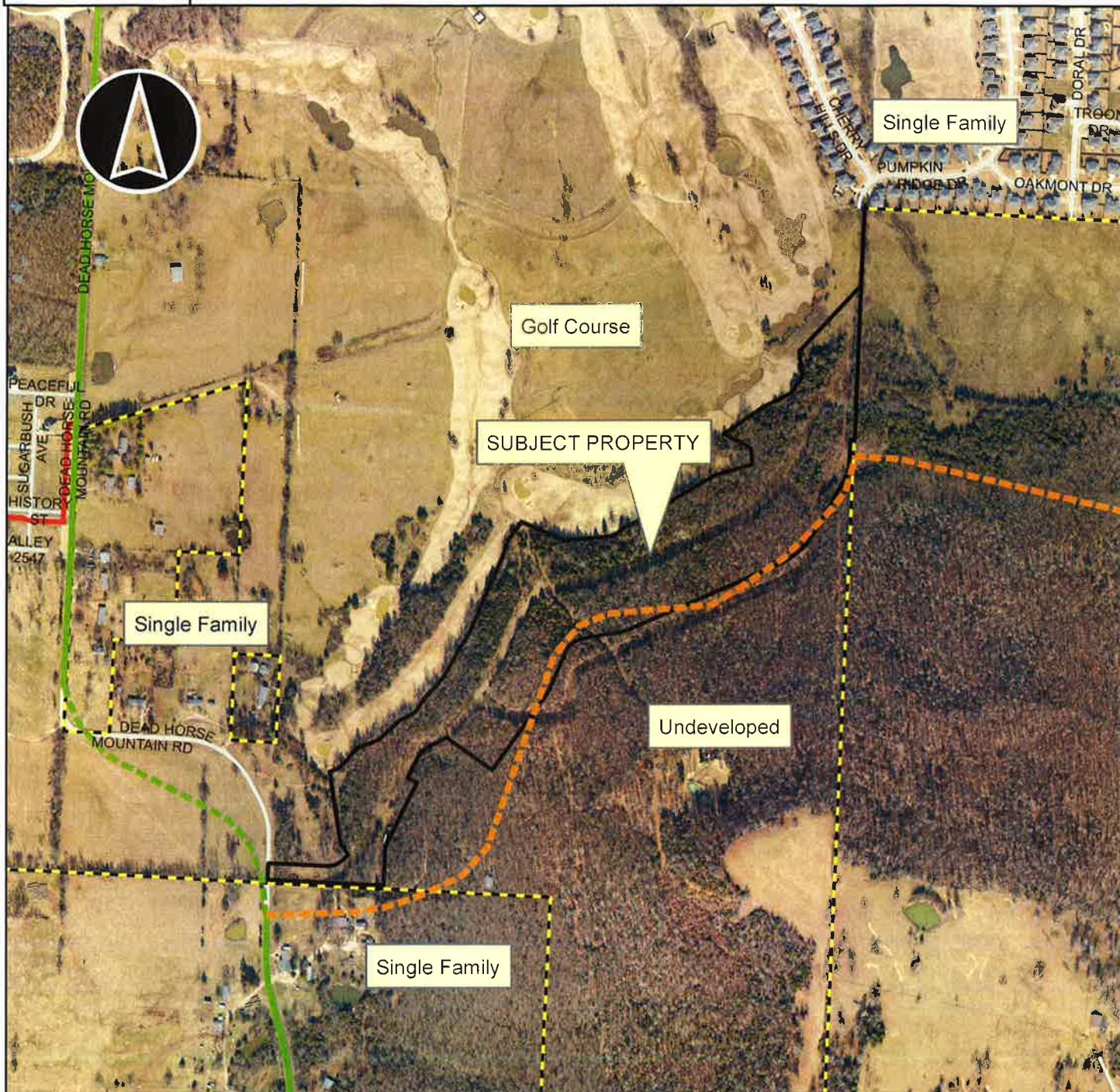


Legend

- RZN16-5385
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area

0 250 500 1,000 1,500 2,000 Feet

Current Land Use



Overview

Legend

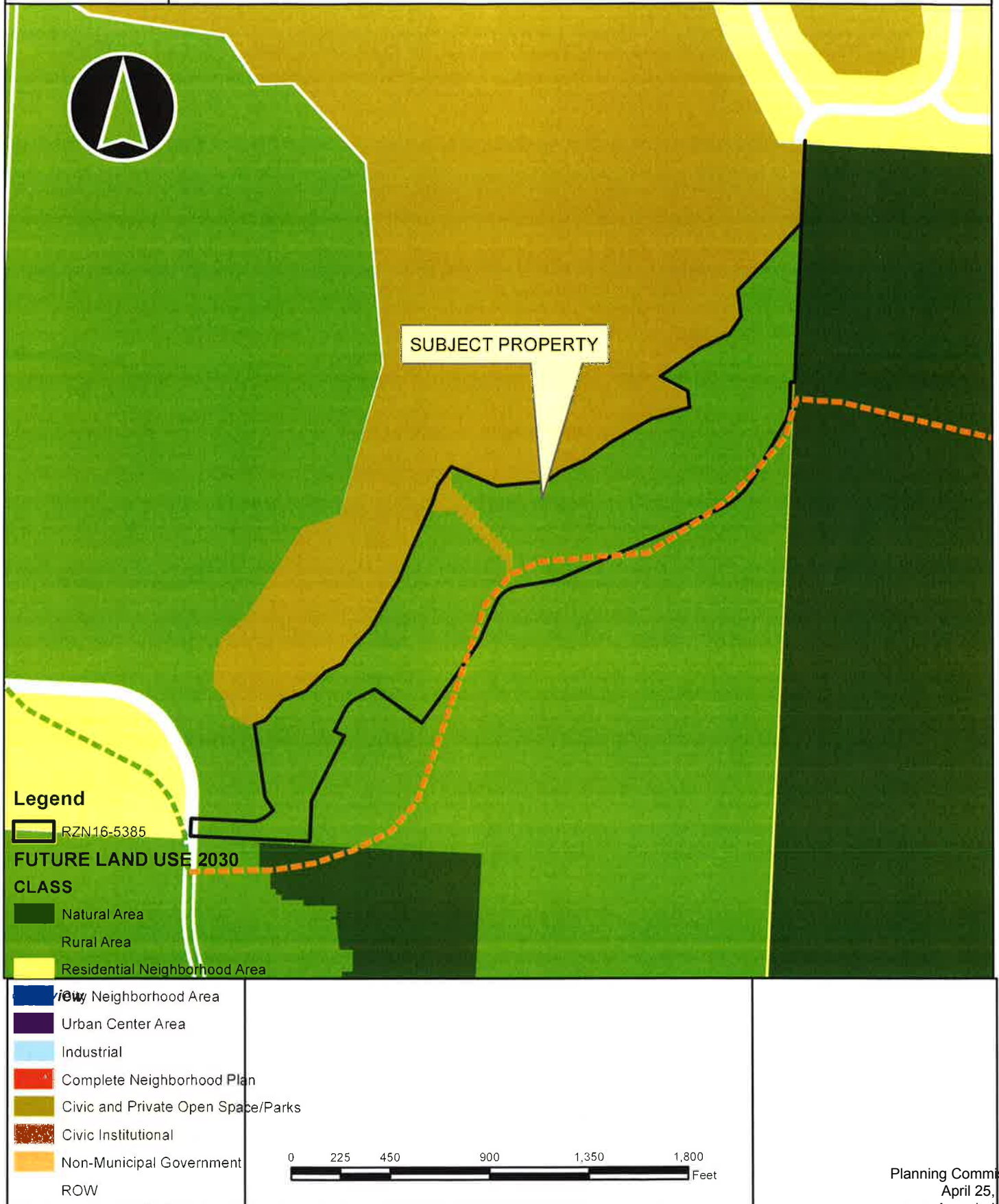
Fayetteville City Limits



RZN16-5385

Future Land Use

FALLING WATERS





OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Sondra Smith, City Clerk
Don Marr, Chief of Staff
Paul Becker, Finance Director
David Johnson, Fayetteville Public Library Director

FROM: Kit Williams, City Attorney

DATE: May 11, 2016

RE: Ordinance Calling Special Election For Library Millage Vote

A petition filed pursuant to *Amendment 30 § 3 and § 5* of the *Arkansas Constitution* has been certified by City Clerk Sondra Smith to contain the proper signatures of over 100 "taxpaying electors" of Fayetteville, Arkansas. City Clerk Sondra Smith has certified that the petitions requesting a vote to raise and increase millage for operation and maintenance of the city library (§ 3) and to establish a millage levy for capital improvements for the city library and the issuance of bonds to be paid by such millage (§ 5) are in conformance with all legal requirements (copy attached).

Upon this certification, "**the question shall be submitted** to the qualified electors at a general or special election;" (§ 3) and "the question as to whether such tax shall be levied shall be submitted to the qualified electors of such city at a general or special election." (§ 5) (emphasis added). The use of "shall" means that the **City Council has NO discretion and must pass the ordinance** calling for such election.

Although *Constitutional Amendment 30* controls over any state law, state law provides further support for calling a Special Election for August for the Library millage. A.C.A. § 7-9-111 (h) states that if the petition calls for a special election, then the City should comply with such requests. This statute goes on to

state that the “date of any special election shall be set...in no event more than one hundred twenty (120) calendar days after the certification of sufficiency by the municipal clerk.”

City Clerk Sondra Smith certified the sufficiency of the Library millage petition on May 6, 2016. Thus, the August special election date complies with Amendment 30, A.C.A. § 7-9-111 and other statutory rules which give the County Clerk and Election Commission enough time to prepare all necessary ballots, including those for early voting.

CONCLUSION

Whether or not to call an election on the question of raising the millage supporting operation and maintenance of the City library and of levying millage for capital use of the city library **is not discretionary** for the City Council. Upon the City Clerk’s certification of the petitions, **the question “shall be submitted to the qualified electors.”** *Amendment 30.*

OFFICE OF THE CITY CLERK TREASURER

Sondra E. Smith – City Clerk Treasurer
Lisa Branson – Deputy City Clerk



Phone 479.575.8323
cityclerk@fayetteville ar.gov

113 W. Mountain Street, Suite 308
Fayetteville, AR 72701

May 6, 2016

Honorable Lioneld Jordan, Mayor
City Hall
113 W. Mountain
Fayetteville, AR 72701

RE: Petitions for City Library Millage

Dear Mayor Jordan,

Pursuant to Amendment 30 of the Arkansas Constitution the Fayetteville Public Library on May 2, 2016 submitted petitions with **242** signatures requesting a millage increase of **1.5 mills** for **Maintenance and Operation** and submitted petitions with **236** signatures requesting a millage increase of **1.2 mills** for **Capital Improvements**.

The City Clerk office has completed the task of verifying registered voters and taxpayers on the petitions that were submitted requesting a millage increase of **1.5 mills** for **Maintenance and Operation**. At this time we have verified **137** registered voters and taxpayer signatures on the petitions requesting a millage increase of **1.5 mills** for **Maintenance and Operation**.

The City Clerk office has also completed the task of verifying registered voters and taxpayers on the petitions that were submitted requesting a millage increase of **1.2 mills** for **Capital Improvements**. At this time we have verified **148** registered voters and taxpayer signatures on the petitions requesting a millage increase of **1.2 mills** for **Capital Improvements**.

The number of signatures required to send this to a vote of the people is 100. Therefore, as Fayetteville City Clerk Treasurer, I certify that the petitions comply with the requirements as set forth in Amendment 30.

Sincerely,

A handwritten signature in blue ink that reads "Sondra E. Smith".

Sondra E. Smith
City Clerk Treasurer

cc: **Kit Williams, City Attorney**
Becky Lewallen, County Clerk
Jennifer Price, Election Coordinator

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
May 3, 2016**

A meeting of the Fayetteville City Council was held on May 3, 2016 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Alderman Tennant arrived at 5:35 p.m.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the April 19, 2016 City Council Meeting Minutes.

Approved

Pierce Manufacturing, Inc. 2016 arrow XT Fire Engine: A resolution to approve the purchase of a 2016 arrow XT Fire Engine from Pierce Manufacturing, Inc. of Appleton, Wisconsin in the amount of \$551,396.00 plus a performance and payment bond at a cost of \$3,453.00 pursuant to the Houston-Galveston Area Council Cooperative Purchasing contract, to approve a contingency of \$16,625.00, and to approve a budget adjustment.

Resolution 82-16 as recorded in the office of the City Clerk

Pierce Manufacturing, Inc. 2016 Rescue Pumper Fire Engine: A resolution to approve the purchase of a 2016 rescue pumper fire engine from pierce manufacturing, Inc. of Appleton, Wisconsin in the amount of \$681,111.00 plus a performance and payment bond at a cost of \$4,295.00 pursuant to the Houston-Galveston Area Council Cooperative Purchasing contract, and to approve a contingency of \$34,271.00.

Resolution 83-16 as recorded in the office of the City Clerk

Professional Turf Products, L.P.: A resolution to authorize the purchase of a 2016 Toro Grounds Master 4000D from Professional Turf Products, L.P. of Lenexa, Kansas in the amount of \$62,441.17 pursuant to a National Intergovernmental Purchasing Alliance cooperative purchasing contract for use by the Parks and Recreation Department, and to approve a budget adjustment.

Resolution 84-16 as recorded in the office of the City Clerk

Williams Tractor of Fayetteville: A resolution to approve the purchase of two (2) Hustler Super Z mowers from Williams Tractor of Fayetteville in the total amount of \$26,508.00 pursuant to a state procurement contract for use by the Parks and Recreation Department.

Resolution 85-16 as recorded in the office of the City Clerk

Lewis Automotive Group of Fayetteville 2016 Dodge Ram 2500 Crew Cab 4x4: A resolution to authorize the purchase of a 2016 Dodge Ram 2500 Crew Cab 4x4 from Lewis Automotive Group of Fayetteville, Arkansas in the amount of \$26,863.00, pursuant to a state procurement contract, for use by the Parks and Recreation Department.

Resolution 86-16 as recorded in the office of the City Clerk

Lewis Automotive Group of Fayetteville 2016 Dodge Ram 2500 Crew Cab 4x4: A resolution to authorize the purchase of a 2016 Dodge Ram 2500 Crew Cab 4x4 from Lewis Automotive Group of Fayetteville, Arkansas in the amount of \$26,863.00, pursuant to a state procurement contract, for use by the Transportation Department.

Resolution 87-16 as recorded in the office of the City Clerk

J.A. Riggs Tractor Company of Springdale: A resolution to authorize the purchase of a Caterpillar CB-34B Double Dum Roller from J.A. Riggs Tractor Company of Springdale,

Arkansas in the amount of \$50,089.00 pursuant to a National Joint Powers Alliance cooperative purchasing contract for use by the Transportation Department.

Resolution 88-16 as recorded in the office of the City Clerk

Repeal Resolution No. 23-16: A resolution to repeal Resolution No. 23-16 and authorize the purchase of a Volvo MC135C Skid Steer from Hugg & Hall Equipment of Springdale in the amount of \$50,323.00, pursuant to a Houston Galveston Area Council cooperative purchasing contract, for use at the West Side Wastewater Treatment Facility.

Resolution 89-16 as recorded in the office of the City Clerk

Bid #16-34 Cap Fleet Upfitters, LLC: A resolution to award Bid #16-34 and authorize the purchase of upfit items for twelve (12) police patrol units from Cap Fleet Upfitters, LLC of Bryant, Arkansas in the amount of \$33,912.00 plus applicable taxes.

Resolution 90-16 as recorded in the office of the City Clerk

University of Arkansas Memorandum of Agreement: A resolution to approve a Memorandum of Agreement with the University of Arkansas for placement of a wayfinding vehicular signage system to be owned and maintained by the university within the City of Fayetteville right of way.

Resolution 91-16 as recorded in the office of the City Clerk

Gregg Avenue Rehabilitation and Overlay: A resolution to express the willingness of the City of Fayetteville to utilize state aid street monies for the rehabilitation and overlay of Gregg Avenue between North Street and Township Street.

Resolution 92-16 as recorded in the office of the City Clerk

Arkansas Highway and Transportation Department Change Order No. 1: A resolution to approve Change Order No. 1 to the contract with the Arkansas Highway and Transportation Department in the amount of \$7,851.40 to increase the city's share of the costs associated with the Highway 45/Old Wire Road Signal and Intersection Improvements Project to the total amount of \$411,454.78, and to approve a project contingency in the amount of \$92,148.60.

Resolution 93-16 as recorded in the office of the City Clerk

Alderman Gray moved to accept the Consent Agenda as read. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman La Tour abstained.

Unfinished Business: None

New Business:

Northwest Arkansas Nutrient Trading Research and Advisory Group: A resolution to approve an agreement for the City of Fayetteville to join the Northwest Arkansas Nutrient Trading Research and Advisory Group.

Mark Rogers, Water & Sewer Operations Manager gave a brief description of the resolution.

City Attorney Kit Williams: We have been working on the contract to try to make sure that we preserve the City Council's power, especially over financial decisions. I recommend that this agreement is pursuant to legislation that we got passed by the legislature last year. It gives us the opportunity to work on the regulations that we are going to be regulated under. We can try to make sure they are going to be fair, they will accomplish what they need to accomplish, but not present undue burdens on any of the cities in Northwest Arkansas. This is a very good opportunity. Every major decision that will be made pursuant to this agreement will have to be ratified by the City Councils' of the various cities. There is a lot of protection built in for you all and for other cities. I think it is a very good decision and I recommend its approval.

Alderman La Tour: Give an overview of the objective of this agreement. Why do we want to do this?

Mark Rogers: It will allow us to share with those areas that don't have similar problems to impaired waterways that we may have and it could keep us from having to spend money on wastewater treatment plant improvements in the future.

Alderman La Tour: It could lead to budget advantages for us and save taxpayer dollars?

Mark Rogers: Absolutely.

Alderman Kinion: This has been discussed for quite some time with the Water, Sewer & Solid Waste Committee. We have received a lot of information on this. We have two watersheds in Fayetteville and no other city is dealing with both watersheds. By sharing the responsibility of both the White River and the Illinois River watershed with other cities, it helps spread the risk associated with managing these waterways. When we initially heard this, we knew it was going to be important. The group will be able to collectively help manage any impaired waterways that may occur. It encourages each of the cities that will be involved in this to share the burden and responsibility. It is a big advantage regionally. We are not completely aware of how things are going to go with the ADEQ or EPA. It gives us a stronger voice regionally if we can be unified in managing the nutrient load or any impaired waterways in the future. The Water, Sewer & Solid Waste Committee supports this.

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

Resolution 94-16 as recorded in the office of the City Clerk

Kessler Mountain Trails Master Plan: A resolution to accept and adopt the Kessler Mountain Trails Master Plan.

Ken Eastin, Park Planner gave a brief description of the resolution.

Nathan Woodruff, Progressive Trail Design gave a presentation to the City Council. He stated some key objectives was to access the sustainability of existing trails and needs for potential reroutes, address the needs and desires of targeted user groups while considering impacts to wildlife and other resources and improve user safety and reduce user conflict by better organizing the trail system. Additional key objectives was to create additional areas for the public to recreate, access the skill level of existing trails and propose new trails that create a greater diversity of user ability and skill levels. Also, determine key connections between recreational areas and improved trail system functionality by creating better links to trails and create a sustainable multi use trail system that appeals to the widest variety of users.

He stated there are three proposed trails varying in skill level, length and serving different purposes to key locations or recreational opportunities. Approximately two miles of the existing trails system is on private land. He recommended the possibility of getting an easement or acquisition of some sort to retain the trails. He recommended improvements be a top priority for the existing trail and installing signage. He recommended a connector trail from the baseball parking lot and a final design on any new trails that are developed in the future.

Alderman La Tour: I would like for us to consider taking remedial steps so that our trails are not misused for criminal activity.

Mayor Jordan: I agree that we want to keep everything safe.

City Attorney Kit Williams thanked staff, volunteers, Walton Family Foundation, and the Natural Heritage Association for all their hard work and support. He congratulated the City Council for purchasing the property.

Mayor Jordan: I agree. Thank you.

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

Resolution 95-16 as recorded in the office of the City Clerk

RZN 16-5358 (1429 E. Huntsville Rd./ H&H properties): An ordinance to rezone that property described in Rezoning Petition RZN 16-5358 for approximately 1.88 acres located at 1429 East Huntsville Road from RSF-4, Residential Single Family, 4 units per acre to CS, Community Services and RMF-24, Residential Multi Family, 24 units per acre.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. Staff and the Planning Commission recommend approval.

Zara Niederman, applicant stated he could answer any questions.

Alderman Petty: I will be recusing from this. I'm not part of the team requesting this, but the applicant is one of my business partners.

Alderman Marsh: I have not received any comments from the neighborhood residents, but based on the area I think this is a good fit. It will hopefully bring more services to that location.

Alderman Marsh 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 Petty recused.

City Attorney Kit Williams read the ordinance.

Alderman Long: I think this development would bring a lot to the area. Do you think this will impact traffic in the area?

Alderman Gray: I haven't heard any complaints at all.

Alderman Marsh: I don't believe traffic will be an issue. This will provide an opportunity for people to have access to better services in the area.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Petty recused.

Ordinance 5869 as recorded in the office of the City Clerk

RZN 16-5360 (930 S. College Ave./Prime Estates): An ordinance to rezone that property described in Rezoning Petition RZN 16-5360 for approximately 0.34 acres located at 930 South College Avenue from NC, Neighborhood Conservation to RSF-18, Residential Single Family, 18 units per acre.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. Staff and the Planning Commission recommend approval.

Zara Niederman, Applicant stated he could answer any questions.

Alderman Petty: I will be recusing from this.

Alderman Long: Usually we would see form based zoning codes come to us and we are seeing some form based zoning codes being changed to more standard RSF zoning codes or multi family. Are we moving away somewhat from that?

Andrew Garner: The RSF-18 zone is a form based zoning district. In our opinion it has a build to zone so buildings are still required to be placed close to the street. It is a single family zoning district. We feel we are still in line with our city traditional development patterns. The reason we created the RSF-18 zoning district was to allow for smaller single family infill lots to be built out and allow for the potential of more affordable housing.

Alderman Marsh: I am excited to see more infill happening in south Fayetteville.

Alderman Marsh 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 Petty recused.

City Attorney Kit Williams read the ordinance.

Alderman Marsh 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 Petty recused.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Petty recused.

Ordinance 5870 as recorded in the office of the City Clerk

RZN 16-5371 (5650 E. Huntsville Rd./ MB Properties): An ordinance to rezone that property described in Rezoning Petition RZN 16-5371 for approximately 3.28 acres located at 5650 East Huntsville Road from RSF-1, Residential Single Family, 1 unit per acre, R-A, Residential Agricultural and RSF-4, Residential Single Family, 4 units per acre to RSF-4, Residential Single Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. Staff and the Planning Commission recommend approval.

Bo Wilkins, ESI stated he was representing the owner and would answer any questions.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Petty voting no.

Ordinance 5871 as recorded in the office of the City Clerk

VAC 16-5354 (1137 W. MLK Blvd./Arena Village): An ordinance to approve VAC 16-5354 submitted by Steve Fowler for property located at 1137 West Martin Luther King Boulevard to vacate portions of a utility easement.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. The Planning Commission recommends approval.

Alderman Kinion: This is on the edge of the creek, so I know whenever we are developing this, we are talking about more impervious surface that is going to be running in there. We are already having a high velocity flow in that area. There are engineering ways to handle this. Was this a concern and did anyone mention this?

Andrew Garner: The project went through the development review stage and they did turn in engineering plans, including stormwater drainage. One of the big issues we talked about was improving the sidewalk. However, because of the creek and the sensitivity of the area, they are not required to do some of the normal connections to alleviate some of those issues or at least not to exasperate them any worse. We definitely were concerned about those topics.

Alderman Kinion: This area is especially significant because we have seen such increase in velocity. I am not going to support this. I don't think more impervious surface there is going to be beneficial. We are getting such high velocity that is running to the south. My concern is we are going to see more wash out of the stream side. We know this is a problem area. If we ever have flash flood type situations, it is going to exasperate this situation.

Alderman La Tour: I will support this proposal. There are engineering methods we can use to slow down the velocity in the creek to stop the water runoff. If the applicant has met our standards through the review process, I don't see any reason to deny them the privilege of expanding their

building. As far as impervious surfaces, that same argument can be used against every sidewalk in town. We can't use that as reason to deny an applicant.

Alderman Long: From where the shopping center starts to where it stops. There are approximately 12 curb cuts in that short span. My biggest concern is infrastructure and traffic. How do we feel that we could correct that?

Andrew Garner gave a brief description about the current access management ordinance and how driveways will be taken care of to make it safer in the area.

Alderman Kinion: I am not against impervious planning. It is appropriate in this area to look at the sensitive nature of the property since it is adjacent to a water way that has been identified as having the potential of flooding.

Alderman Long: I am going to support this because we are closing off one of those curb cuts and we are adding one from the back entrance.

Alderman Marsh: I want to hold this on the first reading. I would like more time to review this situation before I vote.

This ordinance was left on the First Reading

Amend Chapter 116: Door to Door Solicitation: An ordinance to Amend Chapter 116: Door to Door Solicitation of the Fayetteville Code by repealing §116.01, enacting a replacement §116.01 and by amending the definition of solicitor in §116.02 (a) (4).

City Attorney Kit Williams proposed the ordinance be amended. He stated that he prepared two options for the City Council. He explained that option A would be more restrictive. It would say that if a homeowner posted a no soliciting sign, then no one other than emergency personnel, government employee, or a neighbor communicating an emergency situation would be allowed to go there because it would violate the homeowner's private property and privacy rights. He stated that option B would prevent solicitors and peddlers from going onto someone's property that has been properly posted with a no soliciting sign. He recommended option B to the City Council.

Alderman La Tour stated he liked fewer regulations and would be in favor of option B.

A discussion followed about a no soliciting sign being posted on a homeowner's property.

Alderman Tennant: I brought this forward originally because groups were targeting east Fayetteville and claiming to sell magazines and no one ever got their magazines. This was not Girl Scout cookies. These were scams. We need to protect our citizens from being targeted. Kit, you are in favor of option B?

City Attorney Kit Williams stated he was in favor of option B. He believes the City Council should be proactive and protect City of Fayetteville property owner's rights.

Alderman Tennant: I support the City Attorney's option on this particular case.

Alderman Kinion: People are concerned about who is coming to their door. When citizens request that no one come and bother them, then they don't want to be bothered, regardless. With that intent, I kind of like option A. On option B they might still feel bothered. We have had an increase in our area of people going door to door. I have received a lot of calls regarding this. If someone has their sign out, that means don't bother me.

City Attorney Kit Williams: This is a policy decision for the City Council and a difficult question.

Alderman Long: Option B would be the more appropriate version of this ordinance to enact. It addresses the issue at hand, which is solicitors and peddlers. Kit, in Arkansas you can post a no trespassing sign and people aren't supposed to trespass.

City Attorney Kit Williams: It is true that you can do that. You have to have it properly posted. This would give the homeowner a stronger proof that criminal trespassing occurred. You only commit criminal trespassing if you intentionally trespass when you know you shouldn't. You have to decide if you want to go with the most restrictive ordinance. I haven't heard of a lot of problems and that is why I recommended option B.

Alderman Long: I will support option B. We need to address the issue of solicitation and peddling and leave trespassing issues to state law.

Alderman Petty moved to amend the ordinance to option B. Alderman Long seconded the motion. Upon roll call the amendment passed 7-1. Alderman Kinion voting no.

City Attorney Kit Williams read the ordinance.

Alderman Long: On Section (H)(2) about Fayetteville children through Senior High status, I found that a bit ambiguous.

City Attorney Kit Williams: This is the same language that is in the current one. I think it is clear and not ambiguous. It means if you are a Fayetteville student, then you will be exempt from this ordinance. It is still proper here. I suggest that you not go further to the third reading and allow citizens more time to review option B.

Alderman Gray moved to suspend the rules and go to the second reading. The motion died for lack of a second.

This ordinance was left on the First Reading

Announcements:

Alderman Tennant: There will be an Ordinance Review Committee meeting on May 5, 2016 at 4:00 p.m. in Room 326. We will be discussing the festival ordinance.

Susan Norton, Communication Director: The Transportation Division is repaving Sunbridge Drive.

The Spring Bulky Waste Clean-Up will be at the Recycling & Trash Facility, 1560 South Happy Hollow Road and at the Church of Christ, 303 West Center Street on May 7, 2016 from 7:00 a.m. to 2:00 p.m.

May is National Bike month. Several events are listed on the City of Fayetteville website.

Alderman La Tour: May 5, 2016 is our National Day of Prayer. I encourage everyone to pray for our country and city.

Mayor Jordan: This week is Teacher Appreciation Week. Please thank a teacher when you see them.

City Council Agenda Session Presentations:

Agenda Session Presentation Ruppel Road Construction Status Update - Chris Brown.

City Council Tour: None

Adjournment: 6:46 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, Planning Director

FROM: Kit Williams, City Attorney

DATE: May 16, 2016

RE: Rezoning May Be Required By Substantial Use Test
Preexisting Non-conforming Use May Be Constitutionally Protected

On May 10, 2016, I authored a memo about how Unified Development Code provisions should be interpreted (copy attached). I had explained to the Planning Commission many times previously (throughout the years) that those provisions "**should be strictly construed in favor of the property owner.**" *W.C. McMinn Co. v. City of Little Rock*, 257 Ark. 442, 516, S.W. 2d 584, 587 (1974) (emphasis added). However, I felt I should provide some additional authority for that requirement and explain this interpretation requirement more fully in a memo.

While reading another case which supported the Little Rock case quoted above, I came across another issue which could have some bearing upon a rezoning request that you will soon need to decide. This issue is actually presented as part of the "widely recognized (doctrine) that a property owner has vested rights in a non-conforming use of his property." *Blundell v. City of West Helena*, 258 Ark. 123, 522 S.W. 2d 661, 666 (1975). Our Planning Staff and I have been well aware of that concept which is at least partially addressed in the U.D.C.

What I had not realized is that the Arkansas Supreme Court had adopted a “substantial use” test that expands our common concept of a Constitutionally protected preexisting nonconforming use. The Arkansas Supreme Court quoted with approval the Kentucky Court of Appeals description and effect of “substantial use.”

“It would seem, therefore, that **the right to utilize one’s property** for the conduct of a lawful business not inimical to the health, safety, or morals of the community, **becomes entitled to constitutional protection** against otherwise valid legislative restrictions as to locality, or, in other words, becomes ‘vested’ within the full meaning of that term, **when, prior to the enactment of such restrictions, the owner has in good faith substantially entered upon the performance of the series of acts necessary to the accomplishment of the end intended.**” *Id.* (emphasis added).

The Arkansas Supreme Court then announced its own requirements for the substantial use test which would give a property owner the constitutional right to develop at least a portion of his or her property in accordance with regulations in existence when the owner began substantial infrastructure investments needed to build his or her project.

“**The substantial use test requires that the steps taken toward implementation be of a substantial nature or involve substantial investment or substantial obligations on the part of the owner.**” *Id.* at 667. (emphasis added).

The Arkansas Supreme Court then held that the property owner of the partially constructed mobile home park could finish construction and occupy the 25 spaces in which he had substantially invested by building concrete patios and driveways and constructing water and sewer lines and a 20 foot road to serve those lots. Blundell claimed to have invested about \$50,000 on improvements to his 5 acre lot.

“We consider the steps taken by Blundell on the first 25 spaces prior to the passage of the ordinance to have been substantial and to have involved substantial investment to the extent that he is entitled to use them as a mobile home park as a non-conforming use under the ordinance.” *Id.*

In a more recent case out of Washington County, the Arkansas Supreme Court affirmed Circuit Judge Kim Smith's decision that the land owners who wished to construct a RV park did not prove they met the "substantial use" test. The owners claimed to have cleared roads and presented pictures of gravel that had been laid for the roads. The Circuit Court held that this was insufficient to meet the substantial use test.

"In Blundell, the property had paved concrete roads, driveways and patios, and water and sewer lines. Here, there have been no steps taken beyond preliminary work...." *Potter v. City of Tontitown*, 371 Ark. 200, 213, 264 S.W. 3d 473, 483 (2007).

The Court seemed to doubt the Potters' claim of spending almost a million dollars in construction costs, and held that: "Even if they had met the substantial use test, they did not do so in good faith. Therefore, we hold the Potters do not yet have a vested right in their property." *Id.*

"In the present case, the Potters had knowledge that the county's approval of their development was conditional, and would be considered null and void if Tontitown was found to have jurisdiction. Yet, they began developing their property anyway. Therefore, we conclude that they did not act in good faith." *Id.*

The Arkansas Supreme Court did affirm the basic substantial use test set forth 32 years earlier in *Blundell v. City of West Helena*, supra.

"(I)n order to obtain a vested right one must prove that the owner has in good faith substantially entered upon the performance of the series of acts necessary to accomplish that end. The burden of proof is upon a property owner who claims rights by virtue of a non-conforming use. *Id.* The mere contemplated use without active steps beyond preliminary work or planning or **substantial investment to effectuate it** is not sufficient to invest a property owner with property rights in a nonconforming use, or with a right to extend a nonconforming use. *Id.* Preliminary contracts or work which is not of a substantial nature is not sufficient to establish a vested right. *Id.* The mere purchase of property with intention to devote it to a use is not sufficient in spite of preliminary work, such as clearing, grading, and excavating, if that work is not of a substantial nature, or if the

owner has not incurred **substantial obligations relating directly to the use of the property.** *Id.*" (emphasis added).

In the rezoning appeal for partial development of what the City Council had previously approved as the Falling Waters PZD, there is some evidence that the property owners may have invested what some could consider substantial funds to bore under the White River to bring water or sewer to serve their approved PZD. Although the PZD expired during the Great Recession, the property owners may have some rights under the substantial use doctrine to develop **some** of their property similarly to the approved PZD even though such development would not be allowed in R-A to which the property was rezoned by the City.

If the City Council determines that the property owners took "steps toward implementation (of their development) . . . of a substantial nature or involve substantial investment," then rezoning a portion of their property to allow appropriate residential development similar to their original approved request may be required. It is the responsibility and burden of the property owner to prove that they took "steps...toward the implementation...(and that those steps were) of a substantial nature or involve substantial investment or substantial obligations on the part of the owner." *Blundell v. City of West Helena*, *supra*.

"The burden of proof is upon a property owner who claims rights by virtue of a non-conforming use. A mere contemplated use without active steps beyond preliminary work or planning or substantial investment to effectuate it is not sufficient to invest a property owner with property rights in a non-conforming use, or with a right to extend a non-conforming use. Preliminary contracts or work which is not of a substantial nature is not sufficient to establish a vested right. The mere purchase of property with intention to devote it to a use is not sufficient in spite of preliminary work, such as clearing, grading and excavating, if that work is not of a substantial nature, or if the owner has not incurred substantial obligations relating directly to the use of the property." *Id.* at 668. (citations omitted).

If the City Council determines that the zoning applicant meets the substantial use test at least for the currently proposed rezoning, the applicant's delay in proposing a rezoning or development might not be enough to extinguish such right despite contrary language in the U.D.C.

"Appellee (West Helena) argues that since appellant waited as long as he did to extend the actual use of spaces 13 through 25, he abandoned and discontinued any non-conforming use for more than six months, and that the placing of mobile homes on these spaces constitutes a prohibited reestablishment of that use under the ordinance. To embrace this theory would be inconsistent with the underlying theory of our holding on the question of existence of a non-conforming use...Such a construction would be unduly narrow and a strict construction favoring the city. We decline to give it this construction." *Id.*

CONCLUSION

It is my duty as Fayetteville City Attorney to caution the City Council when an action that might be taken could result in substantial monetary exposure and litigation danger. The very unusual circumstances of the Falling Waters PZD approval coupled with the costs to bore under the White River to bring water/sewer to the development could trigger vested interests in development rights for the property. Refusing to allow any economically feasible development on any of the Falling Waters' forested hillside property might be found to be an unconstitutional deprivation of preexisting use rights.

"Attempts to deprive the owner of a preexisting use have been regarded as unconstitutional as a taking of property without compensation or in violation of due process of law." *Id.* at 666.

Because there would be a possibility of significant litigation damages/attorneys' fees, the City Council needs to carefully consider and apply the substantial use test for this rezoning issue.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Planning Commission

CC: Andrew Garner, Planning Director

FROM: Kit Williams, City Attorney

DATE: May 10, 2016

RE: Interpretation of the Unified Development Code provisions

If there is an issue whether a proposed project meets the requirements of the Unified Development Code, the Planning Department and Planning Commission must review the applicable code provisions. Only if the project fails to comply with the clear, unambiguous code sections may a project be turned down.

"As previously stated, zoning ordinances are valid only by reason of the police power and cannot be arbitrarily enforced. Such ordinances are in derogation of common law and operate to deprive an owner of property of a use thereof which would otherwise be lawful, and **should be strictly construed in favor of the property owner.**" *W. C. McMinn Co. v. City of Little Rock*, 257 Ark. 442, 516 S.W. 2d 584, 587 (1974) (emphasis added).

In the context of whether or not to allow a pre-existing substantial use that would be nonconforming to current zoning ordinances, the Arkansas Supreme Court stated:

"In construing the **city ordinances** and their effect, we must remember that zoning ordinances, being in derogation of the common law, **must be strictly construed in favor of the property owner....**" *Blundell v. City of West Helena*, 258 Ark. 123, 522 S. W. 2d 661, 666 (1975) (emphasis added).

Strictly construing an ordinance must remain logical and should not present an absurd interpretation.

“Although zoning laws must be strictly construed in favor of the property owner, *Blundell v. City of West Helena*, 258 Ark. 123, 522 S.W.2d 661 (1975), that does not compel a contrived result when common sense points elsewhere.” *Tillery v. Meadows Construction Company*, 284 Ark. 241, 681 S.W. 2d 330, 332 (1984).

If there are two or more reasonable interpretations of a code section (even though one may seem significantly more likely), the interpretation favoring the property owner/developer will probably control. That is one reason why the Unified Development Code should be revised if we discover a definition or requirement is unclear and that ambiguity could lead to undesirable developments.

On the other hand, the U.D.C. should not be so detailed and unyielding that builders’ and developers’ creativity and freedom are stymied. To “Keep Fayetteville Funky” and allow healthy diversity, we should ensure that our regulations are the least restrictive needed to avoid ugly or dangerous construction or development.

Branson, Lisa

From: CityClerk
Sent: Tuesday, May 17, 2016 4:38 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: Garner, Andrew
Subject: FW: Falling Waters
Attachments: 20160517161759706.pdf

Please see Robert Rhoads note below and his attachment. Thank you.

Office of the City Clerk Treasurer

113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



From: RRhoads@HallEstill.com [mailto:RRhoads@HallEstill.com]
Sent: Tuesday, May 17, 2016 4:34 PM
To: CityClerk
Cc: Williams, Kit; Williams, Kit
Subject: Falling Waters

Pls forward to City Council et al to be considered in light of Kit's memo from this morning. This illustrates the owner of Falling Waters has "substantially invested" in the property. Note this doesn't include the cost of the land. Thx RKR



Robert K. Rhoads | Shareholder
75 N. East St., Suite 402
Fayetteville, AR 72701
T: 479-973-5200 | **C:** 236-1414 | **F:** 479-973-0520
www.hallestill.com | [my bio](#)

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Hall Estill

75 North East Avenue

Suite 402

Fayetteville, Arkansas 72701

(479) 973-5200

www.hallestill.com

Falling Waters LLC
Transaction List by Vendor
 January 1, 2006 through May 17, 2016

	Type	Date	Num	Account	Clr	Split	Credit
Applan Centre for Design							
	Check	07/11/2007	1071	Checking-Regions Bank	√	Falling Waters Project	776.92
Edwards Construction							
(Water & Sewer Extension)	Check	09/21/2006	1038	Checking-Regions Bank	√	Falling Waters Project	46,398.64
	Check	10/24/2006	1041	Checking-Regions Bank	√	Falling Waters Project	170,874.67
	Check	11/27/2006	1046	Checking-Regions Bank	√	Falling Waters Project	48,793.10
	Check	03/15/2007	1058	Checking-Regions Bank	√	Falling Waters Project	32,188.00
	Check	09/12/2006	1035	Checking-Regions Bank	√	Falling Waters Project	88,029.91
	Check	01/08/2007	1052	Checking-Regions Bank	√	Falling Waters Project	116,694.78
	Check	08/14/2007	1075	Checking-Regions Bank	√	Falling Waters Project	57,178.23
GTS							
(Soils Testing)	Check	06/26/2006	1027	Checking-Regions Bank	√	Falling Waters Project	7,650.00
H2 Engineering							
(Civil Engineering Services for	Check	03/07/2006	1005	Checking-Regions Bank	√	Falling Waters Project	40,594.21
Plat approval and Water & Sewer	Check	03/30/2006	1009	Checking-Regions Bank	√	Falling Waters Project	40,698.34
Extension Project)	Check	05/01/2006	1021	Checking-Regions Bank	√	Falling Waters Project	24,331.50
	Check	06/06/2006	1025	Checking-Regions Bank	√	Falling Waters Project	19,601.77
	Check	07/25/2006	1028	Checking-Regions Bank	√	Falling Waters Project	8,110.50
	Check	07/25/2006	1030	Checking-Regions Bank	√	Falling Waters Project	30,433.78
	Check	09/11/2006	1033	Checking-Regions Bank	√	Falling Waters Project	5,532.60
	Check	11/07/2006	1044	Checking-Regions Bank	√	Falling Waters Project	8,824.61
	Check	01/08/2007	1051	Checking-Regions Bank	√	Falling Waters Project	2,338.55
	Check	04/05/2007	1060	Checking-Regions Bank	√	Falling Waters Project	3,900.51
	Check	05/24/2007	1067	Checking-Regions Bank	√	Falling Waters Project	1,105.00
	Check	06/12/2007	1069	Checking-Regions Bank	√	Falling Waters Project	9,148.62
	Check	07/11/2007	1073	Checking-Regions Bank	√	Falling Waters Project	787.53
	Check	08/14/2007	1074	Checking-Regions Bank	√	Falling Waters Project	44.71
	Check	09/13/2007	1076	Checking-Regions Bank	√	Falling Waters Project	1,919.92
	Check	12/13/2007	1082	Checking-Regions Bank	√	Falling Waters Project	594.83
	Check	01/07/2008	1083	Checking-Regions Bank	√	-SPLIT-	731.27
McGoodwin Williams							
(City required Water Pressure Study)	Check	04/16/2006	1016	Checking-Regions Bank	√	Falling Waters Project	913.50
	Check	05/25/2006	1024	Checking-Regions Bank	√	Falling Waters Project	3,784.50
	Check	09/11/2006	1032	Checking-Regions Bank	√	Falling Waters Project	2,950.00
	Check	11/27/2006	1047	Checking-Regions Bank	√	Falling Waters Project	781.00
	Check	03/02/2007	1057	Checking-Regions Bank	√	Falling Waters Project	2,473.50
	Check	05/21/2007	1066	Checking-Regions Bank	√	Falling Waters Project	485.00
Northwest Excavation							
(Initial Right of Way Clearing)	Check	03/07/2006	1003	Checking-Regions Bank	√	Falling Waters Project	28,560.00
(Water & Sewer Extension Completion)	Check	04/16/2006	1015	Checking-Regions Bank	√	Falling Waters Project	5,920.00
	Check	09/12/2006	1034	Checking-Regions Bank	√	Falling Waters Project	6,529.32
	Check	01/11/2007	1055	Checking-Regions Bank	√	Falling Waters Project	21,672.52
	Check	04/01/2011	1128	Checking-Regions Bank		Falling Waters Project	24,088.72
NWA Truck Service							
(Debris Haul Off)	Check	01/08/2007	1053	Checking-Regions Bank	√	Falling Waters Project	1,307.47
Regions Bank/Centennial Bank							
(Interest Carry per Federal Tax Return)	Check	2007		Interest Expense	√	Interest Expense	380,902
	Check	2008		Interest Expense	√	Interest Expense	393,353
	Check	2009		Interest Expense	√	Interest Expense	363,231
	Check	2010		Interest Expense	√	Interest Expense	315,178
	Check	2011		Interest Expense	√	Interest Expense	195,852
	Check	2012		Interest Expense	√	Interest Expense	235,505
	Check	2013		Interest Expense	√	Interest Expense	293,416
	Check	2014		Interest Expense	√	Interest Expense	232,328
	Check	2015		Interest Expense	√	Interest Expense	230,384
	Check	2016 YTD		Interest Expense	√	Interest Expense	60,807
Sigma Construction							
(Testing & Inspections)	Check	06/05/2007	1068	Checking-Regions Bank	√	Falling Waters Project	4,743.46
Tomlinson Asphalt							
(Clearing and Grubbing)	Check	05/19/2006	1022	Checking-Regions Bank	√	Falling Waters Project	5,460.00
							3,577,907.49

Clay Condit, Member
Falling Waters, LLC 5-17-16

Branson, Lisa

From: CityClerk
Sent: Tuesday, May 17, 2016 4:23 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: Garner, Andrew
Subject: FW: Letters
Attachments: 20160517144034885.pdf

Hello All,

Robert Rhoads has asked that this be forwarded to you for consideration. It is in regards to the Falling Waters item at the May 17, 2016 City Council meeting.

Thank you.

Office of the City Clerk Treasurer

113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



From: RRhoads@HallEstill.com [mailto:RRhoads@HallEstill.com]
Sent: Tuesday, May 17, 2016 4:12 PM
To: CityClerk
Subject: FW: Letters to



Robert K. Rhoads | Shareholder
75 N. East St., Suite 402
Fayetteville, AR 72701
T: 479-973-5200 | **C:** 236-1414 | **F:** 479-973-0520
www.hallestill.com | [my bio](#)

From: Mike Lamberth [<mailto:mike.lamberth@buffingtonhomesar.com>]
Sent: Tuesday, May 17, 2016 2:55 PM
To: Robert K. Rhoads
Cc: 'Clay Carlton'
Subject: Letters to

Robert,
Included letters in order are:

- My letter to the Stonebridge Neighbors
- Letter of support from Michael Wingo (Stonebridge resident) who lives at the dead end of Pumpkin Ridge, with an exhibit he did explaining where the drainage water is coming from
- Letter of support from Jeff Maland who is a Stonebridge resident
- Letter of support from John Carpenter who is a Stonebridge resident
- Email correspondence from Stephanie Newman who received my letter to Stonebridge neighbors and was inquiring about the development as she is interested in staying in Stonebridge but wants a larger lot/house
- Email correspondence from Candy Miller saying our proposal sounds "good on paper" but how will we keep our word on the development. I sent her a copy of the Bill of Assurance and asked to meet with her or for her to let me know specific concerns and I would address them in full to her. I haven't heard back from her.

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Hall Estill
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Mike Lamberth
Falling Waters, LLC
May 9, 2016

Dear Neighbors of Stonebridge Meadows,

On behalf of my business partner Clay Carlton, and myself, I am reaching out to you today regarding our neighboring property located south of the Stonebridge Meadows Golf Course. Approximately one year ago we applied for a re-zoning and many of the residents in your neighborhood expressed concerns about the proposed development. Since the time of our last request we have worked to modify our development plans, taking the feedback of the neighbors into consideration. The outcome is a plan that we feel will alleviate most of these concerns, and will also provide an adjoining neighborhood that will be a good fit for the golf course and that will add value to the area and for the current residents. My intent is to communicate our newly proposed project to you in contrast to what we planned formerly. Also, I would like to extend an invitation to meet with the neighbors to further explain details of the project and answer any questions.

In our previous development proposal the neighborhood was planned to connect from Pumpkin Ridge only, which seemed to be the greatest concern for the existing neighbors. Taking this into consideration, we have revised our current proposal to have primary access from Dead Horse Mountain Road. As this will be the shortest and most convenient entry to Falling Waters, it stands to reason that traffic to and from the neighborhood will utilize this route rather than by way of Pumpkin Ridge / Cherry Hills Drive. In fact, another component we have included in our revised proposal is a legal document (Bill of Assurance) that restricts construction traffic for this development to use the entrance at Dead Horse Mountain Road.

Another big concern for the Stonebridge residents pertained to existing of drainage problems at the intersection of Pumpkin Ridge & Cherry Hills Drive, during heavy rains. Our project will be regulated by the City of Fayetteville during the engineering & the development processes to ensure that water flow from the property will not increase. In fact, to the contrary we will be required to build water detention ponds to control the flow of water away from the site. These efforts do not promise to amend any drainage problems that may already exist, but they will see that development of this land does not result in worsening the water-flow downhill toward other properties, including your homes.

Our revised plan will utilize the natural characteristics of the land to build a unique new neighborhood while protecting both the tree canopy, and the scenic views from within the new neighborhood and from the bottom of the mountain looking onto Falling Waters. This will be achieved by constructing homes only on one side of the street rather than a typical layout of homes fronting both sides of the street. In doing so, the uphill lots in Falling Waters will be at

least 200 feet deep and approximately one half-acre in size. This will result in the preservation of a green belt of mature trees along the back of the lots. Furthermore, Falling Waters will have stringent Protective Covenants in place that limit tree removal outside of the building footprint in addition to the City of Fayetteville's ordinances promoting tree preservation in the area.

If you have any questions or concerns we would like to hear from you, and would be happy to meet with you. Please contact me at the information below.

Sincere Thanks,

Mike Lamberth

Owner, Falling Waters LLC

Mike.Lamberth@BuffingtonHomesAR.com

(479) 251-1106

From: Michael Wingo

Sent: Friday, May 13, 2016 7:24 PM

To: 'Ward1_pos1@fayetteville-ar.gov' <Ward1_pos1@fayetteville-ar.gov>; 'Ward1_pos2@fayetteville-ar.gov' <Ward1_pos2@fayetteville-ar.gov>; 'Ward2_pos1@fayetteville-ar.gov' <Ward2_pos1@fayetteville-ar.gov>; 'Citycouncil@mathewpetty.org' <Citycouncil@mathewpetty.org>; 'Ward3_pos1@fayetteville-ar.gov' <Ward3_pos1@fayetteville-ar.gov>; 'Ward3_pos2@fayetteville-ar.gov' <Ward3_pos2@fayetteville-ar.gov>; 'Ward4_pos1@fayetteville-ar.gov' <Ward4_pos1@fayetteville-ar.gov>; 'Longward4@gmail.com' <Longward4@gmail.com>; 'mayor@fayetteville-ar.gov' <mayor@fayetteville-ar.gov>; 'city.attorney@fayetteville-ar.gov' <city.attorney@fayetteville-ar.gov>; 'cbrown@fayetteville-ar.gov' <cbrown@fayetteville-ar.gov>; 'planning@fayetteville-ar.gov' <planning@fayetteville-ar.gov>; 'jpate@fayetteville-ar.gov' <jpate@fayetteville-ar.gov>

Subject: Falling Water Revised Development Plan

For Your Consideration:

My name is Michael Wingo, and I reside at 2073 Cherry Hills Dr, (Stonebridge Meadows), and along with my neighbor Kasey Weathers are the southwestern most homes in our S/D.

At the time I purchased my lot and built my home, I understood that in the future, there may be homes built to the south of mine. The plans called for a main entrance to be located off of Deadhorse Mountain Rd, and thru-traffic was to be minimal which was important to my family. With the exception of the occasional flooding during heavy rain events, we are very happy with our home and our neighborhood.

When the plans to develop Falling Water changed, calling for the main entrance to come past my house, I was not supportive. The construction and residential traffic would, I believe, have had a negative impact on the quiet corner of our neighborhood to which we have become accustomed. In addition to the traffic concerns, we also had concerns that the already frequent flooding problems may be exacerbated by any added water volumes from the hillside. While I did not vocally oppose the plans, I was personally relieved when the plans failed at planning commission.

Next week, you will once again be asked to consider approval for the Falling Water development. It is my belief that the developers have made positive changes to the plans:

1. Minimizing Thru-Traffic: Adding Deadhorse Mountain Rd entrance, and contractually restricting the construction traffic we would experience with the extension of Pumpkin Ridge.
2. Storm-Water Runoff: The source of the flood water is from the adjacent property (Hamm) which is not affiliated with Falling Water. This is a fact. It is my hope that the extension of Pumpkin Ridge and the necessary engineering studies accompanying the project, that we will see improvement with our current drainage problems.

For these reasons, and to avoid the already permissible development option (2ac lots with single entrance from Pumpkin Ridge extension), I will support the plans as amended.



Jeff Maland
Resident – Stonebridge Meadows
2010 S Pumpkin Ridge Dr
Fayetteville, AR 72701

May 16, 2016

City of Fayetteville
Attention: Mayor Lioneld Jordan, all City Council Members

Re: Falling Waters rezoning request

As a resident of Stonebridge Meadows neighborhood, I am writing this letter to state my support of the rezoning request for Falling Waters. Since the developers have included the additional entry from Dead Horse Mountain Road, I would like for the City Council to grant permission for Falling Waters/Bufington Homes to develop the project adjacent to my neighborhood as they have stated in their rezoning request. I like the homes and neighborhoods that Bufington Homes builds, and I believe that the newly proposed project will be another good development that will add value to our beautiful area.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Maland", written over a horizontal line.

Jeff Maland
Resident, Stonebridge Meadows
jeffmaland@yahoo.com

To whom it may concern:

I am very familiar with the Falling Waters proposed subdivision. As a resident of Stonebridge Meadows Phase 5, I am in complete support of the proposed plat. I see no reason why the subdivision should not be approved. I think the added streets will do nothing but add some new areas to walk and enjoy the views of Stonebridge Meadows golf course. I feel like Falling Waters will improve the connectivity of Stonebridge Meadows Phase 2 and 3 and give a many of my neighbors alternate ways out of the subdivision. This should also should reduce the traffic counts on Goff Farm Road. I am fully confident that Mike Lamberth and Clay Carlton will put in a subdivision that all of Stone Bridge Meadows would be proud to call neighbors.

Best Regards,

John K. Carpenter



John K. Carpenter • Senior Vice President

Lindsey & Associates

m. 479-957-8181 | t. 479-527-8715

f. 479-527-8734 | e. johncarpenter@lindsey.com

w. <http://www.johnkcarpenter.com> | s. 1200 E. Joyce Blvd. Fayetteville, AR 72703



Mike Lamberth

From: Mike Lamberth <mike.lamberth@buffingtonhomesar.com>
Sent: Saturday, May 14, 2016 10:12 AM
To: Clay Carlton
Subject: Fwd: Falling waters

Fyi

Mike Lamberth

Begin forwarded message:

From: Stephanie Newman <alabamamommy@gmail.com>
Date: May 14, 2016 at 9:41:09 AM CDT
To: Mike Lamberth <mike.lamberth@buffingtonhomesar.com>
Subject: Re: Falling waters

Yes a pool would be very appealing. Probably to the majority of people looking to buy there. When are you planning to start and how will it go, phase wise? We love Stonebridge and love the area but would be interested in something a little bigger. And with a pool available, either in our yard or a community pool.

Sent from my iPhone

On May 14, 2016, at 9:24 AM, Mike Lamberth
<mike.lamberth@buffingtonhomesar.com> wrote:

Hi Stephanie, we don't know the exact starting square footage yet, but will most likely start at around 2800 to 3000 SF and go up from there. The lots will be 1/2 acre wooded lots. Some of the lots will be larger than 1/2 acre. It will be a really unique neighborhood with lots of trees and fantastic views. We haven't decided at this point about a pool/amenities. Is this something you are interested in and is a neighborhood pool something that would be appealing to you?

I would be happy to continue to provide you with more information as the development comes together, if you wish. Thanks for reaching out!

Mike Lamberth

Mike Lamberth

On May 13, 2016, at 5:21 PM, Stephanie Newman
<alabamamommy@gmail.com> wrote:

Hi! I am a resident in Stonebridge and would like to know what the minimum square footage on your new homes will be. They will all have half acre lots? Will there be a community pool?

Thank you!

Stephanie

Sent from my iPhone

Mike Lamberth

From: Candy Miller <candylmiller@gmail.com>
Sent: Monday, May 16, 2016 8:03 AM
To: Mike.Lamberth@BuffingtonHomesAR.com
Subject: Falling Waters

Mike I live in Stonebridge at the north end of Cherry Hills Drive....I read your letter to the Neighbors at Stonebridge....I hear what you're saying but what assurance do we the residents of Stonebridge have for you to keep your word on developments ? It all sounds good but it's on paper.....Candy Miller

Mike Lamberth

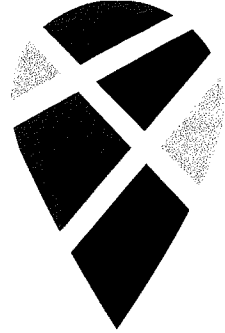
From: Mike Lamberth <mike.lamberth@buffingtonhomesar.com>
Sent: Monday, May 16, 2016 10:22 AM
To: 'candylmiller@gmail.com'
Subject: Bill of Assurance to the City of Fayetteville
Attachments: 20160511154903908

Candy,

Thank you for taking the time to read our letter and inquire about this process. Could you meet to discuss? Or, if you would rather not meet would you mind sharing your specific items of concern so that I can address them? I am attaching a copy of the Bill of Assurance, which is the legally binding document that we referenced in our letter to you. But, I'd like to know what questions you have specifically so I can make sure to answer them in full.

Kind Regards,

Mike Lamberth



FAYETTEVILLE FIRST SUMMARY

Fayetteville First is the strategic plan that was created to guide the economic development efforts of the city over the next five years. While the plan is full of supportive data and examples of best practices, **Fayetteville First is grounded by the input of more than 1,500 stakeholders.** The result of this project is the identification of five target business sectors, seven strategic focuses with related priorities and action items, and recommendations related to the economic development delivery system.



CORPORATE SERVICES

Corporate Services can broadly be defined as company-wide support services that may include legal, marketing, information technology, and other. With a highly-skilled workforce, a lower cost of doing business, and a high lifestyle quality, Fayetteville, Arkansas, has become the regional headquarters for many new business opportunities, and also has the physical and workforce infrastructure in place to support businesses in the information technology services and data center sectors. There are an estimated 4,000 people in Washington County employed in corporate services sectors with projected growth of 4 percent by 2020.



ENTREPRENEURS AND INNOVATORS

Entrepreneurs and innovators are rapidly increasing in numbers with the coming of age of Generation Z. Fayetteville has a strong entrepreneurial ecosystem that has already supported a number of successful startups ranging from e-commerce businesses to electronics, nanotechnology and other.



LEGACY MANUFACTURERS

Manufacturing has a long history of success in Fayetteville, with major manufacturers in sectors that include tool-making, food production and automotive. Supporting this sector for retention and expansion will continue to lead to success as manufacturers take advantage of a skilled workforce, a comprehensive transportation infrastructure, and a low cost of doing business.



RETAIL

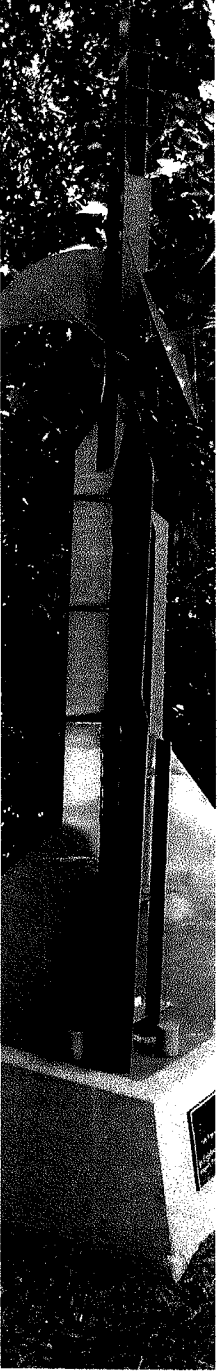
As the fastest growing city in Arkansas, Fayetteville offers retailers access to a dynamic consumer market that includes a student population of more than 26,000. With ideal available sites and a low cost of doing business, retailers can take advantage of a region with income levels much higher than the state average.

Fayetteville and the MSA have retail gaps in clothing and clothing accessories; sporting goods, hobby, book and music stores; and electronics and appliance stores that present opportunity for growth.



SPECIALIZED TECHNOLOGIES

With access to resources like the Center for Retailing Excellence at the University of Arkansas, Fayetteville is a prime location for companies developing specialized technologies to support the retail sector and other big data users. The city offers a highly skilled technical workforce and a low cost of doing business to ensure success.



The seven strategic focuses for the Fayetteville First plan are concentrated on maximizing the assets and addressing any challenges identified during this process. The strategic focuses, outlined in more detail below, provide an actionable guide to strengthen Fayetteville's impact on the Northwest Arkansas economy and to solidify its reputation as a place to collaborate, innovate, and create.

FOCUS: ARTS AND CULTURE

FURTHER ENHANCE THE ARTS AND CULTURAL ENVIRONMENT

- *Continue to support existing programs that enhance arts and culture locally*
- *Expand the arts focus in Fayetteville*
- *Develop and support arts programs in public schools*
- *Continue to support the craft beer industry*

FOCUS: BUSINESS RETENTION AND ATTRACTION

SUPPORT, RETAIN AND ATTRACT BUSINESS

- *Create a robust business retention and expansion (BR&E) program*
- *Improve the business perception*
- *Develop local incentive policy*
- *Meet property needs of targeted business sectors*
- *Develop a focused retail development strategy*

FOCUS: EDUCATION/WORKFORCE

ENSURE WORKFORCE TALENT IS ATTRACTED, DEVELOPED, AND RETAINED

- *Further engage with higher education*
- *Ensure workforce and training needs can be met*
- *Attract and retain the workforce of today and tomorrow*

FOCUS: ENTREPRENEURSHIP AND INNOVATION

EMBRACE THE ENTREPRENEURIAL ECOSYSTEM AND SUPPORT STARTUP COMPANIES AND THE CULTURE TO RETAIN THEM LONG-TERM

- *Support a collaborative entrepreneurial/innovative environment*
- *Increase high-tech job growth through University partnerships*
- *Create innovative spaces and programs to support entrepreneurs*
- *Expand entrepreneurship education programs*

FOCUS: LIFESTYLE QUALITY

CONTINUE TO IMPROVE THE OUTSTANDING LIFESTYLE QUALITY IN FAYETTEVILLE

- *Support attainable housing development*
- *Enhance and support public transportation*
- *Energize and support downtown Fayetteville*
- *Explore other redevelopment opportunities*
- *Seek development of hotel/conference center*

FOCUS: MARKETING AND COMMUNICATIONS

ENHANCE FAYETTEVILLE'S PUBLIC PROFILE AS A DYNAMIC BUSINESS LOCATION

- *Build the Fayetteville First brand*
- *Develop a dynamic digital media presence*
- *Pursue recognition in key rankings*
- *Increase publicity about key economic development efforts*

FOCUS: SUSTAINABILITY

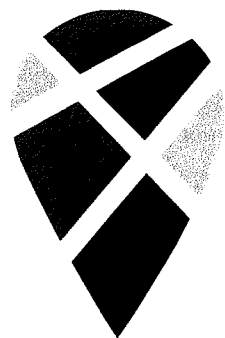
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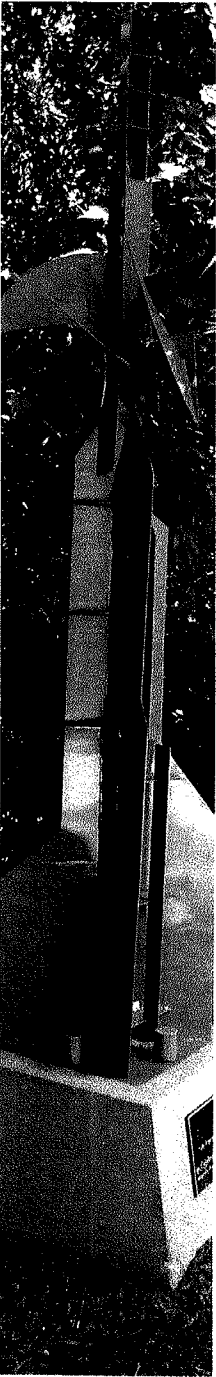
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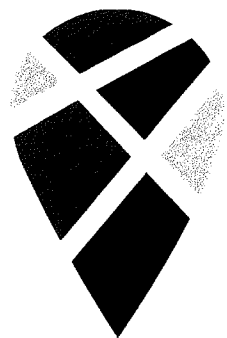
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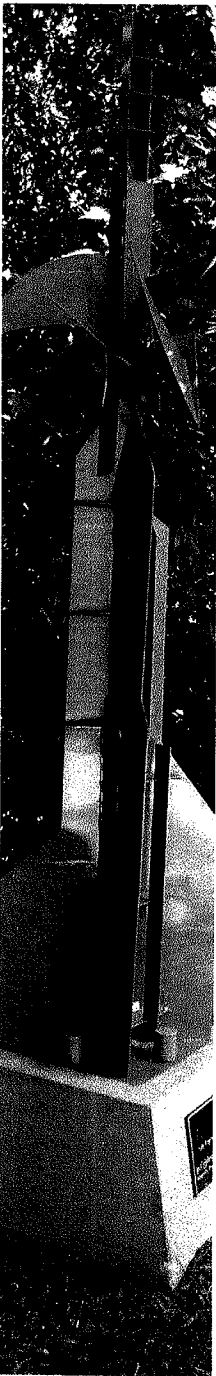
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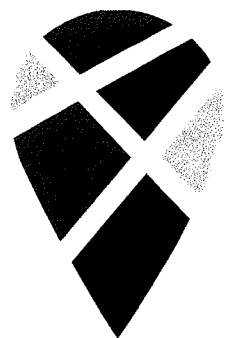
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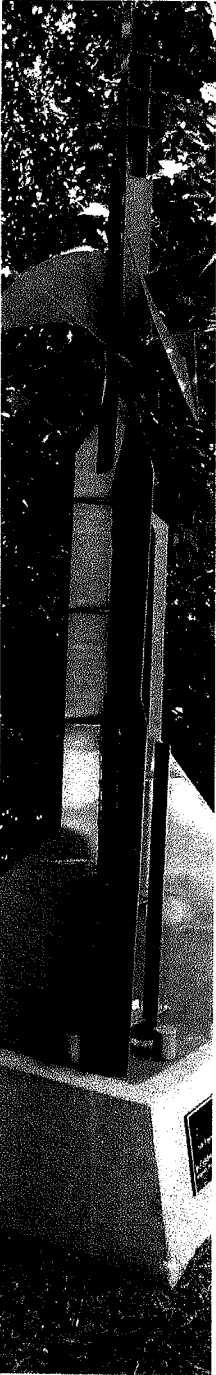
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City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 10, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

*Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

ELECTED OFFICIALS:

*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith*

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions****A. Consent:****A. 1** [2015-0647](#)

APPROVAL OF THE MAY 3, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0236](#)**MICROSOFT CORPORATION ENTERPRISE AGREEMENT RENEWAL:**

A RESOLUTION TO AUTHORIZE A THREE YEAR RENEWAL OF THE ENTERPRISE AGREEMENT WITH MICROSOFT CORPORATION, THROUGH ITS AUTHORIZED RESELLER SHI INTERNATIONAL CORPORATION, FOR SOFTWARE PRODUCTS IN THE AMOUNT OF \$137,200.00 PER YEAR PLUS APPLICABLE TAXES, AND TO APPROVE A CONTINGENCY IN THE AMOUNT OF \$13,700.00 PER YEAR FOR ADDITIONAL SOFTWARE LICENSES AS NEEDED

Attachments: [MICROSOFT CORPORATION ENTERPRISE AGREEMENT RENEWAL](#)

A. 3 [2016-0196](#)**ANIMAL SERVICES DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$81,602.00 REPRESENTING DONATION REVENUE TO ANIMAL SERVICES FOR THE FIRST QUARTER OF 2016

Attachments: [ANIMAL SERVICES DONATION REVENUE](#)
 [BA_ANIMAL SERVICES DONATION REVENUE](#)

A. 4 [2016-0212](#)**ALLIANCE PUMP & MECHANICAL, INC.:**

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE CONTRACT WITH ALLIANCE PUMP & MECHANICAL, INC. IN THE AMOUNT OF \$43,521.00 PLUS APPLICABLE TAXES FOR ADDITIONAL REPAIR SERVICES REQUIRED TO REBUILD SEVEN (7) GEARBOXES AT THE NOLAND WASTEWATER TREATMENT PLANT

Attachments: [ALLIANCE PUMP & MECHANICAL, INC.](#)

A. 5 [2016-0222](#)**BID #16-30 CENTRAL LAUNDRY EQUIPMENT, INC.:**

A RESOLUTION TO AWARD BID #16-30 AND AUTHORIZE THE PURCHASE OF FOUR COMMERCIAL WASHER EXTRACTORS AND FIVE DRYING UNITS FROM CENTRAL LAUNDRY EQUIPMENT, INC. OF WARD, ARKANSAS IN THE AMOUNT OF \$65,130.00 PLUS APPLICABLE TAXES FOR USE BY THE FIRE DEPARTMENT

Attachments: [BID #16-30 CENTRAL LAUNDRY EQUIPMENT, INC.](#)

A. 6 [2016-0213](#)**BRADEN NEIGHBORHOOD PARK:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$3,723.00 RECOGNIZING PARKLAND DEDICATION FEES FROM THE NORTHEAST QUADRANT TO BE USED FOR A PORTION OF IMPROVEMENTS TO AND EXPANSION OF THE PLAYGROUND AT BRADEN NEIGHBORHOOD PARK

Attachments: [BRADEN NEIGHBORHOOD PARK](#)
 [BA_BRADEN NEIGHBORHOOD PARK](#)

A. 7 [2016-0229](#)**ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 50/50 MATCHING GRANT FROM THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM IN THE AMOUNT OF \$150,000.00 FOR THE CONSTRUCTION OF PLAYGROUND AND PARKING IMPROVEMENTS AT WILSON PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT](#)
[BA_ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT](#)

A. 8 [2016-0237](#)**PARKS AND RECREATION DEPARTMENT DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$29,387.00 REPRESENTING DONATION REVENUE TO THE PARKS AND RECREATION DEPARTMENT

Attachments: [PARKS AND RECREATION DEPARTMENT DONATION REVENUE](#)
[BA_PARKS AND RECREATION DEPARTMENT DONATION REVENUE](#)

A. 9 [2016-0227](#)**RECREATIONAL TRAILS GRANT APPLICATION - TRAIL REPLACEMENT:**

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID RECREATIONAL TRAILS FUNDS AND AUTHORIZE APPLICATION FOR A 20% LOCAL MATCH GRANT THROUGH THE ARKANSAS RECREATIONAL TRAILS PROGRAM IN AN AMOUNT UP TO \$56,000.00 FOR THE REPLACEMENT OF A SECTION OF THE RAZORBACK REGIONAL GREENWAY FROM MAPLE STREET TO FRISCO AVENUE

Attachments: [RECREATIONAL TRAILS GRANT APPLICATION - TRAIL REPLACEMENT](#)

A. 10 [2016-0228](#)**TRANSPORTATION ALTERNATIVES PROGRAM - MUD CREEK TRAIL LIGHTING:**

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS AND AUTHORIZE APPLICATION FOR A 20% LOCAL MATCH GRANT THROUGH THE ARKANSAS TRANSPORTATION ALTERNATIVES PROGRAM IN AN AMOUNT UP TO \$500,000.00 FOR THE INSTALLATION OF TRAIL LIGHTING ALONG THE RAZORBACK REGIONAL GREENWAY AND THE MUD CREEK TRAIL FROM THE FULBRIGHT EXPRESSWAY TO OLD MISSOURI ROAD

Attachments: [TRANSPORTATION ALTERNATIVES PROGRAM - MUD CREEK TRAIL LIGHT](#)

A. 11 [2016-0230](#)**LEVI STORAGE CENTER, LLC PURCHASE FOR CATO SPRINGS TRAIL:**

A RESOLUTION TO APPROVE THE PURCHASE OF 1.5 ACRES OF PROPERTY FOR CONSTRUCTION OF THE CATO SPRINGS TRAIL FROM LEVI STORAGE CENTER, LLC IN THE AMOUNT OF \$31,296.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,129.60

Attachments: [LEVI STORAGE CENTER, LLC PURCHASE FOR CATO SPRINGS TRAIL](#)

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

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

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

Left on the Second Reading at the April 5, 2016 City Council Meeting and Tabled until the May 17, 2016 City Council Meeting. At the March 1, 2016 City Council Meeting, this ordinance was left on the second reading and. Tabled to April 5, 2016. This Ordinance was left on the first reading at the February 16, 2016 City Council meeting.

B. 2 [2016-0194](#)**VAC 16-5354 (1137 W. MLK BLVD./ARENA VILLAGE):**

AN ORDINANCE TO APPROVE VAC 16-5354 SUBMITTED BY STEVE FOWLER FOR PROPERTY LOCATED AT 1137 WEST MARTIN LUTHER KING BOULEVARD TO VACATE PORTIONS OF A UTILITY EASEMENT

Attachments: [VAC 16-5354 \(1137 W MLK BLVD. Arena Village\)](#)

This Ordinance was left on first reading at the May 3, 2016 City Council Meeting.

B. 3 [2016-0205](#)**AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION:**

AN ORDINANCE TO AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION OF THE FAYETTEVILLE CODE BY REPEALING § 116.01, ENACTING A REPLACEMENT § 116.01 AND BY AMENDING THE DEFINITION OF SOLICITOR IN § 116.02 (A) (4)

Attachments: [Amend Chapter 116: Door to Door Solicitation](#)

This Ordinance was left on first reading at the May 3, 2016 City Council Meeting.

C. New Business:**C. 1** [2016-0234](#)**HOME TEAM, LLC:**

A RESOLUTION TO ACCEPT THE DONATION OF 1.5 ACRES OF PROPERTY FROM HOME TEAM, LLC WITH THE RESTRICTION THAT NO DEVELOPMENT SHALL OCCUR ON THE PROPERTY FOR AT LEAST FIFTY (50) YEARS

Attachments: [HOME TEAM, LLC](#)

C. 2 [2016-0233](#)**FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP AMENDMENTS:**

A RESOLUTION TO APPROVE AMENDMENTS TO THE FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP TO ADD A CONNECTOR TRAIL BETWEEN THE HAMESTRING CREEK TRAIL AND THE SHILOH TRAIL, TO REMOVE A PAVED TRAIL FROM THE KESSLER MOUNTAIN RIDGE, AND TO ADD A LOOP TRAIL AROUND THE REGIONAL PARK

Attachments: [FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP AMENDMENTS](#)

C. 3 [2016-0193](#)**U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE FOR 2016 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$61,721.00

Attachments: [U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT](#)

C. 4 [2016-0197](#)**AMEND § 92.31 DANGEROUS ANIMALS AND ENACT § 92.07 INHUMANE TRAPS PROHIBITED:**

AN ORDINANCE TO AMEND § 92.31 **DANGEROUS ANIMALS** TO PROVIDE THE ANIMAL SERVICES DIVISION WITH ADDITIONAL OPTIONS TO DECLARE AN ANIMAL DANGEROUS AND ALLOW THE REHOMING OF A DANGEROUS ANIMAL WITH THE APPROVAL OF THE ANIMAL SERVICES SUPERINTENDENT, AND TO ENACT A NEW § 92.07 **INHUMANE TRAPS PROHIBITED**

Attachments: [AMEND § 92.31 DANGEROUS ANIMALS AND ENACT § 92.07 INHUMANE TRA](#)

C. 5 [2016-0235](#)**SPECIAL ELECTION FOR FAYETTEVILLE PUBLIC LIBRARY:**

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ON THE QUESTIONS OF (1) THE RAISING BY ONE AND ONE-HALF (1.5) MILLS THE CURRENT ONE (1.0) MILL CITY TAX ON REAL AND PERSONAL PROPERTY SUPPORTING THE MAINTENANCE AND OPERATION OF FAYETTEVILLE PUBLIC LIBRARY, AND (2) THE IMPOSITION OF A ONE AND TWO-TENTHS (1.2) MILL CITY TAX ON REAL AND PERSONAL PROPERTY TO BE PLEDGED TO AN ISSUE OR ISSUES OF BONDS NOT TO EXCEED \$26,500,000 IN PRINCIPAL AMOUNT TO FINANCE CAPITAL IMPROVEMENTS TO FAYETTEVILLE PUBLIC LIBRARY; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY

Attachments: [SPECIAL ELECTION FOR FAYETTEVILLE PUBLIC LIBRARY](#)

C. 6 [2016-0238](#)**ECONOMIC DEVELOPMENT STRATEGIC PLAN:**

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE FIRST
ECONOMIC DEVELOPMENT STRATEGIC PLAN

Attachments: [ECONOMIC DEVELOPMENT STRATEGIC PLAN](#)

D. City Council Agenda Session Presentations:**E. City Council Tour:****F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0647

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE MAY 3, 2016 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0236

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

MICROSOFT CORPORATION ENTERPRISE AGREEMENT RENEWAL:

A RESOLUTION TO AUTHORIZE A THREE YEAR RENEWAL OF THE ENTERPRISE AGREEMENT WITH MICROSOFT CORPORATION, THROUGH ITS AUTHORIZED RESELLER SHI INTERNATIONAL CORPORATION, FOR SOFTWARE PRODUCTS IN THE AMOUNT OF \$137,200.00 PER YEAR PLUS APPLICABLE TAXES, AND TO APPROVE A CONTINGENCY IN THE AMOUNT OF \$13,700.00 PER YEAR FOR ADDITIONAL SOFTWARE LICENSES AS NEEDED

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 a three year renewal of the Enterprise Agreement with Microsoft Corporation, through its authorized reseller SHI International Corporation, for software products in the amount of \$137,200.00 per year plus applicable taxes, and further approves a contingency in the amount of \$13,720.00 per year for additional software licenses as needed.

City of Fayetteville Staff Review Form

2016-0236

Legistar File ID

5/17/2016

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

Brad Fulmer

4/29/2016

Information Technology /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution authorizing a contract with Microsoft for the renewal of an existing Enterprise Agreement in the amount of \$137,200 per year for a three-year term from Software House International (SHI) pursuant to the Arkansas State Procurement Contract SP-09-0208 and approving a 10% contingency for additional licenses as needed.

Budget Impact:

1010.XXXX.5309.02

General

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 206,013.00

Funds Obligated \$ 48,056.39

Current Balance \$ 157,956.61

Does item have a cost? Yes

Item Cost \$ 137,200.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 20,756.61

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 17, 2016

TO: Mayor and City Council
THRU: Keith Macedo, Information Technology Director *KUM*
FROM: Brad Fulmer, Infrastructure Manager *BA*
DATE: April 19, 2016
SUBJECT: Microsoft Enterprise Agreement Renewal

RECOMMENDATION:

Staff recommends authorizing a contract with Microsoft for the renewal of an existing Enterprise Agreement in the amount of \$137,200 per year for a three-year term from Software House International (SHI) pursuant to the Arkansas State Procurement Contract SP-09-0208 and approving a 10% contingency for additional licenses as needed.

BACKGROUND:

In 2013, the City entered into an Enterprise Agreement with Microsoft for Microsoft Office suite, Migration to Office 365 with Exchange Online, and Microsoft operating system upgrades across the City.

DISCUSSION:

By renewing the Microsoft Enterprise Agreement (MSEA), the City will continue to see increased productivity and efficiency gains from utilizing standardized products for Microsoft software and operating systems. In addition, the MSEA simplifies software licensing, licensing inventory management, compliance, and allows staff to take advantage of the latest Microsoft product upgrades.. Furthermore, Office 365 provides web-enabled access to email, documents, contacts, and calendar on most devices including PCs, Macintosh Computers, iPhones, Android phones, and other smartphones providing for a mobile workforce.

BUDGET/STAFF IMPACT:

This software was approved in the 2016 Operating Budget divided among all divisions based on a per user/device model.

Office 365 Plan E3 - \$204/year/user
Exchange Only Plan 1 - \$36/year/user
Windows OS SA - \$42/year/device
Office Pro Plus SA - \$94/year/device

Office 365 Plan E1 - \$72/year/user
Windows OS - \$60/year/device
Office Pro Plus - \$180/year/device

Attachments:

Staff Review Form, Microsoft Agreement, Purchase Request

Enterprise Enrollment

State and Local

Enterprise Enrollment number
(Microsoft to complete)

89007897

Framework ID
(if applicable)Previous Enrollment number
(Reseller to complete)

7497915

This Enrollment must be attached to a signature form to be valid.

This Microsoft Enterprise Enrollment is entered into between the entities as identified in the signature form as of the effective date. Enrolled Affiliate represents and warrants it is the same Customer, or an Affiliate of the Customer, that entered into the Enterprise Agreement identified on the program signature form.

This Enrollment consists of: (1) these terms and conditions, (2) the terms of the Enterprise Agreement identified on the signature form, (3) the Product Selection Form, (4) any supplemental contact information form or Previous Agreement/Enrollment form that may be required, (5) any order submitted under this Enrollment. This Enrollment may only be entered into under a 2011 or later Enterprise Agreement. By entering into this Enrollment, Enrolled Affiliate agrees to be bound by the terms and conditions of the Enterprise Agreement.

All terms used but not defined are located at <http://www.microsoft.com/licensing/contracts>. In the event of any conflict the terms of this Agreement control.

Effective date. If Enrolled Affiliate is renewing Software Assurance or Subscription Licenses from one or more previous Enrollments or agreements, then the effective date will be the day after the first prior Enrollment or agreement expires or terminates. Otherwise, the effective date will be the date this Enrollment is accepted by Microsoft. Any reference to "anniversary date" refers to the anniversary of the effective date each year this Enrollment is in effect.

Term. The initial term of this Enrollment will expire on the last day of the month, 36 full calendar months from the effective date of the initial term. If the Enrollment is renewed, the renewal term will expire 36 full calendar months after the effective date of the renewal term. Any reference in this Enrollment to "day" will be a calendar day.

Terms and Conditions

1. Definitions.

Terms used but not defined in this Enrollment will have the definition in the Enterprise Agreement. The following definitions are used in this Enrollment:

"Additional Product" means any Product identified as such in the Product Terms and chosen by Enrolled Affiliate under this Enrollment.

"Community" means the community consisting of one or more of the following: (1) a Government, (2) an Enrolled Affiliate using eligible Government Community Cloud Services to provide solutions to a Government or a qualified member of the Community, or (3) a Customer with Customer Data that is subject to Government regulations for which Customer determines and Microsoft agrees that the use of Government Community Cloud Services is appropriate to meet Customer's regulatory requirements. Membership in the Community is ultimately at Microsoft's discretion, which may vary by Government Community Cloud Service.

"Enterprise Online Service" means any Online Service designated as an Enterprise Online Service in the Product Terms and chosen by Enrolled Affiliate under this Enrollment. Enterprise Online Services are treated as Online Services, except as noted.

"Enterprise Product" means any Desktop Platform Product that Microsoft designates as an Enterprise Product in the Product Terms and chosen by Enrolled Affiliate under this Enrollment. Enterprise Products must be licensed for all Qualified Devices and Qualified Users on an Enterprise-wide basis under this program.

"Expiration Date" means the date upon which the Enrollment expires.

"Federal Agency" means a bureau, office, agency, department or other entity of the United States Government.

"Government" means a Federal Agency, State/Local Entity, or Tribal Entity acting in its governmental capacity.

"Government Community Cloud Services" means Microsoft Online Services that are provisioned in Microsoft's multi-tenant data centers for exclusive use by or for the Community and offered in accordance with the National Institute of Standards and Technology (NIST) Special Publication 800-145. Microsoft Online Services that are Government Community Cloud Services are designated as such in the Use Rights and Product Terms.

"Industry Device" (also known as line of business device) means any device that: (1) is not useable in its deployed configuration as a general purpose personal computing device (such as a personal computer), a multi-function server, or a commercially viable substitute for one of these systems; and (2) only employs an industry or task-specific software program (e.g. a computer-aided design program used by an architect or a point of sale program) ("Industry Program"). The device may include features and functions derived from Microsoft software or third-party software. If the device performs desktop functions (such as email, word processing, spreadsheets, database, network or Internet browsing, or scheduling, or personal finance), then the desktop functions: (1) may only be used for the purpose of supporting the Industry Program functionality; and (2) must be technically integrated with the Industry Program or employ technically enforced policies or architecture to operate only when used with the Industry Program functionality.

"Managed Device" means any device on which any Affiliate in the Enterprise directly or indirectly controls one or more operating system environments. Examples of Managed Devices can be found in the Product Terms.

"Qualified Device" means any device that is used by or for the benefit of Enrolled Affiliate's Enterprise and is: (1) a personal desktop computer, portable computer, workstation, or similar device capable of running Windows Pro locally (in a physical or virtual operating system environment), or (2) a device used to access a virtual desktop infrastructure ("VDI"). Qualified Devices do not include any device that is: (1) designated as a server and not used as a personal computer, (2) an Industry Device, (3) not a Managed Device. At its option, the Enrolled Affiliate may designate any device excluded above (e.g., Industry Device) that is used by or for the benefit of the Enrolled Affiliate's Enterprise as a Qualified Device for all or a subset of Enterprise Products or Online Services the Enrolled Affiliate has selected.

"Qualified User" means a person (e.g., employee, consultant, contingent staff) who: (1) is a user of a Qualified Device, or (2) accesses any server software requiring an Enterprise Product Client Access License or any Enterprise Online Service. It does not include a person who accesses server software or an Online Service solely under a License identified in the Qualified User exemptions in the Product Terms.

"Reseller" means an entity authorized by Microsoft to resell Licenses under this program and engaged by an Enrolled Affiliate to provide pre- and post-transaction assistance related to this agreement;

"Reserved License" means for an Online Service identified as eligible for true-ups in the Product Terms, the License reserved by Enrolled Affiliate prior to use and for which Microsoft will make the Online Service available for activation.

"State/Local Entity" means (1) any agency of a state or local government in the United States, or (2) any United States county, borough, commonwealth, city, municipality, town, township, special purpose district,

or other similar type of governmental instrumentality established by the laws of Customer's state and located within Customer's state's jurisdiction and geographic boundaries.

"Tribal Entity" means a federally-recognized tribal entity performing tribal governmental functions and eligible for funding and services from the U.S. Department of Interior by virtue of its status as an Indian tribe.

"Use Rights" means, with respect to any licensing program, the use rights or terms of service for each Product and version published for that licensing program at the Volume Licensing Site. The Use Rights supersede the terms of any end user license agreement (on-screen or otherwise) that accompanies a Product. The Use Rights for Software are published by Microsoft in the Product Terms. The Use Rights for Online Services are published in the Online Services Terms.

"Volume Licensing Site" means <http://www.microsoft.com/licensing/contracts> or a successor site.

2. Order requirements.

- a. Minimum Order requirements.** Enrolled Affiliate's Enterprise must have a minimum of 250 Qualified Users or Qualified Devices. The initial order must include at least 250 Licenses for Enterprise Products or Enterprise Online Services.
 - (i) Enterprise Commitment.** Enrolled Affiliate must order enough Licenses to cover all Qualified Users or Qualified Devices, depending on the License Type, with one or more Enterprise Products or a mix of Enterprise Products and the corresponding Enterprise Online Services (as long as all Qualified Devices not covered by a License are only used by users covered with a user License).
 - (ii) Enterprise Online Services only.** If no Enterprise Product is ordered, , then Enrolled Affiliate need only maintain at least 250 Subscription Licenses for Enterprise Online Services.
- b. Additional Products.** Upon satisfying the minimum order requirements above, Enrolled Affiliate may order Additional Products and Services.
- c. Use Rights for Enterprise Products.** For Enterprise Products, if a new Product version has more restrictive use rights than the version that is current at the start of the applicable initial or renewal term of the Enrollment, those more restrictive use rights will not apply to Enrolled Affiliate's use of that Product during that term.
- d. Country of usage.** Enrolled Affiliate must specify the countries where Licenses will be used on its initial order and on any additional orders.
- e. Resellers.** Enrolled Affiliate must choose and maintain a Reseller authorized in the United States. Enrolled Affiliate will acquire its Licenses through its chosen Reseller. Orders must be submitted to the Reseller who will transmit the order to Microsoft. The Reseller and Enrolled Affiliate determine pricing and payment terms as between them, and Microsoft will invoice the Reseller based on those terms. Throughout this Agreement the term "price" refers to reference price. Resellers and other third parties do not have authority to bind or impose any obligation or liability on Microsoft.
- f. Adding Products.**
 - (i) Adding new Products not previously ordered.** New Enterprise Products or Enterprise Online Services may be added at any time by contacting a Microsoft Account Manager or Reseller. New Additional Products, other than Online Services, may be used if an order is placed in the month the Product is first used. For Additional Products that are Online Services, an initial order for the Online Service is required prior to use.
 - (ii) Adding Licenses for previously ordered Products.** Additional Licenses for previously ordered Products other than Online Services may be added at any time but must be included in the next true-up order. Additional Licenses for Online Services must be ordered

prior to use, unless the Online Services are (1) identified as eligible for true-up in the Product Terms or (2) included as part of other Licenses.

g. True-up requirements. Enrolled Affiliate must submit an annual true-up order that accounts for any changes since the initial order or last order. If there are no changes, then an update statement must be submitted instead of a true-up order.

(i) Enterprise Products. For Enterprise Products, Enrolled Affiliate must determine the number of Qualified Devices and Qualified Users (if ordering user-based Licenses) at the time the true-up order is placed and must order additional Licenses for all Qualified Devices and Qualified Users that are not already covered by existing Licenses, including any Enterprise Online Services.

(ii) Additional Products. For Additional Products that have been previously ordered under this Enrollment, Enrolled Affiliate must determine the maximum number of Additional Products used since the latter of the initial order, the last true-up order, or the prior anniversary date and submit a true-up order that accounts for any increase.

(iii) Online Services. For Online Services identified as eligible for true-up in the Product Terms, Enrolled Affiliate may reserve the additional Licenses prior to use and payment may be deferred until the next true-up order. Microsoft will provide a report of Reserved Licenses in excess of existing orders to Enrolled Affiliate and its Reseller. Reserved Licenses will be invoiced retroactively to the month in which they were reserved.

(iv) Subscription License reductions. Enrolled Affiliate may reduce the quantity of Subscription Licenses at the Enrollment anniversary date on a prospective basis if permitted in the Product Terms, as follows:

- 1)** For Subscription Licenses that are part of an Enterprise-wide purchase, Licenses may be reduced if the total quantity of Licenses and Software Assurance for an applicable group meets or exceeds the quantity of Qualified Devices and Qualified Users (if ordering user-based Licenses) identified on the Product Selection Form, and includes any additional Qualified Devices and Qualified Users added in any prior true-up orders. Step-up Licenses do not count towards this total count.
- 2)** For Enterprise Online Services that are not a part of an Enterprise-wide purchase, Licenses can be reduced as long as the initial order minimum requirements are maintained.
- 3)** For Additional Products available as Subscription Licenses, Enrolled Affiliate may reduce the Licenses. If the License count is reduced to zero, then Enrolled Affiliate's use of the applicable Subscription License will be cancelled.

Invoices will be adjusted to reflect any reductions in Subscription Licenses at the true-up order Enrollment anniversary date and effective as of such date.

(v) Update statement. An update statement must be submitted instead of a true-up order if, since the initial order or last true-up order, Enrolled Affiliate's Enterprise: (1) has not changed the number of Qualified Devices and Qualified Users licensed with Enterprise Products or Enterprise Online Services; and (2) has not increased its usage of Additional Products. This update statement must be signed by Enrolled Affiliate's authorized representative.

(vi) True-up order period. The true-up order or update statement must be received by Microsoft between 60 and 30 days prior to each Enrollment anniversary date. The third-year true-up order or update statement is due within 30 days prior to the Expiration Date, and any license reservations within this 30 day period will not be accepted. Enrolled Affiliate may submit true-up orders more often to account for increases in Product usage, but an annual true-up order or update statement must still be submitted during the annual order period.

- (vii) **Late true-up order.** If the true-up order or update statement is not received when due:
- 1) Microsoft will invoice Reseller for all Reserved Licenses not previously ordered and
 - 2) Subscription License reductions cannot be reported until the following Enrollment anniversary date (or at Enrollment renewal, as applicable).
- h. **Step-up Licenses.** For Licenses eligible for a step-up under this Enrollment, Enrolled Affiliate may step-up to a higher edition or suite as follows:
- (i) For step-up Licenses included on an initial order, Enrolled Affiliate may order according to the true-up process.
 - (ii) If step-up Licenses are not included on an initial order, Enrolled Affiliate may step-up initially by following the process described in the Section titled "Adding new Products not previously ordered," then for additional step-up Licenses, by following the true-up order process.
- i. **Clerical errors.** Microsoft may correct clerical errors in this Enrollment, and any documents submitted with or under this Enrollment, by providing notice by email and a reasonable opportunity for Enrolled Affiliate to object to the correction. Clerical errors include minor mistakes, unintentional additions and omissions. This provision does not apply to material terms, such as the identity, quantity or price of a Product ordered.
- j. **Verifying compliance.** Microsoft may, in its discretion and at its expense, verify compliance with this Enrollment as set forth in the Enterprise Agreement.

3. Pricing.

- a. **Price Levels.** For both the initial and any renewal term Enrolled Affiliate's Price Level for all Products ordered under this Enrollment will be Level "D" throughout the term of the Enrollment.
- b. **Setting Prices.** Enrolled Affiliate's prices for each Product or Service will be established by its Reseller. As long as Enrolled Affiliate continues to qualify for the same price level, Microsoft's prices for Resellers for each Product or Service will be fixed throughout the applicable initial or renewal Enrollment term. Price levels and Microsoft's prices to Resellers are reestablished at the beginning of the renewal term. However, if Enrolled Affiliate qualifies for a different price level during the applicable initial or renewal term, Microsoft may at its discretion establish a new price level for future new orders either upon Enrolled Affiliate's request or on its own initiative. Any changes will be based upon price level rules in the Product Selection Form.

4. Payment terms.

For the initial or renewal order, Enrolled Affiliate may pay upfront or elect to spread its payments over the applicable Enrollment term. If an upfront payment is elected, Microsoft will invoice Enrolled Affiliate's Reseller in full upon acceptance of this Enrollment. If spread payments are elected, unless indicated otherwise, Microsoft will invoice Enrolled Affiliate's Reseller in three equal annual installments. The first installment will be invoiced upon Microsoft's acceptance of this Enrollment and on each Enrollment anniversary date. Subsequent orders are invoiced upon acceptance of the order and Enrolled Affiliate may elect to pay annually or upfront for Online Services and upfront for all other Licenses.

5. End of Enrollment term and termination.

- a. **General.** At the Expiration Date, Enrolled Affiliate must immediately order and pay for Licenses for Products it has used but has not previously submitted an order, except as otherwise provided in this Enrollment.
- b. **Renewal Option.** At the Expiration Date of the initial term, Enrolled Affiliate can renew Products by renewing the Enrollment for one additional 36 full calendar month term or signing

a new Enrollment. Microsoft must receive a Renewal Form, Product Selection Form, and renewal order prior to or at the Expiration Date. The renewal term will start on the day following the Expiration Date. Microsoft will not unreasonably reject any renewal. Microsoft may make changes to this program that will make it necessary for Customer and its Enrolled Affiliates to enter into new agreements and Enrollments at renewal.

c. If Enrolled Affiliate elects not to renew.

(i) Software Assurance. If Enrolled Affiliate elects not to renew Software Assurance for any Product under its Enrollment, then Enrolled Affiliate will not be permitted to order Software Assurance later without first acquiring a new License with Software Assurance.

(ii) Online Services eligible for an Extended Term. For Online Services identified as eligible for an Extended Term in the Product Terms, the following options are available at the end of the Enrollment initial or renewal term.

1) Extended Term. Licenses for Online Services will automatically expire in accordance with the terms of the Enrollment. An extended term feature that allows Online Services to continue month-to-month ("Extended Term") is available. During the Extended Term, Online Services will be invoiced monthly at the then-current published price for Enrolled Affiliate's price level as of the Expiration Date plus a 3% administrative fee for up to one year. If Enrolled Affiliate does want an Extended Term, Reseller must submit a request to Microsoft. Microsoft must receive the request not less than 30 days prior to the Expiration Date.

2) Cancellation during Extended Term. If Enrolled Affiliate has opted for the Extended Term and later determines not to continue with the Extended Term, Reseller must submit a notice of cancellation for each Online Service. Cancellation will be effective at the end of the month following 30 days after Microsoft has received the notice.

(iii) Subscription Licenses and Online Services not eligible for an Extended Term. If Enrolled Affiliate elects not to renew, the Licenses will be cancelled and will terminate as of the Expiration Date. Any associated media must be uninstalled and destroyed and Enrolled Affiliate's Enterprise must discontinue use. Microsoft may request written certification to verify compliance.

d. Termination for cause. Any termination for cause of this Enrollment will be subject to the "Termination for cause" section of the Agreement. In addition, it shall be a breach of this Enrollment if Enrolled Affiliate or any Affiliate in the Enterprise that uses Government Community Cloud Services fails to meet and maintain the conditions of membership in the definition of Community.

e. Early termination. Any Early termination of this Enrollment will be subject to the "Early Termination" Section of the Enterprise Agreement.

For Subscription Licenses, in the event of a breach by Microsoft, or if Microsoft terminates an Online Service for regulatory reasons, Microsoft will issue Reseller a credit for any amount paid in advance for the period after termination.

6. Government Community Cloud.

a. Community requirements. If Enrolled Affiliate purchases Government Community Cloud Services, Enrolled Affiliate certifies that it is a member of the Community and agrees to use Government Community Cloud Services solely in its capacity as a member of the Community and, for eligible Government Community Cloud Services, for the benefit of end users that are members of the Community. Use of Government Community Cloud Services by an entity that is not a member of the Community or to provide services to non-Community members is strictly prohibited and could result in termination of Enrolled Affiliate's license(s) for Government Community Cloud Services without notice. Enrolled Affiliate acknowledges that only Community

members may use Government Community Cloud Services.

- b.** All terms and conditions applicable to non-Government Community Cloud Services also apply to their corresponding Government Community Cloud Services, except as otherwise noted in the Use Rights, Product Terms, and this Enrollment.
- c.** Enrolled Affiliate may not deploy or use Government Community Cloud Services and corresponding non-Government Community Cloud Services in the same domain.
- d. Use Rights for Government Community Cloud Services.** For Government Community Cloud Services, notwithstanding anything to the contrary in the Use Rights:
 - (i)** Government Community Cloud Services will be offered only within the United States.
 - (ii)** Additional European Terms, as set forth in the Use Rights, will not apply.
 - (iii)** References to geographic areas in the Use Rights with respect to the location of Customer Data at rest, as set forth in the Use Rights, refer only to the United States.

Enrollment Details

1. Enrolled Affiliate's Enterprise.

- a. Identify which Agency Affiliates are included in the Enterprise. (Required) Enrolled Affiliate's Enterprise must consist of entire offices, bureaus, agencies, departments or other entities of Enrolled Affiliate, not partial offices, bureaus, agencies, or departments, or other partial entities. Check only one box in this section. If no boxes are checked, Microsoft will deem the Enterprise to include the Enrolled Affiliate only. If more than one box is checked, Microsoft will deem the Enterprise to include the largest number of Affiliates:

☒ Enrolled Affiliate only

☐ Enrolled Affiliate and all Affiliates

☐ Enrolled Affiliate and the following Affiliate(s) (Only identify specific affiliates to be included if fewer than all Affiliates are to be included in the Enterprise):

☐ Enrolled Affiliate and all Affiliates, with following Affiliate(s) excluded:

- b. Please indicate whether the Enrolled Affiliate's Enterprise will include all new Affiliates acquired after the start of this Enrollment: Exclude future Affiliates

2. Contact information.

Each party will notify the other in writing if any of the information in the following contact information page(s) changes. The asterisks (*) indicate required fields. By providing contact information, Enrolled Affiliate consents to its use for purposes of administering this Enrollment by Microsoft, its Affiliates, and other parties that help administer this Enrollment. The personal information provided in connection with this Enrollment will be used and protected in accordance with the privacy statement available at <https://www.microsoft.com/licensing/servicecenter>.

- a. **Primary contact.** This contact is the primary contact for the Enrollment from within Enrolled Affiliate's Enterprise. This contact is also an Online Administrator for the Volume Licensing Service Center and may grant online access to others. The primary contact will be the default contact for all purposes unless separate contacts are identified for specific purposes

Name of entity (must be legal entity name)* City of Fayetteville

Contact name* First Brad **Last** Fulmer

Contact email address* bfulmer@ci.fayetteville.ar.us

Street address* 113 W. Mountain St

City* Fayetteville

State/Province* AR

Postal code* 72701-6069-

(For U.S. addresses, please provide the zip + 4, e.g. xxxxx-xxxx)

Country* United States

Phone* 479-575-8217

Tax ID

** indicates required fields*

- b. **Notices contact and Online Administrator.** This contact (1) receives the contractual notices, (2) is the Online Administrator for the Volume Licensing Service Center and may grant online access to others, and (3) is authorized for applicable Online Services to add or reassign Licenses and step-up prior to a true-up order.

☒ Same as primary contact (default if no information is provided below, even if the box is not checked).

Contact name* First Brad Last Fulmer
Contact email address* bfulmer@ci.fayetteville.ar.us
Street address* 113 W. Mountain St
City* Fayetteville
State/Province* AR
Postal code* 72701-6069 -
(For U.S. addresses, please provide the zip + 4, e.g. xxxxx-xxxx)
Country* United States
Phone* 479-575-8217

Language preference. Choose the language for notices. English

☐ This contact is a third party (not the Enrolled Affiliate). Warning: This contact receives personally identifiable information of the Customer and its Affiliates.

** indicates required fields*

- c. **Online Services Manager.** This contact is authorized to manage the Online Services ordered under the Enrollment and (for applicable Online Services) to add or reassign Licenses and step-up prior to a true-up order.

☐ Same as notices contact and Online Administrator (default if no information is provided below, even if box is not checked)

Contact name*: First Brad Last Fulmer
Contact email address* bfulmer@ci.fayetteville.ar.us
Phone* 479-575-8217

☐ This contact is from a third party organization (not the entity). Warning: This contact receives personally identifiable information of the entity.

** indicates required fields*

- d. **Reseller information.** Reseller contact for this Enrollment is:

Reseller company name* SHI International Corp.
Street address (PO boxes will not be accepted)* 290 Davidson Ave
City* Somerset
State/Province* NJ
Postal code* 08873
Country* United States
Contact name* Nicole Bonante
Phone* 888-764-8888
Contact email address* msteam@shi.com

** indicates required fields*

By signing below, the Reseller identified above confirms that all information provided in this Enrollment is correct.

Signature* _____ Printed name* Printed title* Date*
--

** indicates required fields*

Changing a Reseller. If Microsoft or the Reseller chooses to discontinue doing business with each other, Enrolled Affiliate must choose a replacement Reseller. If Enrolled Affiliate or the Reseller intends to terminate their relationship, the initiating party must notify Microsoft and the

other party using a form provided by Microsoft at least 90 days prior to the date on which the change is to take effect.

- e. If Enrolled Affiliate requires a separate contact for any of the following, attach the Supplemental Contact Information form. *Otherwise, the notices contact and Online Administrator remains the default.*

- (i) Additional notices contact
- (ii) Software Assurance manager
- (iii) Subscriptions manager
- (iv) Customer Support Manager (CSM) contact

3. *Financing elections.*

Is a purchase under this Enrollment being financed through MS Financing? ☐ Yes, ☒ No.

If a purchase under this Enrollment is financed through MS Financing, and Enrolled Affiliate chooses not to finance any associated taxes, it must pay these taxes directly to Microsoft.

Supplemental Contact Information Form State and Local

This form can be used in combination with Agreement and Enrollment/Registration. However, a separate form must be submitted for each Enrollment/Registration, when more than one is submitted on a signature form. For the purposes of this form, "Entity" can mean the signing Entity, Customer, Enrolled Affiliate, Government Partner, Institution, or other party entering into a Volume Licensing program agreement. Primary and Notices contacts in this form will not apply to Enrollments or Registrations.

This form applies to: ☒ Enrollment/Affiliate Registration Form

Insert primary entity name if more than one Enrollment/Registration Form is submitted

Contact information.

Each party will notify the other in writing if any of the information in the following contact information page(s) changes. The asterisks (*) indicate required fields; if the Entity chooses to designate other contact types, the same required fields must be completed for each section. By providing contact information, entity consents to its use for purposes of administering the Enrollment by Microsoft and other parties that help Microsoft administer this Enrollment. The personal information provided in connection with this agreement will be used and protected according to the privacy statement available at <https://licensing.microsoft.com>.

1. Additional notices contact.

This contact receives all notices that are sent from Microsoft. No online access is granted to this individual.

Name of Entity*

Contact name*: First Last

Contact email*

Street address*

City* State* Postal code*

Country*

Phone* Fax

This contact is a third party (not the Entity). Warning: This contact receives personally identifiable information of the Entity.

2. Software Assurance manager.

This contact will receive online permissions to manage the Software Assurance benefits under the Enrollment or Registration.

Name of Entity*

Contact name*: First Last

Contact email*

Street address*

City* State* Postal code*

Country*

Phone* Fax

This contact is a third party (not the Entity). Warning: This contact receives personally identifiable information of the Entity.

3. *Subscriptions manager.*

This contact will assign MSDN, Expression, and TechNet Plus subscription licenses to the individual subscribers under this Enrollment or Registration. Assignment of the subscription licenses is necessary for access to any of the online benefits, such as subscription downloads. This contact will also manage any complimentary or additional media purchases related to these subscriptions.

Name of Entity*

Contact name*: First Last

Contact email*

Street address*

City* State* Postal code*

Country*

Phone* Fax

This contact is a third party (not the Entity). Warning: This contact receives personally identifiable information of the Entity.

4. *Online Services manager.*

This contact will be provided online permissions to manage the Online Services ordered under the Enrollment or Registration.

Name of Entity* City of Fayetteville

Contact name*: First Brad Last Fulmer

Contact email* bfulmer@ci.fayetteville.ar.us

Street address* 113 W. Mountain St

City* Fayetteville **State*** AR **Postal code*** 72701-6069

Country* United States

Phone* 479-575-8217 **Fax**

☐ This contact is a third party (not the Entity). Warning: This contact receives personally identifiable information of the Entity.

5. *Customer Support Manager (CSM):*

This person is designated as the Customer Support Manager (CSM) for support-related activities.

Name of Entity*

Contact name*: First Last

Contact email*

Street address*

City* State* Postal code*

Country*

Phone* Fax

This contact is a third party (not the Entity). Warning: This contact receives personally identifiable information of the Entity.

6. *Primary contact information:*

An individual from inside the organization must serve as the primary contact. This contact receives online administrator permissions and may grant online access to others. This contact also receives all notices unless Microsoft is provided written notice of a change.

Name of Entity* City of Fayetteville

Contact name*: First Brad Last Fulmer

Contact email* bfulmer@ci.fayetteville.ar.us

Street address* 113 W. Mountain St

City* Fayetteville **State*** AR **Postal code*** 72701-6069

Country*: United States
Phone* 479-575-8217 **Fax**

7. *Notices contact and online administrator information:*

This individual receives online administrator permissions and may grant online access to others. This contact also receives all notices.

☒ Same as primary contact

Name of Entity* City of Fayetteville

Contact name*: **First** Brad **Last** Fulmer

Contact email* bfulmer@ci.fayetteville.ar.us

Street address* 113 W. Mountain St

City* Fayetteville **State*** AR **Postal code*** 72701-6069

Country*: United States

Phone* 479-575-8217 **Fax**

☐ This contact is a third party (not the Entity). Warning: This contact receives personally identifiable information of the Entity.

Previous Enrollment(s)/Agreement(s) Form

Entity Name: City of Fayetteville

Contract that this form is attached to: State Local Government

For the purposes of this form, "entity" can mean the signing entity, Customer, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

Please provide a description of the previous Enrollment(s), Agreement(s) and/or Affiliate Registration(s) being renewed or consolidated into the new contract identified above.

- a. Entity may select below any previous contract(s) from which to transfer MSDN subscribers to this new contract. Entity shall ensure that each MSDN subscriber transferred is either properly licensed under the new contract or is removed.
- b. Entity may select below only one previous contract from which to transfer the Software Assurance (SA) Benefit contact details, i.e., benefits contact (*not* the SA manager) and the program codes, to this new contract.
- c. An Open License cannot be used to transfer either the SA Benefit details or MSDN subscribers.
- d. The date of the earliest expiring Enrollment/Agreement that contains SA or Online Services will be the effective date of the new contract (or SA coverage period for Select Plus).
- e. Please insert the number of the earliest expiring Enrollment/Agreement with SA or Online Services in the appropriate fields of the new contract.

Enrollment/Agreement/Affiliate Registration Description	Enrollment/Agreement/Affiliate Registration Public Customer Number	Transfer SA Benefit Contact	Transfer MSDN Subscribers
Standard Enrollment	7497915	X	X

Proposal ID

0459056.002

Enrollment Number

Language: English (United States)

Enrolled Affiliate's Enterprise Products and Enterprise Online Services summary for the initial order:

Profile	Qualified Devices	Qualified Users	Device / User Ratio	Enterprise Product Platform	CAL Licensing Model
Enterprise	500	600	0.8	No	User Licenses

Products	Enterprise Quantity
Office Professional Plus	
Office Professional Plus	100
Office 365 Plans	
Office 365 Plan E1 USL	200
Office 365 Plan E3 USL	400
Windows Desktop	
Windows Enterprise OS Upgrade	500

Enrolled Affiliate's Product Quantities:

Price Group	1	2	3	4
Enterprise Products	Office Professional Plus + Office 365 ProPlus + Office 365 (Plans E3, E4 and E5) + Enterprise Cloud Suite USL	Client Access License + Office 365 (Plans E1, E3, E4 and E5) + Enterprise Cloud Suite USL	Client Access License + Windows Intune + EMS USL + Enterprise Cloud Suite USL	Win Enterprise Upgrade + Win VDA + Win SA per User USL + Win VDA per User USL + Enterprise Cloud Suite USL
Quantity	500	600	0	500

Enrolled Affiliate's Price Level:

Product Offering / Pool	Price Level
Enterprise Products and Enterprise Online Services USLs: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Groups 1 through 4.	D
Additional Product Application Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 1.	D
Additional Product Server Pool: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Group 2 or 3.	D
Additional Product Systems Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 4.	D

NOTES

Unless otherwise indicated in the associated contract documents, the price level for each Product offering / pool is set as described above, based upon the quantity to price level mapping below:

Quantity of Licenses and Software Assurance	Price Level
2,399 and below	A
2,400 to 5,999	B
6,000 to 14,999	C
15,000 and above	D

Note 1: Enterprise Online Services may not be available in all locations. Please see the Product List for a list of locations where these may be purchased.

Note 2: Enrolled Affiliate acknowledges that in order to use a third party to reimage the Windows Operating System Upgrade, Enrolled Affiliate must certify that it has acquired qualifying operating system licenses. The requirement applies to Windows Enterprise OS Upgrade. See the Product List for details.

Note 3: Enrolled Affiliate acknowledges that in order to use a third party to reimage the Windows Operating System Upgrade, Enrolled Affiliate must certify that it has acquired qualifying operating system licenses. See the Product List for details.

Note 4: If Enrolled Affiliate does not order an Enterprise Product or Enterprise Online Service associated with an applicable Product pool, the price level for Additional Products in the same pool will be price level "A" throughout the term of the Enrollment. Refer to the Qualifying Government Entity Addendum pricing provision for more details on price leveling.

Amendment to Contract Documents

Enterprise Enrollment (Indirect)

Invoice for Quoted Price

Amendment ID M97

Enrollment Number
Microsoft to complete for initial term
Partner to complete for renewal

000-frmulkey-s-396

This amendment ("Amendment") is entered into between the parties identified on the attached program signature form. It amends the Enrollment or Agreement identified above. All terms used but not defined in this Amendment will have the same meanings provided in that Enrollment or Agreement.

Notwithstanding anything to the contrary or in addition to any terms in the Enrollment, the Enrollment is hereby amended to add the following paragraph:

The price quoted to Enrolled Affiliate's Reseller is a fixed price based on an estimated order submission date. Microsoft will invoice Enrolled Affiliate's Reseller based on this fixed price quote. If this order is submitted later than the estimated order submission date, Enrolled Affiliate's Reseller will be charged for net new Monthly Subscriptions (including Online Services) for the period during which these services were not provided. Pricing to Enrolled Affiliate is agreed between Enrolled Affiliate and Enrolled Affiliate's Reseller.

Except for changes made by this Amendment, the Enrollment or Agreement identified above remains unchanged and in full force and effect. If there is any conflict between any provision in this Amendment and any provision in the Enrollment or Agreement identified above, this Amendment shall control.

This Amendment must be attached to a signature form to be valid.

Microsoft Internal Use Only:

EnrAmend(Ind)(InvoiceforQuotedPrice)(WW)(ENG)(Apr2016)		M97	B
--	--	-----	---

Program Signature Form

MBA/MBSA number

Agreement number

01E73381

000-frmulkey-s-396

Note: Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

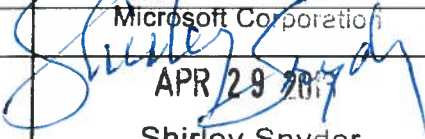
This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Number or Code
Enterprise Enrollment (Indirect)	X20-12057
Enterprise Amendment	M97 (NEW)
Product Selection Form	0459056.002_PSF

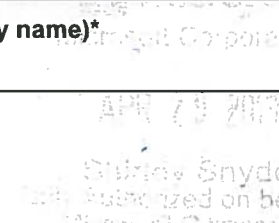
By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer
Name of Entity (must be legal entity name)* City of Fayetteville
Signature* _____
Printed First and Last Name*
Printed Title
Signature Date*
Tax ID

* indicates required field

Microsoft Affiliate	
Signature _____	  Microsoft Corporation APR 29 2017 Shirley Snyder Duly Authorized on behalf of Microsoft Corporation
Printed First and Last Name _____	
Printed Title _____	
Signature Date _____ (date Microsoft Affiliate countersigns)	
Agreement Effective Date (may be different than Microsoft's signature date)	

Optional 2nd Customer signature or Outsourcer signature (if applicable)

Customer	
Name of Entity (must be legal entity name)* _____	
Signature* _____	 APR 29 2017 Shirley Snyder Duly Authorized on behalf of Microsoft Corporation
Printed First and Last Name* _____	
Printed Title _____	
Signature Date* _____	

* indicates required field

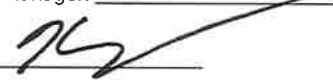
Outsourcer	
Name of Entity (must be legal entity name)* _____	
Signature* _____	 APR 29 2017 Shirley Snyder Duly Authorized on behalf of Microsoft Corporation
Printed First and Last Name* _____	
Printed Title _____	
Signature Date* _____	

* indicates required field

If Customer requires physical media, additional contacts, or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

Microsoft Corporation
 Dept. 551, Volume Licensing
 6100 Neil Road, Suite 210
 Reno, Nevada 89511-1137
 USA

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.							Requisition No.:		Date: 4/29/2016	
							P.O Number:			
Vendor #: 13925			Vendor Name: SHI International Corp				Mail ☐ YES ☐ NO		Legistar#: 2016-0236 Expected Delivery Date:	
Address: PO Box 952121						FOB Point:		Taxable ☐ YES ☒ NO		
City: Dallas			State: TX		Zip Code: 75395		Ship to code:		Quotes Attached ☐ YES ☐ NO	
Requester: Brad Fulmer						Requester's Employee #: 2273		Extension: 8217		
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Microsoft Office Pro Plus - SA	100		94.00	\$9,400.00	1010.0500				
2	Windows Enterprise - SA	500		42.00	\$21,000.00	1010.0500				
3	Microsoft Office 365 Plan E1	225		72.00	\$16,200.00	1010.0500				
4	Microsoft Office 365 Plan E3	400		204.00	\$81,600.00	1010.0500				
5	Exchange Online Plan 1	250		36.00	\$9,000.00	1010.0500				
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:							Subtotal: \$137,200.00			
							Tax: \$0.00			
							Total: \$137,200.00			
Approvals:										
Mayor: _____			Department Director: _____			Purchasing Manager: _____				
Chief Financial Officer: _____			Budget Director: _____			IT Director: 				
Dispatch Manager: _____			Utilities Manager: _____			Other: _____				

Hi Brad,

Microsoft just emailed us and said they can extend into May.

Please see below for your requested quote. If you have any questions or concerns, please feel free to contact me.
Please send all PO's to MOKA@shi.com.

Thanks,
Chris Oliva



Pricing Proposal

Quotation #:	11171316
Description:	Microsoft EA Estimate (City of Fayetteville - EA# 7497915)(3)
Reference #:	EA# 7497915
Created On:	Mar-07-2016
Valid Until:	Aug-17-2016

City of Fayetteville AR

Brad Fulmer
113 West Mountain St
Fayetteville, AR 72701
United States
Phone: (479) 575-8217
Fax:
Email: BFULMER@CI.FAYETTEVILLE.AR.US

Inside Account Manager

Chris Oliva
290 Davidson Ave
Somerset, NJ 08873
Phone: 888-394-5232
Fax: 888-394-5322
Email: Chris_Oliva@shi.com

All Prices are in US Dollar(USD)

Product	Qty	Your Price	Total
1 Microsoft Office Professional Plus - Software assurance - 1 PC - academic - Enterprise, Select, Select Plus - Win - All Languages Microsoft - Part#: 269-05704 Note: Annual Pricing	100	\$94.00	\$9,400.00
2 Windows Enterprise - Software assurance - 1 license - Enterprise Microsoft - Part#: KV3-00368 Note: Annual Pricing	500	\$42.00	\$21,000.00
3 Off365PE1 ShrdSvr ALNG SubsVL MVL PerUsr Microsoft - Part#: T6A-00024 Note: Annual Pricing	225	\$72.00	\$16,200.00
4 Microsoft Office 365 (Plan E3) - Subscription license - 1 user - hosted - EA Subscription - All Languages Microsoft - Part#: AAA-10842 Note: Annual Pricing	400	\$204.00	\$81,600.00
5 ExchgOnlnPlan1 ShrdSvr ALNG SubsVL MVL PerUsr Microsoft - Part#: TRA-00047 Note: Annual Cost	250	\$36.00	\$9,000.00
Total			\$137,200.00

Additional Comments

Arkansas State Contract# SP-09-0208

Retrieve your quote:

The Products offered under this proposal are subject to the [SHI Return Policy](#), unless there is an existing agreement between SHI and the Customer.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0196

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

ANIMAL SERVICES DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$81,602.00 REPRESENTING DONATION REVENUE TO ANIMAL SERVICES FOR THE FIRST QUARTER OF 2016

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 to this Resolution, in the amount of \$81,602.00 representing donation revenue to Animal Services for the first quarter of 2016.

City of Fayetteville Staff Review Form

2016-0196

Legistar File ID

5/17/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Justine Lentz

4/12/2016

Animal Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve a budget adjustment in the amount of \$81,602 representing donation revenue to animal services received during the first quarter of 2016.

Budget Impact:

see attached detail

General fund

Account Number

Fund

33048-1 and 33049-1

Animal Services Misc. Donations

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 81,602.00

Remaining Budget \$ 81,602.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Staff recommends approval of a budget adjustment in the amount of \$81,602.00



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 17, 2016

TO: Mayor and City Council

THRU: Yolanda Fields, Director of Community Resources
Jeremy Pate, Director of Development Services

FROM: Justine Lentz, Animal Services Superintendent

DATE: 4/12/16

SUBJECT: Approval of Budget Adjustment for Animal Services Program

RECOMMENDATION:

A resolution to approve a budget adjustment in the amount of \$81,602 representing donation revenue to animal services received during the first quarter of 2016.

BACKGROUND:

Animal Services would like to recognize donation revenue from citizens and businesses made during the first quarter of 2016. These funds are donated by citizens and organizations to benefit the animals cared for by the Animal Services program.

DISCUSSION:

A large portion of the donation revenue, over \$70,000, was from Lib Horn's estate. The shelter building was designated in her honor last year after her passing. Shelter staff has planned many improvements to happen over the course of this year thanks to her large bequest. An open house in her honor will be held later in the year after the completion of the projects.

BUDGET/STAFF IMPACT:

Recognize animal shelter donations in the amount of \$81,602

Attachments:

Budget adjustment

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

Budget Year	Division: Animal Services	Adjustment Number
2016	Dept.: Development Services	
	Requestor: Justine Lentz	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Allocating donation revenue from the first quarter of 2016.

RESOLUTION/ORDINANCE	COUNCIL DATE:	5/17/2016
	LEGISTAR FILE ID#:	2016-0196
	<i>Barbara Fell</i>	
	4/13/2016 9:14 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		81,602	81,602				v.20160125
	<u>Increase / (Decrease)</u>		<u>Project.Sub#</u>				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
1010.0001.4808.00	-	81,113	33048	1	RE	Donations - Animal Shelter	
1010.2740.5400.00	80,000		33048	1	EX	Building & Grounds Maintenance	
1010.2740.5210.00	1,113	-	33048	1	EX	Minor Equipment	
1010.0001.4808.01	-	489	33049	1	RE	Donations - Animal Shelter Spay/Neuter	
1010.2740.5200.03	489	-	33049	1	EX	Veterinary Supplies	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0212

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

ALLIANCE PUMP & MECHANICAL, INC.:

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE CONTRACT WITH ALLIANCE PUMP & MECHANICAL, INC. IN THE AMOUNT OF \$43,521.00 PLUS APPLICABLE TAXES FOR ADDITIONAL REPAIR SERVICES REQUIRED TO REBUILD SEVEN (7) GEARBOXES AT THE NOLAND WASTEWATER TREATMENT PLANT

WHEREAS, on October 6, 2015, the City Council passed Resolution No. 174-15, authorizing a contract with Alliance Pump & Mechanical, Inc. to rebuild seven gearboxes at the Noland Wastewater Treatment Plant; and

WHEREAS, after the gearboxes were delivered to and disassembled by Alliance for further inspection, additional issues were identified requiring more repairs than first estimated, though the total cost of the rebuilds will still be significantly less than purchasing new gearboxes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a change order, a copy of which is attached to this Resolution, to the contract with Alliance Pump & Mechanical, Inc. in the amount of \$43,521.00 plus applicable taxes for additional repair services required to rebuild seven (7) gearboxes at the Noland Wastewater Treatment Plant.

City of Fayetteville Staff Review Form

2016-0212

Legistar File ID

5/17/2016

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

Billy Ammons

4/6/2016

Wastewater Treatment Plant /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Fayetteville City Administration recommends approval of a change order for an additional \$43,521.00 plus applicable taxes with Alliance Pump & Mechanical Inc. for additional repairs needed to the seven (7) gearboxes currently being rebuilt for the Noland WWTP. Resolution 174-15 awarded Alliance Pump & Mechanical Inc. Bid 15-48 for \$78,950.00 plus applicable taxes to rebuild the gearboxes and a contract/PO was created in late 2015 for the rebuilds; the units have been disassembled and upon inspection additional repairs are needed. Funds for the additional repair needs are available within the Wastewater Treatment Plant CIP – Plant Pumps and

Budget Impact:

5400.5800.5414.00

Water/Sewer

Account Number

Fund

02069.1

Plant Pumps and Equipment - WWTP

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 659,981.00

Funds Obligated \$ 307,800.00

Current Balance \$ 352,181.00

Does item have a cost? Yes

Item Cost \$ 47,765.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 304,416.00

V20140710

Previous Ordinance or Resolution # 174-15

Original Contract Number: N/A

Approval Date:

Comments:

MEETING OF MAY 17, 2016

TO: Mayor and Fayetteville City Council

THRU: Don Marr, Chief of Staff
Water & Sewer Committee
Tim Nyander, Utilities Director

FROM: Billy Ammons, Wastewater Treatment

DATE: April 6, 2016

SUBJECT: Approval of a change order in the amount of \$43,521.00 with Alliance Pump & Mechanical Inc. for additional repair services needed for seven (7) gearboxes for the Noland WWTP.

RECOMMENDATION:

Fayetteville City Administration recommends approval of a change order for an additional \$43,521.00 plus applicable taxes with Alliance Pump & Mechanical Inc. for additional repairs needed to the seven (7) gearboxes currently being rebuilt for the Noland WWTP. Funds are available within the Wastewater Treatment Plant CIP – Plant Pumps and Equipment project.

BACKGROUND:

The Noland WWTP uses a biological nutrient removal system to treat the City's wastewater. Each of the two basins uses a series of six mixers and eight large mechanical aerators to provide the mixing and necessary oxygen for the microorganisms to treat the wastewater. The existing mixers and aerators are more than 25 years old and many are in need of repair. Even though they have exceeded their life expectancy, rebuilding the gearboxes is significantly more cost effective than replacing them with new units and generally provides a similar life expectancy.

DISCUSSION:

On 16 October, 2015, the City Council passed and approved Resolution 174-15 awarding Alliance Pump and Mechanical, Inc. Bid 15-48 to rebuild the seven (7) gearboxes in the amount of \$78,950.00. Since that time, the gearboxes were removed, delivered to Alliance Pump and Mechanical Inc., and disassembled for inspection. Upon inspection, additional items were found in need of repair. The additional repairs total \$43,521.00. With this change order, the total amount to rebuild and repair the gearboxes is \$122,471.00 plus applicable taxes. Even with the additional repairs needed, the cost is significantly less than purchasing new gearboxes.

BUDGET/STAFF IMPACT:

Funds are available in the Wastewater Treatment Plant CIP – Plant Pumps and Equipment project.

ATTACHMENTS:

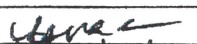
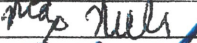
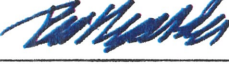
Staff Review Form
Change Order 1
Resolution 174-15

PROJECT DATA			
Project Name:	Gearbox Rebuild	Client:	City of Fayetteville, AR
Project No.:	15-48	Project Location:	Paul R. Noland WWTP
Report No:		Date:	4/19/2016

CONTRACT MODIFICATION DATA			
X Change Order		☐ Written Amendment	Modification No.:
To:	Alliance Pump & Mechanical Service, Inc.		
Project:	Gearbox Rebuilds	Project No.:	15-48
Owner:	City of Fayetteville, AR	Engineer:	CH2M

The following modification(s) to the Contractor are hereby ordered (use additional pages if required):	
Conduct additional repairs on seven (7) gearboxes in the amount of \$43,521	
Reason for Modification(s):	
Additional repairs were needed once the gearboxes were opened and inspected.	
Attachments (List Supporting Documents):	
Repair Costs from Alliance Pump & Mechanical Service, Inc.	

Contract Amount or Price		Contract Times (Calculate Days)	
Original	\$78,950	Original Duration	Days
Previous Contract Modification(s) (Add/Deduct)	\$0	Previous Contract Modification(s) (Add/Deduct)	Days
This Contract Modification (Add)	\$43,521	This Contract Modification (Add/Deduct)	Days
Revised Contract	\$122,471	Revised Contract Time	Days
Revised Contract Completion Date:			

SIGNATURE RECORD			
Heidi Lee - Alliance Pump		Date:	4/19/2016
Mayo Miller, CH2M		Date:	4/19/2016
Tim Nyander, Utilities Director		Date:	4/19/2016
Sondra E. Smith, City Clerk		Date:	
Lionel Jordon, Mayor		Date:	



627 South Cottage
Independence, MO 64050
(816) 833-8109
(816) 833-8035 fax
www.alliancepump.com

4/4/2016

City of Fayetteville

Additions/Change Order for Noland WWTP Gearbox Rebuild Project 15-48 **REVISED**

83Q5 – Unit A

- Repair/Rebuild Upper Support Bearing Housing
- Replace (2) Oil Seals (#115410PSP) \$12.50ea (Reduced to below cost) \$ 25.00
- Replace (2) Ball Bearings (#116683PSP) \$369.50ea (Reduced to below cost) \$ 739.00
- Replace (1) Oil Breather \$75.00ea \$ 75.00

Additional Labor: (9 Hours @ \$85.00/hr) \$ 765.00

UNIT A TOTAL: \$1,604.00

83Q5 – Unit B

- Repair/Rebuild Upper Support Bearing Housing
- Repair/Rebuild Upper Bearing Cage
- Repair/Rebuild Lower Bearing Housing
- Microfinish (2) Lip Seal Areas \$700.00ea \$1,400.00
- Replace (2) Adapter Sleeve (#138821STL) \$270.00ea \$ 540.00
- Replace (1) Bevel Gear & Pinion (#600983PSP) \$4,525.00ea \$4,525.00
- Replace (2) Oil Seals (#115410PSP) \$12.50ea (Reduced to below cost) \$ 25.00
- Replace (2) Ball Bearings (#116683PSP) \$369.50ea (Reduced to below cost) \$ 739.00
- Replace (1) Oil Breather \$75.00ea \$ 75.00

Additional Labor: (24 Hours @ \$85.00/hr) \$2,040.00

UNIT B TOTAL: \$9,344.00

83Q5 – Unit C

- Repair/Rebuild Upper Support Bearing Housing
- Repair/Rebuild Upper Bearing Cage
- Repair/Rebuild Lower Bearing Housing
- Repair/Rebuild Lower Bearing Cage
- Microfinish (2) Lip Seal Areas \$700.00ea \$1,400.00
- Replace (1) Tapered Adapter Sleeve (#113995STL) \$820.00ea \$ 820.00
- Replace (1) Locknut Washer \$72.00ea \$ 72.00
- Replace (2) Oil Seals (#115410PSP) \$12.50ea (Reduced to below cost) \$ 25.00
- Replace (2) Ball Bearings (#116683PSP) \$369.50ea (Reduced to below cost) \$ 739.00
- Replace (1) Oil Breather \$75.00ea \$ 75.00

Additional Labor: (17 Hours @ \$85.00/hr) \$1,445.00

UNIT C TOTAL: \$4,576.00

LAT130 – Unit A

- Repair/Rebuild Upper Output Shaft
- Repair/Rebuild Collar
- Repair/Rebuild Lower Output Shaft
- Repair/Rebuild Lower Sleeve
- Microfinish (6) (2 main fits, 1 pinion shaft fit, 1 shaft fit & 2 collet slvs) \$700.00ea \$4,200.00
- Replace (1) Oil Seal (#115329PSP) \$54.50ea (Reduced to below cost) \$ 54.50
- Replace (1) Ball Bearing (#117031PSP) \$422.50ea (Reduced to below cost) \$ 422.50
- Replace (1) Oil Breather (#121217PSP) \$75.00ea \$ 75.00

Additional Labor: (14 Hours @ \$85.00/hr) \$1,190.00

UNIT A TOTAL: \$5,942.00

LAT130 – Unit B

- Repair/Rebuild Upper Output Shaft
- Repair/Rebuild Collar
- Repair/Rebuild Lower Sleeve
- Microfinish (6) (2 main fits, 1 pinion shaft fit, 1 shaft fit & 2 collet slvs) \$700.00ea \$4,200.00
- Replace (1) Oil Seal (#115329PSP) \$54.50ea (Reduced to below cost) \$ 54.50
- Replace (1) Ball Bearing (#115329PSP) \$422.50ea (Reduced to below cost) \$ 422.50
- Replace (1) Oil Breather (#121217PSP) \$75.00ea \$ 75.00

Additional Labor: (12 Hours @ \$85.00/hr) \$1,020.00

UNIT B TOTAL: \$5,772.00

LAT160 – Unit C

- Repair/Rebuild Upper Output Shaft
- Repair/Rebuild Collar
- Repair/Rebuild Lower Output Shaft
- Repair/Rebuild High Speed Pinion
- Repair/Rebuild Upper Sleeve
- Repair/Rebuild Lower Sleeve
- Repair/Rebuild Fixed Bearing Housing
- Repair/Rebuild Floating Bearing Housing
- Microfinish (6) (2 main fits, 1 pinion shaft fit, 1 shaft fit & 2 collet slvs) \$700.00ea \$4,200.00
- Replace (1) Flexible Coupling Grid (#202299PSP) \$ 600.00
- Replace (1) Double Row Taper Bearing Cup \$ 940.00
- Replace (1) Oil Seal (#115405PSP) \$58.50ea (Reduced to below cost) \$ 58.50
- Replace (1) Ball Bearing (#117035PSP) \$910.50ea (Reduced to below cost) \$ 910.50
- Replace (1) Oil Breather (#121217PSP) \$75.00ea \$ 75.00

Additional Labor: (22 Hours @ \$85.00/hr) \$1,870.00

UNIT C TOTAL: \$8,654.00

LAT160 – Unit D

- Repair/Rebuild Upper Output Shaft
- Repair/Rebuild Collar
- Repair/Rebuild Lower Output Shaft
- Repair/Rebuild High Speed Pinion
- Repair/Rebuild Upper Sleeve
- Repair/Rebuild Lower Sleeve
- Repair/Rebuild Fixed Bearing Housing
- Repair/Rebuild Floating Bearing Housing
- Microfinish (6) (2 main fits, 1 pinion shaft fit, 1 shaft fit & 2 collet slvs) \$700.00ea \$4,200.00
- Replace (1) Double Row Taper Bearing Cup \$ 940.00
- Replace (1) Oil Seal (#115405PSP) \$58.50ea (Reduced to below cost) \$ 58.50
- Replace (1) Ball Bearing (#117035PSP) \$910.50ea (Reduced to below cost) \$ 910.50
- Replace (1) Oil Breather (#121217PSP) \$75.00ea \$ 75.00

Additional Labor: (17 Hours @ \$85.00/hr) \$1,445.00

UNIT D TOTAL: \$7,629.00

CHANGE ORDER TOTAL: \$43,521.00



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

Resolution: 174-15

File Number: 2015-0411

BID NO. 15-48 ALLIANCE PUMP & MECHANICAL, INC.:

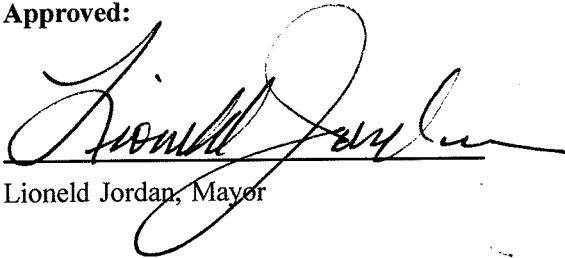
A RESOLUTION TO AWARD BID NO. 15-48 AND AUTHORIZE A CONTRACT WITH ALLIANCE PUMP & MECHANICAL, INC. IN THE AMOUNT OF \$78,950.00 PLUS APPLICABLE TAXES TO REBUILD SEVEN (7) GEARBOXES AT THE NOLAND WASTEWATER TREATMENT PLANT

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

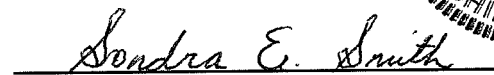
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 15-48 and authorizes a contract with Alliance Pump & Mechanical, Inc. in the amount of \$78,950.00 plus applicable taxes to rebuild seven (7) gearboxes at the Noland Wastewater Treatment Plant.

PASSED and APPROVED on 10/6/2015

Approved:


Lioneld Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk Treasurer





City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0411

Agenda Date: 10/6/2015

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

BID NO. 15-48 ALLIANCE PUMP & MECHANICAL, INC.:

A RESOLUTION TO AWARD BID NO. 15-48 AND AUTHORIZE A CONTRACT WITH ALLIANCE PUMP & MECHANICAL, INC. IN THE AMOUNT OF \$78,950.00 PLUS APPLICABLE TAXES TO REBUILD SEVEN (7) GEARBOXES AT THE NOLAND WASTEWATER TREATMENT PLANT

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 No. 15-48 and authorizes a contract with Alliance Pump & Mechanical, Inc. in the amount of \$78,950.00 plus applicable taxes to rebuild seven (7) gearboxes at the Noland Wastewater Treatment Plant.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0222

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

BID #16-30 CENTRAL LAUNDRY EQUIPMENT, INC.:

A RESOLUTION TO AWARD BID #16-30 AND AUTHORIZE THE PURCHASE OF FOUR COMMERCIAL WASHER EXTRACTORS AND FIVE DRYING UNITS FROM CENTRAL LAUNDRY EQUIPMENT, INC. OF WARD, ARKANSAS IN THE AMOUNT OF \$65,130.00 PLUS APPLICABLE TAXES FOR USE BY THE FIRE DEPARTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #16-30 and authorizes the purchase of four commercial washer extractors and five drying units from Central Laundry Equipment, Inc. of Ward, Arkansas in the amount of \$65,130.00 plus applicable taxes for use by the Fire Department.

City of Fayetteville Staff Review Form

2016-0222

Legistar File ID

5/17/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

4/20/2016

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution awarding Bid 16-30 for the purchase of Commercial Washer Extractors and Drying Units from the vendor Central Laundry Equipment, Inc. in the amount of \$71,480.18

Budget Impact:

1010.3020.5801.00

General

Account Number

Fund

31503.1

Fire FEMA Grant--Operations/Safety

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 76,095.00

Funds Obligated \$ -

Current Balance \$ 76,095.00

Does item have a cost? Yes

Item Cost \$ 71,480.18

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 4,614.82

Must Attach Completed Budget Adjustment:

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 17, 2016

TO: Mayor Jordan and City Council

FROM: David Dayringer, Fire Chief

DATE: April 20, 2016

SUBJECT: Approval of a resolution awarding Bid 16-30 for the purchase of Commercial Washer Extractors and Drying Units from the vendor Central Laundry Equipment, Inc. in the amount of \$71,480.18

RECOMMENDATION:

Approval of a resolution awarding Bid 16-30 for the purchase of Commercial Washer Extractors and Drying Units from the vendor Central Laundry Equipment, Inc. in the amount of \$71,480.18

BACKGROUND:

The Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grant Programs Directorate implements and administers the Assistance to Firefighters (AFG) Grants. The purpose of the AFG Program is to enhance, through direct financial assistance, the health and safety of the public and firefighting personnel and to provide a continuum of support for emergency responders regarding fire, medical, and all-hazard events.

This purchase of Washer-Extractors and Dryers for Personal Protective Gear (PPE) utilizing 90% grant funds and the city's 10% match will allow for proper decontamination and drying of protective gear improving firefighter health and safety and is key to reducing risk to firefighters.

DISCUSSION:

The approval of this resolution will allow for the purchase and installation of specially designed washer-extractors and drying cabinets. These units will enable the Firefighters to extract the dangerous carcinogens and toxic particulates from their personal protective firefighting gear, and keep from spreading these cancer causing agents to other Firefighters and their homes and families.

BUDGET/STAFF IMPACT:

The funds for this purchase are budgeted and available in Project #31503, Fire FEMA Grant—Operations/Safety

ATTACHMENTS:

Final Bid Tabulation Sheet, Purchasing Documents, and Purchase Order Request

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov . Purchase shall not be made until an actual PO has been issued.							Requisition No.:		Date: 4/20/2016	
							P.O Number:			
Vendor #:		NEW		Vendor Name: Central Laundry Equipment, Inc.			Mail ☐ YES ☒ NO		Legistar#: 2016-0222 Expected Delivery Date: 7-15-16	
Address: P.O. Box 324					FOB Point:		Taxable ☒ YES ☐ NO			
City: Ward			State: Arkansas			Zip Code: 72176		Ship to code:		Quotes Attached ☒ YES ☐ NO
Requester: Granville Wynn						Requester's Employee #: 3806		Extension: 7613		
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number		Project.Sub#	Inventory #	Fixed Asset #
1	Washer Extractors	4		10,120.00	\$40,480.00	1010.3020.5801.00		31503.1		
2	Drying Units	5		4,930.00	\$24,650.00	1010.3020.5801.00		31503.1		
3										
4										
5										
6										
7										
8										
9										
10										
*	Shipping/Handling		Lot							
Special Instructions:							Subtotal: \$65,130.00 Tax: \$6,350.18 Total: \$71,480.18			
Approvals: Mayor: _____ Department Director:  Purchasing Manager: _____ Chief Financial Officer: _____ Budget Director: _____ IT Director: _____ Dispatch Manager: _____ Utilities Manager: _____ Other: _____										

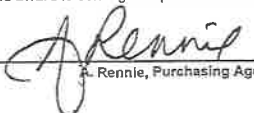
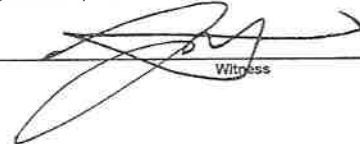


Bid: 16-30
04.15.2016
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 16-30, Commercial Washer/Extractors and Drying Units

			AAdvantage Laundry Systems		Casco Industries		Central Laundry		CLI Enterprises		Justin Laundry Systems		Pellerin Laundry Machinery Sales Co. Inc.	
Item	Description	Units	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price
1	Commercial Washer/Extractors: shall include freight, shipping, installation, etc.	4	\$ 8,967.00	\$ 35,868.00	\$ 8,315.00	\$ 33,260.00	\$ 10,120.00	\$ 40,480.00	\$ 9,255.00	\$ 37,020.00	\$ 7,830.55	\$ 31,322.20	\$ 8,072.00	\$ 32,288.00
2	Firefighter Gear Drying Units : shall include freight, shipping, installation, etc.	5	\$ 6,079.00	\$ 30,395.00	\$ 6,875.00	\$ 34,375.00	\$ 4,930.00	\$ 24,650.00	\$ 5,800.00	\$ 29,000.00	\$ 5,650.55	\$ 28,252.75	\$ 6,620.00	\$ 33,100.00
TOTAL BID BASED ON ESTIMATE				\$ 66,263.00		\$ 67,635.00		\$ 65,130.00		\$ 66,020.00		\$ 59,574.95		\$ 65,388.00

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

CERTIFIED:  A. Rennie, Purchasing Agent
 Witness
4/15/16 Date

Wynn, Granville

From: McGaugh, Les
Sent: Monday, April 18, 2016 4:28 PM
To: Wynn, Granville
Subject: Bid 16-30

Granville,

Due to failure to bid on all items, we have rejected Justin Laundry Systems for Bid 16-30, Commercial Washer Extractor and Drying Units.

Thanks,

Les McGaugh

Purchasing Agent

Purchasing Division

113 W. Mountain

City of Fayetteville, Arkansas 72701

lmcgaugh@fayetteville-ar.gov

T 479.575.8220 | F 479.575.8257

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



CITY OF



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain St.
Fayetteville, AR 72701
Phone: 479.575.8220

TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

INVITATION TO BID: Bid 16-30, Commercial Washer/Extractors & Drying Units

DEADLINE: Friday, April 15, 2016 before 2:00 PM, Local Time

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

PURCHASING AGENT: Les McGaugh, Purchasing Agent, lmcgaugh@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: Friday, March 18, 2016

INVITATION TO BID

Bid 16-30, Commercial Washer/Extractors & Drying Units

No late bids will 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: CENTRAL LAUNDRY EQUIPMENT, INC.

Contact Person: JEFF CRAIG Title: VP & CEO

E-Mail: JEFF@CENTRALLAUNDRYEQUIPMENT.COM Phone: (800) 467-3194

Business Address: P.O. Box 324

City: WARD State: AR Zip: 72176

Signature: Jeff Craig Date: 4/8/16

City of Fayetteville, Arkansas
INVITATION TO BID
Bid 16-30, Washer/Extractor and Dryer Units

The City is seeking bids from qualified vendors for the purchase of four (4) commercial washer/extractors and five (5) firefighter gear drying units which shall be non-tumble style units for the washing and drying of protective fire gear for the City's Fire Departments.

All sealed bids are due by Friday, April 15, 2016 before 2:00 PM, Local Time. All bids are due before the time stated. Late bids shall not be accepted. City of Fayetteville reserves the right to deviate from the estimated purchase quantities. Bids will be opened and read aloud immediately following the stated deadline.

Bid forms can be downloaded from the City's website at <http://fayetteville-ar.gov/bids> . All questions should be directed to Les McGaugh, (479)-575-8220, lmcgaugh@fayetteville-ar.gov.

The City reserves the right to reject any and all bids and to waive formalities deemed to be in the City's best interest.

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.

City of Fayetteville
By: Les McGaugh, Purchasing Agent
P: 479.575.8220
lmcgaugh@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
Date of advertisement: 03/18/2016

City of Fayetteville
Bid 16-30, Commercial Washer/Extractors & Drying Units
Bid Form

DATE REQUIRED AS A COMPLETE UNIT: Delivery shall be made within 60 calendar days from date of received Purchase Order.

F.O.B Destination – Fayetteville, AR – Delivery shall be coordinated with Fire Department. All deliveries will be made within the Fayetteville, AR city limits.

ALL QUANTITIES ARE ESTIMATES ONLY AND ARE SUBJECT TO CHANGE

Item	Description	Est Qty	Unit Price	Total Cost
1	Commercial Washer/Extractors: shall include freight, shipping, installation, etc.	4	x \$ <u>10,120.00</u>	= \$ <u>40,480.00</u>
2	Firefighter Gear Drying Units shall include freight, shipping, installation, etc.	5	x \$ <u>4,930.00</u>	= \$ <u>24,650.00</u>

TOTAL BASE BID: \$ 65,130.00

PLEASE SPECIFY FOR UNIT(S) BID:

MANUFACTURER UniMac

MODEL: UWN065T4L

MANUFACTURER UniMac

MODEL: UTGC6EDG(*44,64)

*VOLTAGE SET AT ORDER
PER EACH LOCATION, 208-240

Bids shall be submitted on this bid form in its entirety AND accompanied by descriptive literature on the products being bid. The City intends on awarding this bid to a single vendor.

THIS BID FORM CONTINUES ON NEXT PAGE

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 shall be documented and certified by the manufacturer as a regular production option.

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.

2.) RELATIONSHIP EXISTS (Please explain): _____

7. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.
 - a. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are 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.
 - b. Your signature below 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.

THIS BID FORM CONTINUES ON NEXT PAGE

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

*NAME OF FIRM: CENTRAL LAUNDRY EQUIPMENT, INC.

Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name CENTRAL LAUNDRY EQUIPMENT, INC.

*BUSINESS ADDRESS: P.O. Box 324

*CITY: WARD *STATE: AR *ZIP: 72176

*PHONE: (800) 467-3194 FAX: (501) 843-4369

*E-MAIL: JEFF@CENTRALLAUNDRYEQUIPMENT.COM

*BY: (PRINTED NAME) JEFF CRAIG

*AUTHORIZED SIGNATURE: Jeff Craig

*TITLE: VP & CEO

*DUNS NUMBER: 15-423-3993 CAGE NUMBER: _____

*TAX ID NUMBER: 71-0637354

Acknowledge Addendums:

Addendum No. 1 Dated: 3/25/16 Acknowledged by: Jeff Craig

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

City of Fayetteville
Bid 16-30, Commercial Washer/Extractors & Drying Units
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 Rennie, 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:

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 and shall be prohibited until either an award is final or the protest is finally resolved 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 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 Les McGaugh immediately via telephone (479.575.8220) or e-mail (lmcgaugh@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 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 Les McGaugh, City of Fayetteville, Purchasing Agent via e-mail (lmcgaugh@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.
- 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: Enclosed Detailed Specifications

1. GENERAL

- 1.1 Vendor shall complete and include this section with bid submittal. In the event the bid line specification item meets the specification provided, bidder shall indicate with a check mark, writing in "yes" or other mark clearly indicating the item bid meets the individual specification. In the event the item bid does NOT meet the specification, bidder shall write in "no" or leave the item blank, indicating the item bid does not meet the specification. The City of Fayetteville shall not accept other literature for bid specification interpretation.
- 1.2 The City is seeking bids from qualified vendors for the purchase of four (4) commercial washer/extractors and five (5) firefighter gear drying units which shall be non-tumble style units for the washing and drying of protective fire gear for the City's Fire Departments.
- 1.3 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.
- 1.4 All specifications written are to minimums, unless otherwise noted.
- 1.5 Pricing bid shall be inclusive of all items, shipping, and warranty. Bid pricing shall NOT include sales tax. Sales tax shall apply to this project but will not be considered for bid evaluation.
- 1.6 Award evaluation: Bids shall be evaluated and awarded all or none.
- 1.7 Pricing per item shall include all costs for delivering the goods and services requested in this bid including but not limited cost of items, profit, shipping, labor for installation, freight, miscellaneous parts needed for installation.
- 1.8 Terms of shipping for all items shall be FOB Destination. The bidder shall retain title and control of goods until accepted by the City. Bidder shall select the carrier, shall be responsible for transportation, and shall be responsible for filing claims for loss or damage at no penalty to the City.
- 1.9 Bidder shall have experience in providing, selling, and installing the items specified.
- 1.10 All items shall be compliant with the most current National Fire Protection Association (NFPA) Guidelines.
- 1.11 The City highly recommends all bidders become completely familiar with NFPA 1851 Guidelines. Copies may be purchased directly from the NFPA at www.nfpa.org.

2. ITEM 1 – COMMERCIAL WASHER/EXTRACTORS

- 2.1 Units(s) bid shall be new, unused, and of the latest standard production model as offered for commercial trade.
 - a. ☒ Hard mount commercial washer/extractor or equivalent for cleaning of protective fire equipment/turnout gear
 - b. ☒ Minimum of 6 cubic feet of wash cylinder volume

- c. ☒ Optimized wash programs compliant with NFPA 1851 Guidelines
- d. ☒ Ability to modify all parameters of the wash cycle including:
 - Temperature
 - Time
 - Water Level
 - Speed
- e. ☒ Cycle Programmable microcomputer
- f. ☒ Connections for remote liquid supplies or reservoir
- g. ☒ Automatic detergent injection
- h. ☒ G-Force spin maximum of 100
- i. ☒ Minimum of 65 pound weight capacity to accommodate washing of multiple sets of turnout gear
- j. ☒ Stainless steel construction for both inner and outer tubs
- k. ☒ Digital display with universal symbols or words to make operation easy and intuitive

3. ITEM 2 – GEAR DRYING UNITS

3.1 Units(s) bid shall be new and of the latest standard production model as offered for commercial trade.

- a. ☒ Drying unit or equivalent for drying of protective fire equipment (turnout gear)
- b. ☒ Compliant with NFPA 1851 Guidelines
- c. ☒ Capable of drying from four (4) to six (6) sets of turnout gear within three (3) hours
- d. ☒ Programmable drying cycles
- e. ☒ Steel welded with powder coating for increased durability
- f. ☒ Glove hangers and/or holders
- g. ☒ Boot hangers and/or holders
- h. ☒ Temperatures??
- i. ☒ Dryer shall be designed to push air through the turnout gear resulting in effectively drying any areas which are difficult to reach to reach areas and

4. WARRANTY

- 4.1 Minimum one (1) year warranty or Manufacturer's Standard Warranty, whichever is greater.
- 4.2 Warranty shall include all parts and labor for the entire extent of the warranty.
- 4.3 Warranty shall begin on the date items are accepted by the City.
- 4.4 Warranty shall include shipping to and from the City for the entire warranty period.

5. DELIVERY/DOCUMENTATION

- 5.1 One operating instruction manual shall be included for each unit upon award of bid.
- 5.2 Units shall be delivered, set in place, leveled, bolted down, grouted (as required), and made ready for utility connections which shall be completed by the City. All items shall be installed per manufacturer recommended installation requirements.
- 5.3 Delivery shall be coordinated with City of Fayetteville Fire Operations as units shall be installed at various fire stations throughout the City. Addresses for stations receiving units are:
 - Station 1, 303 W Center St., Fayetteville, AR: One (1) Dryer, No (0) washer
 - Station 3, 1050 S Happy Hollow Rd., Fayetteville, AR: One (1) Dryer, One (1) Washer
 - Station 4, 3385 Plainview, Fayetteville, AR: One (1) Dryer, One (1) Washer
 - Station 6, 900 Hollywood, Fayetteville, AR: One (1) Dryer, One (1) Washer
 - Station 7, 835 N. Ruppel Road, Fayetteville, AR: One (1) Dryer, One (1) Washer

Bid 16-30, Addendum 1



Date: Thursday, March 25, 2016

To: All Prospective Vendors

From: Les McGaugh – 479.575.8220 – lmcgaugh@fayetteville-ar.gov

RE: Bid 16-30, Commercial Washer/ Extractor and Dryer Units

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. **BIDDERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.**

1. Item 1-Commercial Washer/Extractors hereby has the following modifications, changes, and additions:
 - a. Line (b): remove the minimum of 6 cubic feet of cylinder volume specification
 - b. Line (i): amend minimum of 65 pound weight capacity to change to minimum of 60 pound weight capacity
 - c. Add line (l): Units bid shall be provided to work with voltage of a single phase power source
2. Item 2- Gear Drying Units hereby has the following modifications, changes, and additions:
 - a. Add Line (j): Units bid shall be provided to work with voltage of a single phase power source

SECTION 11110**LAUNDRY WASHER-EXTRACTOR, 65 LB. [29.5 KG] CAPACITY****PART 1 GENERAL****1.01 SECTION INCLUDES:**

- A. Automatic laundry washer-extractor for processing water-washed linen items

1.02 SYSTEM DESCRIPTION**A. DESIGN REQUIREMENTS:**

1. Construction: 304 or equal stainless steel cylinder, tub and cover panels
2. Input voltage: X: 200-208/220-240/50/60/1/3; 2/3 wire plus ground
3. Dry weight capacity (lb. [kg]): 65 [29.5]
4. Wash cylinder volume (ft³ [l]): 9.7 [246] minimum
5. Overall width (in. [mm]): 34.12 [867] nominal
6. Overall height (in. [mm]): 64.43 [1637] nominal
7. Overall depth (in. [mm]): 49.83 [1266] nominal
8. Number and size (in. [mm]) of water connections: 2 (Main fill) connections with .75 [19] NH male connections and 2 (Spray rinse) connections with .75 [19] NH male connections
9. Number and size (in. [mm]) of drain outlets: 1 outlet at 3 [76]
10. Overflow: Internally plumbed
11. Control System: Programmable microprocessor
12. Cylinder drive: Inverter drive, poly V belt system
13. Drive motor: 5 hp

B. PERFORMANCE REQUIREMENTS:

1. Number of selectable wash speeds: 2
2. Number of selectable extract speeds: 1
3. RPM [G] at highest extract speed: 477 [100]
4. Chemical supply system
 - a. automatic flushing and connections for 5 external supply lines and control signals for 8 external supplies
 - b. manually filled 5 compartment dry chemical dispensing system (optional - designated by T3L in the model number)

SECTION 11110

PERSONAL PROTECTION EQUIPMENT (PPE) DRYING CABINET

PART 1 GENERAL

1.01 SECTION INCLUDES:

- A. Automatic drying cabinet for processing water-washed personal protection equipment

1.02 SYSTEM DESCRIPTION

A. DESIGN REQUIREMENTS:

1. Dry capacity: 6 full sets of PPE and 15 boot/glove holders
2. Cabinet volume: 69 cu ft. (1953862 cu cm) minimum
3. Construction: Heavy duty embossed steel with baked enamel powder paint.
4. Input voltage: 44: 208/50-60/1
45: 208/50-60/3
64: 240/50-60/1
65: 240/50-60/3
5. Heat source: Electric, 12 kW
6. Overall width: 61 1/8 inches (1553 mm) nominal
7. Overall depth: 32 5/8 inches (828 mm) nominal
8. Overall height: 80 3/8 inches (2041 mm) nominal
9. Exhaust size: 6 inch (152 mm)
10. Control system: Programmable touchpad control
11. Door: Painted steel, with heavy duty 180 degree opening hinges
12. Leveling: 4 adjustable leveling legs

B. PERFORMANCE REQUIREMENTS:

1. Airflow: 300 CFM (510 m³/h)
2. Motor horsepower: 2 x 1/8 hp
3. Control system
 - a. Minimum of five programmable drying cycles
 - b. Ability to time dry up to 555 minutes
 - c. Ability to cool from 2 minutes to 60 minutes
 - d. Variable temperature settings from 100 - 150°F (38 - 66°C)
4. Boot/glove holders: 15 sets

1.03 DELIVERY, STORAGE AND HANDLING

A. ACCEPTANCE AT SITE:

1. Inspect machine for damage prior to acceptance. If damage is found, follow freight handler's procedure for claims.

B. STORAGE AND PROTECTION

1. Machine should be stored in a site protected from weather, direct sunlight and temperature extremes. Do not remove packaging prior to storage.
2. If machine is to be stored for an extended period of time, consult manufacturer for special requirements.

UniMac

"For safety, price and convenience, I think more and more fire departments are considering the benefits of having advanced equipment in-house."

— Fred Jandrucko, Captain, Fort Worth Fire Department



LAUNDRY TAILOR-MADE FOR FIREHOUSES

For firefighters, clean equipment isn't a preference—it's a necessity. And it's not just about getting it clean. How you clean it can mean the difference between being at risk and being protected.

With over 60 years of dedicated on-premises laundry experience, we at UniMac® understand the unique laundry needs of firefighters and their gear, and we design equipment specifically to meet those needs. Our machines are built tougher for longer-lasting performance. They deliver the best clean, removing all damaging materials from gear while maintaining its protective integrity. Our equipment meets all government requirements, is incredibly easy to use and features more innovations that help minimize your operating costs. And it's supported by the largest, most knowledgeable distributor network in the business, providing everything you need to be safe, compliant and ready when the alarm sounds.

SAFE.

If your gear isn't cleaned properly, the particles and chemicals left behind can diminish the safety properties the gear was designed to offer. However, too rigorous of a wash can also jeopardize the integrity of the protective materials. UniMac's exclusive, advanced technologies allow our equipment to deliver superior wash results while, at the same time, taking gentle care of your gear to ensure that its protective qualities are uncompromised.

COMPLIANT.

We're more than just aware of NFPA 1851 guidelines and other codes and standards. Our experts understand them inside and out, and our equipment is designed for total compliance. Our knowledgeable distributors can connect you to the best resources for NFPA requirements regarding wash formulas, chemicals, wash methods and more.

READY.

UniMac equipment is built to get you back into action faster. With an easy-to-use, dependable in-house laundry solution, you can do your laundry on your schedule without wasting time sending gear out to be cleaned. And because UniMac machines are durably constructed with our heavy-duty, computer-optimized frame and protected by the industry's best warranty, you won't have to wait for time-consuming and costly repairs.

THE RIGHT SOLUTION STARTS WITH THE RIGHT EQUIPMENT

Your gear isn't like any other laundry, and it shouldn't be treated that way. UniMac offers a full line of durable washers and dryers with features designed specifically to meet your needs and provide the lowest cost of ownership in the industry.

UW WASHER-EXTRACTORS

When it comes to maximum performance at minimal operating costs, there simply is nothing better than the UniMac UW washer-extractor. Durable construction, industry-leading efficiency and exclusive innovations like UniLinc™ controls and OPTispray™ Rinsing Technology combine to deliver lower costs and a better wash on your gear than any other laundry machine on the planet.

More Durable A plate-steel industrial frame and premium components are built to withstand the stress firefighting gear can put on machines, including excessively unbalanced loads.

Easier To Use Revolutionary UniLinc controls make operating your UW washer-extractor easier than ever with user-friendly graphic displays, 41 customizable cycle options, one-touch operation, performance monitoring and more.

More Efficient With advanced features like UniLinc, OPTispray and auto leak and drain detection, UniMac washer-extractors deliver the absolute lowest cost of ownership in the industry, saving you thousands per year in energy and water costs.

PPE DRYING CABINET

The ideal drying solution for firehouses of all sizes, UniMac's PPE Drying Cabinet delivers all the features to help you dry your gear faster, safer and for less money.

Faster UniMac's PPE Drying Cabinet offers preset programs ranging from 1.5 hours to 3 hours to help you greatly reduce drying time versus conventional methods, getting your PPE back into service fast.

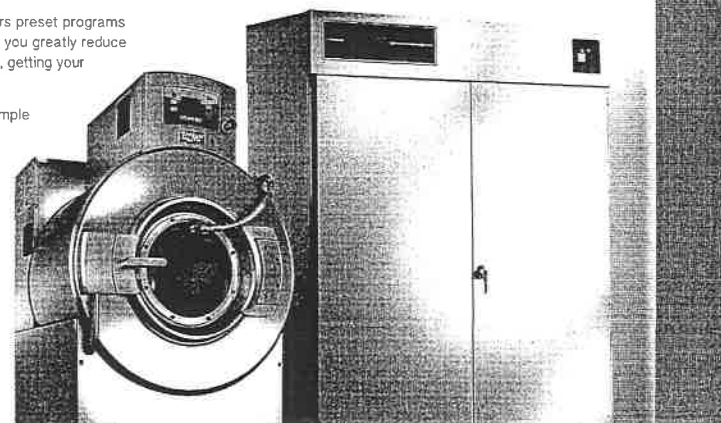
Easier To Use Operating the dryer is as simple as selecting one of the five presets and pressing the start button. Additional time can be added as required.

More Efficient Our dual-sided airflow process not only sends heated air around the gear, but also through the inside for maximum speed and efficiency. In addition, air is recirculated to further increase efficiency for lower utility costs.

REVOLUTIONARY UNILINC™ CONTROLS

UniLinc, laundry's most advanced control system, combines ultimate programming capability and cutting-edge innovation to deliver the ideal wash on your gear at the industry's lowest cost of ownership.

- OPTispray Rinsing Technology uses less water to deliver a superior rinse.
- User-friendly controls make training and operation simple, while one-touch activation allows you to simply select a cycle and push start.
- Records highest water temperature reached and other key measures, giving you peace of mind that your firehouse is NFPA 1851 compliant.
- Industry-leading fast cycle times combined with drain and fill valves deliver lower electricity costs and increased throughput so you can process more each day.
- Temperature-controlled fill, soak capability and variable extract speeds protect the integrity of your gear, keeping you safer and saving you money on replacement costs.
- Programmable water levels let you select the ideal water usage according to load type and size.





MORE THAN MACHINES. TOTAL LAUNDRY SUPPORT.

When you choose UniMac, you get more than the best wash at the lowest cost. You get the comprehensive support of our network of the industry's most dedicated, most knowledgeable distributors. They're standing by as your personal laundry experts — so you don't have to be.

Installation services will install your equipment and help you configure it to produce optimal performance.

Factory-trained and certified service technicians provide prompt maintenance to ensure that your gear is ready when you are.

Genuine Parts are engineered and designed specifically for UniMac products, ensuring optimal performance and reliability.

Industry-leading, in-house financing options offer a fast, flexible and personalized solution to fit UniMac into virtually any budget.

The best service and support in the business, made possible by our investment in continuous training for our distributors.

The best warranty in the industry gives you peace of mind that our equipment is built to last.



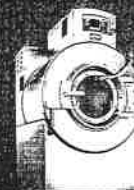
Proudly based in Ripon, Wisconsin, USA, UniMac is dedicated to research, development and testing to provide equipment that delivers industrial strength and long-lasting quality. Our products undergo a 5-Stage Product Development Process and are pushed beyond their limits in our state-of-the-art test lab to ensure they exceed the toughest demands of firehouses and meet your highest standards.

To learn more visit UniMac.com/Fire.

Alliance Laundry Systems • Shepard St, Ripon WI 54971 • 1.800.587.5458



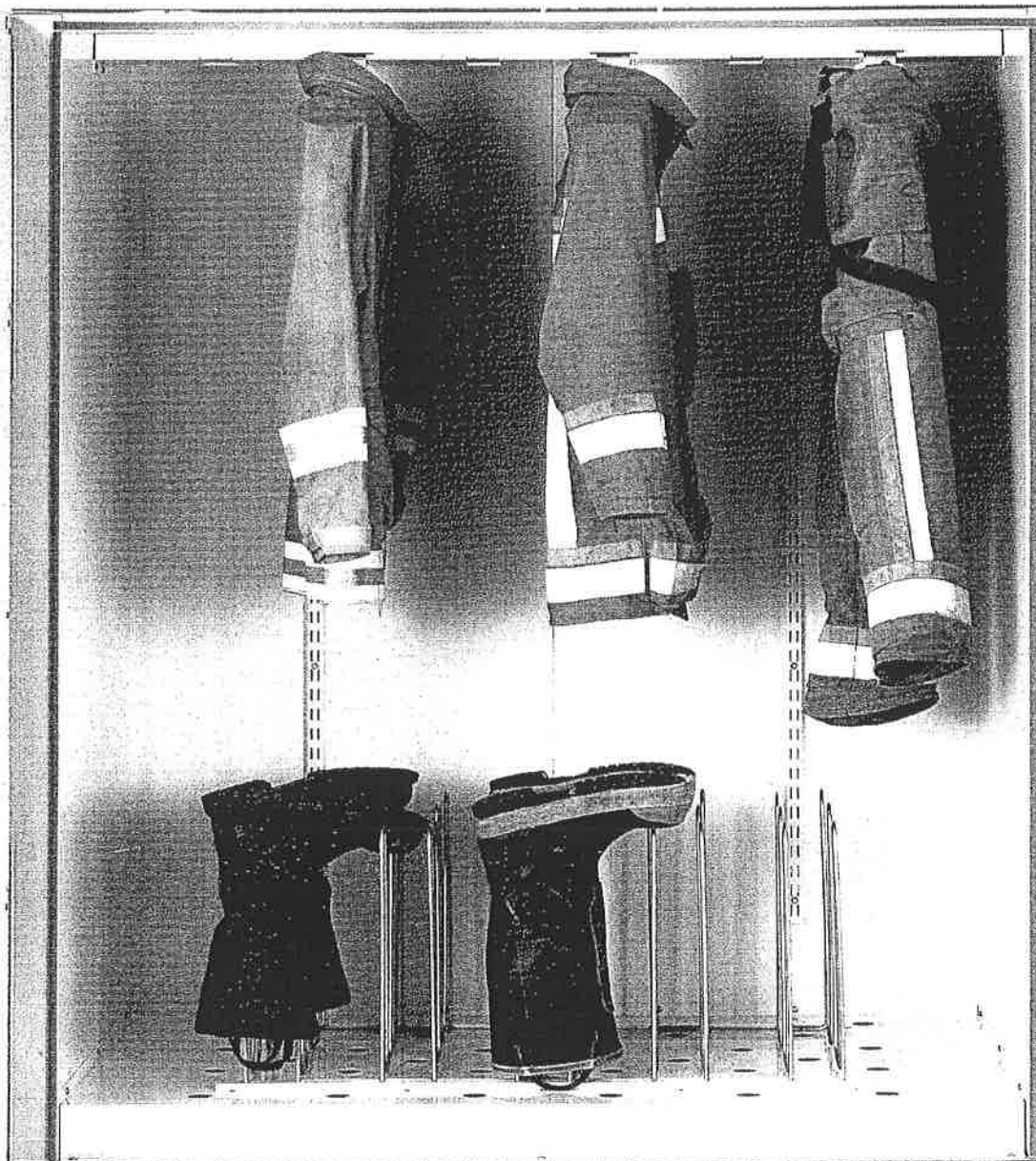
SAFE. COMPLIANT. READY.
The industry's leading firehouse laundry solution



UniMac

FIREMAN'S PPE DRYING CABINET

SERIOUS ABOUT LAUNDRY.





SERIOUS ABOUT LAUNDRY.

FIREMAN'S PPE DRYING CABINET

UniMac has been recognized around the world as the leading manufacturer of commercial laundry equipment. We produce, sell and support more commercial washers and dryers in North America than any other company. The Fireman's Personal Protective Equipment (PPE) Drying Cabinet provides fire stations the means to effectively, efficiently and safely dry protective gear – at the lowest cost of ownership in the industry.

SAFE GEAR HANDLING

Specifically designed to prevent wear and tear to your PPE, our drying cabinet uses a unique airflow system that circulates heated air in and around gear, providing safe, efficient drying, especially in hard-to-dry areas such as inseams.

FAST

The PPE Drying Cabinet offers preset programs that greatly reduce drying times, returning your gear back to service quickly. The 105°F temperature of the cabinet is much faster than hanging gear in front of fans and removes the risks of tumble drying.

VERSATILE

Our unique rack design and hangers offer the capacity to dry six complete sets of gear. Each unit includes a special drying rack for boots and gloves – a standard feature that can cost up to \$1,400 more with competing brands.

LOWER UTILITY COSTS

We use a dual-sided airflow process and efficient blower system to force recirculated, heated air inside, upward and around the outside of your gear, ensuring that your PPE is thoroughly dried and keeping your utility costs low.

WORRY-FREE PERFORMANCE

For more than 60 years, UniMac laundry machines have set the industry standard for quality, durability and performance. Our complete one-year warranty is issued to the original purchaser of the PPE Drying Cabinet, labor not included.



PPE DRYING CABINET – AT A GLANCE

- Five programmable cycles
- Doors open at complete 180° angle
- Adjustable leveling legs
- Space for up to 15 boots/gloves
- Unique rack design for maximum water removal
- Electrostatically-applied paint for superior bonding and corrosion resistance
- 100% front serviceable
- Optional utility shelf
- Contributes to compliance with NFPA 1851 guidelines

SPECIFICATIONS	PPE Drying Cabinet
Capacity	6 full sets of Turnout Gear
Electric Heating	12 kW
Electric Connection • Circuit Breaker	208 V - 50/60 Hz 1 - Ph • 60A breaker 208 V - 50/60 Hz 3 - Ph • 35A breaker 240 V - 50/60 Hz 1 - Ph • 70A breaker 240 V - 50/60 Hz 3 - Ph • 40A breaker 380-415 V - 50 Hz 3 - Ph • 25A breaker
Exhaust Diameter - in (mm)	6" (152)
Outlet Airflow - cfm (m3/h)	300 (510)
Width - in (mm)	61 1/8" (1552)
Depth - in (mm)	32 5/8" (828)
Height - in (mm)	Outer: 80 3/8" (2042) Inner: 60" (1524)
Net Weight - lb (kg)	534 (242)
Shipping Weight - lb (kg)	605 (274)
Agency Approvals	CSA*

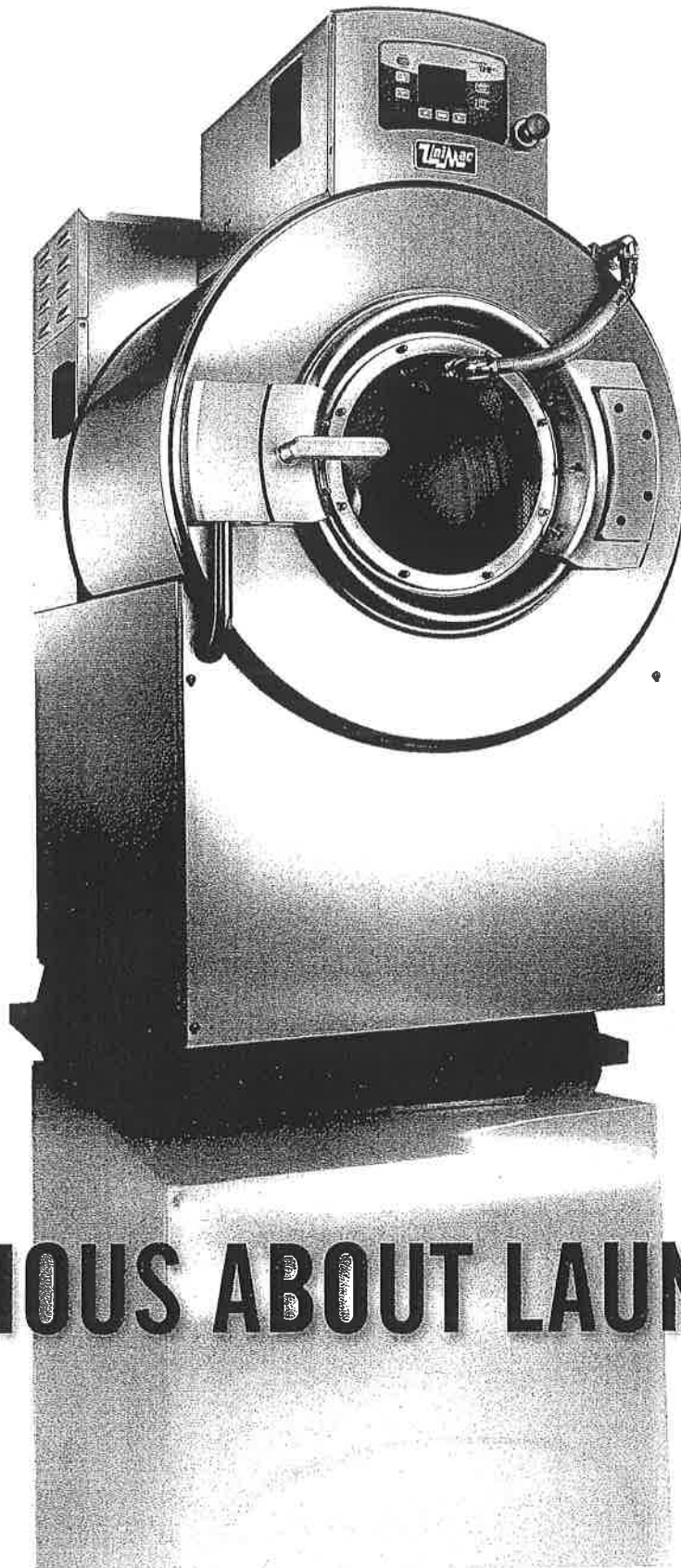
* Agency approvals may vary depending on configuration. For the most accurate information, the installation guide should be used for all design and construction purposes. Due to continuous product improvements, design and specifications subject to change without notice. Features and certifications may vary by model. The quality management system of Alliance Laundry Systems' Ripon facility has been registered to ISO 9001:2000.

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To learn more, or to find a distributor in your area, visit UNIMAC.COM

Alliance Laundry Systems
Shepard St, Ripon WI 54971
1.800.587.5458

UW SERIES
HARDMOUNT WASHER-EXTRACTORS



SERIOUS ABOUT LAUNDRY.

UniMac



THE UNIMAC® UW SERIES: LONGEST LASTING. HARDEST WORKING.

UniMac® has been recognized around the world as the leading manufacturer of commercial laundry equipment. We produce, sell and support more commercial washers and dryers in North America than any other company.

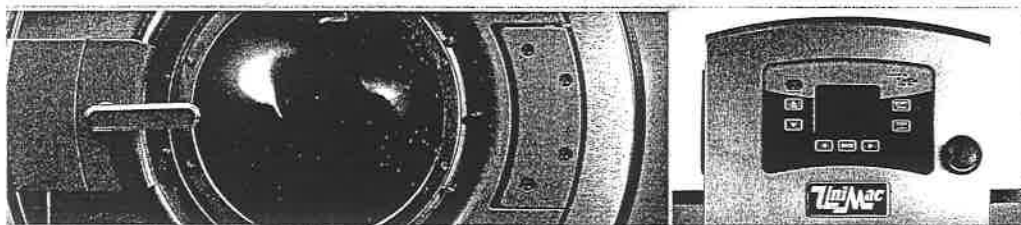
Every machine in the UW Series is designed to handle the toughest demands and heaviest on-premises laundry use. The result? The longest lasting machines in the industry. Why? Every UW Series machine:

HANDLES DOUBLE THE SPINNING FORCE COMPARED TO CABINET WASHER-EXTRACTORS

OFFERS THE LOWEST COST OF OWNERSHIP

IS DESIGNED TO HANDLE THE LARGEST AND MOST UNBALANCED LOADS

INDUSTRIAL STRENGTH MEANS LESS DOWNTIME, INCREASED EFFICIENCY AND A LONGER MACHINE LIFE



UW SERIES HARDMOUNT WASHER-EXTRACTORS 45-65 LB LAUNDRY'S MOST VALUABLE PERFORMERS

The totally redesigned UniMac® UW45 & 65 washer-extractors take industrial quality to the next level. They are extremely efficient, include top-of-the-line innovative features and still have the lowest cost of ownership — everything you'd expect from the world's largest commercial laundry manufacturer.

Most commercial laundry units run an average of three to five cycles per day. The industrial UW45 & 65 washer-extractors are designed to run 24/7. In fact, they are setting a new standard for on-premises laundry:

BEARINGS

Built for industrial needs, cylindrical front/spherical rear bearings can handle 200% more force than ball bearings. The result? A longer lasting machine.

FRAME

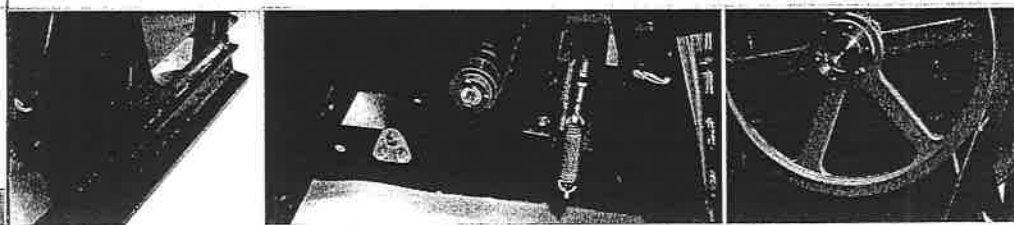
The plate-steel industrial frame is designed to handle vibration and unbalanced loads effortlessly. It can also be placed on an existing UW60 concrete pad.

MOTOR

Our motor has 67% more horsepower than cabinet washers of the same capacity. More power means the ability to handle around-the-clock use, increasing productivity and the life of the motor.

INVERTER DRIVE

The proven technology and proprietary design provide smooth, reliable power for optimal wash and extract performance.



A PROVEN RECORD OF RELIABILITY

At UniMac, we don't leave anything to chance. Our product development teams utilize a 5-step quality process to ensure optimal product performance. We test our machines in a state-of-the-art test lab and push them to the limit — all to make sure you get the best product on the market and the best performance in the field.



THE OPTISPRAY™ ADVANTAGE

LESS WATER. SUPERIOR RINSING. MAXIMUM THROUGHPUT.

As the leader in on-premises laundry, UniMac® continues to offer cutting-edge innovations that improve efficiency and maximize throughput. New OPTIspray™ Rinsing Technology takes it to the next level. Available on all UniLinc™ cycles, OPTIspray is an industry-leading technology designed with unique spray hardware and exclusive software that minimizes the water required to rinse a load and reduces cycle time with highly effective rinsing. Unlike bath rinses, which simply dilute wash chemistry, UniLinc with OPTIspray uses spray rinsing power to pull wash chemistry through the load and down the drain. Think of it as a shower for your linens. The spray rinse carries away dirt and chemicals and leaves less residue behind – providing far superior rinse results than bath rinses alone.

WATER SAVINGS

Consumes as much as 39% less water than competitor brands while maintaining the same wash quality you'd expect from UniMac

CYCLE TIME SAVINGS

Decreases cycle rinse times by up to 12% to increase throughput

SUPERIOR RINSING

Leaves 22% less residual wash chemistry in the load compared to our nearest competitor

UTILITY SAVINGS

Saves up to \$2,110 in yearly utilities compared to competitor brands

THE SMARTEST WAY TO DO LAUNDRY

OPTIMAL CARE THROUGHOUT THE ENTIRE WASH AND DRY PROCESS

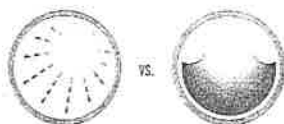
Combine OPTIspray™ with ECO Cycles and OPTidry™ Over-dry Prevention Technology, and UniMac® provides the most advanced, comprehensive technologies on the market to reduce utility costs and optimize your laundry operation's efficiency. ECO Cycles are nine special, individual wash programs that are part of the 41 total UniLinc™ cycles, and they're able to reduce water use to a minimum and further decrease utility costs – while delivering the same wash quality you expect from UniMac. Along with OPTidry Over-dry Prevention Technology, which shortens dry times, saves labor costs, decreases the need for linen replacement and increases throughput on tumble dryers, you have the most efficient technologies in place. Designed to work together to provide unmatched productivity in your laundry operation, it's all part of UniMac's continued dedication to provide the lowest cost of ownership in the industry.

THE BEST JUST GOT BETTER

UW45 & 65 washer-extractors are already extremely efficient. Now with OPTIspray, they provide higher efficiencies than ever before:

- 15% more water savings versus current UniLinc cycles
- 30% more water savings when combined with ECO Cycles
- 12% faster cycle times for increased throughput
- \$1,793 more utility savings per year

OPTIspray™



OPTIspray

NORMAL BATH RINSE

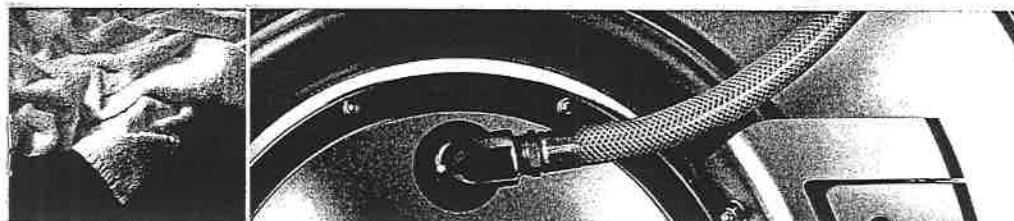


WATER SAVINGS

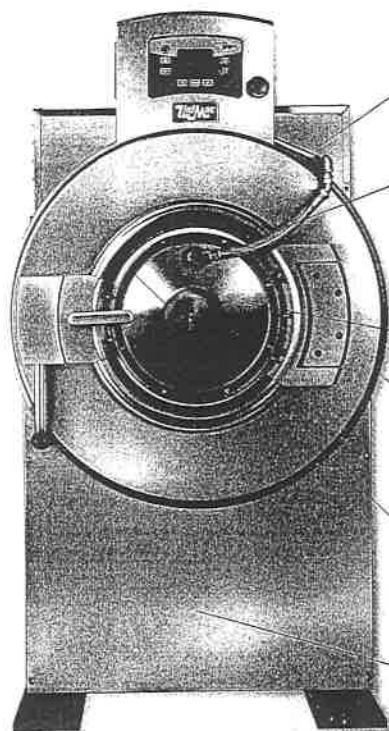


SUPERIOR RINSE RESULTS

vs. Competitor's Best Cycle



THE ULTIMATE IN PERFORMANCE



400 G-FORCE EXTRACTION

The fastest hardmount in the industry. The result is maximum water removal, allowing your laundry to run at premium efficiency.

SPRAY RINSE

A 200% quicker fill means the cycle goes faster, allowing the user to do more in less time. By utilizing highly effective spray rinsing power to pull wash chemistry through the load and down the drain, OPTIspray™ Rinsing Technology uses less water, further reduces cycle time and provides superior rinse results compared to bath rinses alone.

WIDTH

The 34.12" width easily fits through 36" commercial doorways and makes installation a breeze.

HEIGHT

The 28.1" elevated door height ensures wash baskets can easily roll under the door for easy loading and less bending for users. This elevation eliminates the need for an expensive secondary machine base — perfect for OPL use.

DOOR

New door is standardized to open from the right and is paired with a proven roll pin/cam lock system to ensure smooth opening and closing.

FRAME

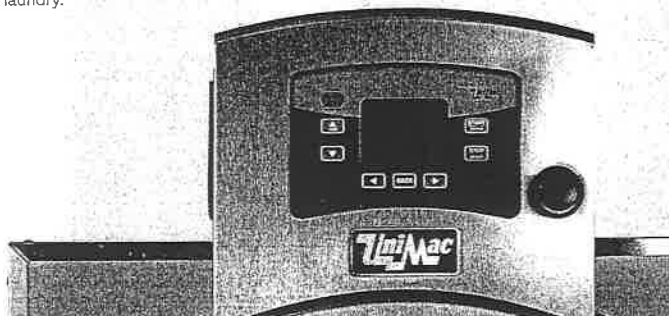
Our new frame design optimizes strength from every ounce of steel. It weighs more than twice as much as a cabinet washer frame.



TAKE COMPLETE CONTROL

Our UniLine™ controls are revolutionizing the way people think about laundry.

- SAVE WATER AND ENERGY
- INCREASE THROUGHPUT
- GAIN FLEXIBILITY AND CONTROL
- MONITOR YOUR LAUNDRY
- EASY TO USE
- WIRELESS NETWORKING



OUR COMMITMENT

Our customers are the direct focus of every product we manufacture and every decision we make. Our commitment is to delight each customer with every interaction they have with our company without question or compromise. It's what we call Customer One.

We make sure every piece of UniMac® equipment comes with peace of mind and the support you need to help your business succeed. We are with you every step of the way for:

WARRANTY PROTECTION

A five-year warranty covers the frame, basket, shaft, bearings and seals from failure or breakage during normal operation due to defects in material or workmanship. A limited three-year warranty is offered on all other parts.

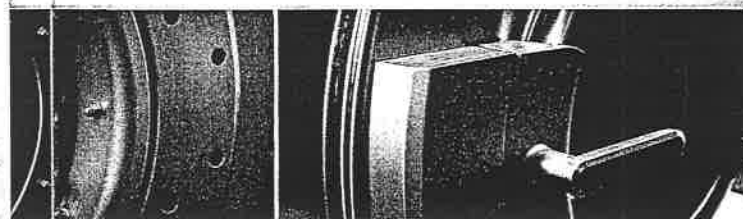
SERVICE PARTS AVAILABILITY

SUPPORT FROM A TEAM OF TRAINED TECHNICIANS AND A WORLDWIDE NETWORK OF DISTRIBUTORS

SERVICE TRAINING CERTIFICATION FOR DISTRIBUTORS THROUGH ALLIANCE LAUNDRY SYSTEMS UNIVERSITY

UW SERIES — AT A GLANCE:

- Industrial construction is built to run 24/7
- Helps reduce drying time and increase throughput with an industry-leading 400 G-Force extraction
- Advanced UniLine™ technology with 41 programmable cycles
- Exclusive OPTIspray™ Rinsing Technology saves water, reduces cycle time and provides superior rinsing
- Bigger motor has 67% more horsepower than cabinet washer-extractors
- Handles unbalanced loads effortlessly
- 34.12" width easily fits through 36" commercial doorways
- Perforated cylinder ribs maximize wash action
- Auto leak detection greatly reduces water loss due to valve blockages or failures
- Six bolts with vertical wrench access make installation easier

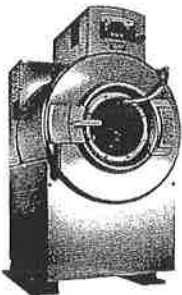


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UniMac

UW SERIES HARDMOUNT WASHER-EXTRACTORS 45-65 LB -- UNILINC™ CONTROL

SPECIFICATIONS		UW45		UW65	
Control Options		UniLinc™		UniLinc™	
Capacity - lb (kg)		45 (20)		65 (30)	
Cylinder Diameter - in (mm)		31 (787)		31 (787)	
Cylinder Depth - in (mm)		16.5 (419)		22 (559)	
Cylinder Volume - cu. ft. (liters)		7.3 (207)		9.7 (275)	
Height - in (mm)		64.63 (1642)		64.63 (1642)	
Width - in (mm)		34.12 (867)		34.12 (867)	
Depth - in (mm)		44.33 (1126)		49.83 (1266)	
Door Opening Size - in (mm)		17.8 (452)		17.8 (452)	
Door Bottom to Floor - in (mm)		28.09 (713)		28.09 (713)	
Motor Size - HP (kW)		5 (3.7)		5 (3.7)	
Total # of Speeds		V Sp	L Sp	M Sp	V Sp
		9	5	6	9
Cylinder Speed - RPM (G-Force)	Gentle	30 (0.4)	30 (0.4)	30 (0.4)	30 (0.4)
	Wash	42 (.78)	42 (.78)	42 (.78)	42 (.78)
	Distribution	75 (2.5)	75 (2.5)	75 (2.5)	75 (2.5)
	Very Low	248 (27)	248 (27)	248 (27)	248 (27)
	Low	477 (100)	477 (100)	477 (100)	477 (100)
	Medium	674 (200)	—	674 (200)	674 (200)
	High	754 (250)	—	—	754 (250)
	Very High	826 (300)	—	—	826 (300)
	Ultra High	954 (400)	—	—	954 (400)
Drain Diameter - in (mm)		3 (76)		3 (76)	
Steam Connection (Optional) - in (mm)		1/2 (13)		1/2 (13)	
Water Inlet Connection - in (mm)		4 @ 3/4 (19)		4 @ 3/4 (19)	
Shipping Dimensions	Width - in (mm)	37.2 (945)		37.2 (945)	
	Depth - in (mm)	53.8 (1370)		53.8 (1370)	
	Height - in (mm)	65 (1650)		65 (1650)	
Net Weight - lb (kg)		1020 (463)		1060 (481)	
Standard Shipping Weight - lb (kg)		1065 (483)		1105 (501)	
Slat Crate Shipping Weight - lb (kg)		1190 (540)		1230 (558)	
Agency Approvals		ETL, CE		ETL, CE	



To learn more, or to find a distributor in your area, visit UNIMAC.COM
Alliance Laundry Systems - Shepard St, Ripon WI 54971 - 1.800.587.5458

Consult your UniMac® distributor for details. For the most accurate information, the installation guide should be used for all design and construction purposes. Due to continuous product improvements, design and specifications subject to change without notice. The quality management systems at Alliance Laundry Systems' Ripon facility has been registered to ISO 9001:2008.

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UniMac®

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DISTRIBUTOR INFORMATION HERE



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0213

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

BRADEN NEIGHBORHOOD PARK:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$3,723.00 RECOGNIZING PARKLAND DEDICATION FEES FROM THE NORTHEAST QUADRANT TO BE USED FOR A PORTION OF IMPROVEMENTS TO AND EXPANSION OF THE PLAYGROUND AT BRADEN NEIGHBORHOOD PARK

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 to this Resolution, in the amount of \$3,723.00 recognizing parkland dedication fees from the Northeast Quadrant to be used for a portion of improvements to and expansion of the playground at Braden Neighborhood Park.

City of Fayetteville Staff Review Form

2016-0213

Legistar File ID

5/17/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Ken Eastin

4/19/2016

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval and recognition of Park Land Dedication Funds for Fayetteville's northeast park quadrant to be used for proposed improvements at Braden Park as a partnership match with funds donated by the Covington Park Property Owner's Association, and approval of a Budget Adjustment.

Budget Impact:

2250.9256.5315.00

Parks Development

Account Number

Fund

13001.1603

Braden Park Playground Expansion

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$5,025.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 3,723.00

Remaining Budget \$ (1,302.00)

V20140710

Previous Ordinance or Resolution # 166.04 (B)

Original Contract Number:

Approval Date:

Comments: Of the total \$5,025 commitment for this project, the BA will provide \$3,723 of this budget. The remaining \$1,302 will be moved, via an administrative BA, from savings left over from an existing project budget.

MEETING OF MAY 17, 2016

TO: Mayor Jordan and Fayetteville City Council

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

FROM: Ken Eastin, Park Planner

DATE: April 20, 2016

SUBJECT: Recognition of Park Land Dedication Funds for Braden Park Improvements

RECOMMENDATION:

Staff recommends approval and recognition of Park Land Dedication Funds for Fayetteville's northeast park quadrant to be used for proposed improvements at Braden Park as a partnership match with funds donated by the Covington Park Property Owner's Association, and approval of a Budget Adjustment.

BACKGROUND:

The current Covington Park Property Owner's Association revised a previous 2004 agreement with Parks and Recreation in March of 2015. This revised agreement stated that the POA is interested in providing annual funding toward improvements to Braden Neighborhood Park and in working with Parks and Recreation staff to assist in cost estimating, prioritizing, and implementing projects. This agreement resulted in the construction of an entry garden in 2014 and the provision of the site with water service for irrigation. The agreement also makes provisions for continued donations from the POA, particularly regarding improvements to the existing playground.

DISCUSSION:

Most recently, Parks has been contacted by the POA with an offer to improve and expand the existing playground. The POA has offered to pay for the purchase and installation of a new modular play structure and a new two-bay swing set, valued at approximately \$20,000. The new modular play structure is proposed to be erected at the POA's expense within an existing concrete-curbed area containing an existing climbing structure and engineered wood fiber safety play surfacing. The POA requested that Parks staff remove the existing climber (planned for reuse in another park) so that the modular structure can be installed in its place. This play area is immediately adjacent to another existing small sand covered play area with a smaller climbing structure for toddlers. This smaller structure is popular with resident children and they have requested it remain in place.

In addition, the POA has offered to purchase and install a sturdy two-bay swing set featuring two swings within each bay. This purchase will include two belt swings and two toddler swings, plus impact mats beneath the belt swings and all necessary hardware for use. In conjunction with this offer, the POA has requested that Parks remove two or three small trees, excavate the soil within the proposed swing play area, purchase and install a gravel base for drainage, add additional engineered wood fiber for safety surfacing, and install approximately 100 feet of concrete curb to contain the wood fiber.

This request was made by Dani Dingman, POA representative, to the Parks and Recreation Advisory Board at the scheduled meeting of April 4, 2016. The Board voted unanimously to accept this offer and commit to the City's involvement, as shown on the attachment, "Commitments of City and POA".

BUDGET/STAFF IMPACT:

The estimated budget for the City's commitment is \$6,990 in which the tree removal and excavation of the swing area is planned to be accomplished by park maintenance crews at an estimated cost of \$1,965. The cash outlay would total \$5,025 to cover installation of the concrete curb (estimated at \$30/foot for a total of \$3,000), the purchase and installation of the gravel subbase and Geo Fabric (estimated at \$775), and the purchase and installation of the engineered wood fiber surfacing (estimated at \$1,250).

The request for the budget adjustment will recognize funds received from parkland dedication (PLD) (Chapter 166.04 (B)) for the NE quadrant in the amount of \$3,723. The difference in this PLD balance of \$3,723 and the expected budget need of \$5,025 is \$1,302. This difference will come from the savings of previous PLD funds remaining from another project. These extra funds will be transferred through an administrative budget adjustment to make up the additional \$1,302.

Attachments:

2015 agreement between the City and the Covington Park Property Owner's Association
Letter of commitment from Covington Park Property Owner's Association
Commitments of the City and POA
Braden Park Location Map
Graphic renderings of the proposed modular play structure and swing set
Plan of existing impact area for modular structure showing safety zone determination
Site Plan of proposed facilities
Minutes from PRAB meeting of 4/4/2016



AGREEMENT

This Agreement, made and entered by and between the City of Fayetteville, Arkansas, a municipal corporation, and the Covington Park Property Owner's Association (POA),
Witnesseth:

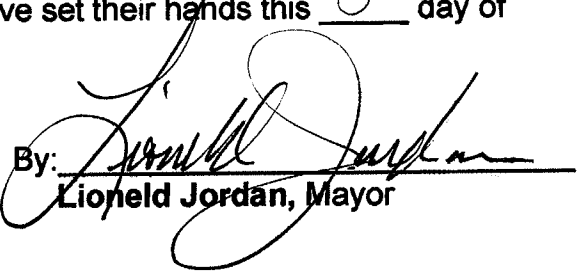
IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

1. The Covington Park POA has expressed an interest in providing annual funding toward improvements to Braden Park.
2. The City of Fayetteville Parks and Recreation Department shall assist Covington Park POA in creating cost estimates for improvements including but not limited to: installation of a planting bed at the park entry including irrigation; improvements or additions to the play equipment; and construction of a common meeting space which may include a fire pit and/or a pavilion.
3. The Covington Park POA shall provide a prioritized list of improvements to the City of Fayetteville Parks and Recreation Department based on the POA's available funding.
4. All maintenance plans and proposed improvements shall be reviewed and approved by the City of Fayetteville's Parks and Recreation staff. All improvements provided in the park shall become property of the City of Fayetteville.
5. The Covington Park POA shall provide funding for the installation of an irrigation system at the park entry including City of Fayetteville impact fees and required back flow prevention. The irrigation system shall be the responsibility of and shall be maintained by the Covington Park POA. The Covington Park POA shall open a City water account in its name, and shall be solely responsible for the payment of all water bills.
6. The Covington Park POA shall supply all plants, materials, and labor for the park entry planting bed, subject to the approval of the City of Fayetteville.
7. The Covington Park POA shall maintain the park entry to present a neat and orderly appearance at all times. The Covington Park POA shall provide a maintenance schedule, to include weed control methods, timing and schedules to Park staff. The Covington Park POA shall strictly comply with the City of Fayetteville's vegetation management policy, and report any weed control difficulties to the City of Fayetteville's Park staff for review and advisement.

8. The Covington Park POA shall document all volunteer work and submit such documentation to the City of Fayetteville's Parks and Recreation Volunteer Coordinator no later than the last business day of each month.
9. If at any time the City of Fayetteville determines the Covington Park POA has failed to satisfy the terms of this agreement, it may be necessary for the City of Fayetteville to return the entry planting bed area to a grass area so as not to increase the level of maintenance required for a typical neighborhood park.
10. The Covington Park POA may not remove, prune or otherwise alter any tree on the park property without approval by Park staff.
11. Braden Park is a public park and as such, shall remain open to the public as regulated by ordinance.
12. It is agreed that the failure of the City to invoke any of the available remedies under this agreement or under law in the event of one or more breaches or defaults by the Covington Park POA under the agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the City from invoking such remedies in the event of any future breach or default.
13. Each paragraph of this agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.
14. This agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.
15. This agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This agreement supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter hereof. This agreement may be executed in all or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have set their hands this 5 day of March 2015.

CITY OF FAYETTEVILLE, ARKANSAS

By: 

Lionel Jordan, Mayor

ATTEST:

By: Sandra E. Smith
SONDRA SMITH, City Clerk



**COVINGTON PARK PROPERTY OWNER'S
ASSOCIATION**

By: Kathy Scott
President

ATTEST:

By: Phyllis Thomas
Secretary

Eastin, Ken

From: Danika Dingman <danidingman@gmail.com>
Sent: Monday, April 04, 2016 10:57 AM
To: Eastin, Ken
Subject: Fwd: Braden Park project
Attachments: 01. Project Proposal-2.pdf

----- Forwarded message -----

From: **Adam Parisi** <adam.parisi@trestletree.com>
Date: Mon, Apr 4, 2016 at 10:51 AM
Subject: Braden Park project
To: "danidingman@gmail.com" <danidingman@gmail.com>
Cc: Anita Thomas <phillipandanita@yahoo.com>, "robtelee2@sbcglobal.net" <robtelee2@sbcglobal.net>, "colinsdad@outlook.com" <colinsdad@outlook.com>, "wfmccomas@hotmail.com" <wfmccomas@hotmail.com>

Hi Dani,

I would like to confirm that the Covington Park POA Board has unanimously agreed to support the proposed Braden Park project proposal, with Cunningham Recreation as the selected vendor. The POA agrees to fulfill its commitment as outlined in the "HOA Commitment" section on the first page of the attached document.

Thank you so much for coordinating this project and for your diligent work with the City to bring this to fruition.

Regards,

Adam Parisi

Covington Park POA Board President

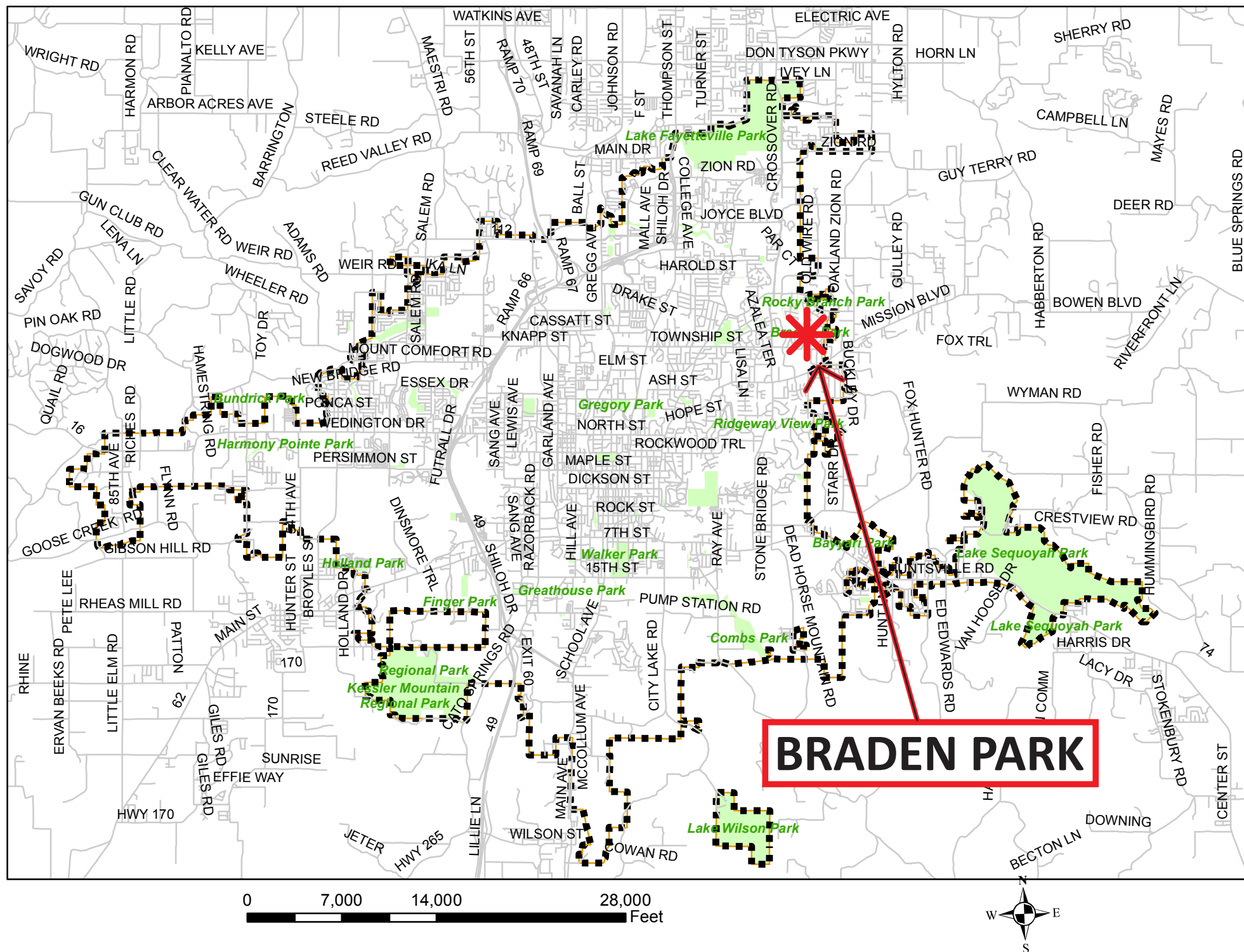
**BRADEN PARK
COMMITMENT FROM COVINGTON PARK PROPERTY OWNERS ASSOCIATION
AND
THE CITY OF FAYETTEVILLE**

POA Commitment

- Purchase and installation of PrimeTime modular play structure with associated play stations as shown on proposal.
- Purchase and installation of PrimeTime ADA two-bay swing frame with 2 enclosed tot seats, 2 belt seats, and 2 large heavy duty wear mats for the belt swings.

City Commitment

- Removal of existing Kompan climbing structure from play area where modular structure is proposed.
- Removal of large boulder currently in play area where modular structure is proposed.
- Preparation of new swing play area to include removal of ~ 2 – 3 small trees, excavation and removal of subgrade.
- Installation of new concrete containment curb for swing area (8" x 18" x ~100').
- Installation of 2" gravel subbase for drainage.
- Provide and install engineered wood fiber surfacing.



Braden Park



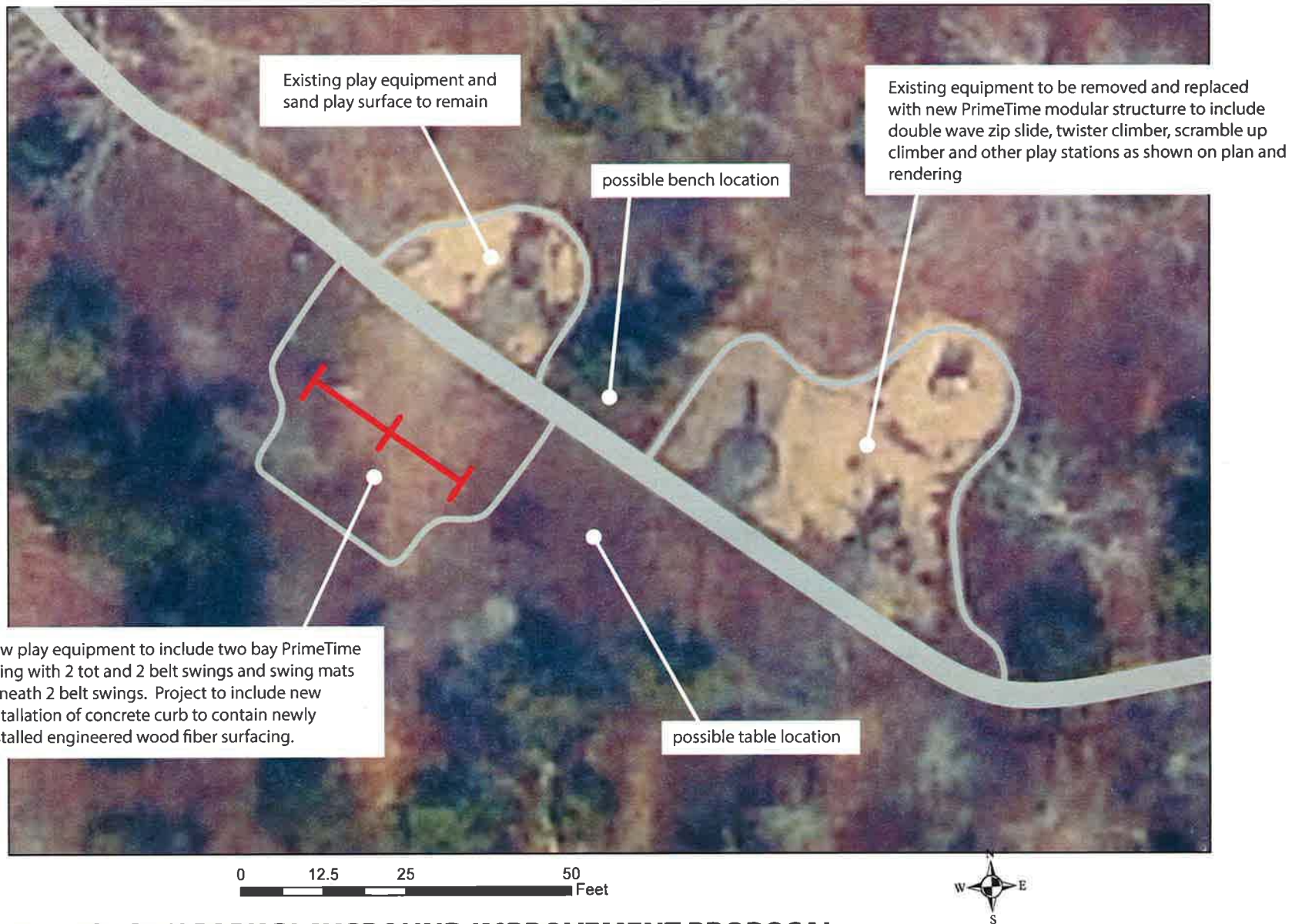
City of Fayetteville Braden Park Revised 3-28-16



Drawn By:
rjw

Date:
2.26.16

Drawing Name:
81595-01.dwg



2016 BRADEN PARK PLAYGROUND IMPROVEMENT PROPOSAL

**Parks and Recreation Advisory Board Meeting
April 4, 2016 at 5:30 p.m.
City Administration Building Room 326
113 West Mountain Street
Fayetteville, AR**

Members: Richie Lamb, David Priest, Wade Colwell, Terry Lawson, Chuck Maxwell, Kyle McHan, Phillip McKnight, David Proffitt, JL Jennings

City Staff: Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; Alison Jumper, Park Planning Superintendent; Chanel Pennington, Operations Assistant; Ken Eastin, Park Planner II

Item 4: Braden Park Improvements Presentation: Dani Dingman

Eastin introduced Dani Dingman, a representative for the Covington Park Property Owner's Association. Dingman proposed adding a small modular unit with double slides and additional play features attached. This unit would go into an existing play area. They are also requesting a new swing set.

Dingman added the current climbing structure is not being utilized nor considered safe by park users. They are proposing to remove this component and replace it with something more age appropriate and safer.

Eastin added the city would be responsible for adding the 100 feet of concrete curb and removing existing play equipment. There is also a small boulder that may need to be relocated within the park. The cost to the city would be around \$5,000.

Edmonston added there are available funds within the park quadrant budget that could cover the department's financial portion of this project. Staff is recommending to utilize these funds.

PRAB Motion: Maxwell motioned to approve the proposal, McKnight seconded the motion. Motion passed 8-0-0.

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

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

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

To recognize Park Land Dedication (Northeast quadrant) revenues received into a new subproject. The revenue will be used for expansion of the Braden Park playground facilities (surface, enclosure, etc.).

RESOLUTION/ORDINANCE	COUNCIL DATE:	5/17/2016
	LEGISTAR FILE ID#:	2016-0213
	<i>Barbara Fell</i> 4/20/2016 1:27 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		3,723	3,723					v.20160125
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name		
	Expense	Revenue	Project	Sub				
2250.9256.5315.00	3,723	-	13001	1603	EX	Contract Services		
2250.0925.4419.01	-	3,723	13001	1603	RE	Greenspace Fees - NE		
	-	-						
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City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0229

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 50/50 MATCHING GRANT FROM THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM IN THE AMOUNT OF \$150,000.00 FOR THE CONSTRUCTION OF PLAYGROUND AND PARKING IMPROVEMENTS AT WILSON PARK, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, on August 4, 2016, the City Council passed Resolution No. 132-15 authorizing an application for a 50/50 matching grant through the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program and that application has been approved.

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 authorizes acceptance of a 50/50 matching grant from the Arkansas Department of Parks and Tourism in the amount of \$150,000.00 for the construction of playground and parking improvements at Wilson Park.

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

City of Fayetteville Staff Review Form

2016-0229

Legistar File ID

5/17/2016

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

Alison Jumper

4/27/2016

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Parks and Recreation requests City Council approval of a resolution to authorize the City to accept a \$150,000 matching grant from the Arkansas Parks and Tourism Outdoor Recreation Grant Program and approval of a budget adjustment to recognize the revenue for the replacement of the Wilson Park playground.

Budget Impact:

2250.9255.5806.00		Parks Development	
Account Number		Fund	
13001.1601		Wilson Park Grant Match	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 459,000.00
		Funds Obligated	\$ -
		Current Balance	\$ 459,000.00
Does item have a cost?	Yes	Item Cost	\$ 300,000.00
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 150,000.00
		Remaining Budget	\$ 309,000.00

V20140710

Previous Ordinance or Resolution # 132-15

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 17TH, 2016

TO: Mayor and City Council

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

FROM: Alison Jumper, Park Planning Superintendent

DATE: April 27, 2016

SUBJECT: **Acceptance of an Arkansas Parks and Tourism Outdoor Recreation Grant for Wilson Park**

RECOMMENDATION:

Parks and Recreation requests City Council approval of a resolution to authorize the City to accept a \$150,000 matching grant from the Arkansas Parks and Tourism Outdoor Recreation Grant Program and approval of a budget adjustment to recognize the revenue for the replacement of the Wilson Park playground.

BACKGROUND:

The Arkansas Department of Parks and Tourism annually offers a matching grant opportunity through its Outdoor Recreation Grants Program. Each year eligible entities may apply for funds for projects that create opportunity for outdoor recreation. The grant is funded from two sources. The Land and Water Conservation Fund (LWCF) is a federal program with funds derived from the sale of federal surplus real estate property, federal motor boat fuel tax, and Outer Continental Shelf mineral receipts. The Natural and Cultural Resources Grant and Trust Fund (NCRGTF) is a state program with funds collected from a tax on the transfer of certain real estate in the State of Arkansas. LWCF and NCRGTF funds are included in the Department of Parks and Tourism's Outdoor Recreation Grants Program for funding outdoor recreation facilities. Only incorporated cities and counties may apply.

Arkansas Parks and Tourism has awarded our City with several grants for the development of improvements to Doc Mashburn Park, Sweetbriar Park, Bryce Davis Park, Braden Park, Grinders Skate Park at Walker Park, Gulley Park, Veterans Memorial Park at Lake Fayetteville Park and the Botanical Garden of the Ozarks at Lake Fayetteville Park.

A public hearing was held at City Hall, Room 326 on June 25, 2015 to gather input from the public regarding recreation needs and to prioritize an eligible grant project (see attached public hearing affidavit of publication and minutes). Outreach to groups such as ethnic minority populations, the elderly and persons with disabilities was attained through additional group meetings as required by the grant. Specific projects for the grant application were not defined at the outreach meetings or the public hearing.

The Parks and Recreation Advisory Board approved the selection of this project for the 2016 Arkansas Parks and Tourism Outdoor Recreation Grant. The conceptual plan was approved by PRAB on July 6, 2015 (see attached PRAB meeting minutes).

On August 4, 2015, City Council passed Resolution Number 132-15 authorizing Parks and Recreation to apply for a grant from Arkansas Department of Parks and Tourism (see attached resolution).

DISCUSSION:

This grant contains twelve (12) obligations covering items such as compliance of the Americans for Disabilities Act and requiring that the property be retained in perpetuity for outdoor recreation use (see attached grant obligations). The project area of Wilson Park meets all of these obligations.

Section 6(f) (3) of the LWCF Act states "No property acquired or developed with the assistance under this section shall, without the approval of the Secretary of the United States Department of the Interior, be converted to other than public outdoor recreation use." If this property must ever be used for anything other than outdoor recreation use, it is possible to convert the park boundary.

The project includes replacing the existing playground and making improvements to the entry drives on the west end of the park where the paving has deteriorated. Additionally, an ADA space will be striped and curb will be added to reduce erosion problems adjacent the to the drive. The total project is estimated at \$300,000.

The Parks and Recreation Advisory Board approved the selection of this project for the 2016 Arkansas Parks and Tourism Outdoor Recreation Grant. The conceptual plan was approved by PRAB on July 6, 2015 (see attached PRAB meeting minutes).

BUDGET/STAFF IMPACT:

Arkansas Outdoor Recreation Grant awarded the City of Fayetteville \$150,000 to complete the project. This is a 50/50 matching grant. The matching funds are available in project 13001.1601 Wilson Park Improvements.

Attachments:

Letter of Award Notification from Arkansas Parks and Tourism
PRAB Minutes July 6, 2015
Resolution No. 132-15
Grant Obligations
Budget Adjustment



**DEPARTMENT OF
PARKS & TOURISM**

1 Capitol Mall
Little Rock, AR 72201
501-682-7777

Great River Road Division
501-682-1120
Arkansas.com

History Commission
501-682-6900 (TDD)
Ark-ives.com

Human Resources Section
501-682-7742 (TDD)

Keep Arkansas
Beautiful Division
501-682-3507 (TDD)
KeepArkansasBeautiful.com

State Parks Division
501-682-1191 (TDD)
ArkansasStateParks.com

Tourism Division
501-682-7777 (TDD)
Arkansas.com

**Asa Hutchinson
GOVERNOR**

**Kane Webb
EXECUTIVE DIRECTOR**

DIVISION DIRECTORS

Cynthia Dunlap
ADMINISTRATION

Grady Spann
STATE PARKS

Joe David Rice
TOURISM

Ron Maxwell
GREAT RIVER ROAD

Dr. Lisa Speer
HISTORY COMMISSION

Robert Phelps
KEEP ARKANSAS
BEAUTIFUL

**AN EQUAL
OPPORTUNITY/
AFFIRMATIVE ACTION/
AMERICANS WITH
DISABILITIES ACT
EMPLOYER**

Arkansas

THE NATURAL STATE

RECEIVED

JAN 25 2016

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

January 19, 2016

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

RE: FY 2016 Matching Grant Project
2016 Wilson Park Improvements
Project Number A-10694-16-WA

Dear Mayor Jordan:

Congratulations! As a recipient of a Fiscal Year 2016 Matching Grant Award in the amount of \$150,000.00, the first step in beginning your project will be the Project Management Workshop. This workshop should be scheduled at your earliest convenience, but it should be noted that this workshop must be completed before you can begin any work on your project. We require that the person who will handle paper work, prepare bid documents, purchase materials, and supervise the construction for this project attend this meeting. I request that you or a representative from your office attend the meeting. It is also helpful for the Project Engineer or Architect, if applicable, to attend this meeting.

During the workshop, we will discuss federal and state regulations for barrier free access, bidding and purchasing procedures, record keeping, reimbursement procedures, and responsibilities after the project has been completed. Please prepare the following items for the meeting:

- (1) Project Budget (Revised if needed) Enclosed is a form for your use.
- (2) Site development plan including any revisions that have been made since your application.
- (3) It will be helpful to have complete plans and specifications that are ready for bid. If the City is unclear on our requirements, we will discuss them at the workshop.

After the Project Management meeting, I will review your plans and specifications as well as bid documentation and advertisements. If everything is in order, I will mail a State Contract Agreement for you to sign. After you sign the Contract and return it, the Executive Director of the Department of Parks and Tourism will sign it and return it to you along with an Official Notice To Proceed.

PLEASE NOTE: Any expenses associated with this grant project that are incurred prior to the official Notice-To-Proceed will not be eligible for reimbursement, except for architecture and engineering expenses.

I look forward to working with you on your project.

Sincerely,

Mike Sprague, Project Officer
Outdoor Recreation Grants Program
Tel: 501-682-6946
Email: michael.sprague@arkansas.gov

Parks and Recreation Advisory Board
July 6th , 2015 at 5:30 p.m.
City Administration Building, Room 326
113 West Mountain Street
Fayetteville, AR 72701

Members: Kyle McHan, Wade Colwell, Richie Lamb, Chuck Maxwell, David Priest, David Proffitt, Philip Watson, Terry Lawson

City Staff: Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; Alison Jumper, Parks Planning Superintendent; Alan Spann, Program Superintendent, Chanel Pennington; Operations Assistant

1. Call to Order : 5:30 PM

2. Roll Call

Parks and Recreation Advisory Board members present were Lamb, Priest, Colwell, McHan, McKnight, and Proffitt. Members absent were Maxwell, Watson, and Lawson.

3. Approval of June1st 2015, PRAB Meeting Minutes

PRAB Motion: Lamb motioned to approve minutes, McKnight seconded the motion. Motion passed by voice vote, 6-0-0.

4. Arkansas Parks and Tourism Outdoor Grant Application: Alison Jumper, Park Planning Superintendent

Jumper gave a brief explanation of Arkansas Parks and Tourism Outdoor Grant Application that will match the department 50/50. Jumper also gave a brief update regarding the process and status of the grant application. Three meetings have been hosted for input from the community regarding the grant. Staff will take input and compare it to what is available in the budget and try to match the best grant application.

Staff is proposing to replace the older playground (ages 5-12) at Wilson Park, make parking and road improvements, and improve ADA accesses. Jumper mentioned that that there \$175,000 of matching funds available for the grant.

PRAB Motion: Lamb motioned to approve the funds for application, McHan seconded. Motion passed, 6-0-0

RESOLUTION NO. 132-15

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A 50/50 MATCHING GRANT, THROUGH THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM, IN THE AMOUNT OF \$150,000.00 FOR THE CONSTRUCTION OF PLAYGROUND AND PARKING IMPROVEMENTS AT WILSON PARK

WHEREAS, the City of Fayetteville seeks to improve recreation facilities at Wilson Park and wishes to seek grant funding assistance; and

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain a 50/50 matching grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program; and

WHEREAS, the plans for such recreation area have been prepared and the price therefore has been established; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas understands the grantee and grantor will enter into a binding agreement which obligates both parties to policies and procedures contained in the Land and Water Conservation Fund Grants Manual including, but not limited to the following: the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas is well aware and apprised of the above-mentioned project, and will provide the local portion of the development cost of the entire project.

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

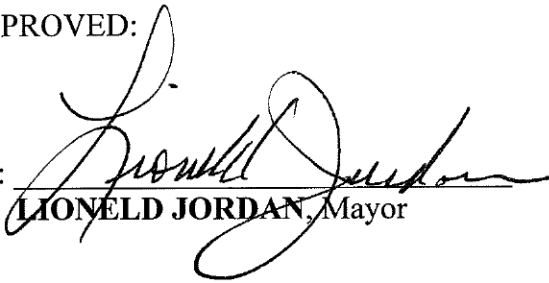
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to make application to the Arkansas Department of Parks and Tourism for assistance to develop recreational facilities in Wilson Park located in the City of Fayetteville; therefore such application shall be submitted as expediently as possible.

PASSED and **APPROVED** this 4th day of August, 2015.

APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk Treasurer



WHO CAN PREPARE THE APPLICATION?

- The application can be prepared locally.
- The application can be prepared by consultants. (Grant preparation cannot be paid for with grant funds).
- The application can be prepared by the local area-wide Planning or Economic Development Districts or the Regional Planning Commissions.

WHAT ARE OUR OBLIGATIONS IF WE RECEIVE A GRANT?

We are jointly committed! Both the Department of Parks and Tourism's Outdoor Recreation Grants Program and the project sponsor are committed to long term program compliance. After the project is completed and all grant funds have been disbursed, our commitment to the requirements of the Arkansas Matching Grant Program continues. These ongoing commitments include:

1. Once a public park project boundary has been identified by the local project sponsor and provided to the Department of Parks and Tourism, all facilities constructed within that boundary, at any future time, must be in compliance with the rules and regulations of the Outdoor Recreation Grants Program Project Management Guide. This also applies to those facilities constructed in whole or in part with local funds.
2. Property acquired or developed with grant funds must be retained in perpetuity for outdoor recreation use and will be subject to inspection by the State at least once every five years. In addition each project will be inspected by the State during construction and before final reimbursement is made.
3. No overhead utility lines are allowed within the project boundary. All existing utility lines located within the park boundaries must be placed underground. This regulation applies to any overhead lines including electric lines, phone lines and public announcement system wiring. No vehicular right-of-way easements are allowed within the boundary.
4. A permanent sign indicating that federal LWCF or state ANCRGTF monies were used to acquire and/or develop public outdoor recreation facilities must be maintained within the park in perpetuity. The Outdoor Recreation Grants Program will provide the grantee a sign, 10" wide x 8" tall, to be mounted in a prominent location within the park (ex. near entrance). Upon project completion the applicant will be required to describe the location of the sign and state that the sign location will not change.
5. All public recreation facilities constructed within a Matching Grant Program-assisted park must be accessible to persons with disabilities. This also applies to facilities in the park that were not developed with grant assistance.
6. Property acquired or developed with assistance from the fund must be open to entry and use by all persons regardless of race, color, religion, sex, or national origin. Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.
7. Property acquired or developed with assistance from the Matching Grant Program shall be

operated and maintained in perpetuity. The property shall be maintained so as to appear attractive and inviting to the public. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards. Properties shall be kept safe for public use. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their functional lifetime to prevent undue deterioration and to encourage public use. Facilities that have reached an age that renders them obsolete or worn out may be removed upon notification of the Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program Director. Notification must be provided prior to removal of the facilities.

8. The Arkansas ORGP staff will conduct periodic post completion inspections of the project area to ensure that program compliance continues after the project is completed. Sponsors who fail to comply with long term commitment may jeopardize future eligibility for matching grant funds for new projects and/or be subject to legal actions by the State or Federal government to enforce program compliance.
9. The property shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility. Property which is not operated and maintained in good condition may jeopardize the awarding of future grant funds to that jurisdiction.
10. Participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Matching Grant

Program assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the type of users (i.e. hunters or four-wheelers, etc.). All limitations must be in accord with the applicable grant agreement and amendments.

11. All recipients of Matching Grant Program monies must comply with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act, of 1990 Title II and Title III.
12. Properties (parks and recreation areas) acquired or developed with LWCF/ANCRGTF assistance are prohibited by Section 6(f)(3) of the LWCF Act of 1965, as amended, from conversion to any use other than public outdoor recreation use.

Section 6(f)(3) of the LWCF Act states that “No property acquired or developed with assistance under this section shall, without the approval of the Secretary, U. S. Department of the Interior, be converted to other than public outdoor recreation use. The Secretary shall approve such conversion only if he/she finds it to be in accordance with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.”

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

Approval to receive/recognize matching grant funds of \$150,000 from Arkansas Parks and Tourism Outdoor Recreation Grant Program for use to replace the playground at Wilson Park. There is a 50% matching requirement by the City.

RESOLUTION/ORDINANCE

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0237

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 8

PARKS AND RECREATION DEPARTMENT DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$29,387.00 REPRESENTING DONATION REVENUE TO THE PARKS AND RECREATION 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 approves a budget adjustment, a copy of which is attached to this Resolution, in the amount of \$29,387.00 representing donation revenue to the Parks and Recreation Department.

City of Fayetteville Staff Review Form

2016-0237

Legistar File ID

5/17/2016

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

Connie Edmonston

4/29/2016

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve a budget adjustment in the amount of \$29,387 recognizing and allocating donation revenue from citizens, organizations and businesses made to the Parks and Recreation Department.

Budget Impact:

1010.multiple		General	
Account Number		Fund	
33051.multiple		Parks and Recreation Donations	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ 28,556.00
		Funds Obligated	\$ 2,107.00
		Current Balance	\$ 26,449.00
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 29,387.00
		Remaining Budget	\$ 55,836.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: There are various account numbers and project numbers needed for these donations. See detailed budget adjustment and donation breakdown.



CITY COUNCIL AGENDA MEMO

MEETING OF **MAY 17, 2016**

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Connie Edmonston, Parks and Recreation Director
DATE: April 29, 2016
SUBJECT: Recognition of \$29,387 in donations to the Parks and Recreation Department

RECOMMENDATION:

Parks and Recreation recommend the approval of a Budget Adjustment in the amount of \$29,387 recognizing and allocating donation revenue from citizens, organizations and businesses made to the Parks and Recreation Department.

BACKGROUND:

Each year a variety of citizens, organizations and business make donations to assist with various parks and recreation programs.

DISCUSSION:

Approval allows for the recognition of funds so that the funds may be used towards the intended use as designated by the donating party. Donors included Friends for YRCC, Fayetteville Firefighters Association, Champions for Kids, and Bikes, Blues and Barbeque. A list of all of the donors is provided as an attachment. Parks and Recreation appreciates each of these donors which allows us to provide quality programs and services to our citizens.

BUDGET/STAFF IMPACT:

Recognize donations in the amount of \$29,387 within the appropriate accounts as shown below.

Yvonne Richardson Community Center Programs:	\$17,651
Memorial Bench Program:	\$ 3,950
Gulley Park Concerts:	\$ 3,900
Dive-in Movies/General Maintenance:	\$ 2,711
Community Garden Program:	<u>\$ 1,175</u>
	\$29,387

Attachments:

Staff Review Form
Donation Breakdown
Budget Adjustment Form

Parks & Recreation - Summary of Year-To-Date Donations Received but not recognized

Donation Date	Revenue G/L Account that donation was deposited in	Amount	Check #, Cash, or Charge	Donation Received From	Donation Purpose	Donation Group	Receipt #	G/L Expense Account Funds are to be spent from
12/9/2015	1010.0001.4815.00 33051.6	\$750.00	Ck# 4521	Tooleys BBQ & More LLC	Concert \$	Parks	150375002	1010.5220.5342.00 33051.6
10/23/2015	1010.0001.4815.01 33051.4	\$1,345.00	Multiple Checks	Claudett Hunnicutt, Susan Tonymon, Betsy Hooper, Patricia Beland, Jan&Bud Hanks, Georgia Kuntz	Bench Donations - Chris Knight	Parks	150325353 & others	1010.5260.5210.00 33051.4
10/29/2015	1010.0001.4815.01 33051.4	\$50.00	Ck# 10351	Ann Henry	Bench Donation - Chris Knight	Parks	150331641	1010.5260.5210.00 33051.4
11/9/2015	1010.0001.4815.01 33051.4	\$555.00	Multiple Checks	Mrs. Donnie Dulton, Clifton Smart, Hunnicutt Fam, Trust, Sandra Thomas, Schneider Trust & Lucia Allen	Bench Donations - Chris Knight	Parks	150343024 & others	1010.5260.5210.00 33051.4
1/7/2016	1010.0001.4815.00 33051.1	\$93.34	Cash	Various donations received- general Parks use	Parks Maintenance - general use	Parks	160006941	1010.5260.5400.00 33051.1
2/5/2016	1010.0001.4815.00 33051.7	\$20.00	Cash	Raphael Macias	Community Gardens	Parks	160038788	1010.5260.5400.00 33051.7
2/11/2016	1010.0001.4815.00 33051.6	\$750.00	Ck# 4558	Tooleys BBQ & More LLC	Concert \$	Parks	160044944	1010.5220.5315.00 33051.6
2/18/2016	1010.0001.4815.00 33051.6	\$150.00	Ck# 6619	Storm Orthodontics	Concert \$	Parks	160051292	1010.5220.5315.00 33051.6
2/18/2016	1010.0001.4815.00 33051.6	\$750.00	Ck# 0054	Slim Chickens	Concert \$	Parks	160051290	1010.5220.5315.00 33051.6
3/1/2016	1010.0001.4815.00 33051.7	\$20.00	Charge - Mastercard	Georgia Lance	Community Gardens	Parks	160065964	1010.5260.5400.00 33051.7
3/3/2016	1010.0001.4815.00 33051.7	\$40.00	Cash	Barbara McClelland	Community Gardens	Parks	160069812	1010.5260.5400.00 33051.7
3/7/2016	1010.0001.4815.00 33051.7	\$453.00	Multiple pymts.	Multiple donations from various individuals	Community Gardens	Parks	Multiple #'s	1010.5260.5400.00 33051.7
3/9/2016	1010.0001.4815.00 33051.7	\$172.00	Multiple pymts.	Multiple donations from various individuals	Community Gardens	Parks	Multiple #'s	1010.5260.5400.00 33051.7
3/10/2016	1010.0001.4815.00 33051.6	\$750.00	Ck - ACH pymt	Whole Foods Market	Concert \$	Parks	160077128	1010.5220.5315.00 33051.6
3/14/2016	1010.0001.4815.00 33051.7	\$36.00	Ck# 8601	Carol Daggett Landscaping	Community Gardens	Parks	160079937	1010.5260.5400.00 33051.7
3/15/2016	1010.0001.4815.00 33051.1	\$2,500.00	Ck# 1509	Fayetteville Firefighters	Dive-in Movies	Parks	160081648	1010.5220.5342.00 33051.1
3/15/2016	1010.0001.4815.00 33051.7	\$86.00	Multiple pymts.	Melissa Wagner & Patricia McCallister	Community Gardens	Parks	160081644 & 160081634	1010.5260.5400.00 33051.7
3/16/2016	1010.0001.4815.00 33051.7	\$46.00	Charge	Christopher Hallett	Community Gardens	Parks	160082674	1010.5260.5400.00 33051.7
3/17/2016	1010.0001.4815.00 33051.7	\$21.00	Ck# 3067	Nancy Harris	Community Gardens	Parks	160084354	1010.5260.5400.00 33051.7
3/21/2016	1010.0001.4815.00 33051.1	\$115.81	Ck#10312	Bekka Development Co.	Reimb. for memorial plaque@Town Center	Parks	160088395	1010.5260.5400.00 33051.1
3/23/2016	1010.0001.4815.00 33051.7	\$20.00	Cash	Rachel Allen	Community Gardens	Parks	160090395	1010.5260.5400.00 33051.7
3/24/2016	1010.0001.4815.00 33051.7	\$65.00	Multiple pymts.	Allison Griffin, Si Wang and Kevin Johnson	Community Gardens	Parks	Multiple #'s	1010.5260.5400.00 33051.7
3/28/2016	1010.0001.4815.00 33051.7	\$61.00	Multiple pymts.	Niederman Enterprises & Jonathon Eddings	Community Gardens	Parks	Multiple #'s	1010.5260.5400.00 33051.7
3/30/2016	1010.0001.4815.00 33051.7	\$60.00	Ck# 2089	Kimberly Janos	Community Gardens	Parks	160097939	1010.5260.5400.00 33051.7
4/8/2016	1010.0001.4815.00 33051.7	\$20.00	Cash	Raphael Macias	Community Gardens	Parks	160109035	1010.5260.5400.00 33051.7
4/14/2016	1010.0001.4815.00 33051.7	\$40.00	Charge	Yujin Went	Community Gardens	Parks	160114611	1010.5260.5400.00 33051.7
4/18/2016	1010.0001.4815.00 33051.6	\$750.00	Ck# 010324	Burrito Concepts, LLC	Concert \$	Parks	160118333	1010.5220.5315.00 33051.6
4/19/2016	1010.0001.4815.00 33051.1	\$2.00	Ck# 52909	J. C. Penney	Parks Maintenance - general use	Parks	160119473	1010.5260.5400.00 33051.1
4/22/2016	1010.0001.4815.01 33051.4	\$2,000.00	Ck# 3851	Monty Henderson	Bench Donation	Parks	160125084	1010.5260.5210.00 33051.4
4/26/2016	1010.0001.4815.00 33051.7	\$15.00	Ck# 1284	Andrew Levoir	Community Gardens	Parks	160128521	1010.5260.5400.00 33051.7
	Parks Subtotal	\$11,736.15						
10/21/2015	1010.0001.4808.03 33051.1001	\$40.00	Ck# 3869	Eloise Pettit	YRCC - Promotional Activities	YRCC	150321387	1010.5280.5342.00 33051.1001
10/21/2015	1010.0001.4808.03 33051.1001	\$50.00	Ck# 65803	The Bank of Fayetteville	YRCC - Promotional Activities	YRCC	150321383	1010.5280.5342.00 33051.1001
11/17/2015	1010.0001.4808.03 33051.1001	\$30.00	Cash	Chrissy Turner	YRCC - Promotional Activities	YRCC	150351776	1010.5280.5342.00 33051.1001
12/14/2015	1010.0001.4808.03 33051.1001	\$1,000.00	Ck# 12089	Bikes Blues & BBQ	YRCC - Promotional Activities	YRCC	150379434	1010.5280.5342.00 33051.1001
1/19/2016	1010.0001.4808.03 33051.1001	\$273.48	Cash	March Bracket Challenge donations	YRCC - Promotional Activities	YRCC	160018082	1010.5280.5342.00 33051.1001
1/19/2016	1010.0001.4808.03 33051.1001	\$50.00	Ck# 2174	Margaret Walker	YRCC - Promotional Activities	YRCC	160018083	1010.5280.5342.00 33051.1001
1/19/2016	1010.0001.4808.03 33051.1001	\$50.00	Ck# 1912	Charlotte Martin	YRCC - Promotional Activities	YRCC	160018088	1010.5280.5342.00 33051.1001
2/5/2016	1010.0001.4808.03 33051.1001	\$2.00	Cash	Markham Roberson	YRCC - Promotional Activities	YRCC	160038793	1010.5280.5342.00 33051.1001
2/11/2016	1010.0001.4808.03 33051.1001	\$80.00	Ck# 3114	Pettit Property Management	YRCC - Promotional Activities	YRCC	160044954	1010.5280.5342.00 33051.1001
2/22/2016	1010.0001.4808.03 33051.1001	\$10,000.00	Ck# 1319	Southeast Fayetteville Community Center, Inc.	YRCC - Promotional Activities	YRCC	160057371	1010.5280.5342.00 33051.1001
2/25/2016	1010.0001.4808.03 33051.1001	\$200.00	Ck# 95264	Niecee Hill	YRCC - Promotional Activities	YRCC	160061046	1010.5280.5342.00 33051.1001
3/3/2016	1010.0001.4808.03 33051.1001	\$500.00	Cash	Student Advisory Athletic Com.	YRCC - Promotional Activities	YRCC	160069815	1010.5280.5342.00 33051.1001
4/11/2016	1010.0001.4808.03 33051.1001	\$40.00	Ck# 3155	Pettit Property Management	YRCC - Promotional Activities	YRCC	160112753	1010.5280.5342.00 33051.1001
4/18/2016	1010.0001.4808.03 33051.1001	\$1,500.00	Ck# 1008	Phi Beta Sigma	YRCC - Promotional Activities	YRCC	160118343	1010.5280.5342.00 33051.1001
4/22/2016	1010.0001.4808.03 33051.1001	\$215.00	Cash	March Bracket Challenge - multiple donations	YRCC - Promotional Activities	YRCC	160125085	1010.5280.5342.00 33051.1001
4/26/2016	1010.0001.4808.03 33051.1001	\$121.19	Ck# 16452	Unitarian Universalist Fellowship	YRCC - Promotional Activities	YRCC	160128524	1010.5280.5342.00 33051.1001
4/26/2016	1010.0001.4808.03 33051.1001	\$3,500.00	Ck# 5914	Champions For Kids	YRCC - Promotional Activities	YRCC	160128523	1010.5280.5342.00 33051.1001
	YRCC Subtotal	\$17,651.67						
Total Parks & Recr. YTD Donations		\$29,387.82						
Prepared by - A. Bearden 4/29/16 4:17 PM K:\Financial Services\Donations Received\2015 & 2016 Parks Donations not recognized at 4-29-16.xls\Donation Receipts Total Donations Received This Year								

Prepared by - A. Bearden

4/29/16 4:17 PM

K:\Financial Services\Donations Received\2015 & 2016 Parks Donations not recognized at 4-29-16.xls\Donation Receipts

Total Donations Received This Year

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

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

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

To recognize and allocate donation revenue received from citizens and businesses through late April 2016.

RESOLUTION/ORDINANCE	COUNCIL DATE:	5/17/2016
	LEGISTAR FILE ID#:	2016-0237
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		29,387	29,387				v.20160125
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name	
	Expense	Revenue	Project	Sub			
1010.0001.4999.97	-	3,820			RE	Use of Prior Fund Balance	
1010.5280.5342.00	1,120	-	33051	1001	EX	Promotional Activities	
1010.5220.5342.00	750	-	33051	6	EX	Promotional Activities	
1010.5260.5210.00	1,950	-	33051	4	EX	Minor Equipment	
1010.0001.4815.00	-	2,711	33051	1	RE	Donation-Park Miscellaneous	
1010.5260.5400.00	211	-	33051	1	EX	Building & Grounds Maintenance	
1010.5220.5342.00	2,500	-	33051	1	EX	Promotional Activities	
1010.0001.4815.00	-	3,150	33051	6	RE	Donation-Park Miscellaneous	
1010.5220.5315.00	3,150	-	33051	6	EX	Contract Services	
1010.0001.4815.00	-	1,175	33051	7	RE	Donation-Park Miscellaneous	
1010.5260.5400.00	1,175	-	33051	7	EX	Building & Grounds Maintenance	
1010.0001.4808.03	-	16,531	33051	1001	RE	Donations - YRCC	
1010.5280.5342.00	16,531	-	33051	1001	EX	Promotional Activities	
1010.0001.4815.01	-	2,000	33051	4	RE	Donations - Park Bench Memorial	
1010.5260.5210.00	2,000	-	33051	4	EX	Minor Equipment	



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0227

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 9

RECREATIONAL TRAILS GRANT APPLICATION - TRAIL REPLACEMENT:

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID RECREATIONAL TRAILS FUNDS AND AUTHORIZE APPLICATION FOR A 20% LOCAL MATCH GRANT THROUGH THE ARKANSAS RECREATIONAL TRAILS PROGRAM IN AN AMOUNT UP TO \$56,000.00 FOR THE REPLACEMENT OF A SECTION OF THE RAZORBACK REGIONAL GREENWAY FROM MAPLE STREET TO FRISCO AVENUE

WHEREAS, the City of Fayetteville understands Federal-Aid Recreational Trails funds are available through the Arkansas Recreational Trails Program in an amount up to \$56,000.00 at 80% federal participation and 20% local match to replace a section of the Razorback Regional Greenway from Maple Street to Frisco Avenue; and

WHEREAS, the City of Fayetteville understands that Federal-Aid funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement; and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the City of Fayetteville.

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 determines that the City of Fayetteville will participate in accordance with its designated responsibility, including maintenance of this project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

Section 3: That the City Council of the City of Fayetteville, Arkansas pledges its full support and hereby authorizes the City of Fayetteville to cooperate with the Arkansas State Highway and Transportation Department to initiate action to implement this project.

City of Fayetteville Staff Review Form

2016-0227

Legistar File ID

May 17th, 2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

4/28/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution expressing the willingness to apply for federal-aid funds and allow staff to submit an application of an 80% federal 20% local matching grant through the Arkansas Recreational Trails Program for and award of up to \$56,000 to be used for the replacement of a section of the Razorback Regional Greenway from Maple Street to Frisco Avenue.

Budget Impact:

4470.9470.5420.00

Sales Tax Capital Improvements

Account Number

Fund

02016.1301

Trail Development
Trail Maintenance

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 115,788.74

Funds Obligated \$ 500.00

Current Balance \$ 115,288.74

Does item have a cost? Yes

Item Cost \$ 14,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 101,288.74

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 17TH, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: April 28th, 2016

SUBJECT: 2016-0227 Recreational Trails Grant Application – Trail Replacement

RECOMMENDATION:

Staff recommends approval of a resolution expressing the willingness to apply for federal-aid funds and allow staff to submit an application of an 80% federal 20% local matching grant through the Arkansas Recreational Trails Program for and award of up to \$56,000 to be used for the replacement of a section of the Razorback Regional Greenway from Maple Street to Frisco Avenue.

BACKGROUND:

A 670 foot long section of the Frisco Trail, now part of the Razorback Regional Greenway from Maple Street to Frisco Avenue has degraded due to subgrade issues associated with the steep cut along the Arkansas and Missouri Railroad. A geotechnical analysis was performed and determined that the subgrade below the trail has shifted resulting in the large cracks on the trail surface. Fortunately, the report indicates solid shale approximately 3 feet below the trail surface. The recommendation of the geotechnical analysis is to excavate the existing trail down to the solid shale, then build back with select fill, base and a new 12 foot wide concrete surface. The cost of this trail replacement is estimated at \$70,000. The trail replacement is eligible for federal funding through the 2016 Recreational Trail Program.

DISCUSSION:

The Recreational Trails Program is administered through the Arkansas State Highway and Transportation Department and has been a substantial program for trail funding over the years (see funding history below). For the 2016 funding cycle, staff would like to submit an application for funding 80% of the cost of the replacement of the degraded section of the Razorback Regional Greenway.

BUDGET/STAFF IMPACT:

If the Recreational Trails Program grant is approved, the City will be responsible for 20% of the total project cost, or \$14,000. The labor costs for the city in-house trail construction crew is eligible to count toward the 20% city match. Funding for the match has been budgeted through the Trail Development Capital Improvement Program.

Summary of the Recreational Trails Grant awards to the City of Fayetteville since 1997:

Funding Year	AHTD Project Number	Trail Project	Location/Description	Funding Amount
1997	040271	Lake Fayetteville Kiosks	Three trailhead kiosks at Lake Fayetteville – North Shore, Softball Parking and Veterans Park.	\$20,000
2002	040401	Lake Fayetteville Spillway Bridge	Lake Fayetteville spillway, west of Veterans Park	\$51,247
2003	040425	Lake Fayetteville Spillway Bridge	Combined with the 2002 funds into one project to complete the Lake Fayetteville Spillway Bridge	\$20,000
2007	040507	Mud Creek Trail	Replacement of narrow arch bridge east of Front Street with an ADA compliant bridge.	\$33,600
2008	040530	Mud Creek Trail	Extension of Mud Creek Trail across Mud Creek along Old Missouri Road to Sweetbriar Drive.	\$60,000
2009	040558	Oak Ridge Trail	Frisco Trail west to Garland (Partnership with the U of A)	\$116,534
2010	040613	Lake Fayetteville Trail	Botanical Gardens to Veterans Park	\$80,000
2012	040656	Lake Fayetteville Trail	Lake Fayetteville Road Section at the Marina	\$75,000

Total since 1997- \$456,381



Existing Trail Condition – looking south toward Maple Street

Attachments:

Razorback Regional Greenway Map

Trail Replacement Cost Estimate

Recreational Trails Program Sample Resolution





**Razorback Regional Greenway - Trail Replacement
Maple Street to Frisco Ave. - 670 LF**

April 27, 2016

Cost Estimate (Based on 2016 City Bulk Bid Quotes)

ITEM #	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
1	4" Concrete Trail	174	C.Y.	\$92.50	\$ 16,095.00
2	4" Class 7 Base (SB-2)	77	Ton	\$8.43	\$ 649.11
3	Select Fill (Hillside Gravel)	913	C.Y.	\$6.40	\$ 5,843.20
4	B-Stone Sub Base	207	Ton	\$8.25	\$ 1,707.75
10	Trail Center Line Striping	670	L.F.	\$0.25	\$ 167.50
11	Truncated Domes	12	L.F.	\$50.00	\$ 600.00
17	Solid Slab Sod	5,000	S.Y.	\$3.00	\$ 15,000.00
18	Straw Wattles	700	L.F.	\$1.21	\$ 847.00

Expense:	Estimated Material Only Cost	\$40,909.56
	10% Contingency	\$4,090.96
	Contractor Cost \$50,000/month 2 Weeks	\$25,000.00
	Total Estimated Project Cost	\$70,000.52

SAMPLE RESOLUTION
RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF

insert sponsor's name

TO UTILIZE FEDERAL-AID RECREATIONAL TRAILS FUNDS

WHEREAS (*Sponsor's Governing Authority*) understands Federal-aid Recreational Trails Funds are available at 80% federal participation and 20% local match/in kind labor to develop or improve (insert project name), and

WHEREAS (*insert sponsor's name*) understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

NOW, THEREFORE, BE IT RESOLVED BY (*Sponsor's Governing Authority*) THAT:

SECTION I: (*insert sponsor's name*) will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION II: (*insert title of sponsor's CEO/CAO*) is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

SECTION III: (*insert sponsor's governing authority*) pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2016.

Signed: _____
(Insert sponsor's CEO/CAO)

ATTEST: _____

(SEAL)



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0228

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 10

TRANSPORTATION ALTERNATIVES PROGRAM - MUD CREEK TRAIL LIGHTING:

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS AND AUTHORIZE APPLICATION FOR A 20% LOCAL MATCH GRANT THROUGH THE ARKANSAS TRANSPORTATION ALTERNATIVES PROGRAM IN AN AMOUNT UP TO \$500,000.00 FOR THE INSTALLATION OF TRAIL LIGHTING ALONG THE RAZORBACK REGIONAL GREENWAY AND THE MUD CREEK TRAIL FROM THE FULBRIGHT EXPRESSWAY TO OLD MISSOURI ROAD

WHEREAS, the City of Fayetteville understands Federal-Aid Transportation Alternatives Program funds are available through the Arkansas Transportation Alternatives Program in an amount up to \$500,000.00 at 80% federal participation and 20% local match for the installation of trail lighting along the Razorback Regional Greenway and the Mud Creek Trail from the Fulbright Expressway to Old Missouri Road; and

WHEREAS, the City of Fayetteville understands that Federal-Aid funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement; and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the City of Fayetteville for the life of the project.

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 determines that the City of Fayetteville will participate in accordance with its designated responsibility, including maintenance of this project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

Section 3: That the City Council of the City of Fayetteville, Arkansas pledges its full support and hereby authorizes the City of Fayetteville to cooperate with the Arkansas State Highway and

Transportation Department to initiate action to implement this project.

City of Fayetteville Staff Review Form

2016-0228

Legistar File ID

May 17th, 2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

4/28/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution expressing the willingness to apply for federal-aid funds and allow staff to submit an application of an 80% federal 20% local matching grant through the Arkansas Transportation Alternatives Program for and award of up to \$500,000 to be used for the installation of trail lighting along the Razorback Regional Greenway and the Mud Creek Trail from the Fulbright Expressway to Old Missouri Road.

Budget Impact:

4470.9470.5814.05

Sales Tax Capital Improvements

Account Number

Fund

15017

Mud Creek Trail Lighting

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 250,000.00

Funds Obligated \$ -

Current Balance \$ 250,000.00

Does item have a cost? Yes

Item Cost \$ 120,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 130,000.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 17TH, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: April 28th, 2016

SUBJECT: 2016-0228 Transportation Alternatives Program – Mud Creek Trail Lighting

RECOMMENDATION:

Staff recommends approval of a resolution expressing the willingness to apply for federal-aid funds and allow staff to submit an application of an 80% federal 20% local matching grant through the Arkansas Transportation Alternatives Program for and award of up to \$500,000 to be used for the installation of trail lighting along the Razorback Regional Greenway and the Mud Creek Trail from the Fulbright Expressway to Old Missouri Road.

BACKGROUND:

Currently 8 miles of the 40 mile Fayetteville trail system includes lighting. The Razorback Regional Greenway sections include lighting from the beginning point south of Walker Park extending 5 1/2 miles to the north side of the Fulbright Expressway. Many trail users have expressed their desire for expanding the lighting north along the Razorback Regional Greenway and east along the Mud Creek Trail to Old Missouri Road. In a 2015 trail user survey, expanding the trail lighting ranked as the fourth most desired improvement.

As one of the first trails constructed in the city, the Mud Creek Trail has numerous businesses destinations, many of which are open all hours of the day and night. The inclusion of trail lighting will provide safe and accessible way for employees and customers to access these business destinations all hours utilizing the trail. Mud Creek Trail also serves a large residential population who use the trail regularly for recreation and transportation. A recent count on Mud Creek Trail showed an average of 365 trail users per day during the months of March to April of 2016 with a peak of over 2,000 users on April 1st 2016. Two major apartment buildings are under construction adjacent to Mud Creek Trail and once open will provide an estimated 635 units or 1,270 new residents to the area that will be able to enjoy the trail during all hours with the addition of lighting.

The proposed trail lighting project would include 2.9 miles of new trail lighting at an estimated cost of \$620,000. This estimate includes approximately 170 new LED light fixtures matching the city standard shown below. If approved, the lighting project will be designed by an electrical engineer and competitively bid to a private electrician.

DISCUSSION:

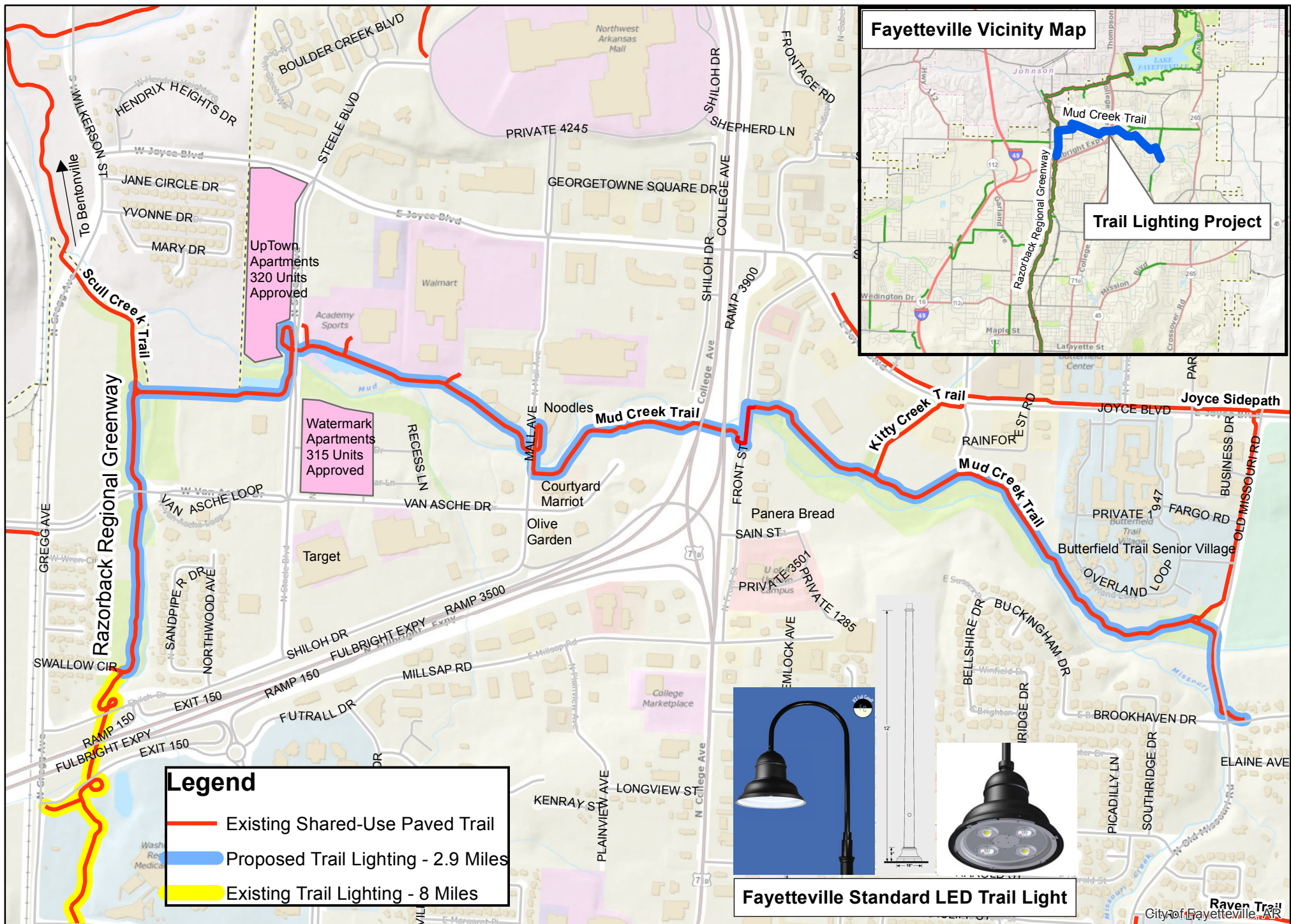
The lighting project is eligible for funding through the Transportation Alternatives Program administered through the Arkansas State Highway and Transportation Department. For the 2016 funding cycle, staff is requesting approval to submit an application for funding 80% of the cost of the lighting.

BUDGET/STAFF IMPACT:

If the Transportation Alternatives Program grant is approved, the City will be responsible for 20% of the total project cost, or \$120,000. Sufficient funding for the match has been budgeted through the Mud Creek Trail Lighting Capital Improvement Project. This Capital Improvement Project was created during the 2015 budget with \$250,000 allocated. This funding amount is insufficient to complete the entire 2.9 miles of lighting so staff recommends applying for additional funding through the Transportation Alternatives Program. The remaining CIP funds beyond the matching requirement will be utilized to hire the electrical engineering consultant.

**Attachments:**

Mud Creek Trail Lighting Map
Trail Lighting Cost Estimate
Transportation Alternatives Program Sample Resolution





Mud Creek Trail Lighting **Cost Estimate (Contractor Install Prices)**

April 27, 2016

Cost Estimate (Based on 2014 Town Branch Trail Bid)

ITEM #	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
1	Standard LED Trail Light Fixture (Amerlux) (100 foot spacing)	170	E.A.	\$1,600.00	\$ 272,000.00
2	Standard Fiberglass Pole (Alliance Composites)	170	E.A.	\$550.00	\$ 93,500.00
3	Standard Surface Mount LED fixture (Installed under Bridges) (50 foot s	10	E.A.	\$2,000.00	\$ 20,000.00
4	1 1/4" Electrical Conduit (Installed)	14,956	L.F.	\$8.26	\$ 123,536.56
5	9" x 11" Fiberglass/Polymer Conc. Pull Box	166	E.A.	\$214.00	\$ 35,524.00
6	3/4" Galvanized Rigid Steel Conduit (Install on Bridges)	1,401	L.F.	\$11.53	\$ 16,153.53
7	No. 8 AWG Copper Conductor	16,357	L.F.	\$2.50	\$ 40,892.50
8	Electrical Service Equipment Pedestals (Milbank)	4	E.A.	\$4,600.00	\$ 18,400.00

Total Estimated Project Cost \$620,006.59

SAMPLE RESOLUTION
RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF

insert sponsor's name

TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS

WHEREAS (*Sponsor's Governing Authority*) understands Federal-aid Transportation Alternatives Program Funds are available at 80% federal participation and 20% local match to develop or improve (insert project name), and

WHEREAS (*insert sponsor's name*) understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS this project, using federal funding, will be open and available for use by the general public and maintained by the applicant for the life of the project.

NOW, THEREFORE, BE IT RESOLVED BY (*Sponsor's Governing Authority*) THAT:

SECTION I: (*insert sponsor's name*) will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION II: (*insert title of sponsor's CEO/CAO*) is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

SECTION III: (*insert sponsor's governing authority*) pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2016.

Signed: _____
(Insert sponsor's CEO/CAO)

ATTEST: _____

(SEAL)



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0230

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 11

LEVI STORAGE CENTER, LLC PURCHASE FOR CATO SPRINGS TRAIL:

A RESOLUTION TO APPROVE THE PURCHASE OF 1.5 ACRES OF PROPERTY FOR CONSTRUCTION OF THE CATO SPRINGS TRAIL FROM LEVI STORAGE CENTER, LLC IN THE AMOUNT OF \$31,296.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,129.60

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 1.5 acres of property for construction of the Cato Springs Trail from Levi Storage Center, LLC in the amount of \$31,296.00, and further approves a project contingency in the amount of \$3,129.60.

City of Fayetteville Staff Review Form

2016-0230

Legistar File ID

May 17th, 2016

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

Matt Mihalevich

4/28/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the purchase of approximately 1.5 acres of property from Levi Storage Center, LLC in the amount of \$31,296 plus 10% contingency for the construction of the Cato Springs Trail.

Budget Impact:

4470.9470.5810.05

Sales Tax Capital Improvements

Account Number

Fund

02016.1405

Trail Development
Cato Springs Trail

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 72,500.00

Funds Obligated \$ -

Current Balance \$ 72,500.00

Does item have a cost? Yes

Item Cost \$ 31,296.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 41,204.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 17TH, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: April 28th, 2016

SUBJECT: 2016-0230 Levi Storage Center, LLC Purchase for Cato Springs Trail

RECOMMENDATION:

Staff recommends approval of the purchase of approximately 1.5 acres of property from Levi Storage Center, LLC in the amount of \$31,296 plus 10% contingency for the construction of the Cato Springs Trail.

BACKGROUND:

Construction has started on the Cato Springs Trail which will extend approximately 2.7 miles south from the Town Branch Trail from Greathouse Park southwest along the Cato Springs Branch to the Fayetteville Regional Park and Kessler Mountain. A portion of the Cato Springs Trail must cross undeveloped property owned by Levi Storage, LLC and the owner is interested in selling all of his property east of the Cato Springs Branch – see attached map.

DISCUSSION:

The owner of Levi Storage Center, LLC would like to sell all of his property east of the Cato Springs Branch or approximately 3.6 acres for \$113,870. This is more property than is needed for the trail so the University of Arkansas was contacted because they own the two adjacent parcels. University of Arkansas officials have agreed to purchase approximately 2.1 acres of the 3.6 acres for \$82,574. Approval of this purchase will go before the University of Arkansas system Board of Trustees during their May 25-26 meeting. Staff requests the City Council approval for the purchase of the remaining 1.5 acres of Levi Storage, LLC property for \$31,296. Based on recent appraisals in the area, staff believes the price is a fair value for the property. This value might change slightly when the detailed survey is completed and the exact size of the deed is determined, therefore a 10% contingency on price is also requested.

BUDGET/STAFF IMPACT:

Sufficient funding has been budgeted for property acquisition associated with the Cato Springs Trail through the Trail Development Capital Improvement Program. If approved, a check request will be submitted for the payment and the deed will be transferred.

Attachments:

Cato Springs Trail Map

Levi Storage LLC Purchase Map



ARTP / LEVI STORAGE CENTER





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0057

Agenda Date: 5/17/2016

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

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

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

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

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

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

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.58 (M) and enacts a replacement § 72.58 (M) as shown below:

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

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

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

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

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

AGENDA REQUEST FORM

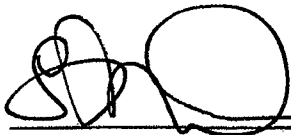
FOR: Council Meeting of February 16, 2016

FROM: City Council Member Sarah Marsh

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

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

APPROVED FOR AGENDA:



City Council Member Sarah Marsh

1/28/2016

Date



City Attorney Kit Williams
(as to form)

January 27, 2016

Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

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

FROM: **Kit Williams**, City Attorney

DATE: **February 18, 2016**

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

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

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

ORDINANCE NO.

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

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

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

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

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.58 (M) and enacts a replacement § 72.58 (M) as shown below:

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

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

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

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

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

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

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

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

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

CHAPTER 114: FOOD SALES

114.01 Drive-In Restaurants

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

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

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

114.02 Farmer's Market

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

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

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

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

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

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

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

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

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

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

Cross reference(s)--Penalty, §10.99.

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

114.03 First Thursday Fayetteville

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

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

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

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

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

114.04-114.98 Reserved

114.99 Penalty

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

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

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

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

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

- (vii) Evidence of insurance;

- (viii) A copy of this article.

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

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

117.88 Transfer Of Certificate

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

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

117.89 License Fees

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

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

117.90 Suspension, Revocation Of Certificate

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

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

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

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

117.91 A.D.A. Compliance

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

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

117.92 Authority To Summon Veterinarian

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

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

ARTICLE VIII LIGHTS OF THE OZARKS

117.93 Lights Of The Ozarks

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

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

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

(Ord. 5286, 11-17-09)

117.94-117.97 Reserved

117.98 Prohibited Activity

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

passengers for tips or gratuities only.

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

117.99 Penalty

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

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

ARTICLE IX PEDICABS

117.100 Definitions

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

Driver. An individual who operates a pedicab.

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

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

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

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

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

FROM: Kit Williams, City Attorney

DATE: March 4, 2016

RE: Ordinance Review Committee Meeting

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

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

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff

FROM: Kit Williams, City Attorney

DATE: March 9, 2016

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

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

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

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

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



AGENDA

Ordinance Review Committee

March 31, 2016

4:30 p.m.

City Hall Room 326

Members:

Justin Tennant (Chairman)-Alderman Ward 3

Adella Gray-Alderman Ward 1

Matthew Petty-Alderman Ward 2

John La Tour-Alderman Ward 4

City Staff:

Kit Williams, City Attorney

1. Call to Order

2. New Business

a. Election of Chair.

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

c. Other business.

3. Adjourn

NOTICE TO MEMBERS OF THE AUDIENCE:

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

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

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

ORDINANCE NO.

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

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

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

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

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.58 (M) and enacts a replacement § 72.58 (M) as shown below:

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

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

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

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

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

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

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Williams, Kit

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

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

Justin

Sent from my iPhone

Begin forwarded message:

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

Justin,

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

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

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

Thanks,
Cary

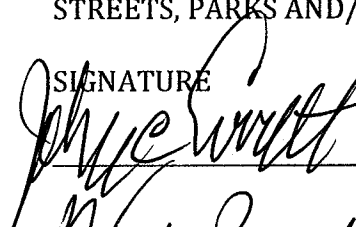
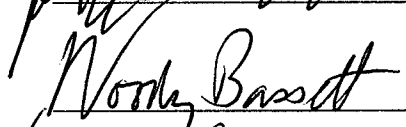
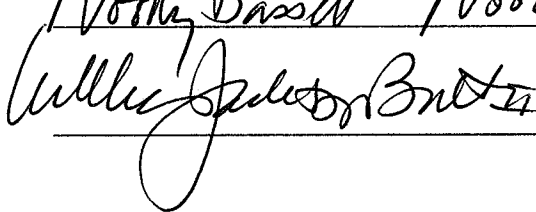
2-16-14

D. 7, Amend 72.58

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

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

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

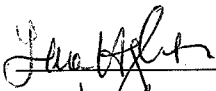
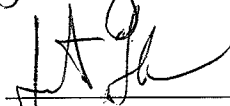
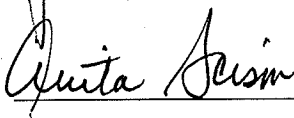
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	John C. Everett	YES _____ NO ☒
	Noosy Bassett	YES ☒ NO _____
	Willie Jackson Brister	YES ☒ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

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

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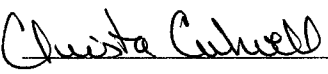
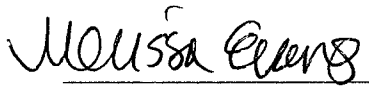
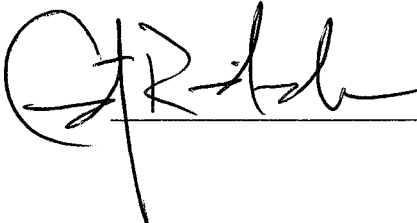
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	LARA HIGHTOWER	YES ☒ NO ☐
	JUSTIN FLETCHER	YES ☒ NO ☐
	ANITA SCISM	YES ☒ NO ☐
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____

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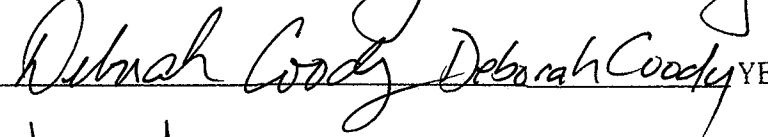
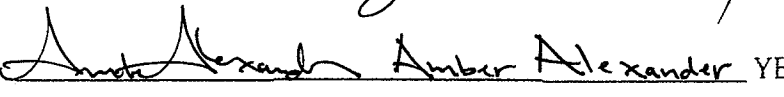
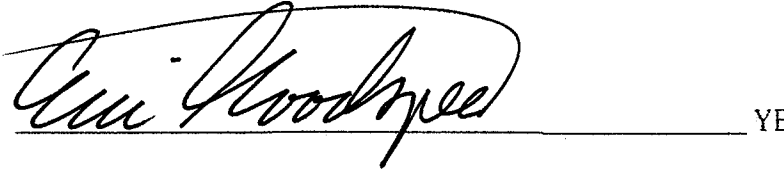
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	Stacey Park	YES ☒	NO ☐
	BRET PARK	YES ☒	NO ☐
	Christa Culwell	YES ☐	NO ☒
	Melissa Evans	YES ☒	NO ☐
	Sarah Voorhees	YES ☐	NO ☒
	Alan Ostner	YES ☒	NO ☐
	Curt Richardson	YES ☒	NO ☐

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

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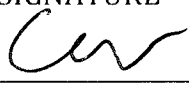
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Dan Coody	YES ☒ NO ☐
	Deborah Coody	YES ☒ NO ☐
	Amber Alexander	YES ☒ NO ☐
	Tim Woodspeed	YES ☒ NO ☐
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

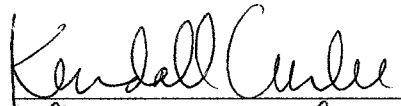
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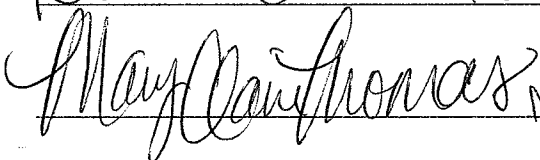
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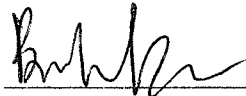
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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	Charmi Gooden	YES ☒	NO ☐

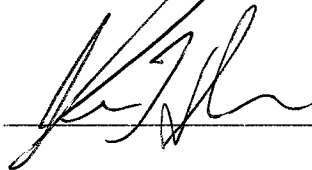
	Kendall Curlee	YES ☒	NO ☐
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	MARY CLAIRE THOMAS	YES ☒	NO ☐
--	--------------------	---	-----------------------------

	Brooke Bullock	YES ☒	NO ☐
---	----------------	---	-----------------------------

	Rachel Murray	YES ☒	NO ☐
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	Mitchell Simpson	YES ☒	NO ☐
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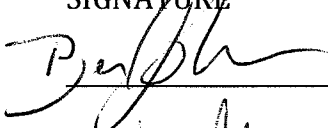
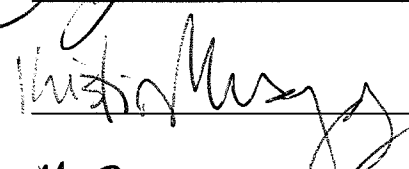
	Jonathan Holder	YES ☒	NO ☐
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Mail or deliver to Major Event Ordinance; 3572 S School Suite A; Fayetteville, AR 72701

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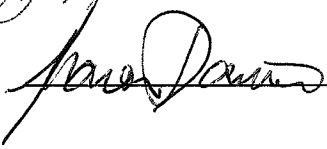
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	Ben Johnson	YES ☒	NO ☐
	Kristin Musgnug	YES ☒	NO ☐
	MARK THOMAS	YES ☒	NO ☐
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____

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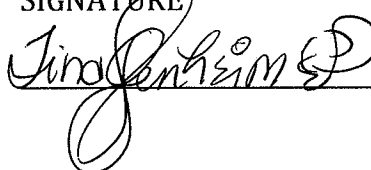
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Joseph Hutton	YES ☒ NO ☐
	Sharon Dawson	YES ☒ NO ☐
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

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

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

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

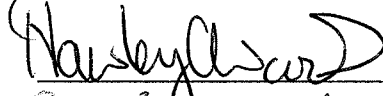
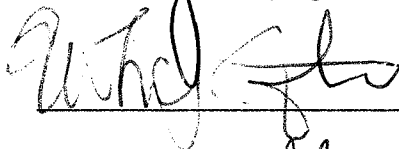
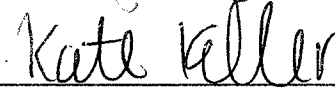
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** own commercial property in downtown Fayetteville at 116 W. Spring.*

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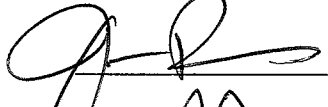
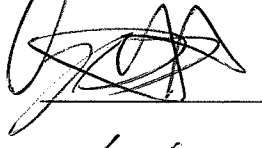
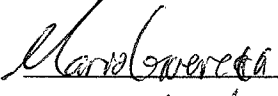
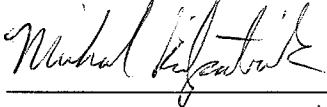
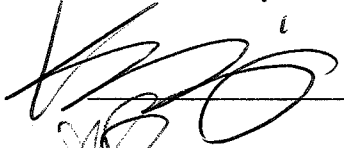
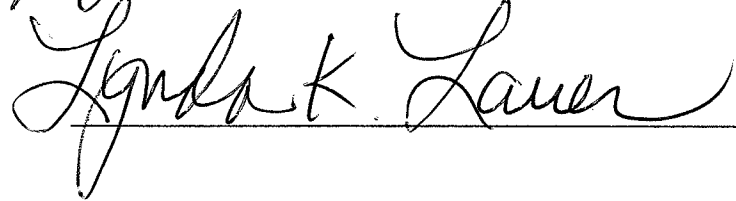
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	N. Alan Hill	YES ☒	NO ☐
	Hawley Woods	YES ☒	NO ☐
	Whitney Johnson	YES ☒	NO ☐
	Kate Keller	YES ☒	NO ☐
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____

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

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Cindy Morgan</u>	<u>Cindy Morgan</u>	YES <u>X</u> NO <u> </u>

<u>Megan Lensing</u>	<u>Megan Lensing</u>	YES <u>X</u> NO <u> </u>
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<u>Tonia Squires</u>	<u>Tonia Squires</u>	YES <u>X</u> NO <u> </u>
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<u>Maureen May</u>	<u>Maureen May</u>	YES <u>X</u> NO <u> </u>
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<u>Kara Iribarren</u>	<u>Kara Iribarren</u>	YES <u> </u> NO <u>X</u>
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<u>David Bassett</u>	<u>David Bassett</u>	YES <u>X</u> NO <u> </u>
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<u>Justin Adams</u>	<u>Justin Adams</u>	YES <u>X</u> NO <u> </u>
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<u>Sherry Dixon</u>	<u>SHERY DIXON</u>	YES <u>X</u> NO <u> </u>
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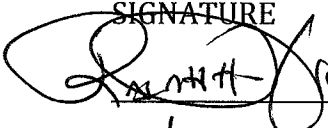
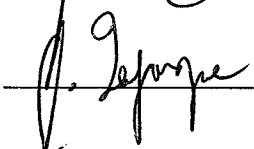
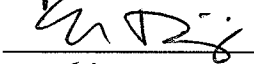
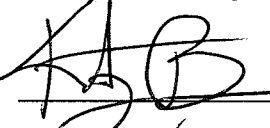
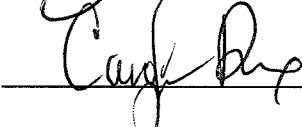
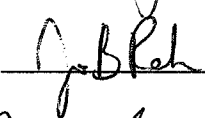
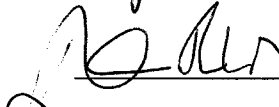
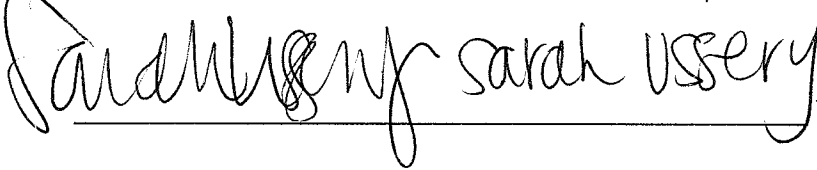
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>George P. Paulson</u>	<u>George P. Paulson</u>	YES ☒ NO ☐
<u>Kathleen W. Paulson</u>	<u>Kathleen W. Paulson</u>	YES ☒ NO ☐
<u>Terry G. Hunt</u>	<u>TERRY G. HUNT</u>	YES ☒ NO ☐
<u>Renee Hunt</u>	<u>Mary Renée Hunt</u>	YES ☒ NO ☐
<u>TOM TERMINELLA</u>		YES ☒ NO ☐
<u>Michael Dishen</u>		YES ☒ NO ☐
<u>Simone Dunn</u>	<u>Simone Dunn</u>	YES ☒ NO ☐
<u>Seymour Butts JR</u>		YES ☐ NO ☒

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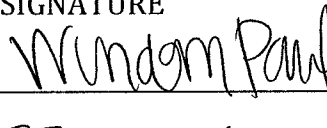
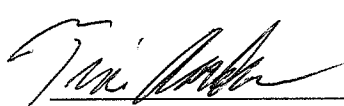
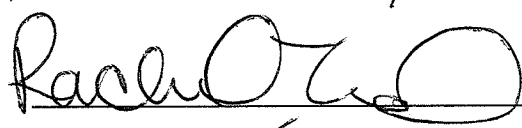
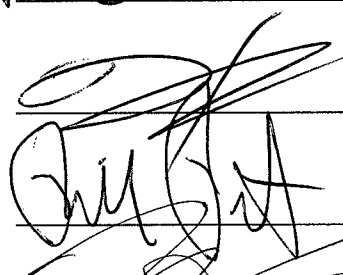
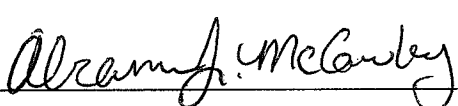
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	BALOH H. NESSON	YES ☒ NO ☐
	Jackson Lafargue	YES ☒ NO ☐
	SAGE BULLIG	YES ☒ NO ☐
	Kathy Brick	YES ☒ NO ☐
	Carolyn Dux	YES ☒ NO ☐
	John B Robinson	YES ☒ NO ☐
	Royal McClayon	YES ☒ NO ☐
	sarah ussery	YES ☒ NO ☐

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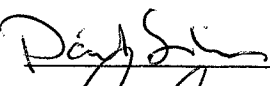
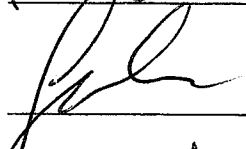
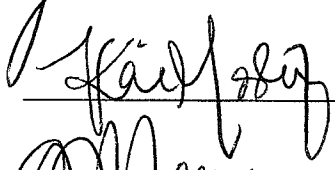
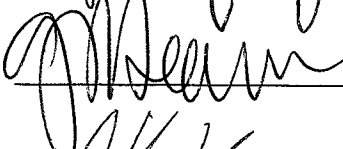
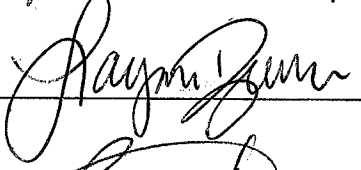
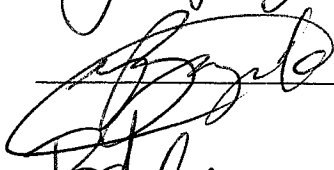
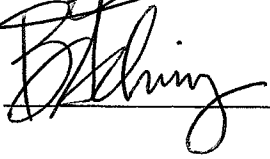
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Windom Paul	YES ☒ NO ☐
	Travis Anderson	YES ☒ NO ☐
		YES ☒ NO ☐
	Bill Putman	YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☒ NO ☐

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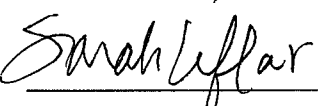
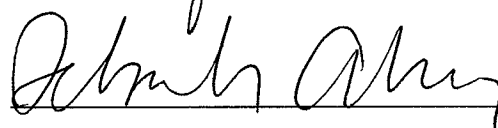
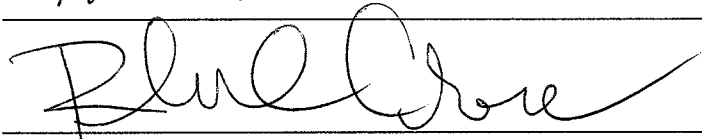
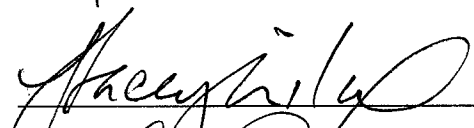
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	David Silva	YES ☒ NO ☐
	John Springer	YES ☒ NO ☐
	Kai Masley	YES ☒ NO ☐
	GREG HERMAN	YES ☒ NO ☐
	Aaron Kelzer	YES ☒ NO ☐
	Jaymi Bowman	YES ☒ NO ☐
	ECEHAN BAYRAK	YES ☒ NO ☐
	BETH SCHWEIGER	YES ☒ NO ☐

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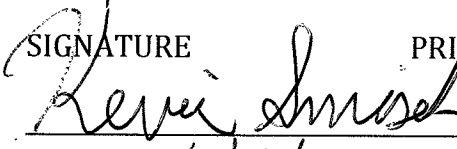
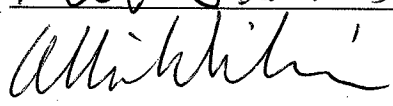
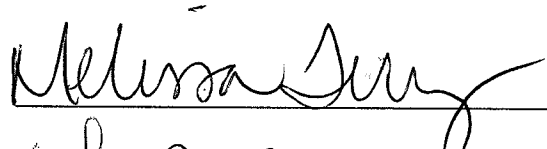
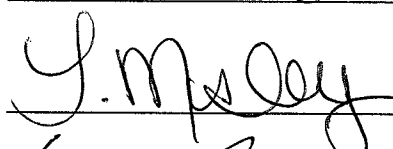
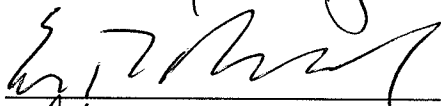
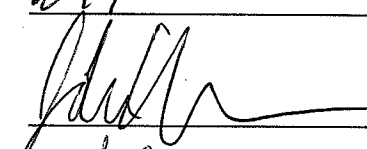
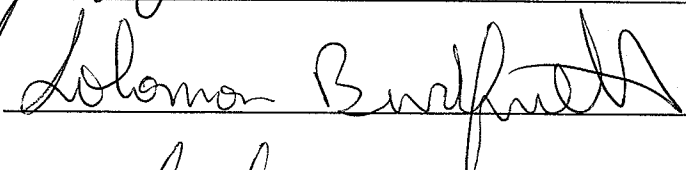
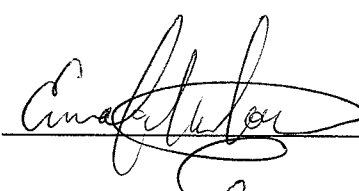
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	Nick Shoups	YES ☒	NO ☐
	SARAH LEFFLER	YES ☒	NO ☐
	Deborah Ahring	YES ☒	NO ☐
	JILL ANTIES	YES ☒	NO ☐
	Phil Crow	YES ☒	NO ☐
	Tracy Hily	YES ☒	NO ☐
	Phil Crow	YES ☒	NO ☐
	P Mikkelsen	YES ☒	NO ☐

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

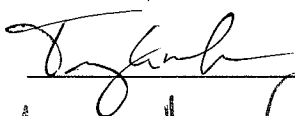
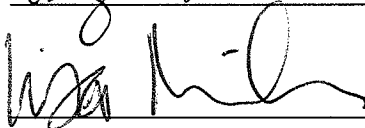
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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Ganna Smith	YES ☒ NO ☐
	Ed NETHERLAND	YES ☒ NO ☐
	Robin Deunir	YES ☒ NO ☐
	TAMMY D. GRAHAM	YES ☐ NO ☒
	LISA MILLER	YES ☐ NO ☒
	Anna Warshaw	YES ☒ NO ☐
	Jimmy Asher	YES ☐ NO ☒
	Katherine Guendling	YES ☒ NO ☐

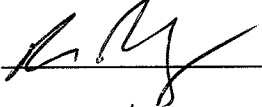
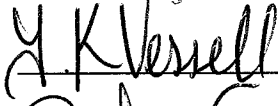
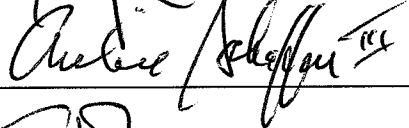
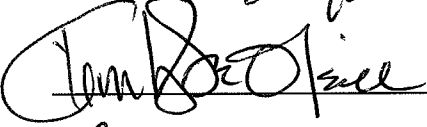
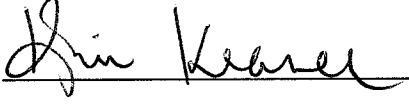
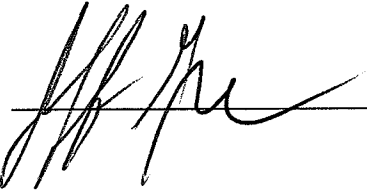
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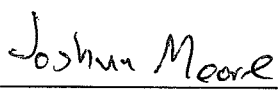
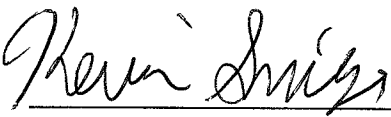
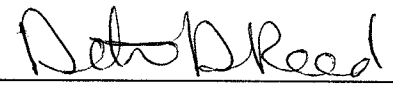
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Drew Rodgers	YES ☒ NO ☐
	Tara Vessell	YES ☒ NO ☐
	ARCHIE SCHAFFER II	YES ☒ NO ☐
	ARCHIE SCHAFFER II	YES ☒ NO ☐
	Kim Leslie Owens	YES ☐ NO ☒ EVERETT SPRINGS
	Jim Kearney	YES ☒ NO ☐
	Rob Sulmish	YES ☐ NO ☒
	Jeff Glover	YES ☒ NO ☐

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

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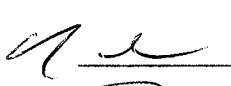
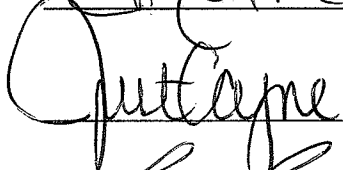
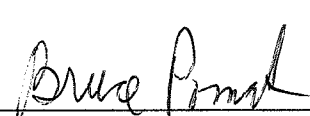
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SIGNATURE

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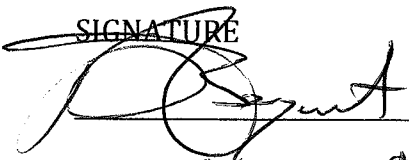
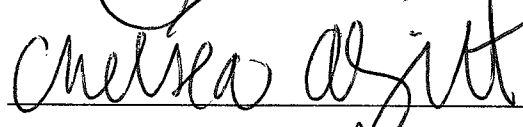
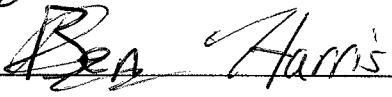
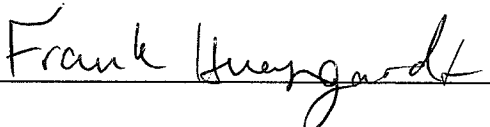
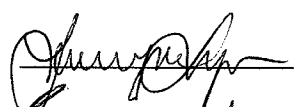
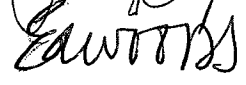
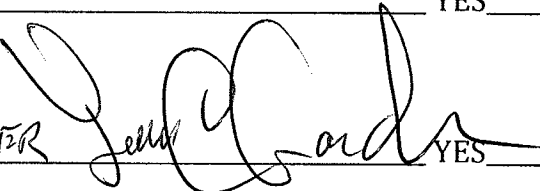
	Gina Bengaist	YES ☒	NO ☐
	Lee Nagel	YES ☒	NO ☐
	Sarah Wendell	YES ☒	NO ☐
	[unclear]	YES ☒	NO ☐
	Patricia C. Mitchell	YES ☒	NO ☐
	Justin Cayne	YES ☒	NO ☐
	[unclear]	YES ☐	NO ☒
	Bruce Bond	YES ☒	NO ☐

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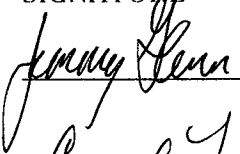
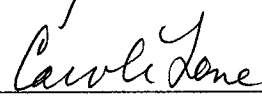
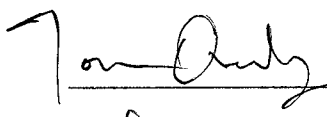
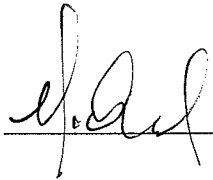
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	RT Berquist	YES ☒ NO ☐
	Chelsea Azitt	YES ☒ NO ☒
	Shannon Harris	YES ☐ NO ☐
	Ben Harris	YES ☒ NO ☐
	Frank Huerigard	YES ☒ NO ☐
	Tamara Lora	YES ☐ NO ☒
	Elizabeth Woods	YES ☒ NO ☐
	JAMES C GARNER	YES ☐ NO ☒

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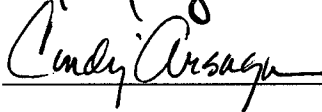
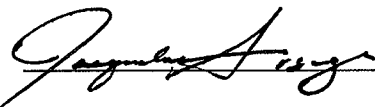
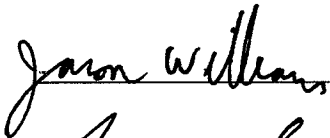
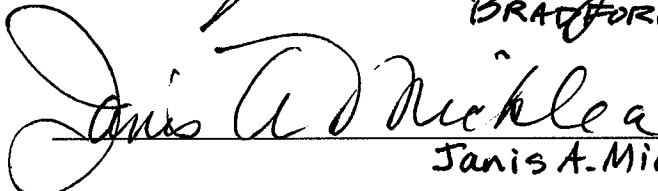
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Jimmy Glenn	YES ☒ NO ☐
	Carole Lane	YES ☒ NO ☐
	Tom Orvby	YES ☒ NO ☐
	Michael Cockran	YES ☒ NO ☐
	DEA SELF	YES ☒ NO ☐
	MATTHEW CROUCHT	YES ☒ NO ☐
	K. EPPERSON	YES ☒ NO ☐

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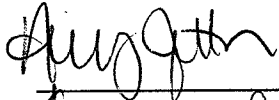
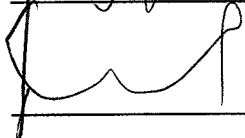
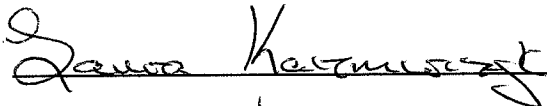
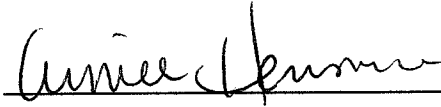
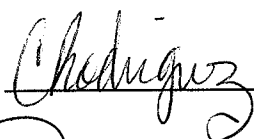
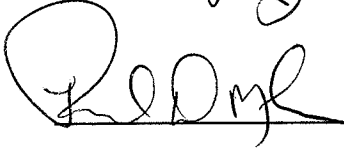
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	AVA ARSAGA	YES ☒ NO ☐
	Cindy Arsaga	YES ☒ NO ☐
	Jacqueline Arsaga	YES ☒ NO ☐
	JASON WILLIAMS	YES ☒ NO ☐
	BRADFORD L. KEYS	YES ☒ NO ☐
	JANIS A. MICKLEA	YES ☐ NO ☒
	GRETA P. AUENDOLF	YES ☒ NO ☐

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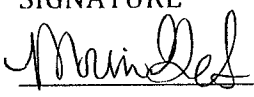
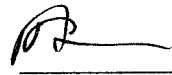
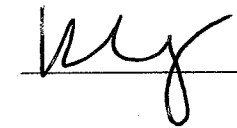
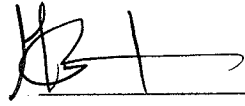
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	K. MARKELL	YES ☒ NO ☐
	Amy Jelton	YES ☒ NO ☐
	BRADLEY EDWARDS	YES ☒ NO ☐
	D. Jones	YES ☒ NO ☐
	Laura Karmus	YES ☒ NO ☒
	Aimee Henson	YES ☒ NO ☐
	Carrie Rodriguez	YES ☒ NO ☐
	Richard Mhoon	YES ☒ NO ☐

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

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

Bob

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

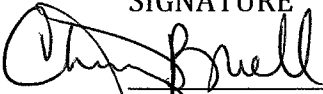
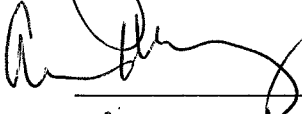
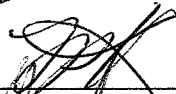
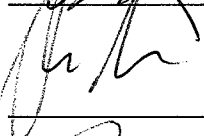
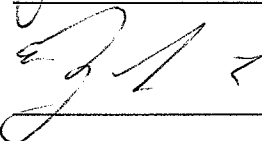
work in
Fayetteville

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

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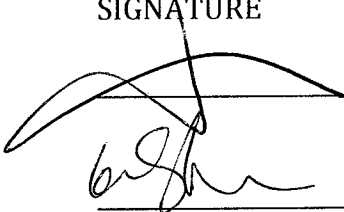
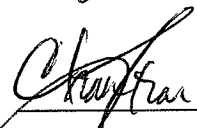
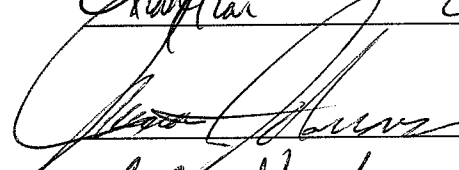
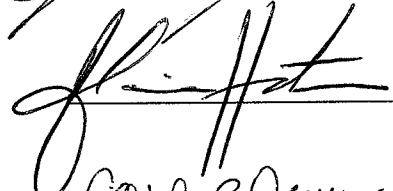
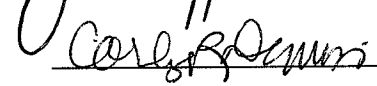
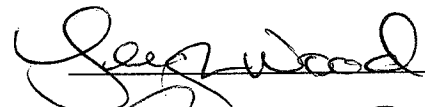
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Cleek</u>	<u>Claire Luchking</u>	YES ☒ NO ☐
<u>W. H. L. L.</u>	<u>W. A. Schuss</u>	YES ☐ NO ☒
<u>Art Hobson</u>	<u>Art Hobson</u>	YES ☒ NO ☐
<u>Robert A. Lewis</u>	<u>Robert A. Lewis</u>	YES ☒ NO ☐
<u>James Alexander</u>	<u>James Alexander</u>	YES ☐ NO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

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

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SIGNATURE

PRINTED NAME

FAYETTEVILLE RESIDENT

Gallaway

STEPHANIE ALEXANDER GALLAWAY

NO ☒

Greg Sher

GREG SHER

YES ☒

NO

Lowmy

KATHLOWMY

YES ☒

NO

April Wellman

APRIL WELLMAN

YES ☒

NO

Bethany Sebesta

BETHANY SEBESTA

YES ☒

NO

Whitney Rose Chesla

WHITNEY ROSE CHESLA

YES ☒

NO

Lisa Mills

LISA MILLS

YES ☒

NO

Megan Downey

MEGAN DOWNEY

YES ☒

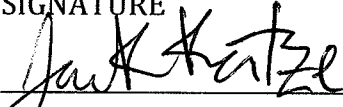
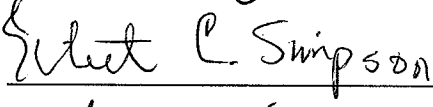
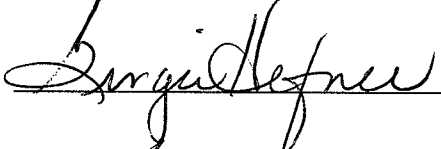
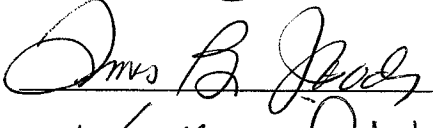
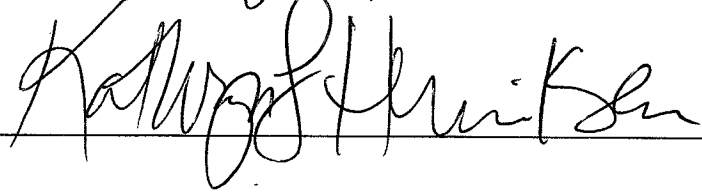
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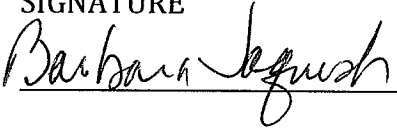
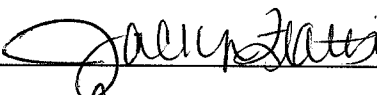
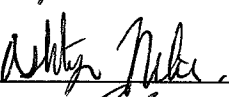
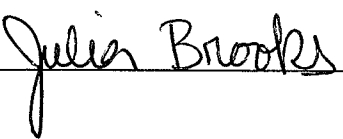
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Jack Katze	YES ☒ NO ☐
	Jennifer Braden	YES ☒ NO ☐
	Ethel C. Simpson	YES ☒ NO ☐
	Lorgine Hefner	YES ☒ NO ☐
	April Reed	YES ☒ NO ☐
	Amanda Grell	YES ☒ NO ☐
	Mrs B. Leeds	YES ☒ NO ☐
	Kathryn Hunkeler	YES ☒ NO ☐

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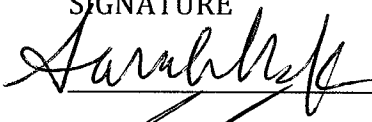
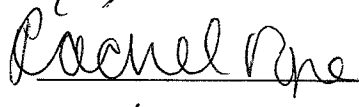
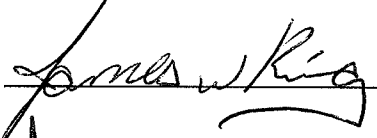
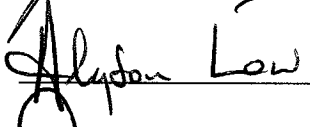
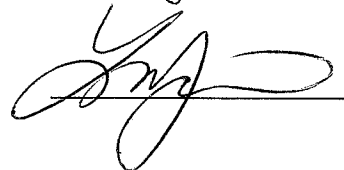
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Barbara Jaguish	YES ☒ NO ☐
	Jacklyn Fratesi	YES ☒ NO ☐
	Stuart Lane	YES ☒ NO ☐
	JOSEPH ENZBY	YES ☒ NO ☐
		YES ☒ NO ☐
	ASHTON NILSER	YES ☒ NO ☐
	Shawn Corder	YES ☒ NO ☐
	Julia Brooks	YES ☒ NO ☐

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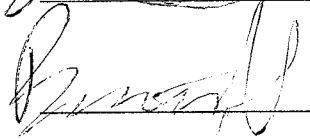
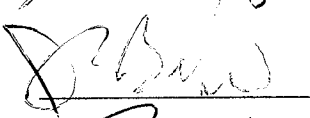
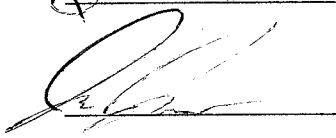
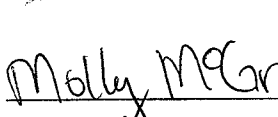
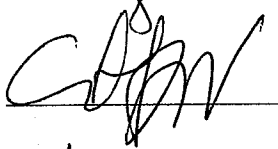
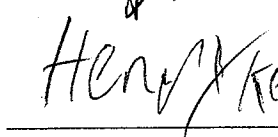
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	Sarah McKenna	YES ☒ NO ☐
	David M. Martin	YES ☒ NO ☐
	Rachel Pope	YES ☒ NO ☐
	James King	YES ☒ NO ☐
	Alyson Low	YES ☒ NO ☐
	Justin Lee	YES ☒ NO ☐
	Abby Richards	YES ☒ NO ☐
	Lindsay Wilson	YES ☒ NO ☐

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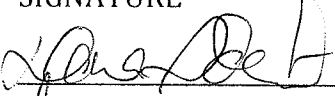
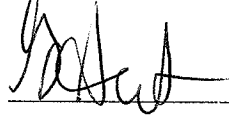
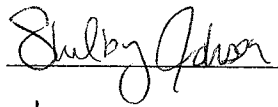
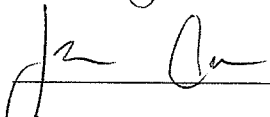
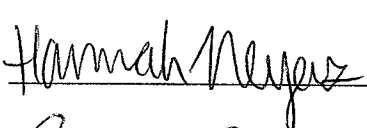
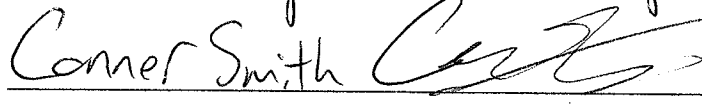
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	James Signorini	YES ☒ NO ☐
	Abigail Southard	YES ☒ NO ☐
	BARRETT LARSON	YES ☒ NO ☐
	John Betew	YES ☒ NO ☐
	Johnathan Jarmon	YES ☒ NO ☐
	Molly McGraw	YES ☒ NO ☐
	Crystal Johnson	YES ☒ NO ☐
	Henry Kessler	YES ☒ NO ☐

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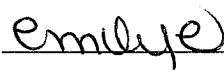
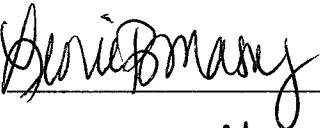
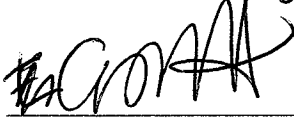
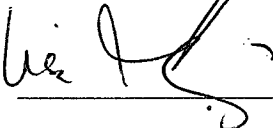
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	DANA IDLET	YES ☒ NO ☐
	Gabrielle Idlet	YES ☐ NO ☒
	SHELBY JOHNSON	YES ☒ NO ☐
	Jackson Cellers	YES ☒ NO ☐
	Sarah Hagopian	YES ☒ NO ☐
	Hannah Neyens	YES ☒ NO ☐
	Comer Smith	YES ☒ NO ☐
	Brittany Paul	YES ☒ NO ☐

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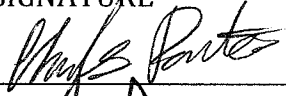
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	emily errin	YES ☒ NO ☐
	Chase Swift	YES ☒ NO ☐
	Leslie Massey	YES ☒ NO ☐
	Eszter Takacs	YES ☒ NO ☐
	Pamish Guy	YES ☒ NO ☐
	Lisa Marsulis	YES ☒ NO ☐
	Mehak Gupta	YES ☒ NO ☐

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

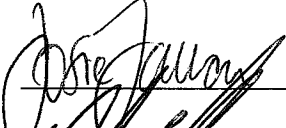
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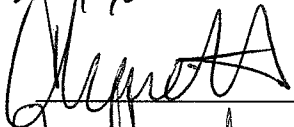
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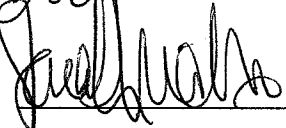
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Chuck Partain	YES ☒ NO ☐

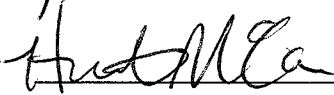
	Susannah Farrar	YES ☒ NO ☐
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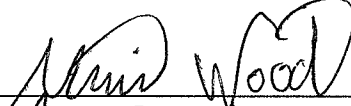
	Josie Farrar	YES ☒ NO ☐
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	Michael Thomas	YES ☒ NO ☐
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	Chandler Martin	YES ☒ NO ☐
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	Sarah Nichols	YES ☒ NO ☐
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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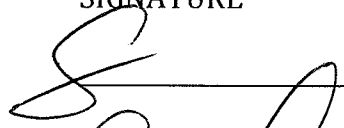
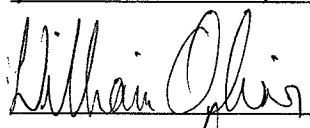
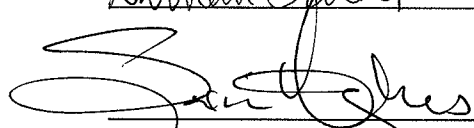
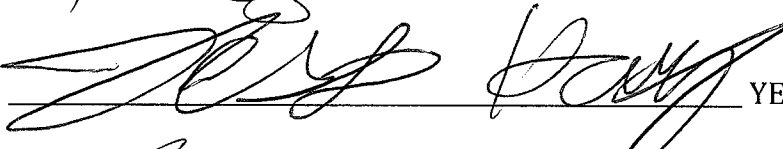
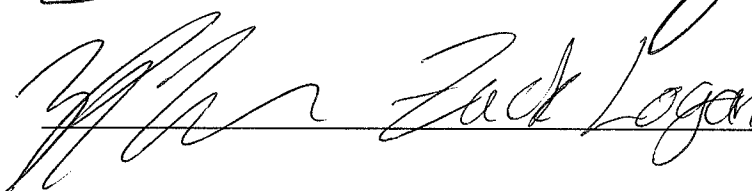
	Jon Braschler	X (yes)
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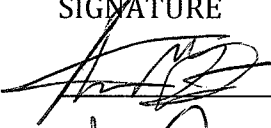
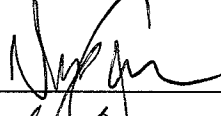
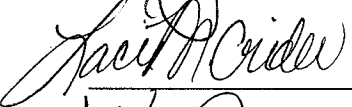
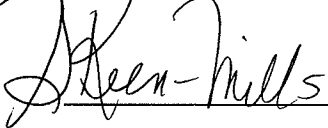
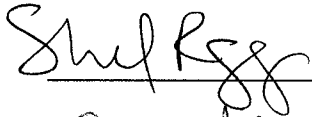
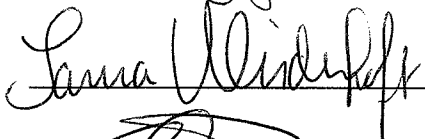
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Susan Robinson	YES ☒ NO ☐
	Casey Harris	YES ☒ NO ☐
	Samantha Hersey	YES ☒ NO ☐
	Al W. Meel	YES ☒ NO ☐
	William Oliver	YES ☒ NO ☐
	Sakitt Highers	YES ☒ NO ☐
	[unclear]	YES ☒ NO ☐
	Zack Logan	YES ☒ NO ☐

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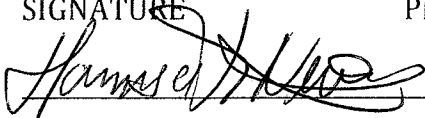
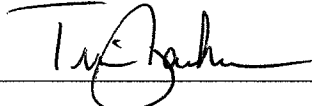
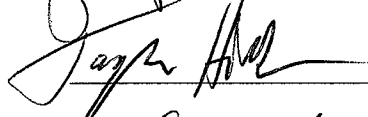
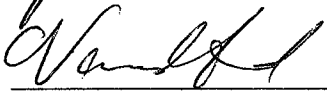
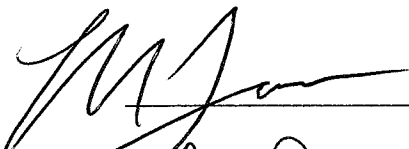
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Anos McDaniel	YES ☒ NO ☐
	Nicholas Clare	YES ☒ NO ☐
	Lacie M. Crider	YES ☒ NO ☐
	Sharla P. Koon-Mills	YES ☒ NO ☐
	Shelby Riggs	YES ☒ NO ☐
	Laura Weidenhof	YES ☒ NO ☐
	Joe A. Roberts	YES ☒ NO ☐
	Green Holmes	YES ☒ NO ☐

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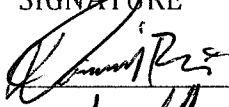
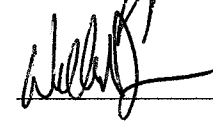
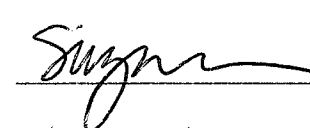
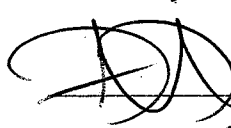
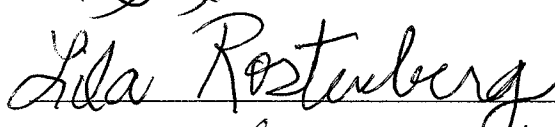
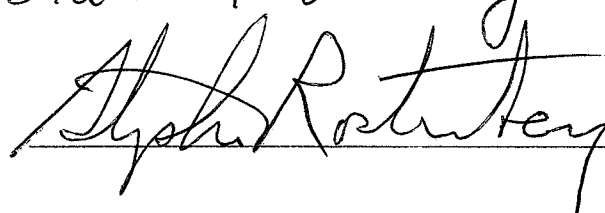
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	^{Newmark} Hamsa Kurthy	YES ☒ NO ☐
Tim PARKER		YES ☒ NO ☐
	Sofia Baygari	YES ☒ NO ☐
	Taylor Hicks	YES ☒ NO ☐
	Vanessa Hubbard	YES ☒ NO ☐
	Madison Jones	YES ☒ NO ☐
	Stena Green	YES ☒ NO ☐
	Monica Van Wille	YES ☒ NO ☐

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	Daniel Brezinski	YES ☒ NO ☐
	Adam Lettingwell	YES ☒ NO ☐
	William Schreckhise	YES ☒ NO ☐
	Suzannah Schreck	YES ☒ NO ☐
	JARED WIERMAN	YES ☒ NO ☐
	Lila Rostenberg	YES ☒ NO ☐
	Lila Rostenberg	YES ☒ NO ☐
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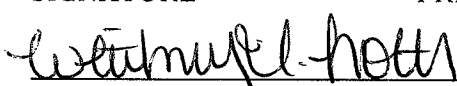
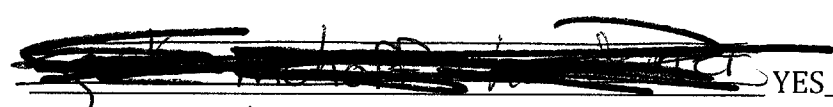
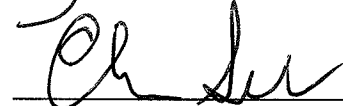
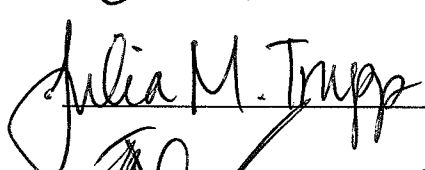
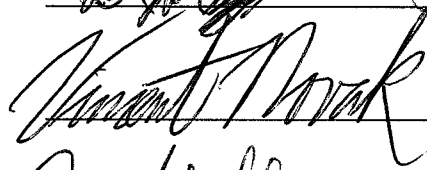
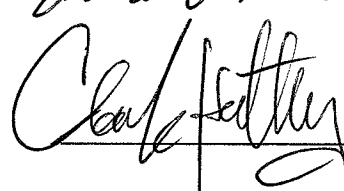
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Will Brand</u>	<u>Will Brand</u>	YES ☒ NO ☐
<u>M. Clay</u>	<u>M. Clay Wilson</u>	YES ☒ NO ☐
<u>Robin Starr</u>	<u>Robin Starr</u>	YES ☒ NO ☐
<u>S. John O'Berksi</u>	<u>S. John O'Berksi</u>	YES ☒ NO ☐
<u>Hamish Kewenaw</u>	<u>Hamish Kewenaw</u>	YES ☒ NO ☐
<u>Stephen Clowney</u>	<u>Stephen Clowney</u>	YES ☒ NO ☐
<u>Barrett Larson</u>	<u>Barrett Larson</u>	YES ☒ NO ☐
<u>Nathan Baickey</u>	<u>Nathan Baickey</u>	YES ☒ NO ☐

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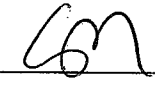
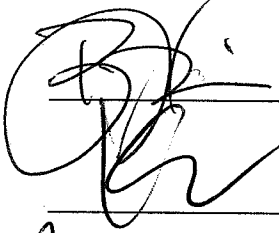
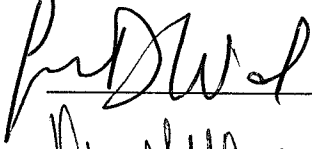
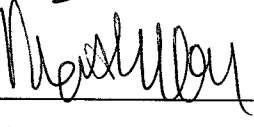
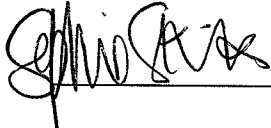
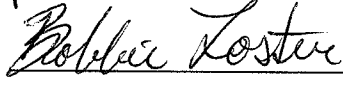
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	WHITNEY INDLE	YES ☒ NO ☐
	Ernest Arambel	YES ☒ NO ☐
		YES ☒ NO ☐
	Chris Selby	YES ☒ NO ☐
	JULIAM. TRUPP	YES ☒ NO ☐
	James B. Schlechte	YES ☒ NO ☐
	Vincent Novak	YES ☒ NO ☐
	CLARK HATTEY	YES ☒ NO ☐

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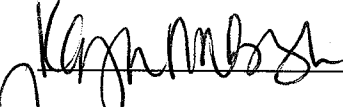
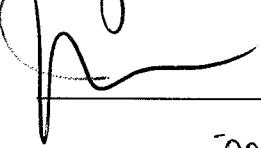
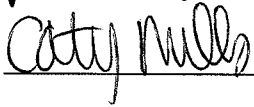
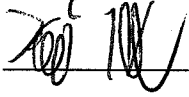
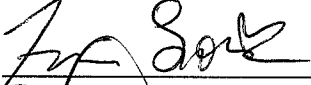
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Sadie McDonald	YES ☒ NO ☐
	William Harris	YES ☒ NO ☐
	Kale Osle	YES ☒ NO ☐
	TERRA WOOD	YES ☒ NO ☐
	Marty Marshall Lane	YES ☒ NO ☐
	Sophie Skinner	YES ☒ NO ☐
	Bobbie Foster	YES ☒ NO ☐
	Caroline Wilbourn	YES ☒ NO ☐

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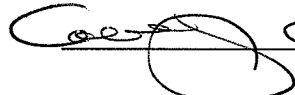
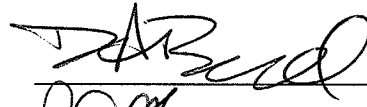
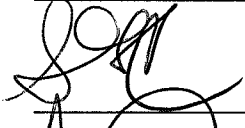
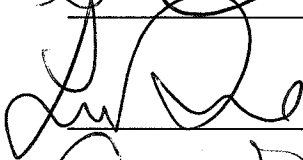
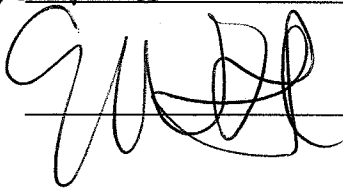
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Kayla Norbush	YES ☒ NO ☐
	Jennifer Howell	YES ☒ NO ☐
	caty mills	YES ☒ NO ☐
	Kaia Hodo	YES ☒ NO ☐
	Travis Lorton	YES ☒ NO ☐
	Sam Childress	YES ☒ NO ☐
	Kelly Miller-lee	YES ☐ NO ☒ Springdale
	olivia West	YES ☒ NO ☐

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

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SIGNATURE

PRINTED NAME

FAYETTEVILLE RESIDENT

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

Megan Whit Megan Whit YES ☒ NO ☐

Kimberly Miller Kimberly Miller YES ☒ NO ☐

Nicolas McLeod Nicolas McLeod YES ☒ NO ☐

Charlotte Taylor Charlotte Taylor YES ☒ NO ☐

CHAD MAUPIN CHAD MAUPIN YES ☒ NO ☐

Madelaine Thola Madelaine Thola YES ☒ NO ☐

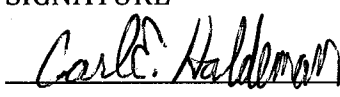
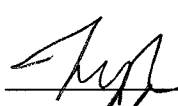
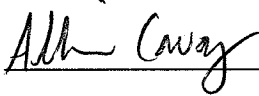
James J. Hass James J. Hass YES ☒ NO ☐

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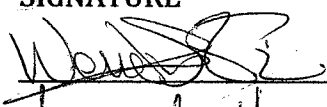
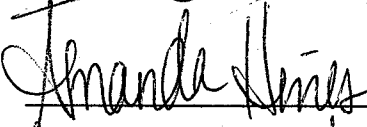
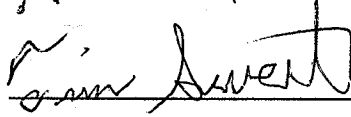
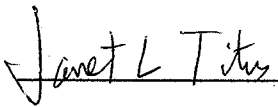
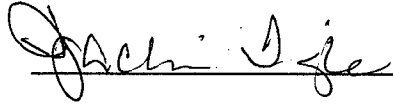
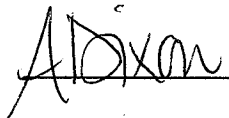
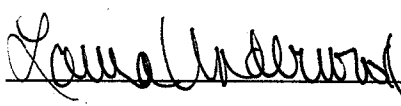
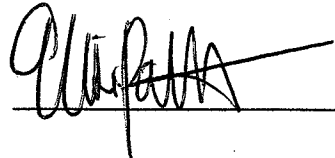
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Carl E. Haldeman	YES ☒ NO ☐
	Taylor Smith	YES ☒ NO ☐
	Mike Milburn	YES ☒ NO ☐
	Brandon Flammang	YES ☒ NO ☐
	Lindsay Albright	YES ☒ NO ☐
	Emily Pullman	YES ☒ NO ☐
	Allison Cavazos	YES ☒ NO ☐
	Sarah Adams	YES ☒ NO ☐

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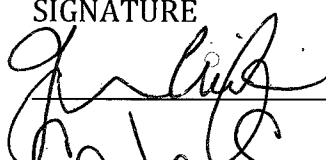
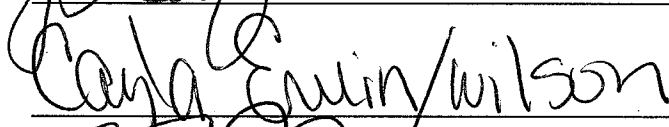
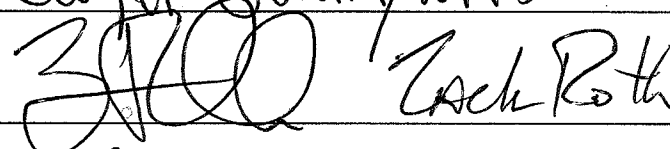
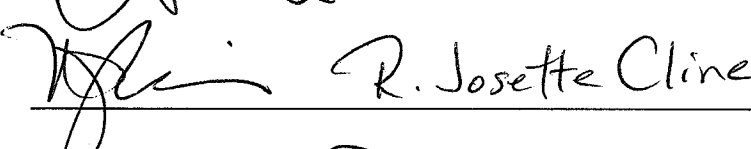
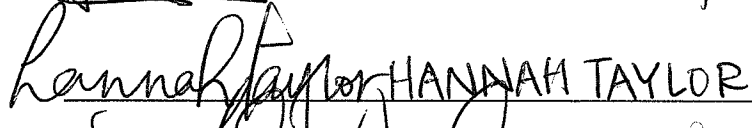
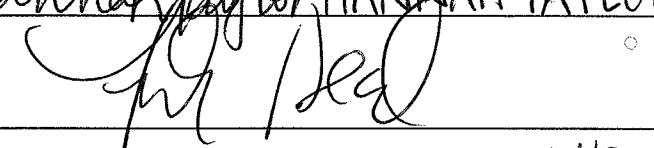
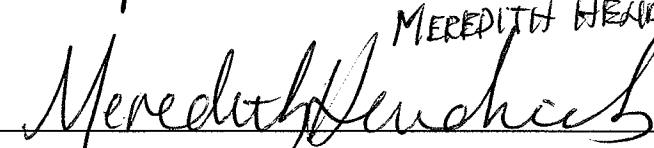
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Wendy Finn	YES ☒ NO ☐
	Amanda Hines	YES ☒ NO ☐
	Tim Sweet	YES ☐ NO ☒
	Janet Titus	YES ☒ NO ☐
	JACK TIGHE	YES ☒ NO ☐
	Amanda Dixon	YES ☒ NO ☐
	Laura Underwood	YES ☐ NO ☒
	Elie Patterson	YES ☒ NO ☐

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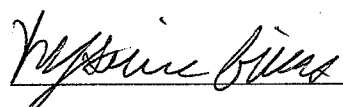
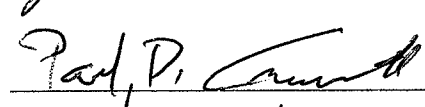
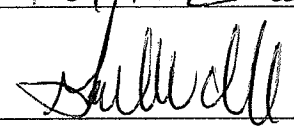
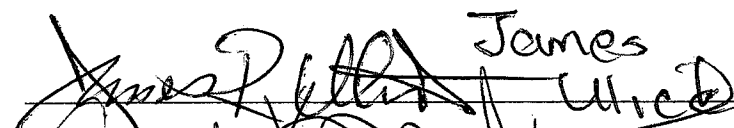
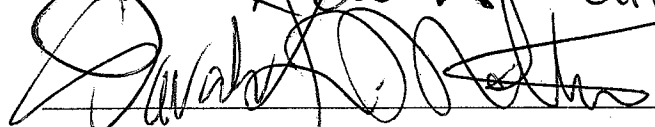
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Grace Crifasi	YES ☒ NO ☐
	Carla Ewing/Wilson	YES ☒ NO ☐
	Zach Roth	YES ☒ NO ☐
	R. Josette Cline	YES ☒ NO ☐
	Ransom Murray	YES ☒ NO ☐
	HANNAH TAYLOR	YES ☒ NO ☐
	MEREDITH HENDRICKS	YES ☒ NO ☐
	Meredith Hendricks	YES ☒ NO ☐

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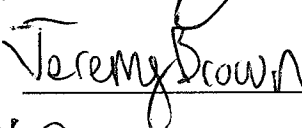
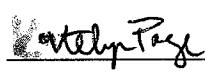
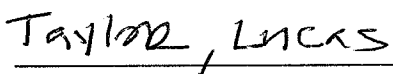
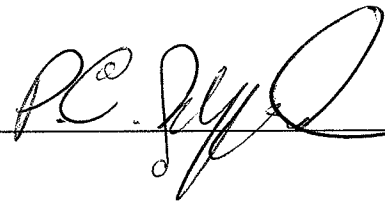
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Ben Poeschl	YES ☒ NO ☐
	Devin Gamache	YES ☒ NO ☐
	Krystina Crites	YES ☒ NO ☐
	[unclear]	YES ☒ NO ☐
	Gabrielle Isaac	YES ☒ NO ☐
	James [unclear]	YES ☒ NO ☐
	[unclear]	YES ☒ NO ☐
	Moshe [unclear]	YES ☒ NO ☐

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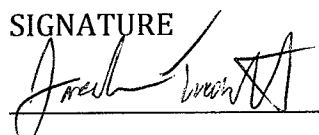
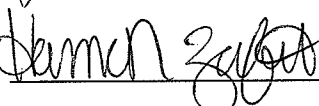
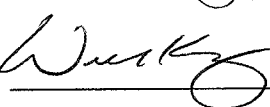
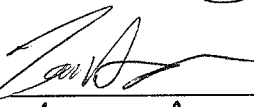
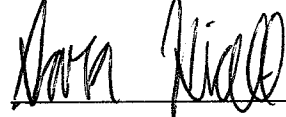
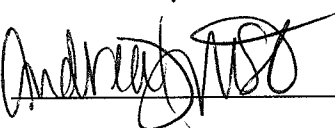
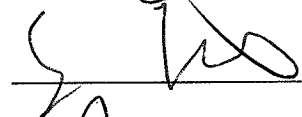
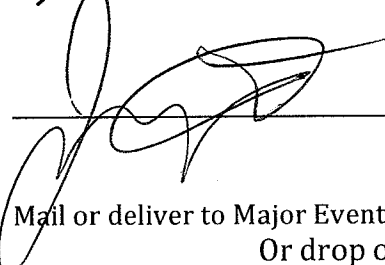
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	Marlo Gohla	YES ☒ NO ☐
	Mike C. Kelley	YES ☒ NO ☐
	Jeremy Brown	YES ☒ NO ☐
	Brittany Cusamnek	YES ☒ NO ☐
	Rebekah Schneider	YES ☒ NO ☐
	Katelyn Page	YES ☒ NO ☐
	Lucas Taylor	YES ☒ NO ☐
	Philip C. Shepherd	YES ☒ NO ☐

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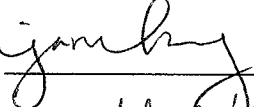
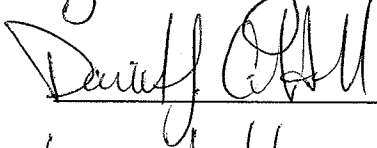
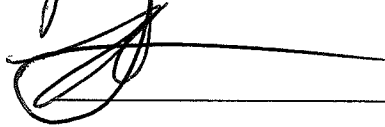
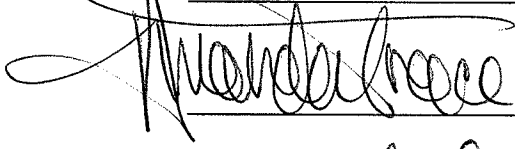
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	Jacob Troutt	YES ☒ NO ☐
	Hannah Zolter	YES ☒ NO ☐
	William King	YES ☒ NO ☐
	Zane Adams	YES ☒ NO ☐
	Sara Hiatt	YES ☒ NO ☐
	Andrea Wise	YES ☒ NO ☐
	Sam King	YES ☒ NO ☐
	Joseph Largent	YES ☒ NO ☐

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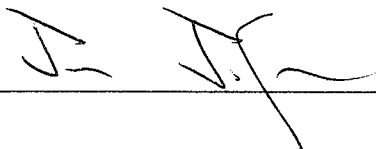
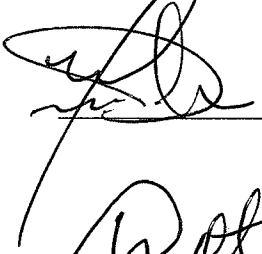
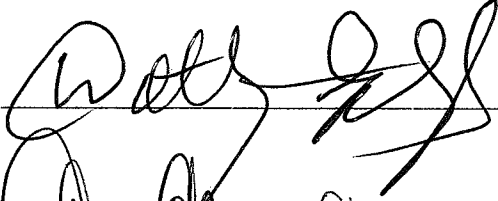
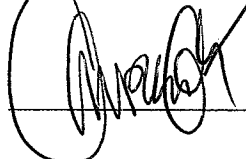
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	JANE KANG	YES ☒ NO ☐
	Daniel Caldwell	YES ☒ NO ☐
	KAT HATT	YES ☒ NO ☐
	Jane Howard	YES ☒ NO ☐
	Brent Miller	YES ☒ NO ☐
	Emily Catclaw	YES ☒ NO ☐
	Amanda Treece	YES ☒ NO ☐
	Karen McSpadden	YES ☒ NO ☐

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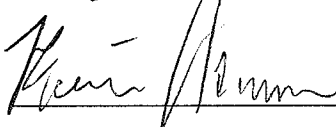
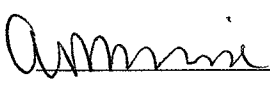
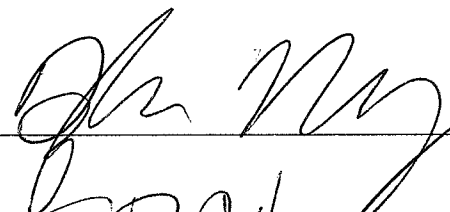
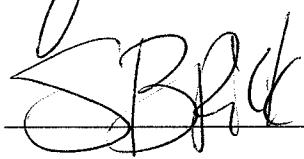
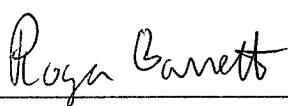
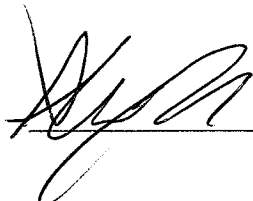
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Paula Ellington	YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☐ NO ☒
	Sharon Ann Wilcox	YES ☒ NO ☐
	Fiona Davidson	YES ☒ NO ☐
		YES ☒ NO ☐
	Christina	YES ☒ NO ☐

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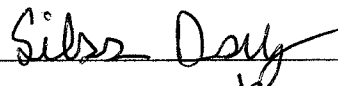
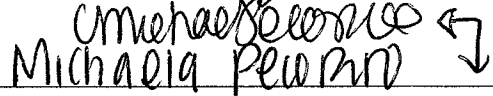
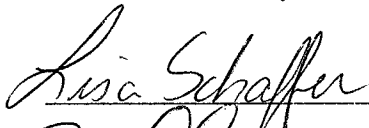
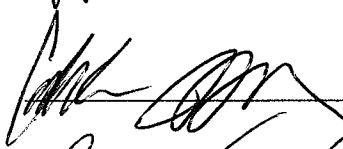
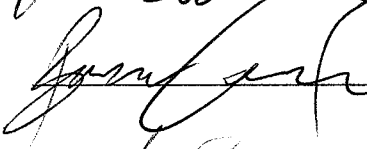
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Whitney Dwyer	YES ☒ NO ☐
	Kourtney	YES ☒ NO ☐
	Ashlea Milburn	YES ☒ NO ☐
	[unclear]	YES ☒ NO ☐
	Savannah Brick	YES ☒ NO ☐
	ROGER BARRETT	YES ☒ NO ☐
	Alex Burlison	YES ☒ NO ☐

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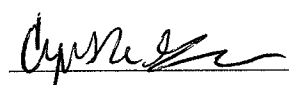
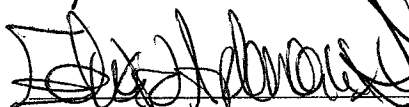
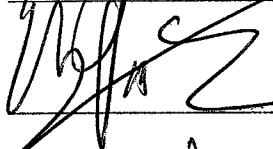
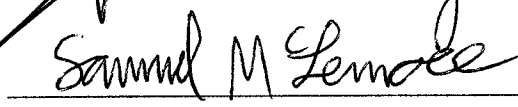
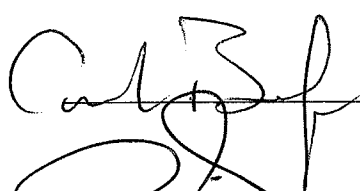
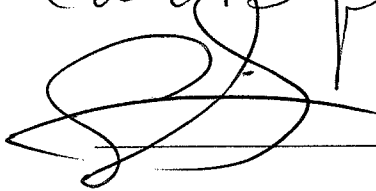
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Silas Day	YES ☒ NO ☐
	Michaela Pewmnd	YES ☒ NO ☐
	Lisa Schaffer	YES ☒ NO ☐
	Barry Ozturk	YES ☒ NO ☐
	Nathan Bailey	YES ☒ NO ☐
	Caleb Mack	YES ☒ NO ☐
	Bryan Lowery	YES ☒ NO ☐
	Nick Finkbeiner	YES ☒ NO ☐

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	Crystal Bardin	YES ☒ NO ☐
	Cynthia Smith	YES ☒ NO ☐
	Eric Anderson	YES ☒ NO ☐
	K. Vimer	YES ☒ NO ☐
	Megan Valone	YES ☒ NO ☐
	Samuel M. Lemore	YES ☒ NO ☐
	Carline Belinfante	YES ☒ NO ☐
	Steven Parson	YES ☒ NO ☐

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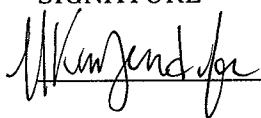
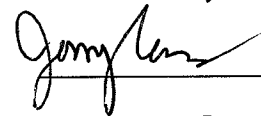
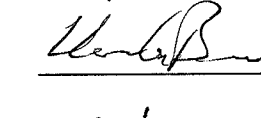
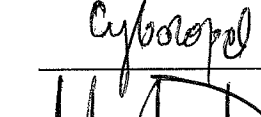
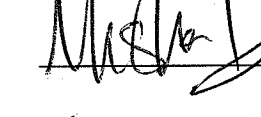
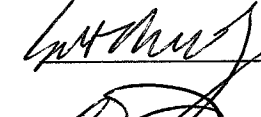
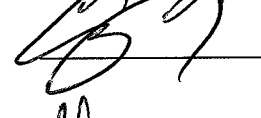
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<u>Alison Wolf</u>	<u>Alison Wolf</u>	YES ☒ NO ☐
<u>Dana Mulhollan</u>	<u>Dana Mulhollan</u>	YES ☒ NO ☐
<u>Emily Kartz</u>	<u>Emily Kartz</u>	YES ☒ NO ☐
<u>Kelly Mulhollan</u>	<u>Kelly Mulhollan</u>	YES ☒ NO ☐
<u>Deborah Keazer</u>	<u>Deborah Keazer</u>	YES ☒ NO ☐
<u>Preston Head</u>	<u>Preston Head</u>	YES ☒ NO ☐
<u>Craig Young</u>	<u>CRAIG Young</u>	YES ☐ NO ☒
<u>Ashley Jolly</u>	<u>Ashley Jolly</u>	YES ☒ NO ☐

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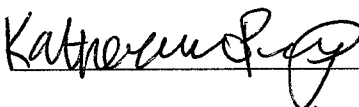
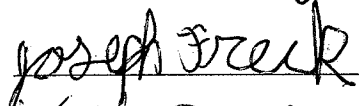
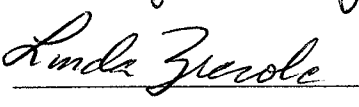
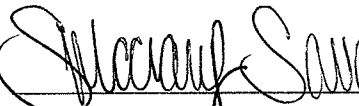
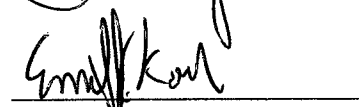
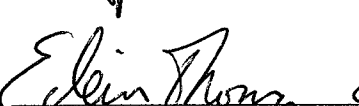
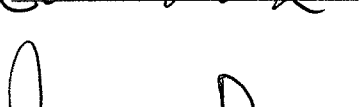
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	Maria Korzendorfer	YES ☒ NO ☐
	Jessy Lang	YES ☒ NO ☐
	Clarke Buehling	YES ☒ NO ☐
	SUVOCAREV KOCANA	YES ☒ NO ☐
	MISHA DYER	YES ☒ NO ☐
	Seth Kong	YES ☒ NO ☐
	Cynthia VanBiber	YES ☒ NO ☐
	Michele Helton	YES ☐ NO ☒

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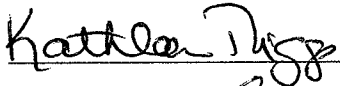
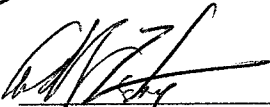
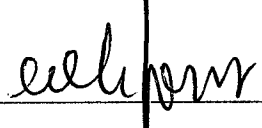
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	Katherine Pickap	YES ☒ NO ☐
	Joseph Freck	YES ☒ NO ☐
	KELLY STUCKEY	YES ☒ NO ☐
	Linda Zeecola	YES ☐ NO ☒
	Savannah McCrary	YES ☐ NO ☒
	Emil J Koch	YES ☒ NO ☐
	Eileen Thomas	YES ☒ NO ☐
	Jorgin Rippe	YES ☒ NO ☐

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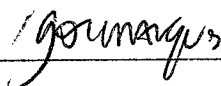
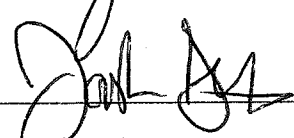
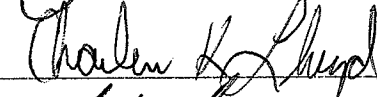
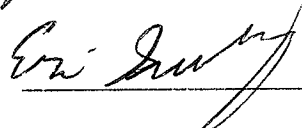
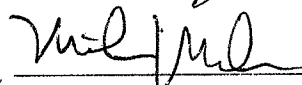
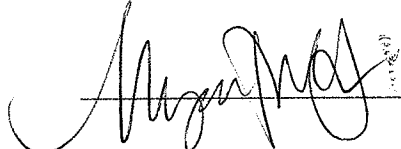
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	Kathleen Biggs	YES ☒ NO ☐
	MARK CAIN	YES ☒ NO ☐
	CALEB CAIN	YES ☒ NO ☐
	Hannah Jones	YES ☐ NO ☒
	Antonio Carpenter	YES ☒ NO ☐
	Eleanor Jones	YES ☐ NO ☒
	Samantha Blackburn	YES ☒ NO ☐
	MARTY SHUTTER	YES ☒ NO ☐

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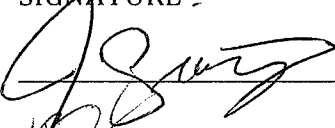
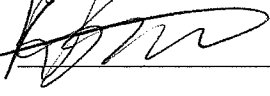
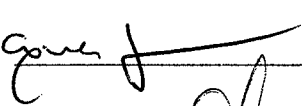
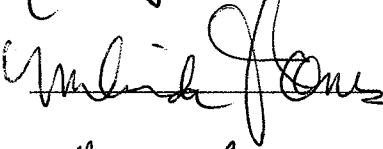
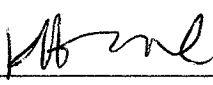
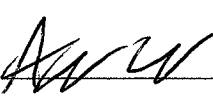
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	Iga Marques	YES ☒ NO ☐
	Amy Gillham	YES ☒ NO ☐
	Josh Stovall	YES ☒ NO ☐
	Charlene K. Lloyd	YES ☒ NO ☐
	Luke Knox	YES ☒ NO ☐
	Eric Saulsbury	YES ☒ NO ☐
	Mike Malone	YES ☒ NO ☐
	Megan Hurley	YES ☒ NO ☐

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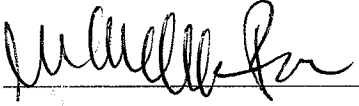
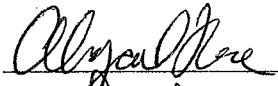
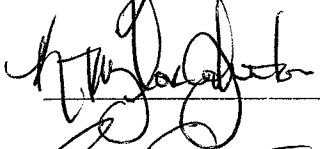
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Joseph Sims	YES ☒ NO ☐
	Samantha Sigmon	YES ☒ NO ☐
	Lukas Taylor	YES ☐ NO ☒
	Brooke Baker	YES ☒ NO ☐
	Gregory Shorman	YES ☒ NO ☐
	Melinda Jones	YES ☒ NO ☐
	Kelly Hammond	YES ☒ NO ☐
	Andrew Crowe	YES ☒ NO ☐

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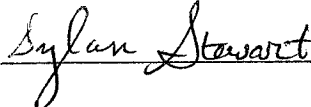
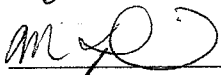
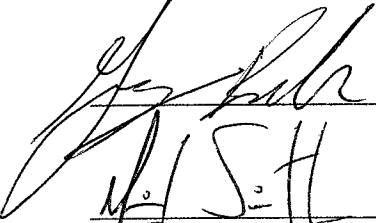
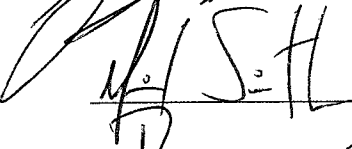
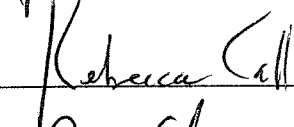
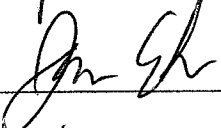
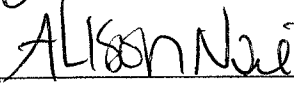
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Robin Jones	YES ☒ NO ☐
	Michelle Parks	YES ☐ NO ☒
	ABIGAIL ROSE	YES ☒ NO ☐
	K. Taylor Johnston	YES ☒ NO ☐
	Nicholas Grager	YES ☒ NO ☐
	Robin Burch	YES ☒ NO ☐
	Stephanie Mallicote	YES ☒ NO ☐
	Caitlin Turner	YES ☒ NO ☐

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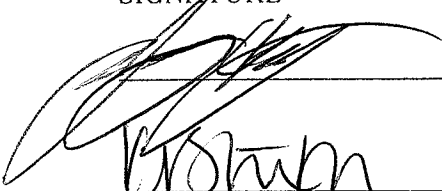
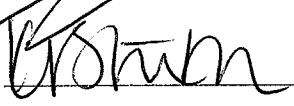
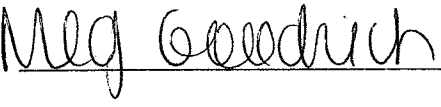
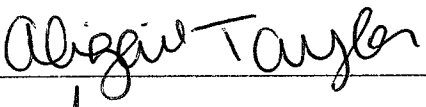
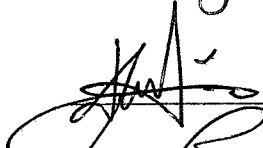
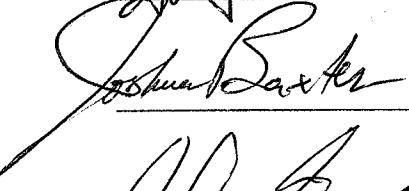
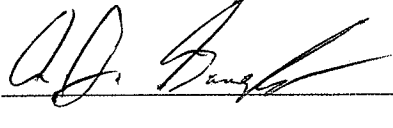
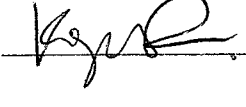
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u></u>	<u>J. Dylan Stewart</u>	YES <u>X</u> NO <u> </u>
<u></u>	<u>minam Daniel</u>	YES <u>X</u> NO <u> </u>
<u></u>	<u>George Becker</u>	YES <u>✓</u> NO <u> </u>
<u></u>	<u>MICAH SMITH</u>	YES <u>✓</u> NO <u> </u>
<u></u>	<u>Rebecca Call</u>	YES <u>X</u>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

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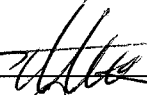
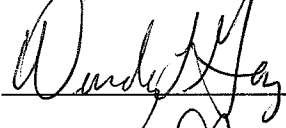
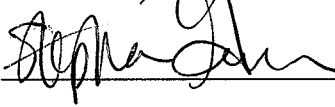
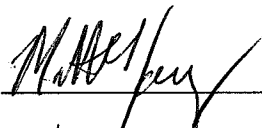
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Jimmy Key	YES ☒ NO ☐
	KIRSTEN BAUER	YES ☒ NO ☐
	Meg Goodrich	YES ☒ NO ☐
	Abigail Taylor	YES ☒ NO ☐
	Andrew Miner	YES ☐ NO ☒
	JOSHUA BAXTER	YES ☒ NO ☐
	A.J. Douglas	YES ☒ NO ☐
	Kagan P. Puy-Reyes	YES ☒ NO ☐

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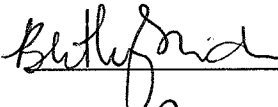
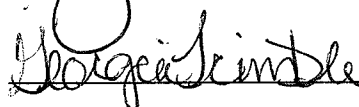
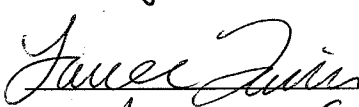
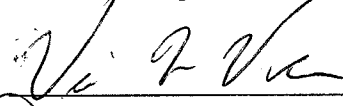
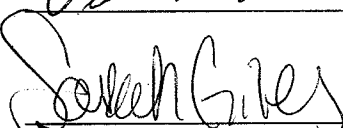
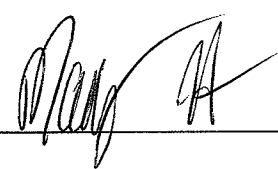
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Brandon Leal	YES ☒ NO ☐
	TIM WALKER	YES ☒ NO ☐
	WENDY GAY	YES ☒ NO ☐
	Stephanie Garman	YES ☒ NO ☐
	Aislinn Beaumont	YES ☒ NO ☐
	Matthew Garrett Young	YES ☒ NO ☐
	Bethie Stephanie Lauricchio	YES ☒ NO ☐
	GRANT ADAMS	YES ☒ NO ☐

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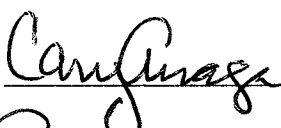
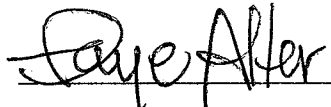
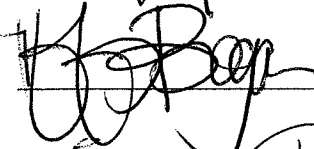
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Bentley Snider	YES ☒ NO ☐
	Bryn Bagwell	YES ☒ NO ☐
	George Trimble	YES ☒ NO ☐
	Lance Larver	YES ☒ NO ☐
	Victoria Vek	YES ☒ NO ☐
	Sarah Gies	YES ☒ NO ☐
	Adam Driver	YES ☒ NO ☐
	Molly Hapner	YES ☒ NO ☐

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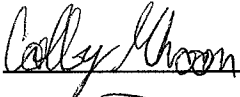
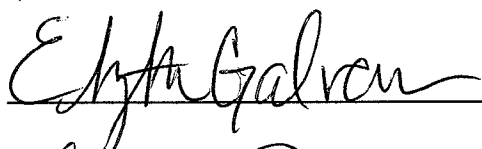
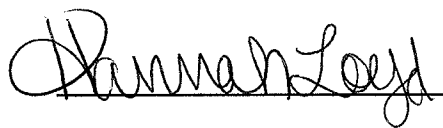
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Jess Harp	YES ☒ NO ☐
	Lanee Mille	YES ☒ NO ☐
	CARY Arsga	YES ☐ NO ☐
	Paula Matthews	YES ☒ NO ☐
	Michele Harrington	YES ☒ NO ☐
	FAYE ALTER	YES ☐ NO ☒ County
	Tiffany Bogan	YES ☒ NO ☐
	ERIC T Noyd	YES ☒ NO ☐

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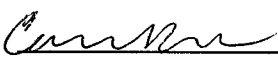
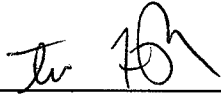
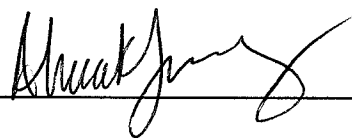
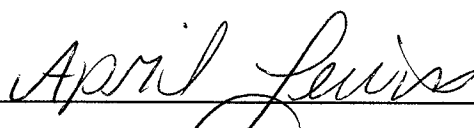
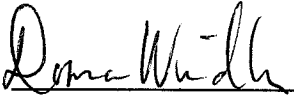
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	Coby Mhoon	YES ☒ NO ☐
	Marcie MacLean	YES ☒ NO ☐
	Alondra Guerrero	YES ☒ NO ☐
	Elysa Galvan	YES ☒ NO ☐
	Casandra Swanson	YES ☒ NO ☐
	Erika Kelleck	YES ☒ NO ☐
	Geneva Harrington	YES ☒ NO ☐
	Hannah Loyd	YES ☒ NO ☐

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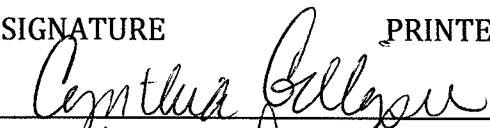
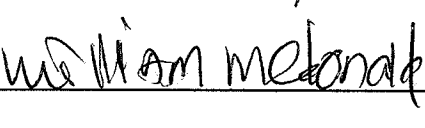
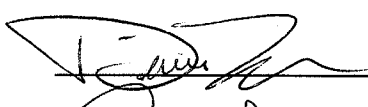
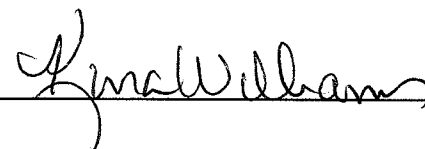
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	Christopher Johnson	YES ☒ NO ☐
	Carmen Taymore	YES ☒ NO ☐
	Ted Fish	YES ☐ NO ☒
		YES ☒ NO ☐
Loretta Bolner	Loretta Bolner	YES ☐ NO ☒
	April Lewis	YES ☐ NO ☒
	Amanda Farts	YES ☐ NO ☒
	Donna Windler	YES ☒ NO ☐

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

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

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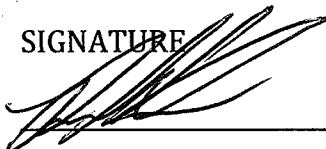
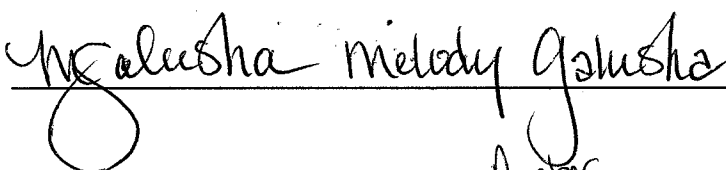
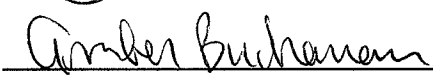
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Cecil Traphagan</u>	<u>CTRAFHAGAN</u>	YES ☒ NO ☐
<u>ggy Frazier</u>	<u>Elizabeth Frazier Gandy</u>	YES ☒ NO ☐
<u>Joseph Abu</u>	<u>Lorehid Benz</u>	YES ☒ NO ☐
<u>Katelyn Morton</u>	<u>Katelyn Morton</u>	YES ☐ NO ☒
<u>Sheryl Grotewold</u>	<u>Sheryl Grotewold</u>	YES ☒ NO ☐
<u>J. Amos</u>		YES ☐ NO ☒
<u>Rexanne Graves</u>	<u>Rexanne Graves</u>	YES ☒ NO ☐
<u>Jennifer Johnston</u>	<u>Jennifer Johnston</u>	YES ☒ NO ☐

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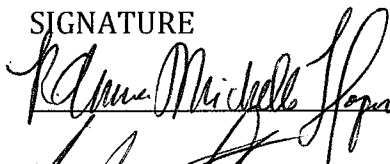
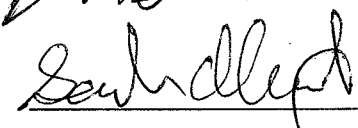
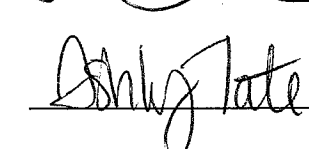
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Rachel Hetzendorfer	YES ☒ NO ☐
	Cherie Flournoy	YES ☐ NO ☒
	Maggie Mullican	YES ☒ NO ☐
	Marsha Chriss	YES ☒ NO ☐
	Kara Welch	YES ☒ NO ☐
	Melody Galsus	YES ☒ NO ☐
	Amber Buchanan	YES ☒ NO ☐

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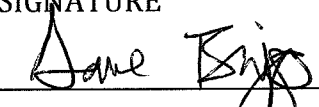
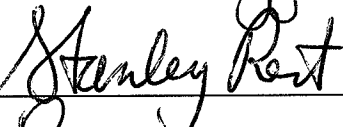
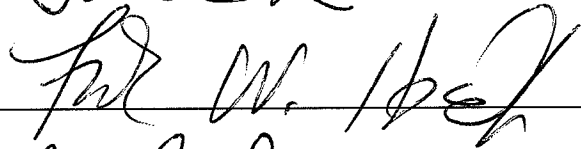
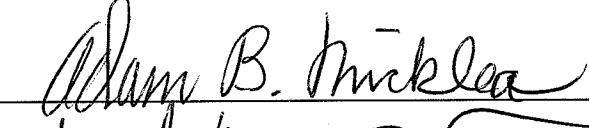
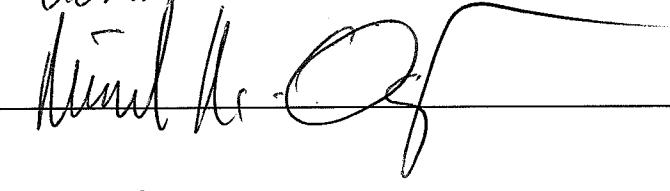
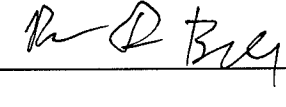
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	R. Anne-Michelle Hopwood	YES ☒ NO ☐
	Josh Stanley	YES ☒ NO ☐
	Sarah Alexander	YES ☒ NO ☐
	Shauntae Treant	YES ☒ NO ☐
	Steve Glean	YES ☒ NO ☐
	Ashly Tate	YES ☒ NO ☐
		YES ☐ NO ☐
		YES ☐ NO ☐

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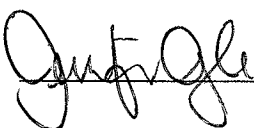
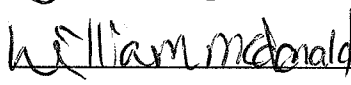
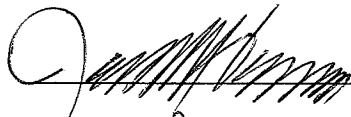
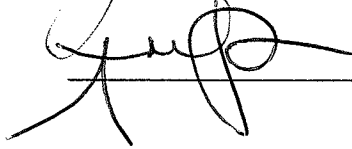
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	DAVE BRIGGS	YES _____ NO ☒
	Stanley Rest	YES ☒ NO _____
	Bruce L. Welsh	YES _____ NO ☒
	Paul W. Bell	YES ☒ NO _____
	Michael Hill	YES _____ NO ☒
	Adam B. Nickless	YES _____ NO ☒
	David R. O'Connell	YES _____ NO ☒
	Braden T. Bull	YES ☒ NO _____

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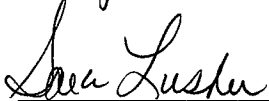
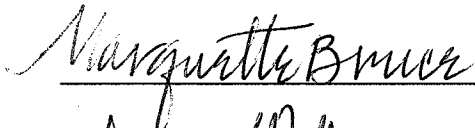
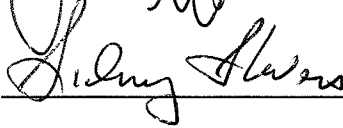
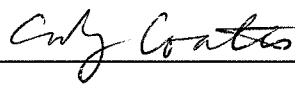
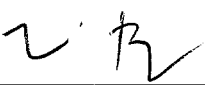
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	Tascha Farris	YES ☒ NO ☐
	Frank Williams	YES ☒ NO ☐
	EDWARD DOWNIE	YES ☒ NO ☐
	JENNIFER OGLE	YES ☐ NO ☒
	William McDonald	YES ☒ NO ☐
	JAMES HORAN	YES ☒ NO ☐
	Aimee Paparicio	YES ☒ NO ☐
	Brad Andersen	YES ☒ NO ☐

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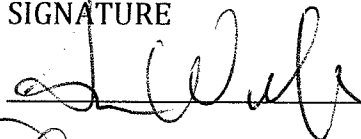
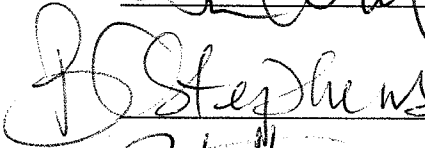
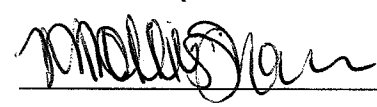
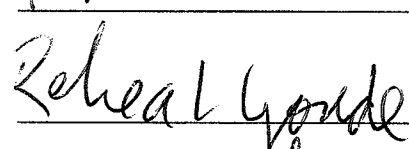
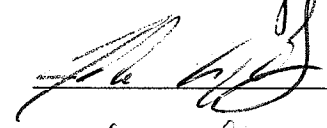
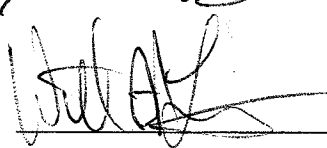
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	Sidney Hall Elkins	YES ☐ NO ☒
	SARA LUSTER	YES ☐ NO ☒
	Andrew Dilatosh	YES ☒ NO ☐
	Marguerite Bruce	YES ☒ NO ☐
	Jackson Wells	YES ☐ NO ☒
	Sidney Stevens	YES ☒ NO ☐
	Andy Coates	YES ☒ NO ☐
	LACIE BRAY	YES ☒ NO ☐

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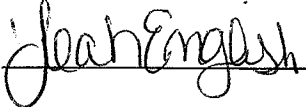
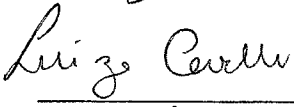
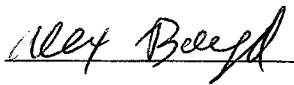
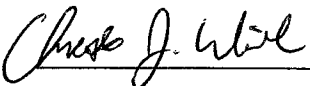
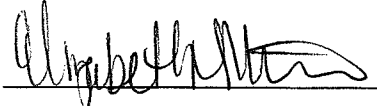
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	Sara Wilson	YES ☒ NO ☐
	Brittany Stephenson	YES ☒ NO ☐
	Peter J Hartman	YES ☒ NO ☐
	Mollie Slavin	YES ☒ NO ☐
	Keith Bern	YES ☒ NO ☐
	Reheal Youde	YES ☐ NO ☒
	Josh Carter	YES ☒ NO ☐
	William H. Little	YES ☒ NO ☐

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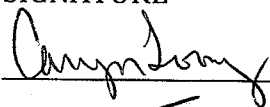
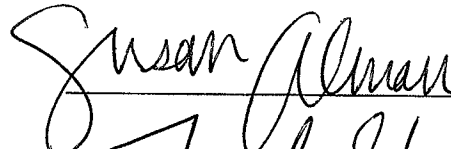
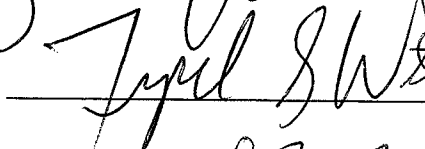
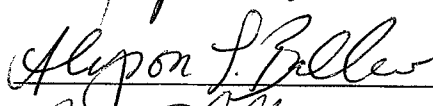
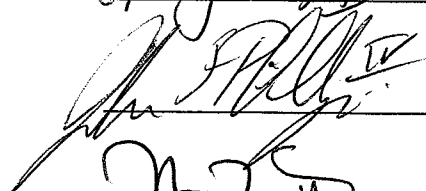
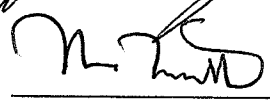
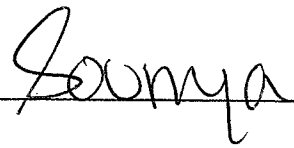
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	Leah English	YES ☒ NO ☐
	E.W. Jaust	YES ☒ NO ☐
	LUIZA CARVALHO	YES ☒ NO ☐
	KEVIN HACKLER	YES ☒ NO ☐
	Alex Boyd	YES ☒ NO ☐
	Christine J. Wilson	YES ☒ NO ☐
	Dylan DeWitt	YES ☒ NO ☐
	Elizabeth Miller	YES ☒ NO ☐

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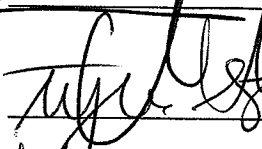
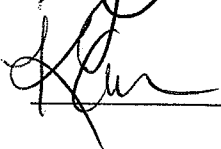
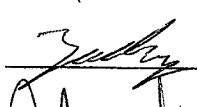
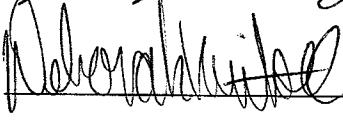
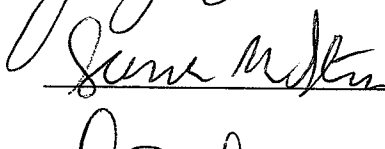
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	Canyon Looney	YES ☒ NO ☐
	Austin Eubanks	YES ☒ NO ☐
	Susan Alman	YES ☒ NO ☐
	Tyrel J. Weston	YES ☒ NO ☐
	Alyson Baller	YES ☒ NO ☐
	John F. Phillips IV	YES ☒ NO ☐
	Tim LaTorrette	YES ☒ NO ☐
	Soumya Chigurupati	YES ☒ NO ☐

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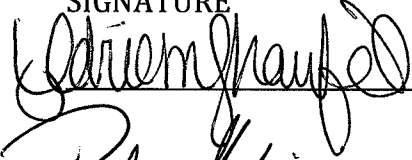
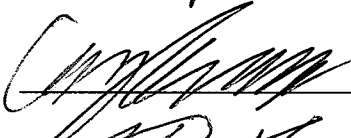
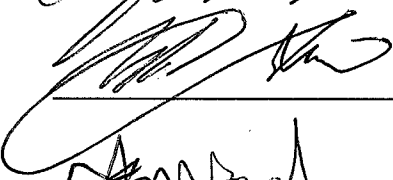
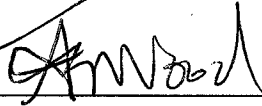
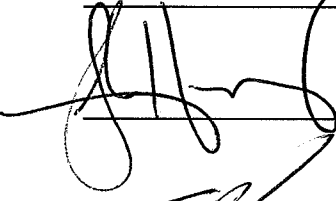
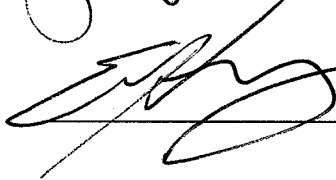
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Emma Hempstead	YES ☒ NO ☐
	Tyler Stolt	YES ☒ NO ☐
	Kathryn Cario	YES ☒ NO ☐
	Zach Hoff	YES ☒ NO ☐
	Deborah Kintzel	YES ☒ NO ☐
	James Stogton	YES ☒ NO ☐
	Sarah M. Stanley	YES ☒ NO ☐
	Kimberly Dike	YES ☒ NO ☐

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

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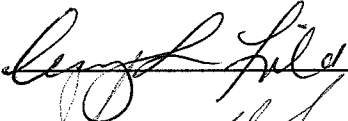
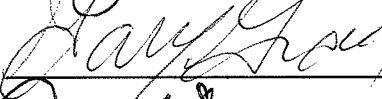
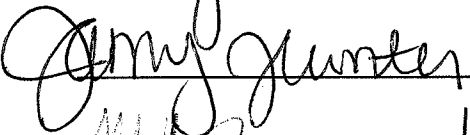
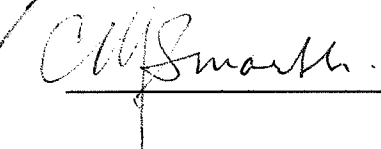
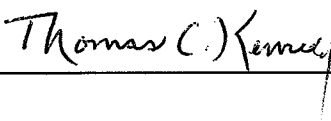
SIGNATURE.	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Katie Nichol</u>	<u>Katie Nichol</u>	YES <u>X</u> NO <u> </u>
<u>[Signature]</u>	<u>Maria Guenard</u>	YES <u>X</u> NO <u> </u>
<u>Gerry Bernard</u>	<u>Gerry Bernard</u>	YES <u>X</u> NO <u> </u>
<u>Christina Lane</u>	<u>Christina Lane</u>	YES <u>X</u> NO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

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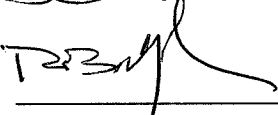
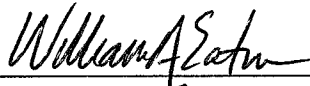
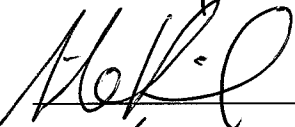
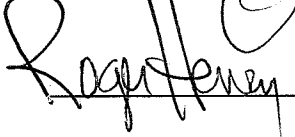
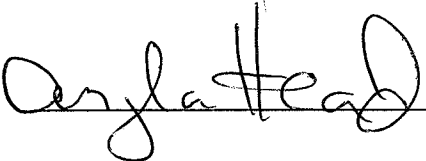
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Amy Field	YES ☒ NO ☐
	GARY GRAY	YES ☒ NO ☐
	CASSANDRA DOMINICK	YES ☒ NO ☐
	Jany Hunter	YES ☒ NO ☐
	Michael Ferrara	YES ☐ NO ☒
	Joseph Chesla	YES ☒ NO ☐
	C. M. SMART	YES ☒ NO ☐
	Thomas C. Kennedy	YES ☒ NO ☐

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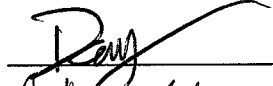
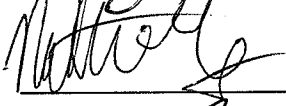
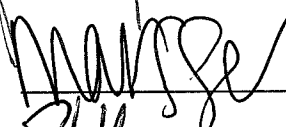
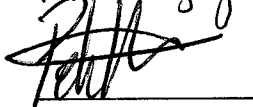
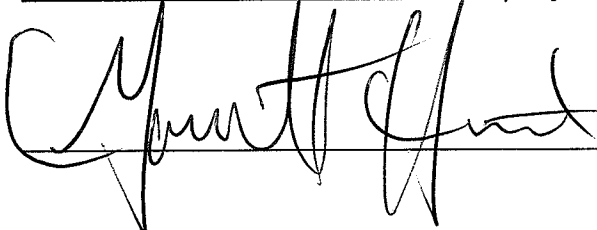
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	William A. Quinn	YES ☒ NO ☐
	ROBERT BILLINGSLEY	YES ☒ NO ☐
	Alan D. Vick	YES ☒ NO ☐
	William Eaton	YES ☒ NO ☐
	MIKE RICKARD	YES ☒ NO ☒
	Patrick Cahway	YES ☒ NO ☐
	ROGER HENRY	YES ☒ NO ☐
	ANGELA HEAD	YES ☒ NO ☐

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

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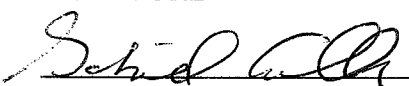
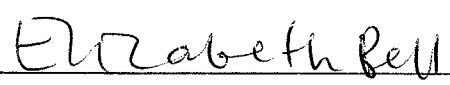
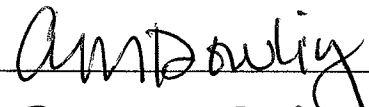
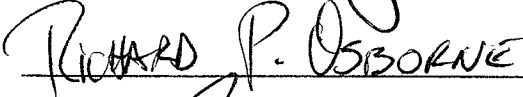
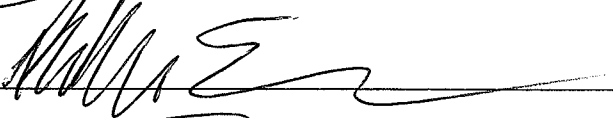
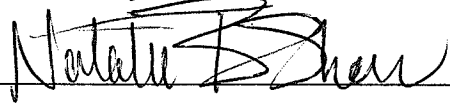
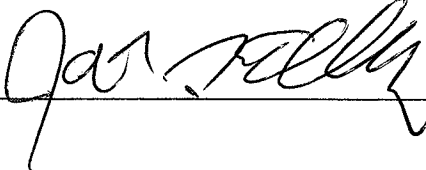
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Ann Greenwood</u>	<u>Ann Greenwood</u>	YES <u>X</u> NO <u> </u>
<u>Linda Flores</u>	<u>Linda Flores</u>	YES <u>✓</u> NO <u> </u>
<u>Rehanna Deborah Champagne</u>	<u>Rehanna Deborah Champagne</u>	YES <u>✓</u> NO <u> </u>
<u>Elizabeth Harriss</u>	<u>Elizabeth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

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

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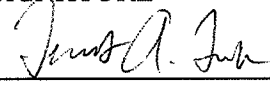
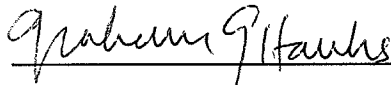
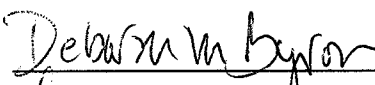
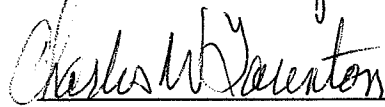
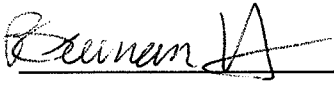
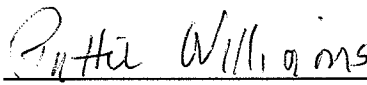
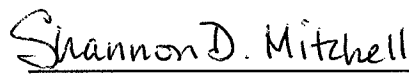
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<u>Grant Hall</u>	<u>Grant Hall</u>	YES ☒ NO ☐
<u>Briana Kordsmeier</u>	<u>Briana Kordsmeier</u>	YES ☒ NO ☐
<u>William Taylor</u>	<u>William TAYLOR</u>	YES ☒ NO ☐
<u>Freddy Dominguez</u>	<u>Freddy DOMINGUEZ</u>	YES ☒ NO ☐
<u>Betty Weber</u>	<u>Betty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

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

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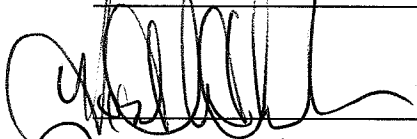
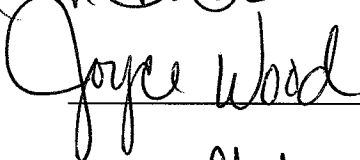
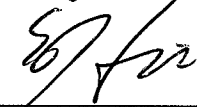
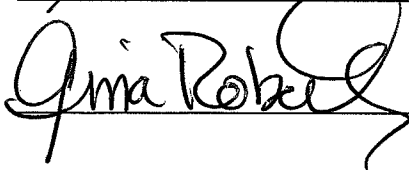
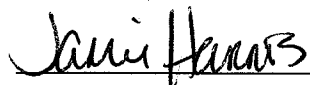
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Brian Herzog</u>	<u>Brian Herzog</u>	YES <u>X</u> NO _____
<u>Alyson Reaves</u>	<u>Alyson Reaves</u>	YES _____ NO <u>X</u>
<u>Betony Maringer</u>	<u>Betony Wearley-Maringer</u>	YES _____ NO <u>X</u>
<u>LEILANI LAW</u>	<u>LEILANI LAW</u>	YES <u>✓</u> NO _____
<u>Call Rebecca Suzanne</u>	<u>Call Rebecca Suzanne</u>	YES <u>✓</u> NO _____
<u>Allyson Lord</u>	<u>Allyson Lord</u>	YES <u>✓</u> NO _____
<u>BETH C WRO</u>		YES <u>✓</u> NO _____
<u>Kylee Scott</u>	<u>Kylee Scott</u>	YES _____ NO <u>X</u>

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

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

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

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

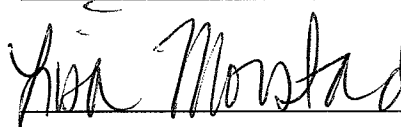
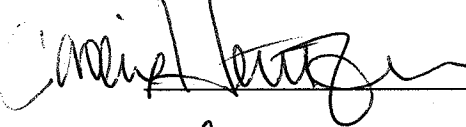
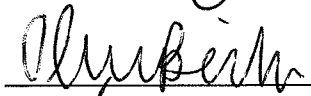
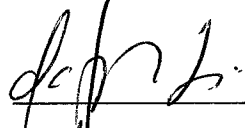
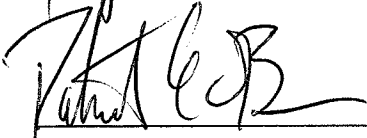
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Daniel Ferris	YES ☒ NO ☐
	Dave Proctor	YES ☒ NO ☐
	Heather Wilson	YES ☒ NO ☐
	Joyce Wood	YES ☒ NO ☐
	Nick	YES ☒ NO ☐
	Eric Holle	YES ☐ NO ☒
	Gina Robel	YES ☐ NO ☒
	Jamie Harris	YES ☒ NO ☐

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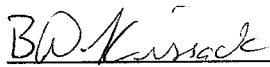
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Matthew Sheppard	YES ☒ NO ☐
	LISA MORSTAD	YES ☒ NO ☐
	Bill Birnie	YES ☒ NO ☐
	Nicole Shipley	YES ☒ NO ☐
	Caroline Heitzman	YES ☒ NO ☐
	Olivia Becker	YES ☒ NO ☐
	Ian Sheu	YES ☒ NO ☐
	Patrick O'Brien	YES ☒ NO ☐

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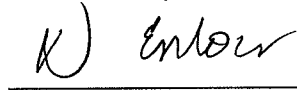
THEREFORE, WE THE UNDERSIGNED, REQUEST THE CITY COUNCIL ADOPT AN ORDINANCE THAT REQUIRES CITY COUNCIL APPROVAL AS A FINAL STEP IN THE PERMITTING PROCESS FOR ANY MAJOR EVENT THAT PROPOSES TO CLOSE CITY STREETS, PARKS AND/OR PARKING LOTS FOR TWO OR MORE DAYS.

SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Brandon Lissack	YES ☒ NO ☐

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

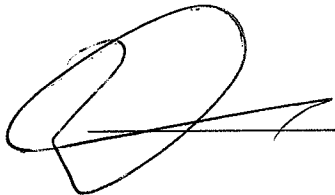
	Terri Ann Howard	YES ☒ NO ☐
---	------------------	---

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

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

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

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

	Zachary Enlow	YES ☒ NO ☐
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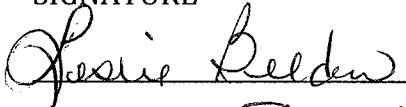
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SIGNATURE

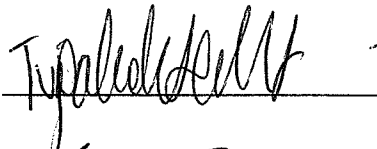
PRINTED NAME

FAYETTEVILLE RESIDENT

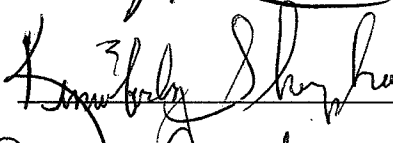
 Leslie Beben YES ☒ NO ☐

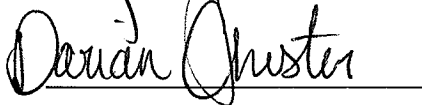
 Marla Steele YES ☒ NO ☐

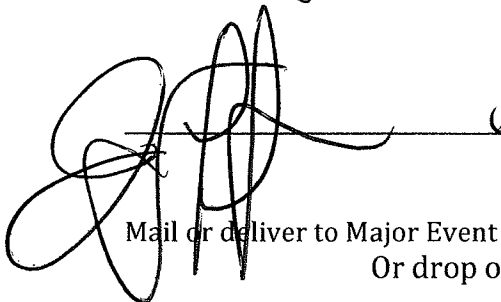
 Eva C. Madison YES ☒ NO ☐

 Tugue Utecht YES ☒ NO ☐

 Kagan D. Puy-Reddy YES ☒ NO ☐

 Kimberly Shepherd YES ☒ NO ☐

 Darian Chester YES ☒ NO ☐

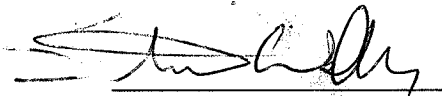
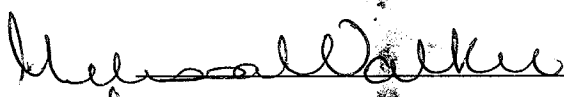
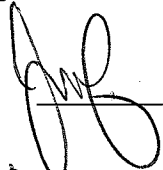
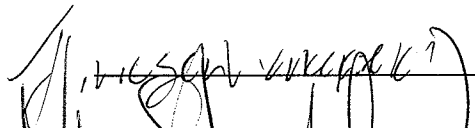
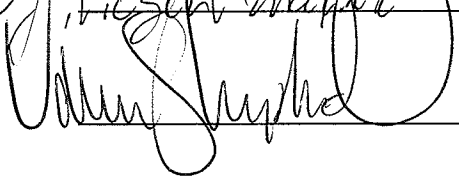
 Terrod Shaffer YES ☒ NO ☐

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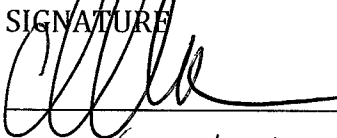
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Constance Hensley Kral	YES ☒ NO ☐
	Stuart Walker	YES ☒ NO ☐
	Melissa Walker	YES ☒ NO ☐
	JIM GOZA	YES ☒ NO ☐
	Derek Dellinger	YES ☒ NO ☐
	INOGEN WAKEFIELD	YES ☒ NO ☐
	Valerie Shepherd	YES ☒ NO ☐
	John Beebe	YES ☒ NO ☐

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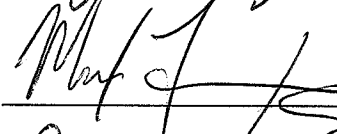
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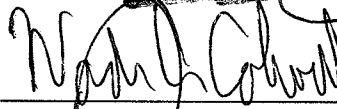
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	CHRIS DYE	YES ☒	NO ☐

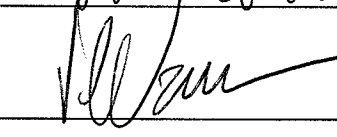
	Beth Stockdell	YES ☒	NO ☐
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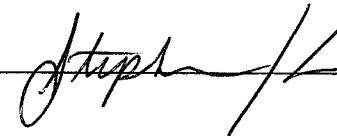
	Bryan Jones	YES ☒	NO ☐
---	-------------	---	-----------------------------

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

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

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

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

		YES ☒	NO ☐
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Or drop off at The Depot, 548 W. Dickson.

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

Smith, Lorinda

Amend 72.58 Off-Street Parking Facilities

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

Please review the email below. Thanks!

Sondra

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

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

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

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

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

Thank you for your consideration.
Ann henry

Sent from my iPhone

Branson, Lisa

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

Please see the email below.

Thanks!

Sondra

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

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

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

To Whom it may concern at the City of Fayetteville,

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

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

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

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

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

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

Best regards,
Kevin Higgins
F-Town Longboards LLC

Branson, Lisa

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

Please see the email below.

Thanks!

Sondra

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



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

Dear Aldermen,

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

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

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

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

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

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

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

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

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

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.58 (M) and enacts a replacement § 72.58 (M) as shown below:

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

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

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

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

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

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

Branson, Lisa

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

Please see the email below.

Thanks!

Sondra

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

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

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

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

Sent from my iPhone

Branson, Lisa

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

Please see the email below.

Thanks!

Sondra

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

CITY OF

www.fayetteville-ar.gov

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

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

Thanks,
John

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

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

This email message and any attachments are confidential. If you are not the intended recipient, please immediately reply to the sender and delete the message from your email system.

Thank you.

Branson, Lisa

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

Please see the email below.

Thanks!

Sondra

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



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

Sondra,

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

I concur with the statements in the email below.

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

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

Major Event Ordinance for Fayetteville

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

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

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

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

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

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

Sondra Smith, City Clerk

ssmith@fayetteville-ar.gov

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

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

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

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

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

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

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.58 (M) and enacts a replacement § 72.58 (M) as shown below:

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

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

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

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

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

Tom Overbey
T1TLOTT@gmail.com

Branson, Lisa

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

Please see the email below.

Thanks!

Sondra

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



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

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

James C. Romine

CityClerk

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

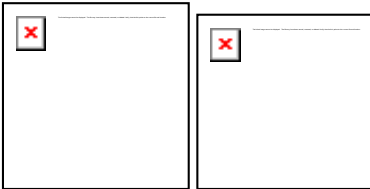
Categories: Forwarded

Sondra,

Please forward this to the other Council Members.

Thanks,
-Sarah

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



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

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

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

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

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

(Anonymous, if possible?)

Jeff Castellano

Resident (Address withheld for security reasons.)

Branson, Lisa

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

Please see the email below. Thanks!

Sondra

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

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

To whom it may concern,

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

John Olson
1777 N Independence Place
Fayetteville, AR 72704

Branson, Lisa

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

Please see the email below.

Sondra

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

CITY OF

www.fayetteville-ar.gov

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

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

Thank You,

Joe Hiryak

--

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

Branson, Lisa

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

Please see the email below. Thanks!

Sondra

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



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

To- Sondra Smith, City Clerk

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

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

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

challenges to our city infrastructure and ambiance.

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

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

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

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

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

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

Branson, Lisa

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

Please see the attached letter. Have a great day!

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

Subject: Major Event Ordinance

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

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

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

Sincerely,

Glenda Satterfield

CityClerk

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

Please see the email below.

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
[Website](#) | [Twitter](#) | [YouTube](#)



From: MS RIKER [mailto:elitevaporpros@hotmail.com]
Sent: Monday, February 29, 2016 10:37 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Proposed Festival Ordinance

Sondra Smith ,

Good morning. I'm emailing you to let your office know I'm not at all happy about this new proposed Festival Ordinance. I'm from Eureka Springs , and this type of micro managing ruined our unique reputation to the point of no repair. Eureka will never be same after the city council made such horrendous decisions year after year to run the tourists with actual money to spend ...right out of town. They still are at it today .

I would hate to see this become another Eureka Springs story ... And this is just how that story starts.

Thanks for listening to my voice. Please have a great day.

Matt Riker

National Sales Manager
Carolina Arms Group
Mattriker@carolinaarmsgroup.com
<http://www.carolinaarmsgroup.com/>
<http://carolinaarmsgroup.tumblr.com/>
<https://www.instagram.com/carolinaarmsgroup>
<https://twitter.com/CarolinaArmsGrp>
<https://www.facebook.com/CarolinaArmsGroup>
Fax 704-360-2469
Gerald's Restaurant
417-847-1000
Zoe Crist Steel
<http://www.zoecristknives.com/>
Cell 479-244-6243
Have a great day !
Matt1911jmb@yahoo.com
Elite Vapor Pro's
870-204-6051
elitevaporpros@hotmail.com

Matt Riker
National Sales Manager
Carolina Arms Group
Mattriker@carolinaarmsgroup.com
<http://www.carolinaarmsgroup.com/>
<http://carolinaarmsgroup.tumblr.com/>
<https://www.instagram.com/carolinaarmsgroup>
<https://twitter.com/CarolinaArmsGrp>
<https://www.facebook.com/CarolinaArmsGroup>
Fax 704-360-2469
Gerald's Restaurant
417-847-1000
Zoe Crist Steel
<http://www.zoecristknives.com/>
Cell 479-244-6243
Have a great day !
Matt1911jmb@yahoo.com
Elite Vapor Pro's
870-204-6051
elitevaporpros@hotmail.com

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 10:52 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: regarding the festival ordinance - I hate Bikes/Blues

Please see the email below.

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
Website | Twitter | YouTube

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

From: briandickinson@cox.net [mailto:briandickinson@cox.net]
Sent: Monday, February 29, 2016 10:39 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: regarding the festival ordinance - I hate Bikes/Blues

Hi Sondra.

I have not read the proposed city festival ordinance but if it has an intended outcome of spelling doom for Bikes/Blues, I'm for it.

I do enjoy a music festival but I prefer to travel across the country to attend a good one. I've been to Lollapalooza in Chicago seven times. The type of event I enjoy cannot exist in Fayetteville. We just don't have the population or the infrastructure to support it.

I love Dickson St. I will hang out at S&B and have a drink or sing a karaoke song at Uno's, or enjoy a steak at Doe's any night of the week. But the pretend biker culture -- I just don't get it. The people are scummy for the most part and I hate turning over my town to them once a year. I know a lot of business owners on/near downtown and I know that some of them depend on the once-per-year Bikes/Blues revenue as their annual profit. Still others have their business hurt by the festival. It's a hugely convoluted mixed bag. My position is - if you need an event like Bikes/Blues to make your ends meet, then there's probably a better bar waiting to take your place. I leave town or stay home when the pretend bikers are here. I have nothing in common with them. I dislike most of the entertainment that is brought to the stages for them (95% non blues).

This is my piece. There, I've said it.

Sincerely Yours,
Brian

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 7:32 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: I support this ordinance

Please see the email below.

Office of the City Clerk Treasurer

113 W. Mountain Street, Suite 308

Fayetteville, AR 72701

479.575.8323

cityclerk@fayetteville-ar.gov

[Website](#) | [Twitter](#) | [YouTube](#)

CITY OF

Fayetteville
ARKANSAS

www.fayetteville-ar.gov

From: Mary Jo Schneider [mailto:mary.jo.schneider1944@gmail.com]
Sent: Saturday, February 27, 2016 10:43 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: I support this ordinance

I think that this is a good idea. I'd also like to see a thorough examination of the costs of this festival—including how many restaurants and other venues close or lost revenue.

A few months back I announced that I was looking for citizens to sign a petition asking our City Council to adopt a Major Event Ordinance, one which would require City Council approval for events lasting three days or longer and using city streets and/or parking lots. We received well over 800 signatures. Thanks!

We now have an ordinance before the City Council. Our first reading was at the last city council meeting. They will be making some adjustments in the original wording but the intent is still the same.

Despite what you read in the paper this is not an ordinance to do away with Bikes, Blues, and BBQ (BBB). People who are supporters of BBB have signed the petition because they believe that the decision to hold Major Events in Fayetteville should be in the hands of our elected representatives.

If you would like to support this ordinance please email our City Council members. You can do so by emailing our City Clerk and asking her to forward it to all City Council members. Her email address: cityclerk@fayetteville-ar.gov. Her name is Sondra Smith.

Mary Jo Schneider

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 7:31 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: BBBBQ

Please see the email below.

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
Website | Twitter | YouTube

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

From: 1bwells@cox.net [mailto:1bwells@cox.net]
Sent: Saturday, February 27, 2016 10:40 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: BBBBQ

Sondra Smith,

Sending this email to you today, because I feel it is my duty to help protection the above subject.
I am against this so called ordinance for Fayetteville's BBBBQ.

Thank you!

Beverly Wells

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 7:31 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: Event ordinance

Please see the email below.

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
Website | Twitter | YouTube

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

From: Jeff Kimbrough [mailto:jmkimbrough11@yahoo.com]
Sent: Saturday, February 27, 2016 9:53 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Event ordinance

There are to many ordinands in place already. Don't need any more.

Sent from my iPhone

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 7:30 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: please fwd to city council members

Please see the email below.

Office of the City Clerk Treasurer

113 W. Mountain Street, Suite 308

Fayetteville, AR 72701

479.575.8323

cityclerk@fayetteville-ar.gov

[Website](#) | [Twitter](#) | [YouTube](#)

CITY OF



From: Wendy S. Finn [mailto:finnality@hotmail.com]

Sent: Friday, February 26, 2016 8:48 PM

To: CityClerk <cityclerk@fayetteville-ar.gov>

Subject: please fwd to city council members

I want to voice my support the Major Event Ordinance that requires City Council approval for events lasting three days or longer and using city streets and/or parking lots.

Thank you for your time,

Wendy Finn

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 7:30 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: City council ordinance

Please see the email below.

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
Website | Twitter | YouTube

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

From: bekahmail@yahoo.com [mailto:bekahmail@yahoo.com]
Sent: Friday, February 26, 2016 7:42 PM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: City council ordinance

My name is Rebekah Schneider. I'm in favor for the major event ordinance. I think we should all be able to vote on what kinds of events we have in this town. I would like it if you forward the information to other city council members.

Thanks,
Rebekah Schneider

CityClerk

From: Doug Allen <doug@oleforjoses.com>
Sent: Friday, February 26, 2016 3:11 PM
To: CityClerk

Categories: Completed, Responded

Sondra Smith,

I hope you will take the time to let our city council know that I absolutely do not support the Fayetteville event ordinance and hope they will do the same.

Sincerely,
Doug Allen

Branson, Lisa

From: Smith, Sondra
Sent: Friday, February 26, 2016 11:00 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: tkring@uark.edu
Subject: FW: Please Distribute: "Major Event Ordinance: Do not amend 72.59"

Please see the email below.

Sondra

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



From: Tim Kring [mailto:tkring@uark.edu]
Sent: Friday, February 26, 2016 10:00 AM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Please Distribute: "Major Event Ordinance: Do not amend 72.59"

Sondra:

Please distribute to City Council members for their packet for the upcoming meeting.

Greetings;

I am a property owner in Ward 3 (901 E. Jackson, Fayetteville, AR), and am very familiar with the current request to amend Ordinance 72.59 Off Street Parking Facilities: Rules and Rates. The amendment seeks to influence the approval process of major events occurring in Fayetteville, although its sponsors are clearly focused on eliminating, or at least significantly altering, Bikes Blues and Barbeque motorcycle rally.

Conceptually, I agree with the inclusion of City Council input into all event approval (although use of this ordinance as the tool is odd). This is not a "Major Event Ordinance". Amending the ordinance as a way to specifically alter an existing event is inappropriate. If the council wants to eliminate or impose greater regulation on Bikes Blues (or any other event that might be impacted by the ordinance, like the Joe Martin Stage Race), it should do so as a separate action.

If the Council adopts this action, it should also specifically exclude current, large, annual events (like the 2 previously mentioned) that could be adversely impacted by the amended ordinance (i.e., grandfather these events into the amendment). The current ordinance has exclusions already (e.g., for First Night and Farmer's Market), so this vehicle is already available.

The benefits/difficulties of Bikes Blues BBQ should be addressed separately, not through muddying up City Ordinances dealing with off street parking. Independent economic assessments of the rally have consistently found huge economic benefits to city businesses and the region. While the majority of businesses thrive, there are a number that are adversely affected.

If the Council allows this conversation to "devolve" to a discussion of the pros and cons of Bikes Blues, I ask the council to carefully study other large rallies nationally, and how cities have attempted to manage their rallies (successfully, and not so much). Cities hosting several other rallies (notably the Daytona Beach Bike Week) through over-regulation effectively removed all city oversight of their rally when the rallies "moved" to neighboring towns. For example, if Bikes Blues BBQ were to "move" to Farmington, or Rogers, or even Bentonville or Ft. Smith, then Dickson Street and Fayetteville would still be the attraction and epicenter of motorcycle enthusiasts. Fayetteville is the crown jewel for riders. If the official home is another NW Arkansas city, there would be no infrastructure (or oversight) to manage the hundreds of thousands of visitors. Daytona Beach learned this the hard way, and has since reversed course and regained oversight. Please try to prevent Fayetteville from reinventing square wheels!

Thank you for your consideration and your service

Tim Kring

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 12:23 PM
To: 'Dave Nelson'
Subject: RE: Festival ordinance

Thank you for your email. I have forwarded to the City Council members.

Have a nice day!

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
Website | Twitter | YouTube

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

From: Dave Nelson [mailto:clearsoundsolutionsnwa@gmail.com]
Sent: Monday, February 29, 2016 11:12 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Festival ordinance

Good morning,

I just to say that as a resident and business owner in the community, I'm very disappointed to see this even being discussed.

This area has several other real issues out there to be concerned about other than events that bring such revenue to the city and gives everything back to local charities.

It's no different when people are visiting for sporting events and such between parking and traffic issues. I feel it's things like this that have other parts of northwest thriving with the city inviting them with open arms.

This being said big events such as Bike Blues Bbq and others could very easily be moved to one of the neighboring cities as they would welcome these events and use the revenue to expand community.

Thank you,

Sent from my iPhone

CityClerk

From: Jennie <trihog98@gmail.com>
Sent: Monday, February 29, 2016 12:05 PM
To: CityClerk
Subject: Oppose the Festival Ordinance

I want to let my city council know that I oppose the Festival Ordinance that is being brought before you.

My two reasons I'm against this is first of all, I think its directly aimed at Bikes Blues and BBQ which has a great and positive impact on our city. I'm not a biker nor do I participate, but I see the importance of it to our city.

Secondly, there are already permit rules and policies in place. All events must go follow them to be approved. Why do we need additional red tape?

Thank you for your time.

Jennifer Horton
Ward 1

CityClerk

From: Jeri Hill <jerirebecca@yahoo.com>
Sent: Monday, February 29, 2016 11:30 AM
To: CityClerk
Subject: Festival Ordinance

I am against the festival ordinance.

Thanks

Jeri R. Hill The Rubber Stamp & Engraving Shop 479-973-9100 Phone 479-973-9108 Fax

CityClerk

From: Dave Nelson <clearsoundsolutionsnwa@gmail.com>
Sent: Monday, February 29, 2016 11:12 AM
To: CityClerk
Subject: Festival ordinance

Good morning,

I just to say that as a resident and business owner in the community, I'm very disappointed to see this even being discussed.

This area has several other real issues out there to be concerned about other than events that bring such revenue to the city and gives everything back to local charities.

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This being said big events such as Bike Blues Bbq and others could very easily be moved to one of the neighboring cities as they would welcome these events and use the revenue to expand community.

Thank you,

Sent from my iPhone

CityClerk

From: pauline allen <paulinedallen@gmail.com>
Sent: Monday, February 29, 2016 1:19 PM
To: CityClerk
Subject: Festival Ordinance

I am against the new festival ordinance being proposed.
Pauline Allen

CityClerk

From: Phyllis Head <mamahead51@aol.com>
Sent: Monday, February 29, 2016 2:38 PM
To: CityClerk
Subject: Fwd: Ordinance about special events

Sent from my iPhone

Begin forwarded message:

From: Phyllis Head <>
Date: February 29, 2016 at 8:50:15 AM CST
To:
Subject: Ordinance about special events

Hello sandra smith, i believe that the decision to hold special events in fayetteville should be left in the hands of our elected representatives. I don't think that the city benefits from some of these events. Please forward to all of the alderman on the city Council. Thank you very much. Phyllis head, 402 ila st, fayetteville, ar

Sent from my iPhone

CityClerk

From: Jed Bullock <jedbullock@gmail.com>
Sent: Monday, February 29, 2016 11:48 PM
To: CityClerk
Subject: Proposed major event ordinance

Dear members of the Fayetteville city council,

I am writing you this evening to encourage you to not consider passing any ordinance restricting commerce & specifically major events that substantially have positive impact on your community.

The suggestion & continued discussion of even creating an ordinance that restricts major events sends a message to potential event & business developers that Fayetteville is a hostile business environment. This action could have a devastating long term impact on the community influenced by a small vocal minority concerned about their own benefits rather than what is best for the overall citizenry & businesses.

To site an example, in 1997 Eureka Springs adopted a "large vehicle ordinance" for the purpose of restricting motor coaches from traveling within the historic district. The resulting impressing to the group travel industry was that Eureka Springs did not want this business coming to town at all & ultimately lost the motor coach business that had taken decades to build. The long term impact is that many people lost their business, growth diminished & 19 years later the community in many areas is still trying to overcome this action.

I would hate to see Fayetteville fall into potentially similar pitfalls after watching such a successful growth period that's been enjoyed by both businesses & residents.

I encourage you to not only reject any notion of creating a "major events ordinance" but to further take a position that Fayetteville needs & supports such events as they are deemed vital to the business community & residents.

Respectfully,
Jed Bullock
Eureka Springs

Please forward to Fayetteville City Council Members regarding an amendment to 72.58.

I have been extremely pleased with the compromises which have been made recently regarding requirements for housing, new businesses, parking, etc. I believe this City, which I love, has become much better known for making a stronger effort of working with others to reach a common goal, satisfactory to all. I realize this has taken many hours of planning and work, but has definitely made us a City more welcoming to new and different ideas.

I am asking you to vote against the proposed amendment to 72.58 which would require all event plans requiring more than 2 days to be presented to the City Council. I believe this would take us back a step and discourage many of the events that our City has welcomed. The current process is quite detailed and reviewed by many who assist the Mayor to respond to these requests. Our Mayor is certainly one of the most approachable elected officials in our City. I have not known him to decline requests for a meeting on any detail of importance. Therefore, in my opinion, it appears the amendment would cause unnecessary meeting time for a Council who carries a full load. It also would definitely lengthen the application process, causing a possible loss of events/revenue. The Mayor is also an elected official and should have the ability to make a decision of this nature, particularly with the application process in place. I respectfully ask you to vote to leave the current process in place.

Thanks for your consideration,

Gail Eads

4190 NW Meadow Creek Circle

Fayetteville, AR 72703

Phone 479-586-0180

Branson, Lisa

From: Smith, Sondra
Sent: Monday, February 29, 2016 4:22 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: FV event ordinance

Please see the email below.

Sondra

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



From: Glenda Satterfield [mailto:glendasatterfield@gmail.com]
Sent: Monday, February 29, 2016 3:54 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: FV event ordinance

As a resident of Eureka Springs I support the proposed Major Event Ordinance for Fayetteville. For better or for worse all of the communities in the NWA area are being affected.

My husband and I moved to Eureka Springs two years ago with the intention of buying a home. The community is everything we expected & wanted for six months of the year. The other six months - biker season - is anywhere from annoying to unbearable.

As a direct result of the "bikers" we find ourselves less and less amenable to the idea of purchasing property here.

Anything you can do to help protect our little community will be greatly appreciated.

Thank you,

Julie & Gordon Norrell
135 North Main Street
Eureka Springs, AR 72632
Reply Reply to All Forward More

Branson, Lisa

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

Please review the email below. Thanks!

Sondra

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

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

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

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

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

Thank you for your consideration.
Ann henry

Sent from my iPhone

*Handed out at the City Council
meeting 2-16-16
Amend 72:58 Off-Street Parking Facilities*

Event Permit Application Instructions/Rules

These instructions are intended to help you complete your event permit application and all associated forms. Please take the time to read these instructions prior to completing your application. If you have any questions, please do not hesitate to contact us. All information must be legible and printed. Please do not use a pencil in completing this application. It is very important that our organization, as well as others, is able to read the information submitted. We want to make sure that your event is successful and without problems.

Application must be submitted with the appropriate fee amount **21 days prior to the event date.** Applicable fees may be paid by cash or check. Checks must be payable to the City of Fayetteville. Application fees are refundable if an event is cancelled or if the event permit is denied.

There are three (3) permit forms provided for the event permit application. The size and activities of your event will determine which forms you will need to submit.

- **Section I – Event Permit Application:** This form will need to be submitted for all events that take place on City property or require City resources (police assistance, parking lots, street closings, etc.).
- **Section II – Major Event Permit Application:** This form will need to accompany the Event Permit Application if your event involves certain activities such as alcoholic beverages, street closings, vendor booths, carnival rides, etc.
- **Section III – Request for Noise Ordinance Variance:** This form will need to accompany the two forms listed above and is required if your event may possibly involve sound levels that may exceed the normal requirements of the City of Fayetteville Noise Ordinance.

Return event permit applications to:

City of Fayetteville
Parking Management Division
113 W. Mountain Street
Fayetteville, AR 72701
Fax 479-575-8250
parking@ci.fayetteville.ar.us

Direct questions and inquiries to:

Parking Management Office
479-575-8280
479-575-8250 (fax)
parking@ci.fayetteville.ar.us

Event Permit Application

If at any time the application form does not provide adequate space, provide the additional information on a separate sheet and write “see attached” on the application form. Please do not write on the back side of any page of this form. When additional sheets are attached, place the event name and event date at the top of each additional sheet.

For example: **Lights of the Ozarks 11/24/04**

Event Name: Enter the name of the event. This name should be the one that you are using to advertise or promote your event.

Event Producer: Enter the name of the organization, corporation, neighborhood group, etc. that is producing the event. If the organization, corporation or group contracts with a firm or agency to produce the event, the event producer is the firm/agency contracted.

Primary Contact: Enter the name of the primary person who is to be contacted regarding the application or event.

Address, City, State, and Zip: Enter the mailing address information in these blanks of the primary contact.

Phone: Enter the telephone numbers and email address of the primary contact. It is important that the city has the ability to contact this person at all times during the event to ensure it runs smoothly and successfully.

Secondary Contact: Enter name of one additional person who can be contacted regarding application or event.

Phone: Enter telephone numbers and email address of the secondary contact. It is important that the city has the ability to contact the primary or secondary person at all times during the event to ensure it runs smoothly and successfully.

Event Location: Describe where the event will be held. *If you will be using one of the City Parks or Trails, you must complete a Special Event Application through the Parks and Recreation Department.*

Event Type: Check all boxes that apply to your event.

Event Description: Give a brief description of the event. Please describe any unique characteristics of your event (use additional page if necessary; please **do not write on the back** side of any page of this application).

Event Duration: (Starting Date, Ending Date): Enter the dates that the event will be open and closed for attendance.

Hours of operation: Enter the hours the event site will open for attendance.

Site Preparation: Enter the starting date and time that you will start to prepare the event site. If no preparation is necessary, enter the Starting Date and Time of the event.

Dismantling & Cleanup: This is the date and time it will take to dismantle and cleanup the event site. Enter the date and time when the dismantling and cleanup will be completed and the streets/or sidewalks opened again.

Total Attendance: Enter the total number of attendees that you expect for your entire event, beginning to end.

Peak Attendance: Enter the highest number of attendees you expect at any one time during the event.

Event Features: Review list of possible features and check all that apply to your event. *If you have checked any of these features, you must also complete Section II – Major Event Permit Application.*

Hold Harmless Clause: No application will be processed or permit issued for an event without the hold harmless clause being signed by the agent duly authorized by the event applicant. Proof of liability insurance may be required for a major event.

SECTION II - Major Event Permit Application

Site Map Requirement: Regardless of event location, a site map must be submitted showing the location of the event and the event features. Please review the site map requirements section of the application for all items that are required on the site map.

Street Closure: Enter the date and time of any requested street closures and the date and time the street will be reopened to traffic. Please contact the Transportation Division at 479-575-8228 to make arrangements for barricades and safety cones.

Security: It is the responsibility of an event producer to provide adequate security for an event. If security is being provided complete the security section of the event permit application.

Emergency Medical Assistance: The local Fire Chief or Fire Marshal may determine that an Emergency Response Team shall be required for major events. The fee for this service will be determined, if needed, upon review of this application.

Vendors: If you are having vendors set up at your event, then fill out this section.

Alcoholic Beverages: If you are selling alcoholic beverages, then fill out this section. Please contact the Alcoholic Beverage Control Division at 501-682-1105 to apply for a permit. When alcohol is on site, the City requires security to be present at all times. The number of security officers varies based on attendance per event. The Police Department has specific guidelines for the sale of alcohol.

Fireworks: Per City Code 94.05, Fireworks may only be discharged July 1st – July 4th. See Ordinance for times.

Electrical Service: If electrical service is required, then complete this section. Events needing more than 120 amps electricity will be required to provide an alternate power source or generators for power. Otherwise, event producers may use the City's active electrical outlets for minimal requirements. The event producer is responsible to ensure proper usage of all electrical

services, and is responsible for all electrician fees, including fees for servicing/repairing blown electrical services due to improper use of electrical supply.

Restroom Facilities: If groups of 500 or more are attending an event, the City requires the producer to supply portable restrooms. If restroom facilities (portalets) are being provided, then complete this section.

Trash, Recycling, and Clean Up Plans/Procedures: Any event producer holding an event on City property is responsible for trash removal during the event, and clean up and removal of debris after the event is concluded. Although it is not mandatory that recycling be a part of your event, it is highly recommended if aluminum or plastic drink containers will be a part of the event. Please contact the Solid Waste Division at 479-575-8397 or 479-601-4368 for all your events refuse and recycling needs.

Parking lots and vendor booth areas must be cleaned, swept, washed, and restored to its original set up once the event is concluded. Sub-contractors must load out at end of event unless pre-arranged with the City (i.e. ice merchandisers, staging, lights and sound, soft drink dispensers, signage, decorations, tables, chairs, vehicles, delivery and supply trucks, portable restrooms, etc.). Any items left will result in a day rental charge for space occupancy.

A clean up deposit is required of all major events and is payable in advance to the City of Fayetteville.

ADDITIONAL RULES

Reservation Policy: Any event that occurs annually and has had at least 3 successful events in the past 3 consecutive years, will automatically be reserved a spot on the City event reservation calendar for the event dates that are normal to the event. The producer of the "Established Event" will still be responsible for submission of all applicable permit applications by the appropriate deadlines. All other event requests submitted will be considered on a first-come-first-serve basis.

Barricades and Fencing: The event producer is responsible for placement of all required barricades, cones, fencing, etc. The producer may borrow these items by checking them out and picking them up at the Transportation Division located at 1525 Happy Hollow Road. Please call the Transportation Division at 479-575-8228 to make arrangements.

Towing of Vehicles: If the producer expects the possible need to tow any vehicles during an event, this information must be submitted with the permit application. All areas that may require towing of a vehicle must have proper signage (approved by the City) prominently displayed at each site that a vehicle(s) may be towed. If towing is necessary where the proper signage is not displayed, the producer must contact the Fayetteville Police Department at 479-587-3555 to see if they can legally tow or relocate the vehicle.

Pavement Markings: Pavement markings are strictly prohibited except with temporary spray chalk material that is approved by the City. Spray chalk can be purchased in the Parking Management Office located at 113 W. Mountain Street.

Pavement Holes/Marring: Drilling into pavement (parking lots, streets, sidewalks, curbs, etc.) is strictly prohibited. All signage and anchoring must be accomplished with weights such as sandbags or concrete filled barrels. Any holes or damage made to public property will be charged at cost to the producer of the event, but not less than \$100.00 per hole and/or marring of pavement.

Banners and Flyers: All banners and flyers must be pre-approved by the City including wording on banners and placement of banners.

Sales Tax and HMR Tax: All vendors conducting sales at the event must report and pay all applicable state and local sales taxes, including HMR taxes.

Noise Ordinance Variance: Instructions for requesting for a Noise Ordinance Variance are provided with the application in Section III.

Important Telephone Numbers:

Alcoholic Beverage Control Division	501-682-1105
Event Permit Applications (Parking Office)	479-575-8280
Farmer's Market on the Square	479-236-2910
Fire Department – Fayetteville	479-575-8365
Lights of the Ozarks	479-521-5776
Parking Management Office	479-575-8280
Police Department – Fayetteville	479-587-3555
Police Department – Univ. of Ark.	479-575-2222
Solid Waste & Recycling Division	479-575-8397
State Fire Marshal – Little Rock	501-618-8624
Transportation Division	479-575-8228
Walton Arts Center	479-443-9216

City of Fayetteville website: www.accessfayetteville.org



City of Fayetteville, Arkansas
Event Permit Application
Section I

Please read the Event Permit Application Instructions & Rules prior to completing the Event Permit Application.

I have read and understand the Instructions & Rules (signature required):

Signature of Applicant

Date

Event Name: _____

Event Date(s): _____

Event Producer: _____

***Required**

Primary Contact: _____

Primary contact is person who is to be contacted regarding the application or event

Address: _____

City: _____

State: _____

Zip: _____

Phone:

Day: _____

Night: _____

Cell: _____

Fax: _____

Email: _____

Secondary Contact: _____

Phone:

Day: _____

Night: _____

Cell: _____

Fax: _____

Email: _____

Event Location:

Event Types: Check all that apply

☐

Not for Profit

☐

Wedding Ceremony

☐

Walk/Run Footrace

☐

For Profit

☐

Wedding Reception

☐

Competition

☐

Public

☐

Meeting/Dinner

☐

Parade

☐

Private

☐

Press Conference

☐

Rally/Demonstration

☐

Concert

☐

Auction

☐

Festival

☐

Trade Show/Expo

☐

Block Party

If you will be using one of the City Parks or Trails, you must complete a Special Event Application through the Parks & Recreation Department. Phone: 479-444-3471

Event Description:

--

Event Duration:	Hours of Operation:	Start	End
Starting Date: _____	Day 1	_____	_____
Ending Date: _____	Day 2	_____	_____
	Day 3	_____	_____
Site Preparation:	Starting Date: _____	Time: _____	_____
Dismantle/Cleanup	Ending Date: _____	Time: _____	_____
Total Attendance: _____	Peak Attendance: _____	Time: _____	

Event Features: Check all that apply

☐ Alcoholic Beverages Served ☐ Alcoholic Beverages Sold ☐ Carnival Rides ☐ Crowd Control Required ☐ Elevated Noise Levels * * Section III Required ☐ EMS Required	☐ Fireworks ** ** See City Code 94.05 ☐ Parade/March ☐ Parking Lot/Spaces Needed ☐ Security Required ☐ Street Closings	☐ Temporary Electrical Service ☐ Temporary Restrooms ☐ Tents *** ☐ Vendor Booths *** ☐ Vendor Food ***
---	--	---

If you have checked any of the features above, please continue with Section II – Major Event Permit Application.

*** Refer to Temporary Structure Safety Requirements under Special Event Permits & Information / Event Permit Resources.

Hold Harmless Clause:

The City shall not be liable to user's employees, agents, invitees, licensee, visitors, or to any other person, for injury to person or damage to property on or about the leased premises caused by the negligence or misconduct of user, its agents, servant or employees, or of any other person entering upon the leased premises under express or implied invitation by user, or caused by the building improvements located on the leased premises becoming out of repair, or caused by leakage of gas, oil, water, smoke, or steam or by electricity emanating from the lease premises. The event producer agrees to indemnify and hold harmless the City from any loss, attorney's fees, and expenses or claims arising out of any such damage or injury. The City reserves the right to revoke this application at any time.

The applicant ensures compliance with the following:

- The observance of applicable laws and ordinances;
- Any stipulations or restrictions of the permit;
- Any stipulations or rules outlined in the Event Permit Application Instructions/Rules;
- The applicant assumes all liabilities that may arise by street closing and related activity.

Permit applied for and all terms and stipulations agreed to by (signature required):

Signature: _____ Date: _____

Return completed form to: parking@fayetteville-ar.gov or Fax 479.575.8250
 Parking Management, 113 W Mountain St, Fayetteville, AR 72701 / Phone 479.575.8280



SECTION II

Major Event Permit Application

Site Map Required:

Major events require a site map. Indicate on map the exact placement of the following items, if applicable.

> Gate(s)/Official Entrance(s)	> Money Rooms	> Emergency Medical Tent(s)
> Restroom Facilities/Portable Toilets	> Fencing	> Sign/Banner Placement
> Performance Areas/Lighting	> Food Areas	> Street Closures/Barricades
> Dumpsters & Trash Containers	> Alcohol Areas	> Communication Center
> Event Headquarters	> Security Tent(s)	> Communication Center
> Vendor Booths/Tents		> Parking Lot/Spaces Needed

Street Closure:

Date: _____ Time: _____

Reopen:

Date: _____ Time: _____

All businesses must be notified in writing of the street closure(s). A copy of the written notification must accompany the Event Permit Application.

List streets to be closed (Map Required):

Security:

It is the responsibility of an event producer to provide adequate security for an event, and to ensure that an adequate number of security personnel are present to manage the expected size of the event's crowd. Security must include proper crowd control. Security personnel must meet the requirements of the Fayetteville Police Department.

Number of off-duty police or private security personnel being provided: _____

Organization providing off-duty or private security: _____

Contact: _____ Phone: _____

Type of Security	Number of Personnel	Check if not Needed
Gate Security		☐
Alcohol Sales Security		☐
Money Handling Security		☐
Stage/Artists Security		☐
Parking Lot Security		☐
Overnight Security (outside of event hours)		☐

Emergency Response/Fire Team:

Special emergency response team required? Yes _____ No _____
Type of response unit required: _____ Fee: \$ _____

Vendors:

List types of vendor booths (food, clothing, crafts, etc.):

--

Alcoholic Beverages:

Alcoholic Beverage Vendor(s): _____
ABC License Number: _____

Fireworks:

Fireworks Provider/Handler: _____
Fireworks Permit Number: _____

Electrical Service:

How will electrical service be supplied : Public Utilities _____ Generator _____
On-call Electrician: _____
Business Phone: _____ Emergency Phone (during event): _____

Restroom Facilities:

Number of permanent facilities: _____ Number of portable facilities: _____
Company Supplying Portables: _____
Contact: _____ Phone: _____

Trash, Recycling, and Clean Up Plans/Procedures:

Please contact the Recycling and Trash Collection Division for all your events refuse and recycling needs at 479-575-8397. Event Recycling Guidelines & Tips can be found under Special Event Permits & Information / Event Recycling.

Name of trash and recycling coordinator: _____

Name of clean up coordinator: _____

Number of people on clean-up crew: _____

Number and Size of Dumpsters: _____ Type of Dumpsters: _____

Number of times to be serviced: _____

Briefly describe plan for trash and recycle removal (how will trash be collected and disposed of?):

Briefly describe plan for clean up after event is concluded:

Clean Up Deposit Required: \$500.00

This fee is payable in advance to the City of Fayetteville for clean up and removal of debris. An inspection of the event location will be performed by City personnel within 24 hours after the ending date and time of the event as established in this permit. Upon establishment of a satisfactory inspection of the site of the clean up performed by the event producer, the clean up deposit will be refunded within thirty (30) days of the inspection. If said clean up was not totally successful, then all or a portion of the deposit may be forfeited to the City in order to pay for the appropriate clean up efforts. Clean up tasks performed by the City are charged out at \$50.00 per hour. If cleanup efforts performed by the City exceed \$500.00, the event producer will be billed the additional cost.

Clean Up Deposit Received:

Date: _____ Amount: _____ Check #: _____

Refundable to:

Name: _____

Address: _____

City, St, Zip: _____

Telephone No.: _____

Return completed form to: parking@fayetteville-ar.gov or Fax 479.575.8250

Parking Management, 113 W Mountain St, Fayetteville, AR 72702 / Phone 479.575.8280

INSTRUCTIONS

CITY OF FAYETTEVILLE NOISE ORDINANCE VARIANCE REQUEST

In order for your request for a variance from the City of Fayetteville Noise Ordinance to be completed properly and meet your needs, please read the following directions:

1. The City needs to receive the completed Request for Variance application at least two (2) weeks before the date you are requesting your event to begin, but earlier if possible.
2. Carefully read Ordinance No. 3926 (the last two pages of this packet). If you do not fully understand any section, please call the Mayor's Office at 479-575-8330.
3. All requests for Variance from the Noise Ordinance must be submitted along with an Event Permit Application (Section I and II).

Once your request has been returned to the City of Fayetteville, it will follow these procedures before it is approved:

1. Your request will be sent to the Parking/Events Division, Police Department, Fire Department, and Transportation Division (respectively) for their review, comments, and approval.
2. After it has been reviewed by these departments, it is given to the Mayor or his designate for final approval.
3. **If the request is approved**, you will be contacted by phone to pick up your original request at the Parking Management Office. Please keep this approval request with you during the event in case the Police Department receives a complaint and they are sent to your event. You will need to show them the approved variance to avoid any confusion.
4. **If the Variance Request is not approved**, you will be notified immediately. However, Sections I and II of your Event Permit Application may still be approved for all other aspects of the event.

ORDINANCE NO.

AN ORDINANCE REPEALING §96.04 OF THE CODE OF FAYETTEVILLE AND SUBSTITUTING A NEW §96.04 LIMITING NOISE LEVELS WITHIN LAND USE CATEGORIES, ESTABLISHING NOISE LEVELS FOR TRANSIENT AND CONSTRUCTION SOUNDS AND PROVIDING FOR RELATED MATTER AND ADDING §96.05(D) TO THE CODE OF FAYETTEVILLE PROHIBITING OPERATION OF ANY SOUND AMPLIFICATION DEVICE WITHIN A VEHICLE PLAINLY AUDIBLE AT A DISTANCE OF 30 FEET.

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

Section 1. Section 96.04 of the Code of Fayetteville is hereby repealed and the following is hereby substituted in its place:

§96.04 LIMITATIONS BY LAND USE CATEGORY.

A. No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 as measured at any point on the boundary of the property from which the sound or noise is emanating. A complaint under this section must e brought by a property owner or leaseholder affected by excessive noise on their property.

<u>Use Districts</u>	<u>Time</u>	<u>Maximum Noise Levels</u>
All Residential Zones	11:00 PM to 7:00 AM	55 dB(A)
	7:00 AM to 11:00 PM	60 dB(A)
All Commercial Zones	7:00 AM to 11:00 PM	75 dB(A)
	11:00 PM to 7:00 PM	70 dB(A)
All Industrial Zones	11:00 PM to 7:00 AM	75 dB(A)
	7:00 AM to 11:00 PM	80 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

B. District Boundaries. When a noise source can be identified and its noise measured in more than one use district, the noise limits of the most restrictive use district shall apply at that district boundary.

C. Commercial Source. Notwithstanding the zoning classification of the underlying parcel, restaurants, night clubs, private clubs, auditoriums, dance halls, and rehearsal studios are defined as commercial sound sources existing in commercial zones for the purposes of this ordinance.

D. Transient Source. For a transient sound emanating in any land use category, the peak noise level shall not exceed 20 decibels above the limit set in Table 1 above.

E. Construction. Construction projects shall be subject to the limitations specified for industrial zones for the period of time allowed by the building permit.

Section 2. If any part of this ordinance or the application of the same to any person or set of circumstances, is for any reason held to be void or invalid, the validity of the remaining parts of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby.

Section 3. §96.05(D) is hereby added to the Code of Fayetteville:

§96.05 Motor Vehicle and Motorcycle Sound Limit.

D. Operating or causing to operate any sound amplification device from within a vehicle so that the sound is plainly audible at a distance of thirty feet (30) feet or more from the vehicle whether in a street, a highway, an alley, parking lot or driveway, whether public or private property is prohibited and declared to be a noise disturbance in violation of this ordinance.

PASSED AND APPROVED this 3rd day of October, 1995.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Traci Paul, City Clerk



SECTION III
REQUEST FOR VARIANCE FROM
CITY OF FAYETTEVILLE NOISE ORDINANCE

Note: This form must be accompanied by Section I of the Event Permit Application

Section I: General Variance Information

1. Variance is requested for (date and time): _____
2. The decibel level will not exceed: _____
3. Place of event:

4. Event will be held (*check one*): Indoors ☐ Outdoors ☐
5. Number of people expected to attend: _____
6. Sound system to be used: _____
7. Description of entertainment planned:

8. Why do you **not** expect to be able to comply with normal requirements of the Noise Ordinance?

9. Actions planned by organization/applicant to assure compliance with the Noise Ordinance or with restrictions designated in Variance, if granted:

Section II: Submission

1. This request is submitted on behalf of organization/applicant by:

Name

Phone No.

Signature

e-mail address

Section III: Approvals

1. *(This Section applies only if prior approval from the University of Arkansas Student Services is required.)*

The foregoing request has been submitted and reviewed by the Office of Student Services and the Director of Arkansas Union.

Signature, Director of Campus Activities

Date

Return completed form to: parking@fayetteville-ar.gov or Fax 479.575.8250
Parking Management, 113 W Mountain St, Fayetteville, AR 72701 / Phone 479.575.8280

CityClerk

From: John Ray <raysaway@gmail.com>
Sent: Tuesday, May 03, 2016 8:45 AM
To: CityClerk
Subject: Please pass the ORC

This email is my personal endorsement of passing the new ORC. As a resident who lives close to campus and downtown, this is an essential step in facilitating healthy dialog for the growth of current and future events.

Sincerely,

John Ray

CityClerk

From: Barbara Jaquish <barbarajaquish@gmail.com>
Sent: Monday, May 02, 2016 10:33 AM
To: CityClerk
Subject: Events ordinance

Good morning, Sondra Smith,

Please pass this message along to City Council members. I'm asking that they support the proposed events ordinance. Our city is growing and will only become a more desirable site for events. Now is the time for the people of Fayetteville through our elected representatives to thoughtfully consider applications for events that want to use our city streets and personnel (police and emergency, in particular). There is a balance between a high quality of daily life and the excitement and disruption that are part of special events. Please exercise leadership in developing policies and selecting major events for our city. Thank you.

Barbara Jaquish
319 Sutton St.
Fayetteville, AR 72701



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0194

Agenda Date: 5/17/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 2

VAC 16-5354 (1137 W. MLK BLVD./ARENA VILLAGE):

AN ORDINANCE TO APPROVE VAC 16-5354 SUBMITTED BY STEVE FOWLER FOR PROPERTY LOCATED AT 1137 WEST MARTIN LUTHER KING BOULEVARD TO VACATE PORTIONS OF A UTILITY EASEMENT

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portions of a utility easement are not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates portions of a utility easement as described in Exhibit B attached to the Planning Department's memo.

Section 2. A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

City of Fayetteville Staff Review Form

2016-0194

Legistar File ID

5/3/2016

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

Jeremy Pate

4/15/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 16-5354: Vacation (1137 W. MLK BLVD./ARENA VILLAGE, 521): Submitted by STEVE FOWLER for property located at 1137 W. MLK BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 3.42 acres. The request is to vacate portions of a utility easement.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 3, 2016

TO: Mayor and City Council

FROM: Andrew Garner, City Planning Director

DATE: April 15, 2016

SUBJECT: **VAC 16-5354: Vacation (1137 W. MLK BLVD./ARENA VILLAGE, 521):**
Submitted by STEVE FOWLER for property located at 1137 W. MLK BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 3.42 acres. The request is to vacate portions of a utility easement.

RECOMMENDATION:

Planning staff and the Planning Commission recommend approval of **VAC 16-5354**.

BACKGROUND:

The subject property is located on the northeast corner of Stadium Drive and Martin Luther King Boulevard. The property is developed with a retail center with three buildings totaling approximately 17,775 square feet that was built in 1993. The property contains approximately 3.42 acres.

An existing and unused 15 foot wide water/sewer easement is platted on the site, a portion of which is partially covered by the existing building. The Development Code (UDC 166.12) does not allow structures over easements.

The applicant proposes to vacate access and utility easements as depicted in Exhibit 'A' and described in Exhibit 'B' to bring the existing building into conformance with City code.

DISCUSSION:

On April 11, 2016 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 9-0-0 as a consent agenda item.

BUDGET/STAFF IMPACT:

N/A

Attachments:

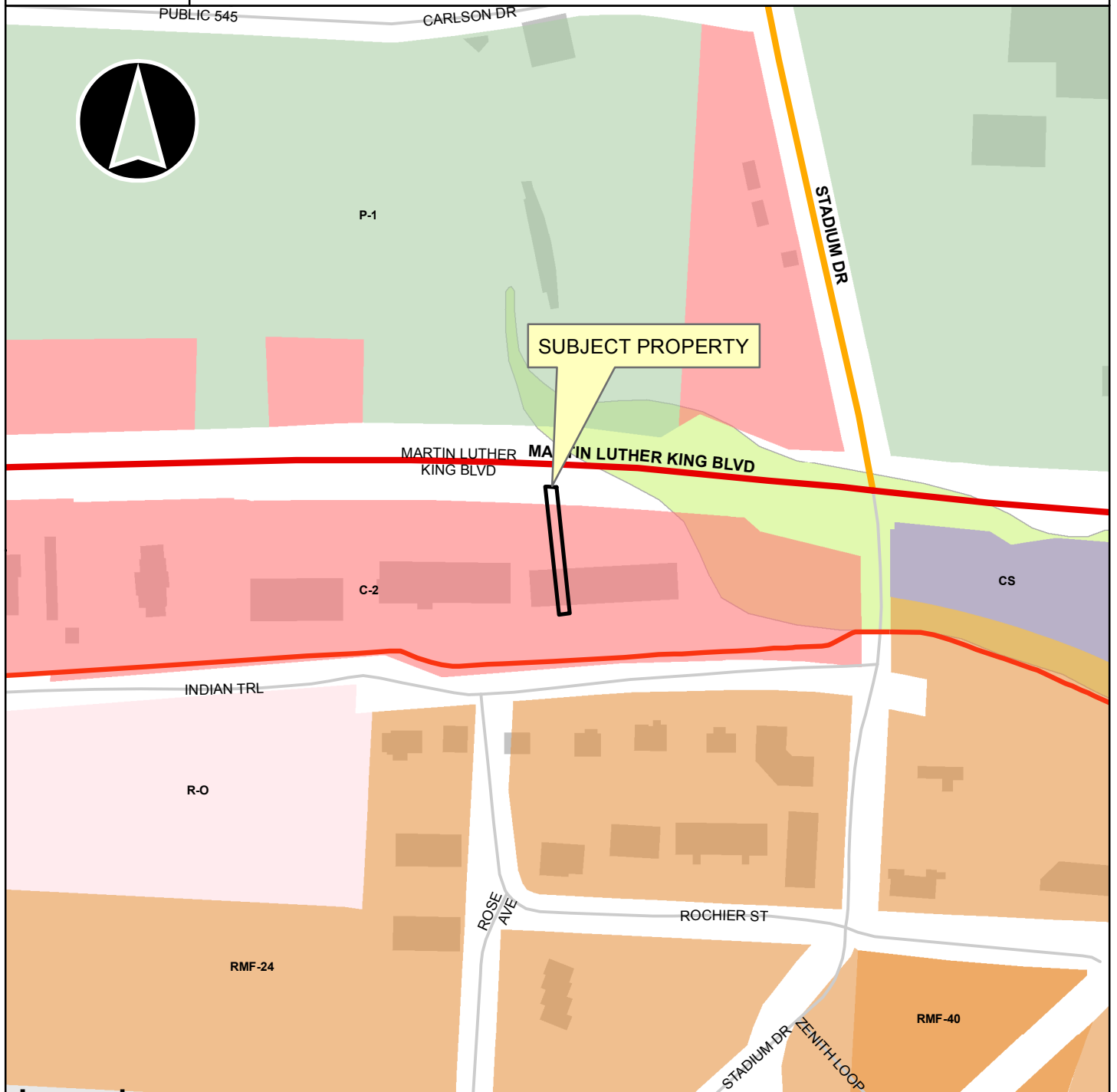
Exhibit A, Exhibit B, Application, Planning Commission Staff Report

16-5354
EXHIBIT 'A'

VAC16-5354

Close Up View

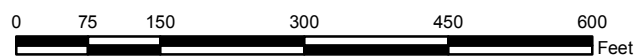
ARENA VILLAGE



Legend

Overview

- VAC16-5354
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area



16-5354
EXHIBIT 'B'

EASEMENT Legal

Property Description:

A part of the $S\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 17, Township 16 North. Range 30 West.

Easement:

A permanent easement 15 feet in width, said easement being 7.5 feet either side of and measured normal to a survey line more particularly described as follows. Beginning at a point on the North right-of-way line of the St. Louis & San Francisco Railroad Spur Track, said point being approximately 1093 feet east and approximately 130 feet north of the SW corner of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 17, Township 16 North, Range 30 West, thence north $8^{\circ} 41'$ west 183 feet to a point on the south right-of-way line of U. S. Highway 62, said point being approximately 1065 feet east and approximately 311 feet north of the SW corner of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 17.

The survey line is further identified as the centerline of the first sewer line as constructed. Also, a temporary easement of 60 feet width for construction purposes. Property and easement are shown on the attached plat.

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Project Number:

Public Hearing Date:

16-5354

FEE: \$200.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

521

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant _____ Representative

Applicant (person making request):

Name: Monroe Arena LLC
Steve Fowler, member

Address: 2961 Point Circle
Fayetteville, Ark

Phone: (479) 595-5533

Email: sr4746@gmail.com

Fax: ()

Site Address / Location: 1137 MLK, Blvd.

Representative (engineer, surveyor, realtor, etc.):

Name: _____

Address: _____

Phone: ()

Email: johnhouston77@hotmail.com

Fax: ()

Legal description of area to be vacated (attach separate sheet if necessary):

See ALTA Survey

Current Zoning District: CI

Assessors Parcel Number(s) for subject property: 765-14459-000-0

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

Steve Fowler
Ryan Fowler
John Davidson

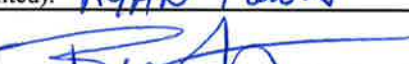
APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Steve Fowler Date: 2-11-16
Signature: 

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed): Steve Fowler - member Address: 4746 Maple Grove Dr
Signature:  Fayetteville, Ar 72764
Date: 2-11-16 Phone: (479) 595-5533

Name (printed): Ryan Fowler Address: 2718 Emerald Drive
Signature:  Fayetteville, Ar 7203
Date: 2-11-16 Phone: (479) 841-6582
John Davidson
2-11-16  77 N. Palmer, Fayetteville, Ar

Vacation Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$200.00 application fee
\$5.00 public notification sign fee
- (2) Metes and bounds legal description of the area to be vacated, not the entire property (this may be included on the survey plat).
- (3) Survey of the site depicting the perimeter property lines and area within the property to be vacated.
- (4) CD containing a copy of the legal description in MS Word and PDF copies of the signed application and all other items submitted with this project.
- (5) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.
- (6) A letter addressed to the Planning Commission and City Council describing the scope, nature, and intent of the request.
- (7) Abstractor's Certificate of Ownership stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated (this document is obtained from a title company).
- (8) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Planner

MEETING DATE: ~~April 11, 2016~~ **UPDATED APRIL 12, 2016**

SUBJECT: **VAC 16-5354: Vacation (1137 W. MLK BLVD./ARENA VILLAGE, 521):**
 Submitted by STEVE FOWLER for property located at 1137 W. MLK BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 3.42 acres. The request is to vacate a water/sewer easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 16-5354** with conditions of approval.

BACKGROUND:

The subject property is located on the northeast corner of Stadium Drive and Martin Luther King Boulevard. The property is developed with a retail center with three buildings totaling approximately 17,775 square feet and was built in 1993. The property contains approximately 3.42 acres.

An existing and unused 15 foot wide water/sewer easement is platted on the site, a portion of which is partially covered by the existing building. The Development Code (UDC 166.12) does not allow structures over easements. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	University of Arkansas	P-1
South	Single-family residential	RMF-24
East	Single-family residential	RMF-24
West	Commercial	C-2

Proposal: The applicant proposes vacation of a portion of water/sewer easement as depicted in an exhibit provided by the applicant (comprising approximately 2,600 square feet) to bring the existing building into conformance with City development code.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

Utility

Response

Cox Communications

No objections with conditions

AEP/SWEPCO

No objections

Source Gas

No objections

AT&T

No objections

Ozarks Electric

No objections

City of Fayetteville

Response

Water/Sewer

No objections

Trash & Recycling

No objections

Transportation

No objections

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 16-5354 with the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

Planning Commission Action:

☐ Approved

☒ Forwarded

☐ Denied

Meeting Date: April 11, 2016

Motion: HOFFMAN

Second: AUTRY

Vote: 9-0-0, CONSENT AGENDA

BUDGET/STAFF IMPACT:

None.

Attachments:

- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- Plat Detail
- One Mile Map
- Close Up Map

Petition to Vacate Easement

Petition to Vacate an easement located in Arena Village Retail Center, City of Fayetteville, Arkansas.

To: The City Planning Commission and
The Fayetteville City Council

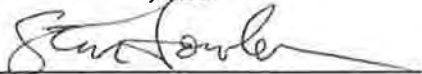
Monroe Arena LLC being the owner of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in the City of Fayetteville, AR, a municipal corporation, petitions to vacate the easement which is described below and referenced in the attached ALTA Survey. The public's interest and welfare would not be affected by abandonment.

The Petitioners is requesting that the City of Fayetteville, Arkansas abandon and vacate the described real estate easement below, and that the included described real estate be used for Monroe Arena LLC's benefits and purpose as now approved by law.

The Petitioner's further request that the enclosed described real estate easement be vested in Monroe Arena LLC as owner as provided by law.

Wherefore, the undersigned petitioner respectfully request of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate easement, and that the title to said real estate easement sought to be abandoned be vested in Monroe Arena LLC owner as provided by law, and as to that particular land Monroe Arena LLC be free from the easement of the public for the use by the City of Fayetteville.

Dated this 17 day of February, 2016
Monroe Arena, LLC


Steve Fowler, Member

Easement to be Vacated:

Recorded on October 10, 1973 , Record Book 856 at Page 943

Property Description:

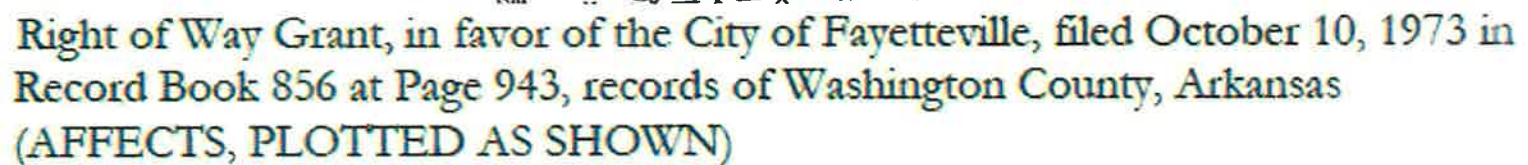
A part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 17, Township 16 North. Range 30 West.

Easement:

A permanent easement 15 feet in width, said easement being 7.5 feet either side of and measured normal to a survey line more particularly described as follows. Beginning at a point on the North right-of-way line of the St. Louis & San Francisco Railroad Spur Track, said point being approximately 1093 feet east and approximately 130 feet north of the SW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 17, Township 16 North, Range 30 West, thence north 8° 41' west 183 feet to a point on the south right-of-way line of U. S. Highway 62, said point being approximately 1065 feet east and approximately 311 feet north of the SW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 17.

The survey line is further identified as the centerline of the first sewer line as constructed. Also, a temporary easement of 60 feet width for construction purposes. Property and easement are shown on the attached plat.

(60' ASPHALT R/W VARIES)



UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 2-17-16

X UTILITY COMPANY: City of Fayetteville (Transportation)
APPLICANT NAME: Monroe Arena LLC APPLICANT PHONE: 479.595-5533
REQUESTED VACATION to Steve Fawcett, member
(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 1137 MLK. Blvd Fayetteville Ar

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

X Green Smith
Signature of Utility Company Representative

X Assistant Transportation Manager
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 2-17-16

X UTILITY COMPANY: CAF Recycling & Trash

APPLICANT NAME: Monroe Arena LLC APPLICANT PHONE: 479.595-5533

REQUESTED VACATION ^{to stage Fowler Monroe} (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

1137 MLK Blvd Fayetteville Ar

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

X No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections, provided the following conditions are met:

X 

Signature of Utility Company Representative

X Commercial Rep

Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 2-17-16

X UTILITY COMPANY: FAYETTEVILLE WATER & SEWER

APPLICANT NAME: MONROE ARENA LLC APPLICANT PHONE: 479.595-5533

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

1137 MLK. Blvd Fayetteville, Ar

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

X ☒ No objections to the vacation(s) described above, and no comments.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

X [Signature]
Signature of Utility Company Representative

X WES OPERATIONS MANAGER
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 2-17-16

X UTILITY COMPANY: AEP SWEP CO

APPLICANT NAME: Monroe Arena LLC APPLICANT PHONE: 479.595-5533

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 1137 MLK. Blvd. Fayetteville, Ar

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

X No objections to the vacation(s) described above, and no comments.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

X Tony L 2-18-16
Signature of Utility Company Representative

X DISTRIBUTION ENGINEER
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 2-17-16

X UTILITY COMPANY: SourceGas

APPLICANT NAME: Monroe Arena LLC APPLICANT PHONE: 479.545-5533

REQUESTED VACATION *W. George Forester Avenue* (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 1137 MLK Blvd Fayetteville Ar

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

X Brian A. Dampert
Signature of Utility Company Representative

X SUPERVISOR - Division Operations
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 2-17-16

UTILITY COMPANY: OZARK Electric

APPLICANT NAME: Monroe Arena LLC APPLICANT PHONE: 479-695533

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 1137 MLK Blvd., Fayetteville, Ar

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

[Signature] 2-17-2016
Signature of Utility Company Representative

Lead staking Tech
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 2-17-16

UTILITY COMPANY: COX COMMUNICATION

APPLICANT NAME: MONROE ARENA LLC APPLICANT PHONE: 479-595-5533

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 1137 MLK Blvd, Fayetteville, Ar

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

Any damage to or relocation of existing facilities will be at the
owners/developers expense.



Signature of Utility Company Representative

CONSTRUCTION MANAGER

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 2-17-16

X UTILITY COMPANY: AT&T

APPLICANT NAME: Monroe Arena LLC APPLICANT PHONE: 479.595.5533

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 1137 MLK. Blvd. Fayetteville Ar

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

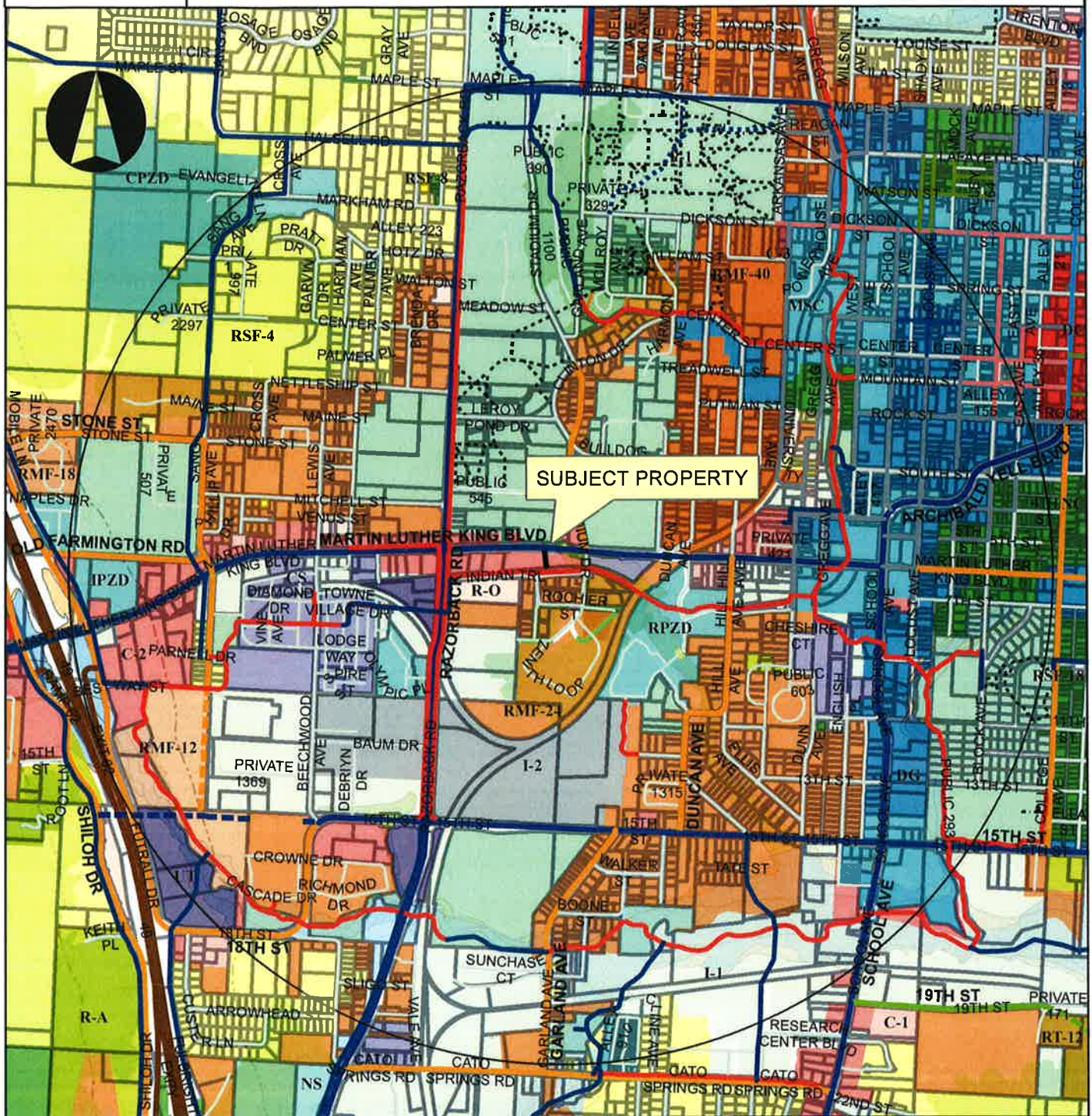
X [Signature]
Signature of Utility Company Representative

X MGR OSP Png. & Engrg Design
Title

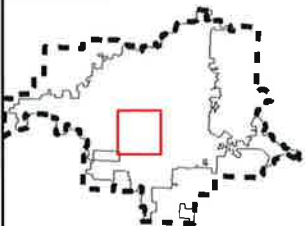
VAC 16-5354

One Mile View

ARENA VILLAGE



Overview



Legend

Subject Property

Boundary

0

0.25

0.5

1

Miles

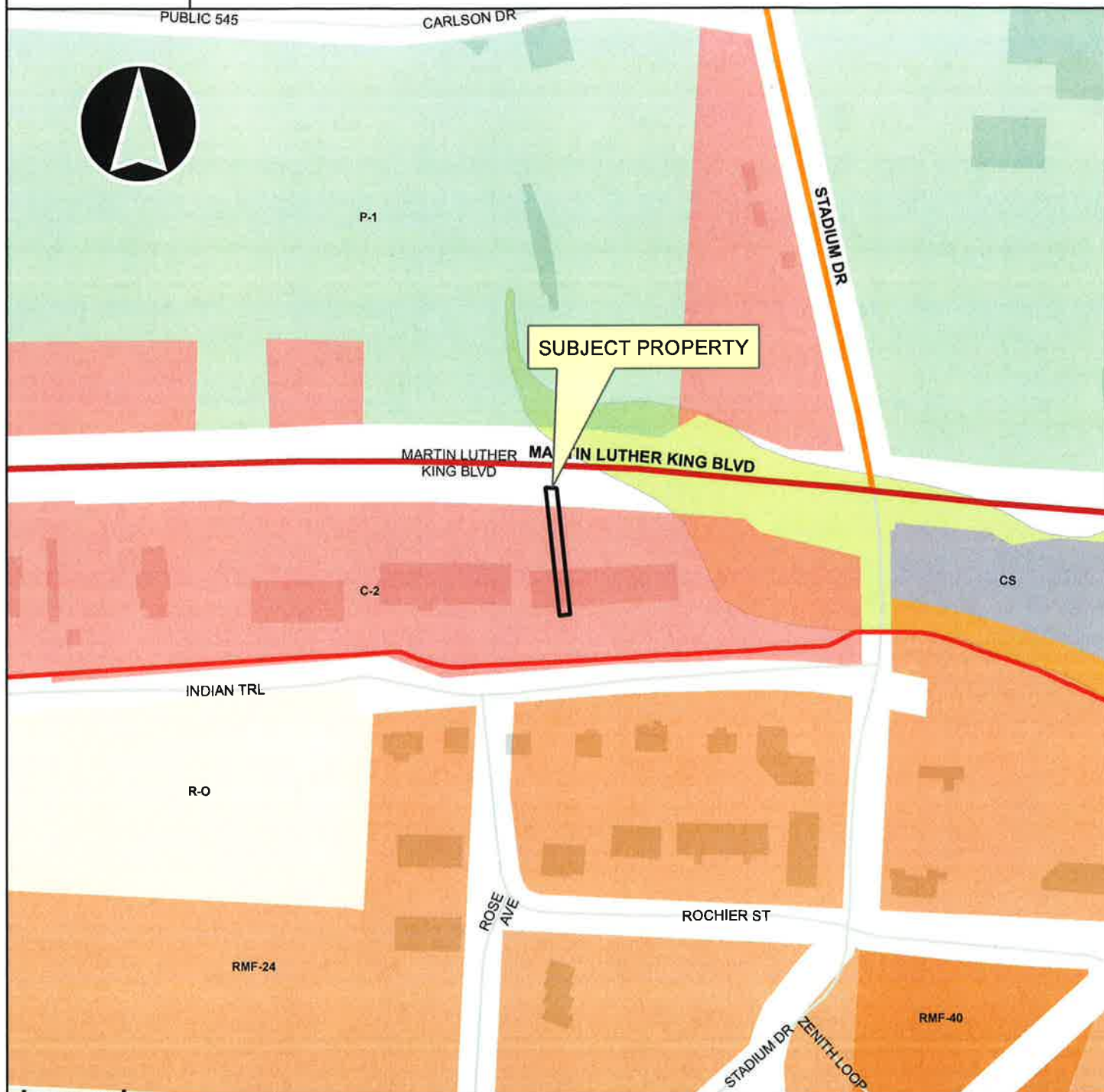
Legend

-  VAC16-5354
-  County_Parcels
-  Planning Area
-  Fayetteville

VAC16-5354

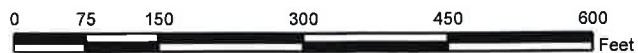
ARENA VILLAGE

Close Up View



Legend

- VAC16-5354
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0205

Agenda Date: 5/17/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 3

AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION:

AN ORDINANCE TO AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION OF THE FAYETTEVILLE CODE BY REPEALING § 116.01, ENACTING A REPLACEMENT § 116.01 AND BY AMENDING THE DEFINITION OF SOLICITOR IN § 116.02 (A) (4)

WHEREAS, the owners and residents of private residences in Fayetteville have constitutional rights to occupy and control their private homes and prohibit uninvited and unwelcome private citizens from disturbing the quiet enjoyment of their private residences and from invading their constitutional privacy rights; and

WHEREAS, if the owner or resident of a private residence conspicuously posts “No Soliciting,” “No Trespassing” or similar warning sign in a conspicuous location near the usual means of ingress onto the residential property or on or near the front door of the residence, a solicitor or peddler who ignores such sign and goes upon the private residential property has committed an intentional trespass and violation of the home owner’s or resident’s constitutional rights of privacy and property; and

WHEREAS, no person’s right to the free exercise of their religion or their free speech is superior to a private home owner’s constitutional right of privacy at his or her residence and constitutional right to control their own private property to the exclusion of other private citizens; and

WHEREAS, § 116.02 (A) (4) *Solicitor* needs to include within its definition a person who requests or accepts donations so homeowners will be protected from not only those seeking to sell magazines or other merchandise, but also those soliciting donations of money.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 116.01 in its entirety and enacts a replacement § 116.01 as follows:

“§ 116.01 **Going Upon Private Residential Property**

(A) *Honoring Fayetteville Citizens’ Private Property And Privacy Rights.*

No solicitor or peddler not invited by the owner or legal tenant of a private residence shall enter upon such private residence, knock on the door, ring the doorbell or otherwise attempt to gain admittance or

ask questions or converse with the private residence's occupant(s) if the owner or legal tenant has posted at or near the entry of the residence or conspicuously placed at or near the usual means of ingress toward the home, a sign or decal bearing the words "no soliciting", "no trespassing" or other words of similar import.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 116.02 (A) (4) by repealing the first sentence in its entirety and enacting the following to replace that first sentence:

"(4) *Solicitor* means any person who goes to the door of any private residence in the city, not having been invited by the occupant thereof, for the purpose:

(a) of taking or intending to take orders for the sale of services or the sale of goods, magazines, wares, merchandise or other personal property of any nature; or

(b) of seeking or accepting donations or making any other requests for money or other things of value."

The remaining second sentence of §116.02 (A)(4) shall be included as a new subsection (c).

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends § 116.02 (B) by renaming this subsection "*Obtaining 'no soliciting' 'decal or sign'*" and amending the first sentence to read: "The Planning Department shall provide any resident of the city a decal or sign which reads 'no soliciting.'"

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby repeals §116.02 (F) *Penalty* and enacts the following replacement section:

"(F) *Penalty.* A violation of §116.01 and §116.02 (E) (2) and (8) shall support a homeowner's or lawful tenant's right to seek a charge of criminal trespass from the City Prosecutor. A violation of any other provision in §116.02 shall be punishable pursuant to §10.99 of the Fayetteville Code."

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 116.02 (H) and (I), enacts a replacement (H) as shown below and re-letters (J) to (I):

"(H) *Exemptions for free speech rights and for Fayetteville children through High School senior status.*

(1) As long as a person is not acting as a solicitor or peddler and is exercising only free speech rights, the person shall be exempt from all permitting requirements and prohibitions of this section, but should honor the reasonable time limits of (E) (3) and must obey a homeowner's or tenant's request to leave pursuant to (E) (8).

(2) Fayetteville children through high school senior status must abide by the restrictions found in (E)(2) (3)(4) and (8) but are otherwise exempt from the remainder of this chapter."

AGENDA REQUEST FORM

FOR: Council Meeting of May 3, 2016

FROM:

City Council Member Adella Gray

City Council Member Alan Long

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION OF THE FAYETTEVILLE CODE BY REPEALING § 116.01, ENACTING A REPLACEMENT § 116.01 AND BY AMENDING THE DEFINITION OF SOLICITOR IN § 116.02 (A) (4)

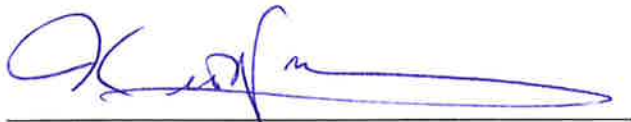
APPROVED FOR AGENDA:


City Council Member Adella Gray

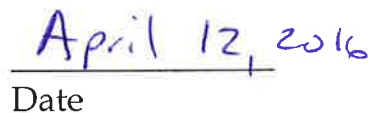

Date

City Council Member Alan Long

Date



City Attorney Kit Williams
(as to form)


Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Chief Tabor

FROM: **Kit Williams**, City Attorney

DATE: **April 12, 2016**

RE: **Proposed amendment to protect homeowners' right of privacy**

The changes proposed for §116.01 and 116.02 of the **Door to Door Solicitation** Chapter are designed only to protect the privacy rights of Fayetteville homeowners who have properly posted their residences for "No Soliciting." Therefore, it is not the City government, but the homeowner who is asserting his or her right to privacy against someone soliciting sales or donations.

The changes allow the City government the right to support a homeowner's demand for privacy only if the home owner has taken the affirmative step to post his or her residential property "No Soliciting." The preferable criminal charge if someone disobeys a homeowner's properly posted "No Soliciting" sign would be Criminal Trespass (A.C.A. §5-39-203) which is a misdemeanor rather than just an ordinance violation. The ordinance would supply the unlawful aspect of a solicitor's presence on a homeowner's premises in violation of the "No Soliciting" sign. The homeowner who suffered the criminal trespass would need to be a witness if a trial is necessary.

Please note that the proposed changes do NOT ban door to door solicitation to sell goods or seek donations on any residence not posted "No Soliciting." Permit fees are "waived for political and religious free speech (but not if donations are requested)"



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: February 11, 2016

RE: Fundamental Right To Privacy

I have done further research into a homeowner's right of privacy versus religious group's desire to ask for donations/sell books door-to-door which the group may allege is part of their religious freedom. In a case out of Fayetteville, we were sued by a religious group who desired to build and operate a religious school in a residential zone without requesting a Conditional Use permit as required by the Unified Development Code. The Arkansas Supreme Court unanimously affirmed Fayetteville's victory in Chancery Court and clarified the difference between religious **belief** and religious **action**.

"The appellants' argument ignores the very real distinction between an infringement upon a religious *belief*, which is absolutely prohibited, and a limitation upon a religious *action*, which is subject to reasonable laws designed to protect the public health or welfare. Those laws may limit the time, place, and manner of action.

• • •

Here, the zoning ordinance does not force members of appellant church to set aside the religious belief that their children should be educated in a parochial school. Instead, the ordinance accommodates that belief by making provision for conditional use permits for the operation of parochial schools in approved areas. However, the opening of a parochial school falls within the ambit of a religious action and is subject to reasonable limitation upon the time, place, and manner of operation." *Abram v. City of Fayetteville*, 281 Ark. 63, 65, 661 S.W.2d 371, 372 (1983).

In a more recent case, the Arkansas Supreme Court examined the issue of whether our citizens enjoy a constitutionally protected right of privacy. After a lengthy review, the Supreme Court held Arkansans did have a fundamental right to privacy.

“In considering our constitution together with the statutes, rules, and case law mentioned above, it is clear to this court that Arkansas has a rich and compelling tradition of protecting individual privacy and that **a fundamental right to privacy is implicit in the Arkansas Constitution.**” *Jegley v. Picado*, 349 Ark. 600, 631, 80 S.W.3d 332, 349-350 (2002). (emphasis added).

In a concurring opinion in the above case Justice Brown pointed out that our right to privacy is most protected in our homes.

“If anything has been sacrosanct over the past hundred and fifty years under the common law of Arkansas, it is the principle that a person’s home is his castle. *See, e.g., McGuire v. Cook*, 13 Ark. 448, 458 (1853) {‘(T)he house of every man is to him as his castle and fortress, as well for his defense against injury and violence as for repose.’}. That principle continues undiluted and undiminished even to the present day.” *Id.* at 639, 80 S.W.3d at 354.

Therefore, I believe we are on safe legal ground protecting our homeowners who take the affirmative step to notify the public by posting a “No Soliciting” decal or sign on their property. These homeowners’ constitutionally protected, fundamental right of privacy in their homes cannot be ignored and violated simply because another private citizen wants to perform uninvited religious actions at the homeowner’s premises.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff

FROM: Kit Williams, City Attorney

DATE: February 8, 2016

RE: Door to door solicitation for donations

I have been informed that a religious group is planning to go door to door in Fayetteville in the near future proselytizing and seeking "donations." Their "Canvassing Handbook" has 13 "Donation Ranges" based upon the number of books their canvassers provide to the homeowners. They assert they are not "selling" or "peddling" these books, but only asking for suggested donations. The "canvassers" will receive about half of all donations they can collect. The other half goes to the ministry which operates "Ouachita Hills College" in Amity, Arkansas. The ministry claims that these students going door to door proselytizing and seeking donations is part of their religious faith.

Our current Fayetteville Code was designed to protect our citizens from fraud and unpleasant solicitations from individuals or groups openly acknowledging they were trying to sell magazine subscription or other goods and services door to door. These regulations did not address door to door solicitation for **donations** even if our citizens had posted the City's No Solicitation decal or sign.

If the City Council wants to protect our private residential homeowners from any solicitation (to sell magazines, merchandise or solicit "donations") and thereby enforce our homeowners' constitutional rights to control their own private property and their right of privacy, you could amend our current code.

Attached is a draft amendment that I believe would protect our citizens' rights and would be constitutionally valid.

This ministry group is currently suing White Hall (near Pine Bluff) in Federal District Court over that city's door to door solicitation ordinance and its enforcement. Blake and I have researched recent United States Supreme Court decisions and believe claims of this group about their Free Exercise of Religion and Free Speech do not trump homeowners' rights to control what private persons can come onto their private property and invade their constitutional right to privacy.

Please review this proposed change to our Door to Door Solicitation regulations to see if it is what you believe is fair and appropriate. If a City Council Member wishes to sponsor such an amendment to our Door to Door Solicitation Chapter, please contact me.

- Current Law -

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

CHAPTER 116: DOOR TO DOOR SOLICITATION

116.01 Going Upon Private Residential Property

(A) No solicitor or vendor shall enter in or upon any house, building, or other structure upon any land or property without the prior consent of the owner or occupant thereof where there is placed or posted on the premises in a conspicuous position, at or near the usual means of ingress, a sign or other form of notice stating or indicating that the owner or occupant forbids or otherwise does not desire persons engaged in soliciting or any similar activity to enter upon the premises.

(B) The provisions of this section shall not apply to the sale or soliciting of orders for the sale of fruits, vegetables, or other products of the farm, including meat from domestic animals or livestock, so far as the sale of such commodities is authorized by law.

(Code 1965, §13-10; Ord. No. 1390, 4-13-64; Ord. No. 1987, 2-15-74; Code 1991, §116.01)

Cross reference(s)--Vending and peddling in parks, §97.086; Soliciting from public roadways or sidewalks prohibited, §74.05; Advertising, Ch. 110; Penalty, §10.99; State law ref.: Transient Vendors §14-54-1407.

116.02 – Door to Door Solicitation at Private Residence

(A) **Definitions.** The following words, terms and phrases and their derivations, when used in this section, shall have the meanings ascribed to them in the section, except where the context clearly indicates a different meaning:

(1) *Charitable activity* means any activity carried on for unselfish, civic or humanitarian motives or for the benefit of others and not for private gain.

(2) *Charitable organization* means a non-profit organization holding a tax exemption certificate from the Internal Revenue Service pursuant to § 501 et seq., and any amendments thereto.

(3) *Peddler* means any person who goes to the door of any private residence in the city, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale.

(4) *Solicitor* means any person who goes to the door of any private residence in the city, not

having been invited by the occupant thereof, for the purpose of taking or intending to take orders for the sale of goods, magazines, wares, merchandise or other personal property of any nature for future delivery, or for services to be performed in the future. A representative or employee of a newspaper of general circulation in Fayetteville may leave a sample current copy of the newspaper with subscription information near the door of a private residence without being a "solicitor" as long as the representative/employee makes no efforts at that time to contact or speak with the resident.

(5) *Principal* means the person or other legal entity whose goods, merchandise, personal property or services are being peddled or solicited.

(B) *Obtaining "no soliciting/no peddling" decal or sign.* The Planning Department shall provide any resident of the city a decal which reads, "no soliciting/no peddling." This decal may be posted at the front of the any private residence in the city and by posting said notification, any solicitor or peddler has notice that soliciting or peddling at this address is prohibited by city ordinance. A resident may also post a "no soliciting" sign pursuant to §116.01.

(C) *Principal permit.* No peddling or solicitation shall be conducted within the city without a principal permit being issued. The cost for the principal to obtain a solicitor/peddler's permit is \$40.00, and shall be paid to the business office before any peddling or soliciting is conducted within the city. The permit shall expire on December 31 in the year the permit is issued. In addition to the principal's permit, the principal must also comply with the city's business license requirement pursuant to Chapter 118: **Business Registry and License** of the Fayetteville Code. To obtain a permit, a representative of the principal shall provide a written, signed application stating:

(1) The name, address, telephone number, type of organization, and contact person for the principal applicant;

(2) The nature of the products or services involved;

(3) The proposed method of operation in the city;

(4) A list of all persons who will peddle or solicit in

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

the city on behalf of the principal in the city.

(D) *Permit for peddlers/solicitors.* In addition to the principal permit, each peddler or solicitor acting for the principal shall also obtain a permit from the Planning Department before peddling or soliciting within the city. The cost to obtain a peddler/solicitor permit is \$5.00. In applying for the permit, each applicant shall provide the following to the Planning Department:

- (1) The name of the principal applicant for whom they are going to act as a peddler or solicitor;
- (2) The name, address, and telephone number of the person who is going to act as a peddler or solicitor, and in addition, they must also provide photo identification;
- (3) A signed statement under oath that the person applying to be a peddler/solicitor has not been convicted of felonies or any misdemeanors involving theft, sexual offenses, or violence;
- (4) A statewide criminal background check and a nationwide crime index/background check, including sex offender registry, which shows that a peddler or solicitor has not, within the preceding five years, been convicted of any felonies, or any misdemeanors involving theft, sexual offense or violence, nor has been incarcerated in prison at any time during the last five years. No person shall be issued a permit as a peddler or solicitor that has been convicted of any of the offenses set out above nor in prison during the last five years.
- (5) For international students or other persons without United States Citizenship and working with a valid visa or other government-issued identification, a copy of the visa or other valid documentation and a nationwide crime index/background check meeting the criteria in subsection (4) above shall be submitted.

(E) *Prohibition.* It is unlawful for any solicitor or peddler to:

- (1) Peddle or solicit within the city without having a copy of this section on their person, as well as a copy of their permit issued by the Planning Department, as well as photo identification visible, which is provided by the principal, identifying the person peddling or soliciting;
- (2) Enter upon any private residence, knock on the door, ring the doorbell, or otherwise

attempt to gain admittance at the residence when the premises' owner or tenant has posted at the entry of the residence a decal or sign bearing the words, "no soliciting/no peddling," "no peddlers," "no solicitors," "no trespassing," or other words of similar import;

- (3) Conduct the activities of peddler or solicitor and knock on the door, ring the doorbell, or otherwise attempt to gain admittance at the residence between the hours of 9:00 p.m. and 10:00 a.m.;
- (4) Remain at the private residence when requested to leave, or to otherwise conduct business in a manner which a reasonable person would find obscene, threatening, intimidating or abusive;
- (5) Make any false or misleading statements about the product or service being sold, including untrue statements of endorsement;
- (6) Claim to have the endorsement of the city based on the city having issued a permit to that person;
- (7) Fail to disclose his or her name and the name of the principal whom he represents at the outset of the initial conversation;
- (8) Fail to immediately leave the premises or residence after having been asked by the owner or occupant thereof to do so.

(F) *Penalty.* Any violation of this section shall be deemed a nuisance and punishable by a fine as provided by §10.99 of the Fayetteville Code.

(G) *Exemptions.* Officers or employees of the City, County, State or Federal government, or any subdivision thereof shall be exempt for the requirements of this section when on official business.

(H) *Free permits for nonprofit corporations not seeking donations.*

After supplying adequate proof to the Planning Department that the nonprofit charitable organization is a charity with a current §501 (c)(3) IRS exception, the Planning Department may issue the permits required by this section without charge to the persons desiring to exercise their free speech rights as long as no solicitations for donations are made and no donations accepted.

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

- (I) *Permits waived for political and religious free speech and for Fayetteville children through high school senior status.*
- (1) Although everyone going door to door must respect and not go to the door of a citizen who has personally posted a "no solicitation" type sign, may only go door to door during the daytime/evening hours allowed in (E)(3), and must conform to the requirements of (E)(4), (E)(6), (E)(8), persons exercising their First Amendment political or religious free speech rights are otherwise exempted from this section.
- (2) Fayetteville children through high school senior status must abide by the restrictions found in (E)(2)(3)(4) and (8) but are otherwise exempt from the remainder of this section.
- (J) *Revocation of permit.* Any permit issued pursuant to the provision of this section may be suspended or revoked for good cause by the Director of Development Services. Good cause for such suspension or revocation shall include any violation of this section, or any other reason for suspensions or revocation as set out in §118.03 of the Fayetteville Code and said violations are hereby incorporated herein by reference. The procedure for suspension or revocation under this section shall be the same procedure as set out in §118.03 of the Fayetteville Code and said procedure is hereby incorporated herein by reference.

(Ord. 5593, 7-2-13; Ord. 5767, 5-5-15)

116.03–116.99 Reserved



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Paul Becker, Finance Director
Chief Tabor
Casey Jones, City Prosecutor

FROM: **Kit Williams**, City Attorney

DATE: **April 27, 2016**

RE: **Proposed amendment to Door to Door Solicitation ordinance**

The ordinance included within the Tentative Agenda packet would prohibit all non-exempt persons from violating the privacy and private property rights of homeowners by going onto the premises with a properly posted "No Soliciting" sign. I believe this is constitutional because private property owners have powerful property and privacy rights which probably exceed even the First Amendment rights of persons wanting to go uninvited onto private residential property. However, there are a couple of additional changes needed for the Door to Door Solicitation Chapter. Thus, I have attached a slightly amended ordinance for your consideration. This Option A ordinance would basically bar even political and religious persons from going upon private residential property if the owner or legal tenant has properly posted a "No Soliciting" decal or sign.

However, if the City Council wishes the "No Soliciting" sign trespass restrictions to operate only against peddlers and solicitors (even just for asking for or accepting donations), I have redrafted the ordinance to accomplish this result. I exchanged "No person" for "No solicitor or peddler." Because of this change, no exemptions for emergencies and for government workers on official business need to be included and so I removed (B) Exemptions.

I also slightly changed Section 3 to clarify the treatment of the non-amended portion of § 116.02 (A) (4). I also added Section 4 which would modify the penalty provisions to require homeowners wishing to prosecute trespassing solicitors or peddlers to request the City Prosecutor to file criminal trespass charges.

Section 5 would amend the current Paragraph (I) which would make Paragraph (H) unnecessary. This section is different depending upon the City Council's decision to limit the door to door solicitation regulations primarily to peddlers and solicitors (Option B) or to protect homeowners who have properly posted a "No Soliciting" sign on their home premises from almost everyone (including political campaigners or religious proselytizers) from interfering with their privacy and property rights (Option A).

The first thing the City council needs to decide as a body is the desired reach of the regulations . . . whether it should bar almost everyone or be limited to regulating peddlers and solicitors. Once that decision is made, I would ask that someone move to amend the originally handed out ordinance to either Option A (general ban) or Option B (regulation of peddlers and solicitors, but allowing continued political campaigning and religious proselytizing door to door). I recommend Option B partly because I do not believe such campaigning has caused many homeowner objections in the past.

OPTION A

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION OF THE FAYETTEVILLE CODE BY REPEALING § 116.01, ENACTING A REPLACEMENT § 116.01 AND BY AMENDING THE DEFINITION OF SOLICITOR IN § 116.02 (A) (4)

WHEREAS, the owners and residents of private residences in Fayetteville have constitutional rights to occupy and control their private homes and prohibit uninvited and unwelcome private citizens from disturbing the quiet enjoyment of their private residences and from invading their constitutional privacy rights; and

WHEREAS, if the owner or resident of a private residence conspicuously posts “No Soliciting,” “No Trespassing” or similar warning sign in a conspicuous location near the usual means of ingress onto the residential property or on or near the front door of the residence, a person who ignores such sign and goes upon the private residential property has committed an intentional trespass and violation of the home owner’s or resident’s constitutional rights of privacy and property; and

WHEREAS, no person’s right to the free exercise of their religion or their free speech is superior to a private home owner’s constitutional right of privacy at his or her residence and constitutional right to control their own private property to the exclusion of other private citizens; and

WHEREAS, § 116.02 (A) (4) *Solicitor* needs to include within its definition a person who requests or accepts donations so homeowners be protected from not only those seeking to sell magazines or other merchandise, but also those soliciting donations of money.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 116.01 in its entirety and enacts a replacement § 116.01 as follows:

“§ 116.01 **Going Upon Private Residential Property**

(A) *Honoring Fayetteville Citizens’ Private Property And Privacy Rights.*

No person not invited by the owner or legal tenant of a private residence shall enter upon such private residence, knock of the door, ring the doorbell or otherwise attempt to gain admittance or ask questions or converse with the private residence’s occupant(s) if the owner or legal tenant has posted at or near the entry of the residence or conspicuously placed at or near the usual means of ingress toward the home, a sign or decal bearing the words “no soliciting”, “no trespassing” or other words of similar import.

(B) *Exemptions*

(1) Officers, employees or agents (including process servers) of the City, County, State or Federal government or any subdivision thereof shall be exempt for the requirements of this section when

on official business.

(2) A person needing to communicate about an emergency situation related to that home or nearby neighbors is also exempt to the extent of such emergency notification.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 116.02 (A) (4) by repealing the first sentence in its entirety and enacting the following to replace that first sentence:

“(4) *Solicitor* means any person who goes to the door of any private residence in the city, not having been invited by the occupant thereof, for the purpose:

(a) of taking or intending to take orders for the sale of services or the sale of goods, magazines, wares, merchandise or other personal property of any nature; or

(b) of seeking or accepting donations or making any other requests for money or other things of value.”

The remaining second sentence of § 116.02 (A) (4) shall be included as a new subsection (c).

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends § 116.02 (B) by renaming this subsection “*Obtaining ‘no soliciting’ ‘decal or sign’*” and amending the first sentence to read: “The Planning Department shall provide any resident of the city a decal or sign which reads ‘no soliciting.’”

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby repeals §116.02 (F) *Penalty* and enacts the following replacement section:

“(F) *Penalty.* A violation of §116.01 and §116.02 (E) (2) and (8) shall support a homeowner’s or lawful tenant’s right to seek a charge of criminal trespass from the City Prosecutor. A violation of any other provision in § 116.02 shall be punishable pursuant to §10.99 of the Fayetteville Code.”

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 116.02 (H) and (I), enacts a replacement (H) as shown below and re-letters (J) to (I):

“(H) *Exemptions for free speech rights and for Fayetteville children through High School senior status.*

(1) As long as a person is not acting as a solicitor or peddler and is exercising only free speech rights, the person shall be exempt from all permitting requirements and prohibitions of this section, except the person must obey the prohibitions listed in § 116.02 E (2) (3) (4) and (8).

(2) Fayetteville children through high school senior status must abide by the restrictions found in (E)(2)(3)(4) and (8) but are otherwise exempt from the remainder of this chapter.”

PASSED and **APPROVED** this 3rd day of May, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

OPTION B
City Attorney Recommended

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION OF THE FAYETTEVILLE CODE BY REPEALING § 116.01, ENACTING A REPLACEMENT § 116.01 AND BY AMENDING THE DEFINITION OF SOLICITOR IN § 116.02 (A) (4)

WHEREAS, the owners and residents of private residences in Fayetteville have constitutional rights to occupy and control their private homes and prohibit uninvited and unwelcome private citizens from disturbing the quiet enjoyment of their private residences and from invading their constitutional privacy rights; and

WHEREAS, if the owner or resident of a private residence conspicuously posts “No Soliciting,” “No Trespassing” or similar warning sign in a conspicuous location near the usual means of ingress onto the residential property or on or near the front door of the residence, a person who ignores such sign and goes upon the private residential property has committed an intentional trespass and violation of the home owner’s or resident’s constitutional rights of privacy and property; and

WHEREAS, no person’s right to the free exercise of their religion or their free speech is superior to a private home owner’s constitutional right of privacy at his or her residence and constitutional right to control their own private property to the exclusion of other private citizens; and

WHEREAS, § 116.02 (A) (4) *Solicitor* needs to include within its definition a person who requests or accepts donations so homeowners be protected from not only those seeking to sell magazines or other merchandise, but also those soliciting donations of money.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 116.01 in its entirety and enacts a replacement § 116.01 as follows:

“§ 116.01 Going Upon Private Residential Property

(A) Honoring Fayetteville Citizens’ Private Property And Privacy Rights.

No solicitor or peddler not invited by the owner or legal tenant of a private residence shall enter upon such private residence, knock of the door, ring the doorbell or otherwise attempt to gain admittance or ask questions or converse with the private residence’s occupant(s) if the owner or legal tenant has posted at or near the entry of the residence or conspicuously placed at or near the usual means of ingress toward the home, a sign or decal bearing the words “no soliciting”, “no trespassing” or other words of similar import.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 116.02 (A) (4) by repealing the first sentence in its entirety and enacting the following to replace that first sentence:

“(4) *Solicitor* means any person who goes to the door of any private residence in the city, not having been invited by the occupant thereof, for the purpose:

(a) of taking or intending to take orders for the sale of services or the sale of goods, magazines, wares, merchandise or other personal property of any nature; or

(b) of seeking or accepting donations or making any other requests for money or other things of value.”

The remaining second sentence of §116.02 (A)(4) shall be included as a new subsection (c).

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends § 116.02 (B) by renaming this subsection “*Obtaining ‘no soliciting’ ‘decal or sign’*” and amending the first sentence to read: “The Planning Department shall provide any resident of the city a decal or sign which reads ‘no soliciting.’”

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby repeals §116.02 (F) *Penalty* and enacts the following replacement section:

“(F) *Penalty.* A violation of §116.01 and §116.02 (E) (2) and (8) shall support a homeowner’s or lawful tenant’s right to seek a charge of criminal trespass from the City Prosecutor. A violation of any other provision in §116.02 shall be punishable pursuant to §10.99 of the Fayetteville Code.”

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 116.02 (H) and (I), enacts a replacement (H) as shown below and re-letters (J) to (I):

“(H) *Exemptions for free speech rights and for Fayetteville children through High School senior status.*

(1) As long as a person is not acting as a solicitor or peddler and is exercising only free speech rights, the person shall be exempt from all permitting requirements and prohibitions of this section, but should honor the reasonable time limits of (E) (3) and must obey a homeowner’s or tenant’s request to leave pursuant to (E) (8).

(2) Fayetteville children through high school senior status must abide by the restrictions found in (E)(2)(3)(4) and (8) but are otherwise exempt from the remainder of this chapter.”

PASSED and APPROVED this 3rd day of May, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0234

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

HOME TEAM, LLC:

A RESOLUTION TO ACCEPT THE DONATION OF 1.5 ACRES OF PROPERTY FROM HOME TEAM, LLC WITH THE RESTRICTION THAT NO DEVELOPMENT SHALL OCCUR ON THE PROPERTY FOR AT LEAST FIFTY (50) YEARS

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 accepts the donation of 1.5 acres of property from Home Team, LLC with the restriction that no development shall occur on the property for at least fifty (50) years.

City of Fayetteville Staff Review Form

2016-0234

Legistar File ID

May 17th, 2016

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

Matt Mihalevich

4/28/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the donation of approximately 1.5 acres of property from Home Team, LLC along the Cato Springs Trail.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 17TH, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: April 28th, 2016

SUBJECT: 2016-0234 Home Team LLC Purchase for Cato Springs Trail

RECOMMENDATION:

Staff recommends approval of the donation of approximately 1.5 acres of property from Home Team, LLC along the Cato Springs Trail.

BACKGROUND:

Construction has started on the Cato Springs Trail which will extend approximately 2.7 miles south from the Town Branch Trail from Greathouse Park southwest along the Cato Springs Branch to the Fayetteville Regional Park and Kessler Mountain. A portion of the Cato Springs Trail must cross undeveloped streamside property owned by Home Team, LLC and the owner is interested donating the property in addition to dedicating a multi-use trail easement for the Cato Springs Trail. In April of 2016, the owner sold a multi-use trail easement on the southwest corner of this parcel to the City of Fayetteville for \$2,500 allowing construction of the Cato Springs Trail to begin.

DISCUSSION:

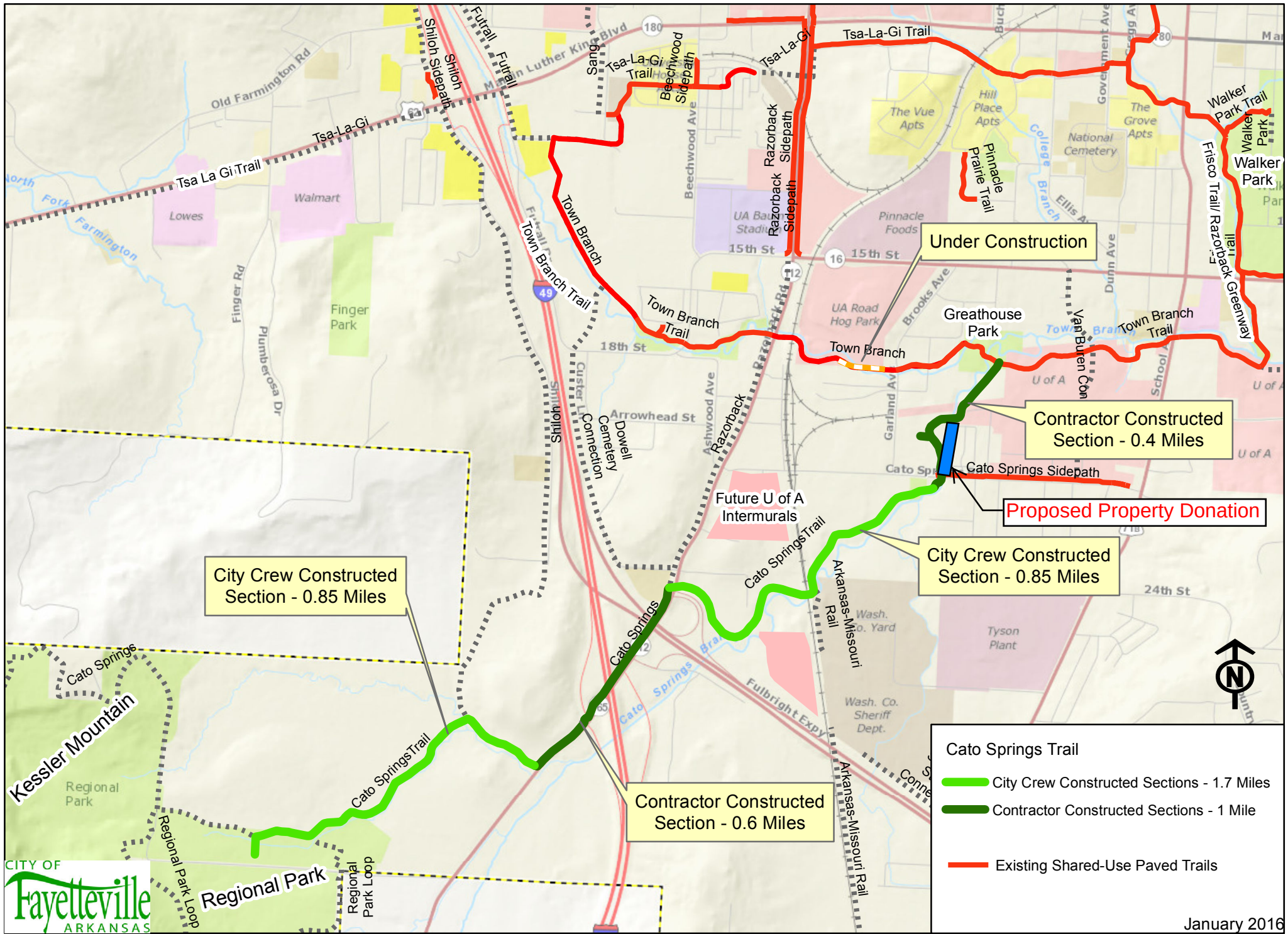
The owner of Home Team, LLC would like to donate the 1.5 acre parcel number 765-28586-000 to the City of Fayetteville also known as lot 32 of The Bungalows at Cato Springs. This parcel is composed primarily of the Cato Springs Branch and adjacent streambank and is completely covered by a drainage easement. When the Bungalows at Cato Springs development was reviewed by planning staff, the intent was to dedicate this parcel as tree preservation, trails and park space. This dedication did not occur with the development, so the owner would now like to donate the parcel to the City. The City will be responsible for the creation of the warranty deed document and the recording fees. The owner will perform an appraisal of the parcel for the purpose of claiming the land as a noncash charitable contribution. The owner has requested that this land remain as open space for at least 50 years. This land is not suitable for development and is planned to remain an open riparian zone for the Cato Springs Branch in perpetuity.

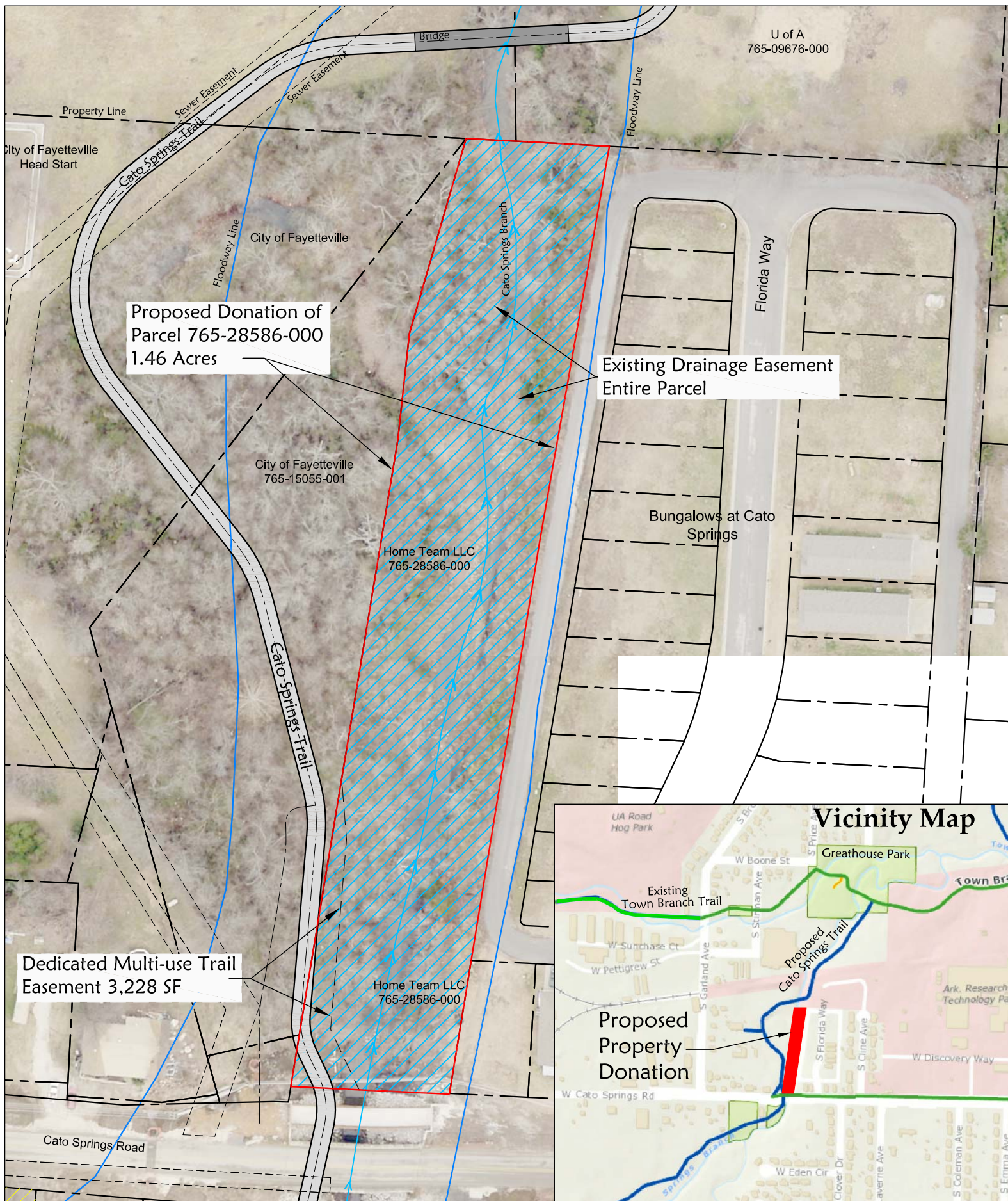
BUDGET/STAFF IMPACT:

No budget impact. The entire 1.5 acre parcel is a drainage easement that will continue to be maintained by the Transportation Services Department. The property itself can be placed in the general fund so it will not be the responsibility of a specific department.

Attachments:

Cato Springs Trail Map
Home Team LLC Parcel Map







City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0233

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 2

FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP AMENDMENTS:

A RESOLUTION TO APPROVE AMENDMENTS TO THE FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP TO ADD A CONNECTOR TRAIL BETWEEN THE HAMESTRING CREEK TRAIL AND THE SHILOH TRAIL, TO REMOVE A PAVED TRAIL FROM THE KESSLER MOUNTAIN RIDGE, AND TO ADD A LOOP TRAIL AROUND THE REGIONAL PARK

WHEREAS, on April 7, 2015, the City Council passed Resolution No. 81-15 adopting the Fayetteville Active Transportation Plan and Map; and

WHEREAS, a local developer has requested the addition of a connector trail to the Hamestring Creek Trail to provide better connectivity to the Shiloh Trail and has agreed to dedicate the necessary easement for this new connection; and

WHEREAS, after extensive public input and recommendations from the Active Transportation Advisory Committee and the Parks and Recreation Advisory Board, City staff recommend the removal of a planned paved trail along the Kessler Mountain ridge and the addition of a loop trail around the Regional Park.

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 amendments to the Fayetteville Active Transportation Plan and Map as described above and adopts the amended Active Transportation Plan Map, a copy of which is attached to this Resolution and made a part hereof.

City of Fayetteville Staff Review Form

2016-0233

Legistar File ID

May 17th, 2016

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

Matt Mihalevich

4/28/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of an update of the Fayetteville Active Transportation Plan Map.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution # 81-15

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 17TH, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: April 28th, 2016

SUBJECT: 2016-0233 - Fayetteville Active Transportation Plan Update

RECOMMENDATION:

Staff recommends approval of an update of the Fayetteville Active Transportation Plan Map.

BACKGROUND:

On April 7th of 2015, the Active Transportation Plan (ATP) and Map was approved as resolution 81-15. This plan updated the original 2003 Fayetteville Alternative Transportation & Trails (FATT) Plan and has been an excellent guide to the design and implementation of bicycle and trail infrastructure.

DISCUSSION:

The extensive public process for the Kessler Mountain trail master plan revealed the public desire to limit the paved trail on the ridge of Kessler Mountain. The 2015 ATP plan identifies a paved trail planned along the ridge of Kessler Mountain running north-south from the towers of Kessler Mountain Road toward the water towers. Based on the public input, the updated map shows removing the ridge trail (number 44) and adding a loop trail around the Regional Park (number 45) while still providing a trail connection from the Regional Park to the Ruppel Road Trail. In addition, a local developer has requested the addition of a connector trail (number 41) to the Hamstring Creek Trail to provide better connectivity to the Shiloh Trail (number 31). The developer has agreed to dedicate the necessary easement for this new trail connection.

On January 6th 2016, The Active Transportation Advisory Committee forward a unanimous vote with the recommendation of approval of the proposed update to the Active Transportation Plan map. The Parks and Recreation Advisory Board forwarded a recommendation of approved the Kessler Mountain Trail Master Plan on April 12th, 2016 which includes the proposed modifications to the paved trails.

BUDGET/STAFF IMPACT:

None

Attachments:

Active Transportation Plan Map

City of Fayetteville, AR

Active Transportation Plan

Shared-Use Paved Trails and On-Street Bicycle Facilities

April 28, 2016



This certifies that this is the official Master Trail Plan map referred to in Resolution No. 81-15 of the City of Fayetteville.

Adopted by the Fayetteville City Council on
xxx Resolution No. yyy
Mayor _____
City Clerk _____

Active Transportation Plan

Shared-Use Paved Trail (Working)

Proposed U of A Campus Connections

Proposed On-Street Bicycle Facility

Existing Trails

- Shared-Use Paved Trail
- Nature Trail
- Neighborhood/Park Trail
- On-Street Bicycle Facility

Corresponding # on Map	Future Trail Name
1	Crosswater Road Trail
2	Med Creek Trail
3	Old Wire Connection
4	Nokiska Creek Trail
5	Old Mission Sidlepath
6	Old Wire Connection
7	Brookbury Vandegriff Connection
8	Brookbury Park Trail
9	Vandegriff Trail
10	Brookbury Park Trail
11	Park Place Connection
12	Chelton Connection
13	Canterbury Loop
14	Rockwood Trail Connection
15	Ruth Street Connection
16	Clear Creek Trail
17	White River West Trail
18	Lake Sequoyia Nature Trail
19	St. Paul Trail
20	Town Branch Trail
21	Morningstar Trail Connection
22	Kessler Trail
23	Lighter Trail Link
24	Sublett Creek Trail
25	Rebecca Terrell Connection
26	Baxter to North Connection
27	Devlin Hills Connection
28	Overman Trail Connection
29	Drake Sidlepath
30	Furnal Trail
31	Shiloh Trail
32	Clatter Creek Trail
33	Ripple Sidlepath
34	Highground Village Connection
35	Red Oak Trail
36	5th Avenue Connection
37	Old Creek Trail
38	West Loop Trail
39	Brooklyn Ave Connection
40	Davis Park Trail
41	Hemlock Creek Trail
42	Old Farmington Road Trail
43	Farmington Branch Greenway
44	Kessler Mountain Connection
45	Regional Park Trails
46	Cato Springs Trail
47	Mountain Meander Rail Trail
48	Shelton Street Connection
49	County Oak Link
50	West Fork greenway link
51	TB Connection
52	Van Buren Connection
53	Dowd Cemetery Connection
54	Tail-Land Trail
55	Shiloh Trail
56	Old Ridge Trail
57	U of A Campus Bicycle Connection
58	Valley Park Trail
59	Willow Bend Link
60	Valley Park Trail
61	Razorback Sidlepath
62	Washington Sidlepath
63	Marlin Luther King Sidlepath
64	Pope Link
65	Chadler Creek Trail - North Spur
66	Ripple Road Connection

Corresponding Letter on Map	Existing Trail Name
A	John Fayetteville Trail
B	Clear Creek Trail
C	Scout Creek Trail
D	Med Creek Trail
E	John Creek Trail
F	Joynes Sidlepath
G	Old Mission Sidlepath
H	Raven Trail
I	Nokiska Creek Trail
J	Meadow Valley Trail
K	Shiloh Trail
L	Hemlock Creek Trail
M	Ripple Sidlepath
N	Clatter Creek Trail
O	Washington Sidlepaths
P	Old Creek Trail
Q	Shelton Sidlepath
R	Prison Trail
S	Old Ridge Trail
T	Tail-Land Trail
U	Pinnacle Prairie Trail
V	Razorback Sidlepaths
W	Town Branch Trail
X	Cato Springs Sidlepath
Y	Marlin Luther King Sidlepath
Z	St. Paul Trail



0 1/2 1
Mile

- Park
- Lake
- Stream
- School
- Fayetteville City Limits
- Razorback Transit Bus Stop
- Ozark Regional Transit Bus Stop
- Street (Major)
- Street
- Railroad



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0193

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE FOR 2016 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$61,721.00

WHEREAS, since 1998, the City of Fayetteville has participated in a joint funding agreement with the U.S. Geological Survey for the operation and maintenance of three urban stream gauging stations to record data concerning rainfall and runoff at Niokaska Creek in Gulley Park, College Branch at State Highway 62 and Town Branch Tributary in Walker Park; and

WHEREAS, in 2015, the City modified its agreement with the USGS to begin monitoring major pollutant levels at Town Branch and Mud Creek and the City will continue this monitoring to provide more accurate information regarding the pollutants leaving the City at these points; and

WHEREAS, the USGS, which purchased and installed the monitoring equipment at no cost to the City, provides these services at a cost much lower than the City could receive from any other provider.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a joint funding agreement, a copy of which is attached to this Ordinance and made a part hereof, between the City of Fayetteville and the U.S. Geological Survey for stream gauge operation and maintenance and water quality sampling and monitoring at various locations in the City of Fayetteville for 2016 with the amount paid by the City of Fayetteville not to exceed \$61,721.00.

City of Fayetteville Staff Review Form

2016-0193

Legistar File ID

5/17/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

4/14/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the 2016 USGS joint funding agreement in the amount of \$61,721.00 (City's share) for stream gauge operation and maintenance as well as water quality sampling and monitoring for various locations within the City of Fayetteville.

Budget Impact:

4470.9470.5314.00 and 5400.5800.5314.00

4470-Sales Tax Capital Improvements and 5400 -
Water and Sewer

Account Number

Fund

02097 and 10027.1001

Stormwater Quality Management (Stormwater
Quality Mgmt/Nutrient Reduct) and Wastewater
Treatment/Water Quality Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 570,937.00

Funds Obligated \$ 92,029.54

Current Balance \$ 478,907.46

Does item have a cost? Yes

Item Cost \$ 61,721.00

Budget Adjustment Attached? No

Budget Adjustment

#

Remaining Budget \$ 417,186.46

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 17, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: Alan Pugh, Staff Engineer

DATE: April 14, 2016

SUBJECT: Approval of the 2016 USGS joint funding agreement in the amount of \$61,721.00 (City's share) for stream gauge operation and maintenance as well as water quality sampling and monitoring for various locations within the City of Fayetteville

RECOMMENDATION:

Staff Recommends approval of the 2016 USGS joint funding agreement in the amount of \$61,721.00 (City's share) for stream gauge operation and maintenance as well as water quality sampling and monitoring for various locations within the City of Fayetteville.

BACKGROUND:

In 2015 the City of Fayetteville modified its contract with USGS to begin monitoring both flow and major pollutants at two location on major outfalls from the City, Town Branch and Mud Creek . This data is being gathered continuously and through sampling at various times in order to more closely model the pollutant concentrations in these streams. This combined with the flow data will give accurate information on the total amount of the various constituents being measured leaving the City at these points. The information produced by the gauges can be viewed on the USGS website by following:

Town Branch: <http://waterdata.usgs.gov/usa/nwis/uv?07048495>

Mud Creek: http://waterdata.usgs.gov/ar/nwis/uv?site_no=071948095

In 2015 the City of Fayetteville contributed \$61,721 to the stream gauge program and the USGS contributing \$10,000 in funds as well as providing and installing the equipment at no charge to the City.

DISCUSSION:

The proposed program would remain unchanged from 2015 and include a continuous monitor stream gauge with sampling and determination of various pollutant concentrations at two locations within the City of Fayetteville. These locations would track continuous information regarding flow, turbidity, temperature and conductance. The sampling at these locations would provide a mechanism in which these constituents could be related to other pollutants such as

total suspended solids (TSS) essentially providing relatively accurate continuous pollutant loading information.

The first station is located on Town Branch near Armstrong Ave and monitors a largely developed area that discharges into the West Fork of the White River which currently has Total Maximum Daily Load (TMDL) defined by ADEQ for turbidity. Monitoring just upstream of the West Fork allows the City to determine Fayetteville's contribution to this TMDL.

The second station is located on Mud Creek near Greg Avenue which is a tributary to the Illinois River. As you may be aware, the Illinois River phosphorus concentration is currently under dispute between the States of Arkansas and Oklahoma. Pending the outcome of this litigation, additional enforcement measures may be placed on Arkansas municipalities regulating both point and non-point source pollution. It would be beneficial to have a base line from which to judge the potential TMDL as well as monitor the progress of measures developed to reduce pollutants.

In addition to the items above, the recommendation also includes maintaining a crest stage gauge on Niokaska Creek at Township. This gauge has been useful in the past in determining the intensity of storm events and the extent of any flooding that they caused.

The total cost for the program described above would be \$71,721 with the USGS contributing \$10,000 in Cooperative Funding for a total cost to the City of Fayetteville of \$61,721. In addition to the Cooperative Funds, the USGS provided and installed the equipment at no cost to the City.

BUDGET/STAFF IMPACT:

As stated the total cost of the program would be \$71,721 with the USGS contributing \$10,000 in funding. The remaining \$61,721 would be split between projects managed by the Engineering Division and the Water and Sewer Department. As the information collected would benefit both departments equally, it is proposed to split the required funds 50/50 between the two projects, or a total of \$30,860.50 each.

Attachments:

Proposed Contract with USGS

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.							Requisition No.:		Date:	
							P.O Number:			
Vendor #: 6123			Vendor Name: US Geoloical Survey (USGS)				Mail ☐ Yes ☐ No		Legistar#: 2016-0193	
Address:				FOB Point:		Taxable ☐ Yes ☐ No				
City:			State:		Zip Code:	Ship to code:	Quotes Attached ☐ Yes ☐ No		Expected Delivery Date:	
Requester: Alan Pugh					Requester's Employee #: 4073		Extension: 8208			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	2016 USGS Joint Funding Agreement	1	Lot	30,860.50	\$30,860.50	4470.9470.5314.00	02097			
2	2016 USGS Joint Funding Agreement	1	Lot	30,860.50	\$30,860.50	5400.5800.5314.00	10027.1001			
3					\$0.00					
4					\$0.00					
5					\$0.00					
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:							Subtotal: <u>\$61,721.00</u>			
							Tax: <u>\$0.00</u>			
							Total: <u><u>\$61,721.00</u></u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										



United States Department of the Interior

U.S. GEOLOGICAL SURVEY

**Lower Mississippi-Gulf Water Science Center
Little Rock Office
401 Hardin Road
Little Rock, Arkansas 72211**

March 7, 2016

Mr. Chris Brown, City Engineer
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701
(479) 575-8206

Dear Mr. Brown:

Enclosed are two copies of a Joint Funding Agreement (JFA) for the 2016 calendar year (January 1, 2016 to December 31, 2016) in the amount of \$61,721. The agreement includes installation, operation, and maintenance of two streamgages and two continuous water-quality meters, one on a tributary of Clear Creek (Mud or Clabber Creek) and one on Town Branch; sampling 12 times for nutrients, suspended sediment, and bacteria at the streamgage on Mud or Clabber Creek; and sampling six times for major anions and 12 times for nutrients and suspended sediment at the streamgage on Town Branch. A minimum of two of the 12 samples at each station will be collected during storm events. If the proposed program meets your approval, please have the Mayor sign and retain one copy of the JFA and return a signed copy to the attention of Roxanne Childers at the above address.

Work performed with funds from this agreement will be conducted on a fixed-price basis and billed quarterly. We acknowledge Tracy Skelton, (479) 575-8206, to be the financial contact at the City of Fayetteville for this project. Our financial contact is Lakeisha Raybon, (334) 395-4127.

The results of all work under this agreement will be available for publication by the U.S. Geological Survey and can be accessed by using the following link: <http://ar.water.usgs.gov/>.

We look forward to working with you during this project. If you have any questions or comments, please contact Dan Wagner at (479) 442-4888, ext. 201.

Sincerely,

W. Scott Gain, Director
USGS LMG Water Science Center

Enclosures

WEB:rkc

**U.S. DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY**

JOINT FUNDING AGREEMENT

Customer #: 6000000775
Agreement #: 16ESAR000000028
Project #:
TIN #: 71-6018462
Fixed Cost
Agreement YES

FOR

Water Resources Investigations

THIS AGREEMENT is entered into as of the, 1st day of January, 2016 by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the CITY OF FAYETTEVILLE, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation for installation, operation, and maintenance of two streamgages and two continuous water-quality meters, sampling six times for major anions and 12 times for nutrients and suspended sediment during the 2016 calendar year. A minimum of two of the 12 samples for nutrients and suspended sediment will be collected during storm events, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of \$0.00
 - (a) by the party of the first part during the period

Amount	Date	to	Date
\$10,000.00	January 1, 2016		December 31, 2016
 - (b) by the party of the second part during the period

Amount	Date	to	Date
\$61,721.00	January 1, 2016		December 31, 2016
 - (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of:

Description of the USGS regional/national program:
 - (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
 - (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered quarterly. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

**U.S. Geological Survey
United States
Department of the Interior**

CITY OF FAYETTEVILLE

USGS Point of Contact

Customer Point of Contact

Name: Daniel Wagner
Address: USGS LMG Water Science Center
Northwest Arkansas Field Office
700 West Research Center Boulevard, MS 36
Fayetteville, AR 72701

Name: Lioneld Jordan, Mayor
Address: City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Telephone: (479) 442-4888, ext. 201

Telephone: (479) 575-8330

Email: dwagner@usgs.gov

Email: mayor@fayetteville-ar.gov

Signatures and Date

Signature:



Date:

3/10/16

Signature:

Date:

Name: W. Scott Gain

Name: Lioneld Jordan

Title: Director, USGS LMG Water Science Center

Title: Mayor, City of Fayetteville



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0197

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

AMEND § 92.31 DANGEROUS ANIMALS AND ENACT § 92.07 INHUMANE TRAPS PROHIBITED:

AN ORDINANCE TO AMEND § 92.31 **DANGEROUS ANIMALS** TO PROVIDE THE ANIMAL SERVICES DIVISION WITH ADDITIONAL OPTIONS TO DECLARE AN ANIMAL DANGEROUS AND ALLOW THE REHOMING OF A DANGEROUS ANIMAL WITH THE APPROVAL OF THE ANIMAL SERVICES SUPERINTENDENT, AND TO ENACT A NEW § 92.07 **INHUMANE TRAPS PROHIBITED**

WHEREAS, the City Code currently requires behavioral observation by an Animal Control Officer before an animal may be declared dangerous and other options should be given to Animal Services staff to further enhance the safety of our citizens; and

WHEREAS, the City Code also prohibits the rehoming of a dangerous animal even if the Animal Services Division determines that rehoming would be in the best interest of Fayetteville residents and the animal itself; and

WHEREAS, following the death of a citizen's pet cat in a jaw trap that was set out by a neighbor attempting to catch groundhogs, staff recommends enacting a prohibition on the use of inhumane traps in the City.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 92.31(A) and enacts a replacement § 92.31(A) as shown below:

“An animal may be designated by the Animal Services Division as a dangerous animal as defined in § 92.01 **Definitions** by any of the following procedures:

1. Upon the filing of a complaint with the Animal Services Division against the owner or harbinger of an animal and based on the behavioral observation of the animal by an Animal Control Officer.
2. Upon the filing of a sworn affidavit with the City Prosecutor against the owner or harbinger of an animal and based on a review of the affidavit and any supporting evidence by an Animal Control Officer.
3. Following the designation of the animal as dangerous or vicious by another governmental body or agency.

A dangerous animal shall be kept and confined in accordance with this section.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the last sentence of § 92.31(B) to read as shown below:

“The dangerous animal shall not be sold or given away without the written authorization of the Animal Services Superintendent.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby enacts a new § 92.07 **Inhumane Traps Prohibited** as shown below:

“No person shall set, or cause to be set, any snare, body gripping trap, body crushing trap, deadfall trap, leg hold trap, or any trap or snare that captures an animal other than rats and mice, by gripping or snaring any part of the animal including its body, head, neck or limb, or that maims or causes the inhumane death or suffering of any animal.”

City of Fayetteville Staff Review Form

2016-0197

Legistar File ID

5/17/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Justine Lentz

4/13/2016

Animal Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

An ordinance to amend Chapter 92 Animals to include additional methods of initiating a dangerous dog declaration and to provide for the option of rehoming an animal declared dangerous with the approval of the Animal Services Superintendent; and also adding a prohibition against the use of inhumane traps.

Budget Impact:

na

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Staff recommends approval of an ordinance to amend Chapter 92 Animals to include additional methods of initiating a dangerous dog declaration and to provide for the option of rehoming an animal declared dangerous with the approval of the Animal Services Superintendent and also adding a prohibition against the use of inhumane traps.



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 17, 2016

TO: Mayor and City Council

THRU: Yolanda Fields, Director of Community Resources
Jeremy Pate, Director of Development Services

FROM: Justine Lentz, Animal Services Superintendent

DATE: April 12, 2016

SUBJECT: Amending Chapter 92.31 Dangerous Animals Restricted

RECOMMENDATION:

Staff recommends amending Chapter 92.31 Dangerous Animal Restricted to include two additions: The first addition would be to section (A) to allow two more ways for an animal to be declared dangerous. The second addition would be to section (B) to allow for owners of animals declared dangerous to be able to sell or give away the animal with prior approval from Animal Services.

Staff also recommends amending Chapter 92 to include a provision prohibiting the use of inhumane traps for wildlife and a definition of inhumane traps.

BACKGROUND:

Under our current ordinance, an animal may be declared dangerous only by an Animal Services Officer with firsthand observation of the animal's behavior. Staff proposes adding two additional ways in which a dangerous animal declaration could be made: 1) Based upon review of affidavit/complaint and evidence submitted to the City's Prosecutor's office and, 2) Based upon determination by another governmental unit that an animal is dangerous or vicious.

Currently, section (B) says that "The dangerous animal shall not be sold or given away." Staff recommends changing that to allow for the animal to be sold or given away with prior approval from Animal Services. There have been situations where the main reason for the pet's dangerous behavior was either situational or due to carelessness on the part of the owner. This change would allow us more flexibility with the future of the animal.

Separately from the above changes, staff would like to prohibit the use of inhumane traps. There is currently no specific provision against the use of these traps in Fayetteville.

DISCUSSION:

Staff feels the current ordinance is too restricting. We don't want to be placed in a "waiting game" for an animal to act dangerously in front of one of our three Animal Services Officers when they've already been declared dangerous or vicious by another governmental entity or if a

citizen is willing to make a legal affidavit describing the dangerous behavior. Of course, just because an affidavit/complaint is filed doesn't mean that Animal Services has to declare the animal dangerous, it simply opens another avenue for review of the material.

Secondly, we would like to have the option to sell or rehome the dangerous animal opened with prior approval from Animal Services staff. Last year, we had a case where a cattle dog was living at a house with a low fence near a large apartment complex. The owner was not willing to make sure the dog stayed contained, so he would get out and chase pedestrians and bite at their heels. The judge in this case took ownership of the dog from the original owner and asked our staff to find a more appropriate home. We were able to find the dog a home with a Veteran who has done extensive training with him and uses him as a service animal.

Lastly, we had a situation last year where a citizen set a jaw trap (these traps use a crushing force to ensnare or kill the animal) to catch groundhogs and instead caught his neighbor's cat. The cat was alive when the neighbors found it, they called the animal services officer on duty who was unable to open the trap without causing the cat even more pain. Our officer ended up bringing the cat in the trap back to the shelter and humanely euthanized the cat due to excessive injury and pain. It later took two officers to open the trap and remove the cat for the owners to bury. Currently, there is nothing in the ordinance preventing the use of these inhumane traps

BUDGET/STAFF IMPACT:

None.

Attachments:

Proposed amendments to Chapter 92 Animals



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0235

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

SPECIAL ELECTION FOR FAYETTEVILLE PUBLIC LIBRARY:

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ON THE QUESTIONS OF (1) THE RAISING BY ONE AND ONE-HALF (1.5) MILLS THE CURRENT ONE (1.0) MILL CITY TAX ON REAL AND PERSONAL PROPERTY SUPPORTING THE MAINTENANCE AND OPERATION OF FAYETTEVILLE PUBLIC LIBRARY, AND (2) THE IMPOSITION OF A ONE AND TWO-TENTHS (1.2) MILL CITY TAX ON REAL AND PERSONAL PROPERTY TO BE PLEDGED TO AN ISSUE OR ISSUES OF BONDS NOT TO EXCEED \$26,500,000 IN PRINCIPAL AMOUNT TO FINANCE CAPITAL IMPROVEMENTS TO FAYETTEVILLE PUBLIC LIBRARY; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY

WHEREAS, under the authority of Amendment 30 to the Constitution of the State of Arkansas, there have been submitted to the Mayor (i) a petition asking that the question of an increase by 1.5 mills of the current 1.0 mill City tax on real and personal property supporting maintenance and operation of Fayetteville Public Library be submitted to the electors of the City, and (ii) a petition asking that the question of the imposition of a 1.2 mill City tax on real and personal property to secure up to \$26,500,000 in principal amount of bonds to finance capital improvements to Fayetteville Public Library be submitted to the electors of the City; and

WHEREAS, the City Clerk has ascertained that the signatures of at least one hundred (100) taxpaying electors of the City are present on each petition; and

WHEREAS, the purpose of this Ordinance is to call a special election on the questions described above in accordance with the provisions of Amendment 30 and Arkansas Code Annotated Sections 7-11-201 *et seq.*;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fayetteville, Arkansas:

Section 1. That there be, and there is hereby called, a special election to be held on Tuesday, August 9, 2016, at which election there shall be submitted to the qualified electors of the City the questions of (i) the increase by 1.5 mills of the current 1.0 mill City tax on real and personal property supporting maintenance and operation of Fayetteville Public Library, and (ii) the imposition of a 1.2 mill City tax on real and personal property to secure up to \$26,500,000 in principal amount of bonds to finance capital improvements to Fayetteville Public Library.

Section 2. That the questions shall be placed on the ballot for the special election in substantially the following forms:

Question One:

Pursuant to Amendment 30 to the Constitution of the State of Arkansas, there is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the increase by 1.5 mills of the current 1.0 mill City tax on real and personal property supporting maintenance and

operation of Fayetteville Public Library.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR raising by one and one-half (1.5) mills the current one (1.0) mill city tax on real and personal property to be used for maintenance and operation of Fayetteville Public Library, a public city library ☐

AGAINST raising by one and one-half (1.5) mills the current one (1.0) mill city tax on real and personal property to be used for maintenance and operation of Fayetteville Public Library, a public city library ☐

Question Two:

Pursuant to Amendment 30 to the Constitution of the State of Arkansas, there is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the imposition of a 1.2 mill City tax on real and personal property to secure up to \$26,500,000 in principal amount of bonds to finance capital improvements to Fayetteville Public Library. Unless the increase by 1.5 mills of the City tax on real and personal property to be used for maintenance and operation of Fayetteville Public Library (Question 1 above) is also approved by the electors of the City, the 1.2 mill City tax on real and personal property to be pledged to capital improvement bonds will not be imposed and the bonds will not be issued by the City.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR a one and two-tenths (1.2) mill city tax on real and personal property within the city to be pledged to an issue or issues of bonds not to exceed \$26,500,000 in aggregate principal amount, to finance capital improvements to Fayetteville Public Library, a public city library, and to authorize the issuance of the bonds on such terms and conditions as shall be approved by the city ☐

AGAINST a one and two-tenths (1.2) mill city tax on real and personal property within the city to be pledged to an issue or issues of bonds not to exceed \$26,500,000 in aggregate principal amount, to finance capital improvements to Fayetteville Public Library, a public city library, and to authorize the issuance of the bonds on such terms and conditions as shall be approved by the city ☐

Section 3. 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 Amendment 30, and only qualified voters of the City shall have the right to vote at the election.

Section 4. That a copy of this Ordinance shall be given to the Washington County Clerk and the Washington County Board of Election Commissioners not later than June 7, 2016, so that the necessary election officials and supplies may be provided.

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.

Section 7. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Emergency Clause. This millage election was long delayed by litigation against Washington Regional Medical Center and the City of Fayetteville contesting clear title of the property to be sold to

the Fayetteville Public Library for possible use if Question 2 is approved by the voters. The Arkansas Court of Appeals unanimously affirmed Washington Regional's quiet title action on April 27, 2016, allowing this special election to proceed. In order to hold the special election on the preferred date of August 9, 2016, this ordinance needs to go into effect without delay. It is hereby ascertained and declared that there is a critical need to obtain additional sources of revenue to maintain and operate Fayetteville Public Library and to finance needed capital improvements thereto, all in order to promote and protect the 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.

City of Fayetteville Staff Review Form

2016-0235

Legistar File ID

5/17/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Paul Becker

4/28/2016

Chief Financial Officer /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of an Ordinance calling and setting a date for a special election on the questions of (1) the raising by 1.5 mills the current 1.0 mill City tax on real and personal property supporting the maintenance and operations of the Fayetteville Public Library, and (2) the imposition of 1.2 mills City tax on real and personal property to be pledged to an issue or issues of bonds not to exceed \$26,500,000 in principal amount to finance capital improvements to the Fayetteville Public Library and declaring an emergency.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?		Item Cost	
Budget Adjustment Attached?		Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

Memo

To: Mayor Jordan and Fayetteville City Council
From: David Johnson, Executive Director *DJS*
Date: April 28, 2016
Re: Special Election for Fayetteville Public Library

Background

Fayetteville Public Library Board of Trustees voted at the FPL Board of Trustees meeting on April 18, 2016 to initiate the petition process leading to an election on August 9, 2016 for the purpose of placing two (2) ballot issues before the citizens of Fayetteville. The two (2) ballot issues are: request approval for an operations & maintenance millage increase and request approval to authorize bonds for capital improvements and the needed millage to fund the associated debt service.

Analysis

The Fayetteville Board of Trustees has been studying and analyzing the Library's space and operational needs for the past four (4) years and has commissioned a Master Plan Study that concluded the library needed an additional 80,000 square feet to meet Fayetteville citizen service demands through 2030. Additionally, the Fayetteville Board of Trustees commissioned an intensive review of the library operating expenses that concluded additional revenue is needed to meet current and future operational expense for the current library. The requested ballot initiatives address the funding needed to provide the additional library space identified in the Master Plan as well as the operational needs for both the current and expanded library. The required citizen petitions asking for an election date are expected to be submitted to the City Clerk's office by May 10, 2016.

Finally, the Board of Trustees recognizes that the cost of this Special Election will be the financial responsibility of the library.

Recommendation

By action of the Fayetteville Public Library Board of Trustees we request the necessary ordinance (s) be placed on the city of Fayetteville City Council agenda session scheduled for May 10, 2016.



FAYETTEVILLE PUBLIC LIBRARY

RESOLUTION

RESOLVED, that this Board of Trustees by recorded vote on April 18, 2016 does hereby authorize initiating the process of gathering signatures on 2 petitions, one to request a millage election in August 2016 for the purpose of approving funding for Fayetteville Public Library and a second to approve the sale of bonds to finance construction of an expansion.

Brenda Boudreaux, President
Fayetteville Public Library Board of Trustees

Date

4/18/2016

Janine Parry, Secretary
Fayetteville Public Library Board of Trustees

Date

7/18/2016

ORDINANCE NO. _____

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ON THE QUESTIONS OF (1) THE RAISING BY ONE AND ONE-HALF (1.5) MILLS THE CURRENT ONE (1.0) MILL CITY TAX ON REAL AND PERSONAL PROPERTY SUPPORTING THE MAINTENANCE AND OPERATION OF FAYETTEVILLE PUBLIC LIBRARY, AND (2) THE IMPOSITION OF A ONE AND TWO-TENTHS (1.2) MILL CITY TAX ON REAL AND PERSONAL PROPERTY TO BE PLEDGED TO AN ISSUE OR ISSUES OF BONDS NOT TO EXCEED \$26,500,000 IN PRINCIPAL AMOUNT TO FINANCE CAPITAL IMPROVEMENTS TO FAYETTEVILLE PUBLIC LIBRARY; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, under the authority of Amendment 30 to the Constitution of the State of Arkansas, there have been submitted to the Mayor (i) a petition asking that the question of an increase by 1.5 mills of the current 1.0 mill City tax on real and personal property supporting maintenance and operation of Fayetteville Public Library be submitted to the electors of the City, and (ii) a petition asking that the question of the imposition of a 1.2 mill City tax on real and personal property to secure up to \$26,500,000 in principal amount of bonds to finance capital improvements to Fayetteville Public Library be submitted to the electors of the City; and

WHEREAS, the City Clerk has ascertained that the signatures of at least one hundred (100) taxpaying electors of the City are present on each petition; and

WHEREAS, the purpose of this Ordinance is to call a special election on the questions described above in accordance with the provisions of Amendment 30 and Arkansas Code Annotated Sections 7-11-201 *et seq.*;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fayetteville, Arkansas:

Section 1. That there be, and there is hereby called, a special election to be held on Tuesday, August 9, 2016, at which election there shall be submitted to the qualified electors of the City the questions of (i) the increase by 1.5 mills of the current 1.0 mill City tax on real and personal property supporting maintenance and operation of Fayetteville Public Library, and (ii) the imposition of a 1.2 mill City tax on real and personal property to secure up to \$26,500,000 in principal amount of bonds to finance capital improvements to Fayetteville Public Library.

Section 2. That the questions shall be placed on the ballot for the special election in substantially the following forms:

Question One:

Pursuant to Amendment 30 to the Constitution of the State of Arkansas, there is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the increase by 1.5 mills of the current 1.0 mill City tax on real and

personal property supporting maintenance and operation of Fayetteville Public Library.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR raising by one and one-half (1.5) mills the current one (1.0) mill city tax on real and personal property to be used for maintenance and operation of Fayetteville Public Library, a public city library☐

AGAINST raising by one and one-half (1.5) mills the current one (1.0) mill city tax on real and personal property to be used for maintenance and operation of Fayetteville Public Library, a public city library☐

Question Two:

Pursuant to Amendment 30 to the Constitution of the State of Arkansas, there is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the imposition of a 1.2 mill City tax on real and personal property to secure up to \$26,500,000 in principal amount of bonds to finance capital improvements to Fayetteville Public Library. Unless the increase by 1.5 mills of the City tax on real and personal property to be used for maintenance and operation of Fayetteville Public Library (Question 1 above) is also approved by the electors of the City, the 1.2 mill City tax on real and personal property to be pledged to capital improvement bonds will not be imposed and the bonds will not be issued by the City.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR a one and two-tenths (1.2) mill city tax on real and personal property within the city to be pledged to an issue or issues of bonds not to exceed \$26,500,000 in principal amount, to finance capital improvements to Fayetteville Public Library, a public city library, and to authorize the issuance of the bonds on such terms and conditions as shall be approved by the city☐

AGAINST a one and two-tenths (1.2) mill city tax on real and personal property within the city to be pledged to an issue or issues of bonds not to exceed \$26,500,000 in principal amount, to finance capital improvements to Fayetteville Public Library, a public city library, and to authorize the issuance of the bonds on such terms and conditions as shall be approved by the city☐

Section 3. 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 Amendment 30, and only qualified voters of the City shall have the right to vote at the election.

Section 4. That a copy of this Ordinance shall be given to the Washington County Clerk and the Washington County Board of Election Commissioners not later than June 7, 2016, so that the necessary election officials and supplies may be provided.

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.

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 additional sources of revenue to maintain and operate Fayetteville Public Library and to finance needed capital improvements thereto, all in order to promote and protect the 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.

PASSED AND APPROVED this _____ day of _____, 2016.

APPROVED:

By: _____
Mayor

ATTEST:

By: _____
City Clerk

(S E A L)

CERTIFICATE

The undersigned, City Clerk of the City of Fayetteville, Arkansas, hereby certifies that the foregoing is a true and perfect copy of an Ordinance adopted at a regular meeting of the City Council of the City of Fayetteville, Arkansas, held at _____ p.m. on _____, 2016.

DATED: _____, 2016

City Clerk



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0238

Agenda Date: 5/17/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 6

ECONOMIC DEVELOPMENT STRATEGIC PLAN:

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE FIRST ECONOMIC DEVELOPMENT STRATEGIC PLAN

WHEREAS, the City Council approved a contract with Boyette Strategic Advisors in November, 2015, to create an updated economic development strategic plan.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves and adopts the Fayetteville First Economic Development Strategic Plan as submitted by Boyette Strategic Advisors.

City of Fayetteville Staff Review Form

2015-0238

Legistar File ID

5/17/2016

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

Jeremy Pate

4/29/2016

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve "Fayetteville First", a strategic plan that will guide the City's economic development efforts over the next five years.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # 201-15

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 17, 2016

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director 

DATE: April 29, 2016

SUBJECT: Economic Development Strategic Plan

RECOMMENDATION:

Staff recommends approval of a resolution adopting "Fayetteville First", a strategic plan that will guide the City's economic development efforts over the next five years.

BACKGROUND:

In November of 2015, the City Council approved a contract with Boyette Strategic Advisors (Boyette) to facilitate the creation of an update to the City's economic development strategic plan; the last time this plan had been updated was during the recession years of 2008-2009. Much has changed in Fayetteville, Northwest Arkansas and the U.S. since that time, during which the Chamber of Commerce has been the contractor selected to perform economic development services for the city.

DISCUSSION:

As part of the update process, Boyette created online surveys, interviewed citizens, developers, business owners, entrepreneurs, educators, artists and others, and held a public input session, in all engaging with over 1500 stakeholders to provide the groundwork for Fayetteville First. In addition, Boyette compared demographic data of Fayetteville to five Arkansas cities (Bentonville, Conway, Jonesboro, Rogers and Springdale), as well as to the state and U.S. Five additional cities outside of the state were chosen as benchmark locations based on their population size and overall demographic characteristics, presence of a university, as well as the entrepreneurial and arts/cultural atmosphere. Those cities are Asheville, NC; Boulder, CO; Chapel Hill, NC, Fort Collins, CO; and Lawrence, KS. Comparison to the benchmark cities enabled Boyette and the City to understand best practices that could be utilized in Fayetteville, trends of economic development over time, organizational staffing and delivery models, and areas we need to strengthen to be a place of choice.

Supported by this data, examples of best practices and the groundwork of public input, Fayetteville First is a strategic plan identifying five target business sectors, seven strategic focuses with related priorities and action items, as well as recommendations related to the economic development delivery system. An implementation/action plan is being delivered separately from the Fayetteville First plan, as a working document for the project team to utilize

moving through implementation over the next five years. Through the implementation of the strategic focuses in the Fayetteville First plan, the city will set its course on becoming a place for creativity, innovation and culture that will attract, grow and retain knowledge-based assets for this 21st century economy.

BUDGET/STAFF IMPACT:

None at this time. Several of the action items contained within the plan, including the preferred delivery system for economic development services, will have a budget impact if/when the City Council chooses to move forward with those items.

Attachments:

Fayetteville First Economic Development Strategic Plan



FAYETTEVILLE FIRST
2016

COLLABORATE
INNOVATE
CREATE





TABLE OF CONTENTS

INTRODUCTION 3

TARGETED BUSINESS SECTORS 5

Overview	6
Corporate Services	7
Entrepreneurs and Innovators	8
Legacy Manufacturers	9
Retail	10
Specialized Technologies	11

STRATEGIC FOCUSES 12

Overview	13
Arts and Culture	17
Business Retention and Attraction	22
Education/Workforce	31
Entrepreneurship and Innovation	36
Lifestyle Quality	43
Marketing and Communications	48
Sustainability	53

ECONOMIC DEVELOPMENT DELIVERY SYSTEM 57

END NOTES 60

All photos courtesy of the *Fayetteville Flyer*.

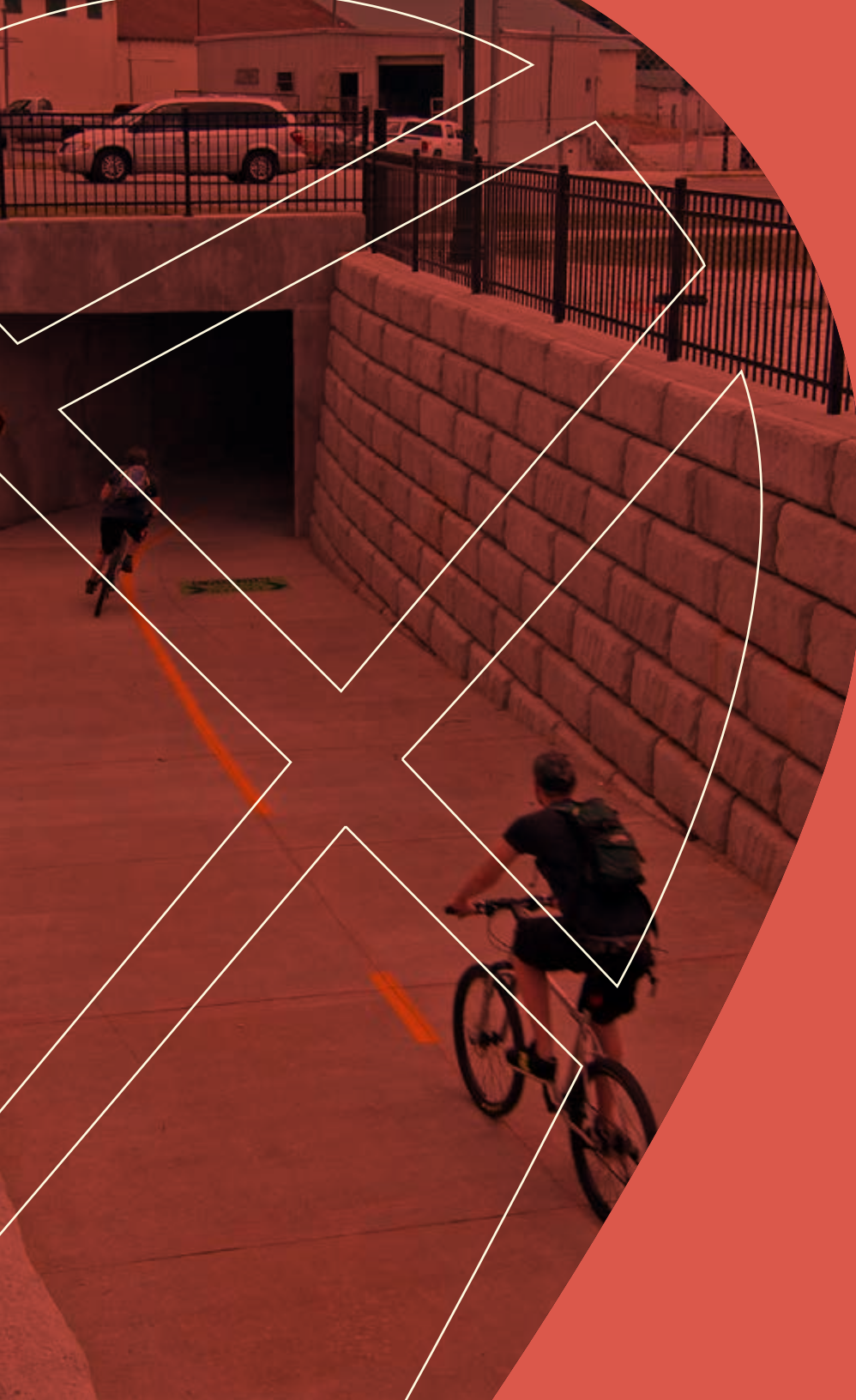


INTRODUCTION

Fayetteville First, a strategic plan, was created to guide the economic development efforts of the city over the next five years. While the plan is full of supportive data and examples of best practices, Fayetteville First is grounded by the input of more than 1,500 stakeholders. The result of this engagement is the identification of five target business sectors, seven strategic focuses with related priorities and action items, as well as recommendations related to the economic development delivery system.

Why Fayetteville First? Fayetteville, the cultural epicenter of Northwest Arkansas, is first by a long list of attributes. Fayetteville is first geographically in the Northwest Arkansas region, first in population size and growth, first in innovation, first in startups and first in sustainability. Stakeholders solidified this moniker by describing Fayetteville as the “first” community that developed in Northwest Arkansas. Hence the name “Fayetteville First.”

With the presence of the University of Arkansas (U of A), Fayetteville, a “college town,” is also a major economic engine in the Northwest Arkansas region. Notwithstanding, Fayetteville is eclectic, and is often viewed by others in the state as rogue. But the very essence of this unique community characteristic will be the competitive advantage for its economic development future. Fayetteville must capitalize on its unique and progressive edge that comes from its eclectic citizens who represent a broad and diverse range of styles, tastes, and philosophies.



TARGETED BUSINESS SECTORS

OVERVIEW

In identifying the targeted business sectors for Fayetteville, Boyette Strategic Advisors (Boyette), completed quantitative and qualitative research that included reviewing the Arkansas Economic Development Commission and the Northwest Arkansas Council targeted business sectors and projected growth for those targets. Additionally, Boyette reviewed Fayetteville’s existing industry base and recent project expansions and new investment. An economic base analysis, which included review of location quotients and a shift share analysis, was also completed for Washington County only, and Washington and Benton Counties combined, to determine business sectors that may provide future opportunities in Fayetteville.

The targeted business sectors identified are corporate services; entrepreneurs and innovators; legacy manufacturers; retail; and specialized technologies. These are not the only targeted business sectors in which Fayetteville will have success but are the top opportunities on which the city should focus its efforts at this time.



**CORPORATE
SERVICES**



**ENTREPRENEURS
AND INNOVATORS**



**LEGACY
MANUFACTURERS**



RETAIL



**SPECIALIZED
TECHNOLOGIES**



FAYETTEVILLE FIRST CORPORATE SERVICES

Corporate Services can broadly be defined as company-wide support services that may include legal, marketing, information technology, and other. With a highly-skilled workforce, a lower cost of doing business, and a high lifestyle quality, Fayetteville, Arkansas, has become the regional headquarters for many new business opportunities, and also has the physical and workforce infrastructure in place to support businesses in the information technology services and data center sectors. There are an estimated 4,000 people in Washington County employed in corporate services sectors with projected growth of 4 percent by 2020.

SKILLED WORKFORCE



45%

OF FAYETTEVILLE RESIDENTS
HOLD A **BACHELOR'S DEGREE**
OR HIGHER



RANKED 27TH
BEST GRADUATE SCHOOL
FOR BUSINESS

UNIVERSITY OF ARKANSAS
WALTON COLLEGE OF BUSINESS



4,000 PEOPLE
IN WASHINGTON COUNTY EMPLOYED
IN CORPORATE SERVICES SECTORS,
WITH PROJECTED GROWTH
OF 4 PERCENT BY 2020

COST OF DOING BUSINESS



FAYETTEVILLE
COST OF LIVING IS
9% BELOW
THE AVERAGE
IN THE UNITED STATES

QUALITY OF LIVING



Source: U.S. News & World Report,
March 2016

**3RD BEST
PLACE**
TO LIVE IN THE
UNITED STATES



**A HEALTHCARE LEADER IN
NORTHWEST ARKANSAS**



**CENTER FOR ARTS
AND CULTURE**

HOME TO WALTON ARTS CENTER,
ARKANSAS' PREMIER PERFORMING ARTS CENTER,
AND THEATRESQUARED, A NATIONALLY RECOGNIZED
PROFESSIONAL THEATRE.



**SPORTS AND
ENTERTAINMENT**

THE UNIVERSITY OF ARKANSAS IS HOME
TO **RAZORBACK SPORTS' 17 VARSITY TEAMS**



**ENVIRONMENTAL
SUSTAINABILITY**

THE CITY WAS RECOGNIZED AS
A 3-STAR SUSTAINABLE COMMUNITY,
THE ONLY CITY IN THE STATE TO RECEIVE THE HONOR.

DATA CENTERS

INFORMATION TECHNOLOGY SERVICES

REGIONAL HEADQUARTERS



FAYETTEVILLE FIRST



48

CENTERS FOR
RESEARCH &
OUTREACH

THE UNIVERSITY OF ARKANSAS IS HOME
TO A DIVERSE GROUP OF RESEARCH FACILITIES.



UNIVERSITY OF
ARKANSAS

Is home to a distinguished Arkansas
research alliance scholar in
emerging technologies.

3RD BEST
PLACE

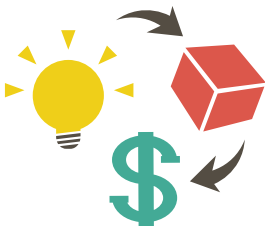


FOR STARTUP BUSINESSES

FAYETTEVILLE WAS RANKED THIRD IN THE
NATION FOR STARTUP BUSINESSES IN 2015
OUTSIDE OF SILICON VALLEY AND NEW YORK.

ENTREPRENEURS
INNOVATORS

Entrepreneurs and innovators are rapidly increasing in numbers with the coming of age of Generation Z. Fayetteville has a strong entrepreneurial ecosystem that has already supported a number of successful startups ranging from e-commerce businesses to electronics, nanotechnology and other.



ENTREPRENEURIAL
ECOSYSTEM

Northwest Arkansas has a strong alliance of entrepreneurial startups, as well as support entities including Arkansas Research Technology Park, Startup Junkie and Hayseed Ventures.



FAYETTECHILL



Wolfspeed



ACUMEN BRANDS

RIFFRAFF
FREE SHIPPING ALWAYS



Lauren James

SUCCESSFUL STARTUPS

Fayetteville has a growing and diverse list of thriving startups that includes Riffraff, Lauren James, Wolfspeed, Fayettechill, BlueInGreen (BIG), NanoMech and Acumen Brands, an e-commerce company that has raised \$100 million in venture capital.



3RD BEST
PLACE

TO LIVE IN THE
UNITED STATES

Source: U.S. News & World Report, March 2016

UNIVERSITY-RELATED
RESEARCH & DEVELOPMENT

ORGANIC STARTUPS



FAYETTEVILLE
COST OF LIVING IS
9% BELOW
THE AVERAGE
IN THE UNITED STATES



ENVIRONMENTAL
SUSTAINABILITY

THE CITY WAS RECOGNIZED AS
A 3-STAR SUSTAINABLE COMMUNITY,
THE ONLY CITY IN THE STATE TO RECEIVE THE HONOR.

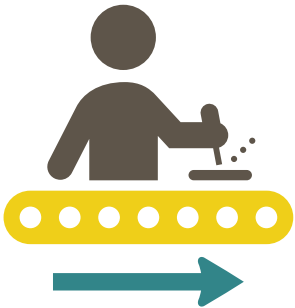
FAYETTEVILLE FIRST

LEGACY
MANUFACTURERS

Manufacturing has a long history of success in Fayetteville, with major manufacturers in sectors that include tool-making, food production and automotive. Supporting this sector for retention and expansion will continue to lead to success as manufacturers take advantage of a skilled workforce, a comprehensive transportation infrastructure, and a low cost of doing business.



23,000
EMPLOYED
BY REGIONAL
MANUFACTURING



TRAINING
OPPORTUNITIES

Workforce training opportunities will include a new Northwest Arkansas Robotics Training Center opening in the summer of 2016.



HISTORY OF SUCCESS

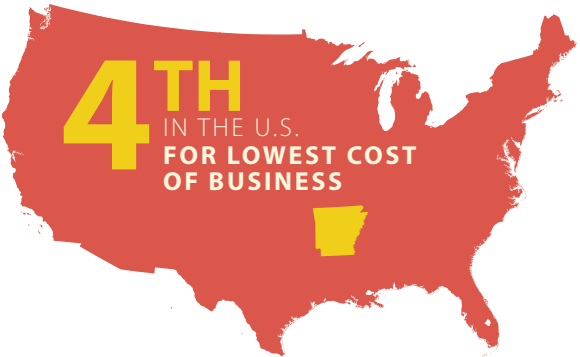
Pinnacle Foods Corporation, Superior Industries International, Tyson Foods, and Walmart Optical Lab are just a few of the successful manufacturers in the area.



CENTRAL
LOCATION

Fayetteville's location in the heart of the U.S. and along Interstate 49 provides an expansive transportation foundation for manufacturing.





4TH
IN THE U.S.
FOR LOWEST COST
OF BUSINESS



FAYETTEVILLE
COST OF LIVING IS
9% BELOW
THE AVERAGE
IN THE UNITED STATES



FAYETTEVILLE FIRST

RETAIL

As the fastest growing city in Arkansas, Fayetteville offers retailers access to a dynamic consumer market that includes a student population of more than 26,000. With ideal available sites and a low cost of doing business, retailers can take advantage of a region with income levels much higher than the state average.

Fayetteville and the MSA have retail gaps in clothing and clothing accessories; sporting goods, hobby, book and music stores; and electronics and appliance stores that present opportunity for growth.



500,000+ POPULATION
IN NORTHWEST ARKANSAS

Northwest Arkansas is one of the fastest growing regions in the United States.



**FASTEST GROWING
CITY IN ARKANSAS**

Fayetteville's population is growing faster than any other city in the state and is expected to increase

10% BY 2020.



\$65,674 AVERAGE
HOUSEHOLD INCOME

(Fayetteville-Springdale-Rogers MSA)



33.8
MEDIAN AGE

(Fayetteville-Springdale-Rogers MSA)



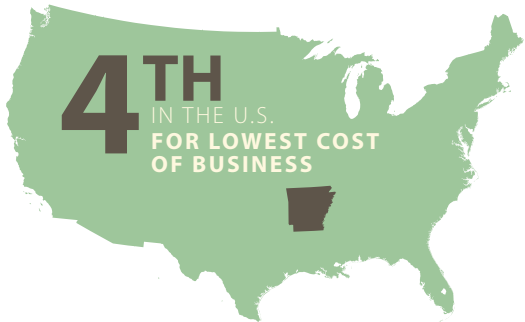
**ACCLAIMED
RESEARCH
CENTER**

The University of Arkansas is home to the Center for Retailing Excellence, an internationally acclaimed center for retail studies.



**COMMERCIAL
DEVELOPMENT**

The city also offers a number of potentially available commercial buildings for new retail businesses.



4TH
IN THE U.S.
FOR LOWEST COST
OF BUSINESS



**FAYETTEVILLE
COST OF LIVING IS
9% BELOW
THE AVERAGE
IN THE UNITED STATES**



**CLOTHING & CLOTHING
ACCESSORIES STORES**

**SPORTING GOODS, HOBBY,
BOOK & MUSIC STORES**

ELECTRONICS & APPLIANCE STORES



FAYETTEVILLE FIRST

REGIONAL IT
WORKFORCE
OF 7,000



The workforce is projected to grow by eight percent over the next five years.



20%
PROJECTED
GROWTH
OF SOFTWARE DEVELOPERS



16%
PROJECTED
GROWTH
OF COMPUTER
SYSTEMS ANALYSTS

SPECIALIZED TECHNOLOGIES

With access to resources like the Center for Retailing Excellence at the University of Arkansas, Fayetteville is a prime location for companies developing specialized technologies to support the retail sector and other big data users. The city offers a highly skilled technical workforce and a low cost of doing business to ensure success.



RESEARCH & EDUCATION

The Supply Chain Management Research Center, at the University of Arkansas Sam M. Walton College of Business, works with industry to develop curriculum and offer student internships and mentoring opportunities.

The Center for Retailing Excellence, also located at the university, is an internationally acclaimed center for retail studies.



SUCCESSFUL TECHNOLOGY COMPANIES

Businesses include Qbot, Metova and CaseStack.

WashingtonRegional
A HEALTHCARE LEADER IN NORTHWEST ARKANSAS

DIGITAL & DATA ANALYTICS

RETAIL TECHNOLOGIES



FAYETTEVILLE
COST OF LIVING IS
9% BELOW
THE AVERAGE
IN THE UNITED STATES



ENVIRONMENTAL
SUSTAINABILITY
THE CITY WAS RECOGNIZED AS
A 3-STAR SUSTAINABLE COMMUNITY,
THE ONLY CITY IN THE STATE TO RECEIVE THE HONOR.



STRATEGIC FOCUSES

OVERVIEW

The seven strategic focuses for the Fayetteville First plan are concentrated on maximizing the assets and addressing any challenges identified during this process. The strategic focuses, outlined in more detail below, provide Fayetteville with an actionable guide to strengthen the area's impact on the Northwest Arkansas economy and to solidify Fayetteville's reputation as a place to collaborate, innovate, and create.

1 FOCUS: ARTS AND CULTURE

FURTHER ENHANCE THE ARTS AND CULTURAL ENVIRONMENT

STRATEGIC PRIORITIES

Continue to support existing programs that enhance arts and culture locally

Action Item: Pursue grant funding to support programs for the arts

Action Item: Encourage public art installations

Expand the arts focus in Fayetteville

Action Item: Support Arts District development

Action Item: Create additional live/work space for artists

Action Item: Develop a Downtown Art Program

Develop and support arts programs in public schools

Action Item: Create an in-school residency program for artists

Action Item: Pursue grants to support these programs

Continue to support the craft beer industry

Action Item: Partner to support existing breweries

Action Item: Assess need for educational programs



2 FOCUS: BUSINESS RETENTION AND ATTRACTION

SUPPORT, RETAIN AND ATTRACT BUSINESS

STRATEGIC PRIORITIES

Create a robust business retention and expansion (BR&E) program

- Action Item:** Clearly define role of contractor related to BR&E
- Action Item:** Include a BR&E component focused on startup companies
- Action Item:** Include a BR&E component focused on legacy manufacturers
- Action Item:** Develop a retention plan for regional headquarters

Improve the business perception

- Action Item:** Understand business perception issues
- Action Item:** Set expectations for customers
- Action Item:** Further streamline permitting processes and document the process communications/outreach tool
- Action Item:** Address broadband challenges

Develop local incentive policy

- Action Item:** Determine targeted areas of interest
- Action Item:** Discuss incentive parameters
- Action Item:** Explore potential funding mechanisms

Meet property needs of targeted business sectors

- Action Item:** Determine available properties
- Action Item:** Assess site and building needs of targeted business sectors
- Action Item:** Incent real estate developers for certain targeted developments

Develop a focused retail development strategy

- Action Item:** Conduct a thorough inventory and analysis of Fayetteville's existing retail base and gaps
- Action Item:** Examine local and regional demographic and retail trends
- Action Item:** Identify potential commercial properties
- Action Item:** Identify potential specialty retail targets
- Action Item:** Consider attendance at the International Council of Shopping Centers (ICSC) convention
- Action Item:** Explore potential "College Town" development with U of A

3 FOCUS: EDUCATION/WORKFORCE

ENSURE WORKFORCE TALENT IS ATTRACTED, DEVELOPED, AND RETAINED

STRATEGIC PRIORITIES

Further engage with higher education

- Action Item:** Create a formalized partnership with the U of A
- Action Item:** Support UAMS Northwest with its future growth in Fayetteville

Ensure workforce and training needs can be met

- Action Item:** Understand existing industry and targeted business sector needs
- Action Item:** Research and conduct a survey of regional higher educational institutions
- Action Item:** Convene regional educational leadership
- Action Item:** Initiate a career readiness program at the high school level
- Action Item:** Ensure that appropriate skilled trade programs and training are available
- Action Item:** Improve public school rankings

Attract and retain the workforce of today and tomorrow

- Action Item:** Create millennial programs
- Action Item:** Focus on retention of U of A graduates

4

FOCUS: ENTREPRENEURSHIP
AND INNOVATION

EMBRACE THE ENTREPRENEURIAL SYSTEM
AND SUPPORT STARTUP COMPANIES AND THE
CULTURE TO RETAIN THEM LONG-TERM

STRATEGIC PRIORITIES

- Support a collaborative entrepreneurial/innovative environment*

Action Item: Create an entrepreneurship support position at the City

Action Item: Create the Fayetteville Innovation Council
- Increase high-tech job growth through University partnerships*

Action Item: Partner with the University to expand the existing technology park

Action Item: Create a Startup Village at ARTP

Action Item: Partner with the University to further address capital needs
- Create innovative spaces and programs to support entrepreneurs*

Action Item: Develop and define an Innovation District

Action Item: Create Collaborative Space

Action Item: Develop incentives for startup companies locating downtown

Action Item: Create innovation housing

Action Item: Support maker space and robotics training center development
- Expand entrepreneurship education programs*

Action Item: Inventory and assess entrepreneurship education programs

Action Item: Integrate entrepreneurship programs into public schools

5

FOCUS: LIFESTYLE QUALITY

CONTINUE TO IMPROVE THE OUTSTANDING
LIFESTYLE QUALITY IN FAYETTEVILLE

STRATEGIC PRIORITIES

- Support attainable housing development*

Action Item: Assess attainable housing availability and need

Action Item: Target and grow attainable housing developers

Action Item: Explore incentives for developers
- Enhance and support public transportation*

Action Item: Work to improve local/regional transit system

Action Item: Support idea of rapid transit or light rail in Northwest Arkansas
- Energize and support downtown Fayetteville*

Action Item: Develop and define the downtown boundary

Action Item: Organize downtown business support effort

Action Item: Seek downtown redevelopment opportunities
- Explore other redevelopment opportunities*

Action Item: Work to redevelop 71 Business (North College Avenue and South School Avenue)

Action Item: Identify other areas for future redevelopment
- Seek development of hotel/conference center*

Action Item: Initiate discussions with U of A

Action Item: Identify potential sites

Action Item: Gather supportive data

Action Item: Identify potential developers

Action Item: Explore potential funding options

6

FOCUS: MARKETING AND COMMUNICATIONS

ENHANCE FAYETTEVILLE'S PUBLIC PROFILE AS A DYNAMIC BUSINESS LOCATION

STRATEGIC PRIORITIES

Build the Fayetteville First brand

- Action Item: Develop key messages that speak to the Fayetteville First positioning
- Action Item: Secure and utilize appropriate Fayetteville First online handles
- Action Item: Rebrand all marketing materials and activities with Fayetteville First logo
- Action Item: Incorporate Fayetteville First messaging into speeches and talking points for economic development leaders

Develop a dynamic digital media presence

- Action Item: Develop an enhanced economic development web presence
- Action Item: Re-focus social media messaging toward economic development priorities
- Action Item: Monitor and engage in online discussions related to targeted sectors
- Action Item: Incorporate sustainability messaging into digital media

Pursue recognition in key rankings

- Action Item: Research methodology for targeted rankings
- Action Item: Identify and pursue recognition in rankings related to innovation, millennials and sustainability
- Action Item: Market recognition to key audiences

Increase publicity about key economic development efforts

- Action Item: Utilize local media to communicate to local and regional audiences
- Action Item: Place guest editorials and news articles in key business and trade publications
- Action Item: Seek publicity about Fayetteville's sustainability initiatives
- Action Item: Seek recognition as the Startup City of the South

7

SUSTAINABILITY

ORGANIZE AND CAPITALIZE ON FAYETTEVILLE'S SUSTAINABLE ENVIRONMENT

STRATEGIC PRIORITIES

Understand, promote and plan for the future of sustainability in Fayetteville

- Action Item: Update Sustainable Inventory annually
- Action Item: Market and promote sustainable activities
- Action Item: Develop a plan to guide future sustainable activities

Promote and encourage ongoing sustainability activities in Fayetteville Public Schools (FPS)

- Action Item: Promote sustainability efforts in FPS
- Action Item: Work to expand sustainability programs across all schools

Support the local food economy

- Action Item: Form a Regional Food Economy Work Group
- Action Item: Seek grants to fund programs
- Action Item: Explore creation of a Food Hub or similar program



| FOCUS: ARTS AND CULTURE

FURTHER ENHANCE THE ARTS AND CULTURAL ENVIRONMENT

“Understanding and acknowledging the incredible economic impact of the nonprofit arts and culture, we must always remember their fundamental value. They foster beauty, creativity, originality, and vitality. The arts inspire us, sooth us, provoke us, involve us, and connect us. But they also create jobs and contribute to the economy.”

- Robert L. Lynch, President and CEO, Americans for the Arts

The nonprofit arts and culture sector is a significant “industry” in the Northwest Arkansas area, generating over \$45 million in total economic activity. This includes nearly \$31 million by nonprofit arts and cultural organizations and more than \$14 million in event-related spending by their audiences, supporting nearly 1,500 full-time jobs, generating nearly \$30 million in household income to local residents, and delivering \$4.0 million in local and state government revenue.³ The support and further enhancement of the Fayetteville arts and cultural environment is critical.

There are numerous organizations, programs and events that currently support arts and culture in Fayetteville. The Fayetteville Arts Council works to develop and recommend to the City Council policies and programs that would enhance and encourage the planning, placement and maintenance of public displays of art in locations open to the public within the community.⁴

The Walton Arts Center Council, Inc., is a non-profit corporation that was created to serve as an agent for the University and the city to construct, manage, operate, and maintain the Walton Arts Center, which is owned by the city and the University as tenants in common.⁵

The mission of the Fayetteville Underground is to promote the visual arts in Fayetteville and Northwest Arkansas, support area artists, and contribute to the advancement of Fayetteville as a destination city for the arts.⁶

The Walton Arts Center is considered the premier performing arts center in the state and has brought artists and entertainers from around the world to Northwest Arkansas. The facility opened April 26, 1992, as a cooperative effort between the U of A and the city. The Walton Arts Center celebrated its 20th anniversary in 2012.⁷ Currently the Walton Arts Center is undergoing a \$23 million expansion that will result in two theaters with backstage space and administrative offices.⁸ With the support of Mayor Lioneld Jordan, voters passed a \$10.9 million bond issue with \$7.1 million committed to help pay for the expansion of the center. Construction is expected to be complete in 2017.⁹

TheatreSquared is a year-round professional theatre that was recognized in 2011 as one of the nation’s ten most promising emerging theatres.¹⁰ In its tenth season, TheatreSquared has announced a new \$25 million facility that will open in 2019.¹¹ The city is working toward leasing TheatreSquared land in downtown Fayetteville.

On the first Thursday of each month from April to October, First Thursday Fayetteville transforms the city’s historic Downtown Square into a vibrant arts district, featuring the work of more than 40 visual artists, live music, street performers, food and drink, including a local craft beer garden, and children’s activities.

Public art continues to grow in Fayetteville, with a newly painted mural on the Square, a sculpture by a local artist on the Frisco Trail, and continuation of the University of Arkansas “Upstream Art” project, which involves the painting of storm drains to bring educational awareness of storm water pollution. Keep Fayetteville Beautiful is continuing its Utility Box Art program to combat graffiti, and City Parks is working with art students in Fayetteville Public Schools to display student art on the trails.¹²

In 2016 there are plans to expand the partnership with the University of Arkansas Art Department for the new Art and Design District to be established.¹³

The Fayetteville Chamber of Commerce created the Celebrate Arts in Fayetteville program, in which the Chamber will promote and showcase the works of four artisans every quarter beginning in 2016.

STRATEGIC PRIORITIES

Continue to support existing programs that enhance arts and culture locally

- Action Item: Pursue grant funding to support programs for the arts
- Action Item: Encourage public art installations

Expand the arts focus in Fayetteville

- Action Item: Support Arts District development
- Action Item: Create additional live/work space for artists
- Action Item: Develop a Downtown Art Program

Develop and support arts programs in public schools

- Action Item: Create an in-school residency program for artists
- Action Item: Pursue grants to support these programs

Continue to support the craft beer industry

- Action Item: Partner to support existing breweries
- Action Item: Assess need for educational programs

 CONTINUE TO SUPPORT EXISTING PROGRAMS THAT ENHANCE ARTS AND CULTURE LOCALLY

Action Item: Pursue grant funding to support programs for the arts

The organizations and activities that currently provide support for arts and culture in Fayetteville that were outlined in the introduction to this section, as well as others not referenced, should continue to be supported and expanded in Fayetteville.

The Fayetteville Arts Council should seek funding from regional and state foundations to support existing and new art programs locally.

Action Item: Encourage public art installations

As previously described, public art is a focus in Fayetteville. In order to sustain this focus long-term, consider the passage of a Percent for Art Ordinance that allocates a percentage of selected capital projects for installation and maintenance of permanent works of public art. Funding for the project would be derived from each project’s construction budget, which may include funding from the Federal, State, County or City level, as well as private support. See the Chapel Hill ordinance described to the right for an example of how this ordinance could be structured.

 EXPAND THE ARTS FOCUS IN FAYETTEVILLE

Action Item: Support Arts District development

The Fayetteville Arts District (FAD) is a nonprofit organization working to revitalize, support, and expand the role that downtown Fayetteville plays in local commerce, art, and entertainment. The Fayetteville Arts District will promote and expand the ever-growing cultural impact of downtown by creating a single marketable district.¹⁴

The development of the Fayetteville Arts District should be supported. The River Arts District in Asheville is an example of a successful arts district.

BEST PRACTICE: ARTS ORDINANCE

Chapel Hill, North Carolina

The Town of Chapel Hill, North Carolina, has a Percent of Art Ordinance, which allocates 1 percent of selected capital projects for the creation, construction and maintenance of permanent works of public art.

The Town Council selects sites for Percent for Art commissions and these projects are then administered by the Public and Cultural Arts Office and overseen by an Oversight Committee consisting of community stakeholders, local arts professionals, civic leaders, and relevant Town departments. Funding for Percent for Art projects comes from each project’s construction budget, which can include Federal, State, County, Town, and private support.

North Carolina artists are encouraged to apply.

For more information:

[Chapel Hill Percent for Art](#)

Action Item: Create additional live/work space for artists

The creation of living and working space for artists appears to be a focus of the Fayetteville Arts District Development. See information on the artists working studios in the River Arts District in Asheville.

Action Item: Develop a Downtown Art Program

Explore the creation of a Downtown Art Program, which encourages local artists to apply to conduct a project in downtown Fayetteville. All media and art forms should be considered, including performing arts, installations, and cultural or educational programming.



BEST PRACTICE: ARTS DISTRICT AND WORKING STUDIOS

Asheville, North Carolina

The River Arts District in Asheville, North Carolina, is comprised of an array of artists and working studios in 22 former industrial and historical buildings along a one-mile stretch of the French Broad River.

More than 200 artists work in the River Arts District; and although there are no official “Open Hours,” at any given time throughout the year, visitors will find a number of open studios and galleries. There are also a number of restaurants, cafes and a brewery in the district.

For more information:

[River Arts District](#)



DEVELOP AND SUPPORT ARTS PROGRAM IN PUBLIC SCHOOLS

Action Item: Create an in-school residency program for artists

Create a program in Fayetteville similar to the Artists-in-Residence program in Chapel Hill, North Carolina, that involves professional artists working with students in the Fayetteville School District to create original programs of art. The support for this effort is already in place through the Arkansas Arts Council Arts in Education Artist Roster, which is an online listing of professional performers and visual or literary artists who are available to participate in a variety of Arts in Education programs. The Arts in Education (AIE) program is designed to strengthen the role of the arts in pre K-12 educational settings by fostering participation in the arts as an integral part of life and the basic education process.¹⁵

Local schools and community nonprofit organizations may sponsor individual teaching artists or teaching artists associated with a larger arts organization in preK-12 residencies at specific sites to demonstrate their art discipline and link their art form to other curriculum areas. During a residency, artists are based in a school or a community organization where they work with a site coordinator and key staff members to develop programs and activities based on the site’s needs and facilities.¹⁶

The AIE program initiates new arts programs, or enhances existing ones, in schools and local arts agencies by providing direct interaction with professional artists in residencies for pre K–12 students. All artists involved in AIE residencies must be selected from the Arts in Education Artist Roster.

Action Item: Pursue grants to support these programs

The AIE program also offers three Arts in Education grants that could potentially be used to fund these and other programs, including the following: After-School/Summer Residency Program, Arts Curriculum Project Grants, and In-School Residency Program.¹⁷

 CONTINUE TO SUPPORT THE CRAFT BEER INDUSTRY

The craft beer business includes nano-breweries and micro-breweries. According to the Brewers Association, craft beer comprised 11 percent of the volume of beer sold in the U.S. last year, and the percentage has increased by double-digits every year for the past five or six years.¹⁸

In addition, the millennial generation is aging into the stage where their interests are on things that are hand-crafted and not mass-produced, so the growth in craft brewing has increased while the overall mass-produced beer market has flattened out.

It was reported in September 2015 that craft beer production in Northwest Arkansas is up 778 percent since 2011. Most of the local craft beer companies in Northwest Arkansas, including Saddlebock, Foster’s Pint & Plate, Core, Bike Rack, Ozark, Fossil Cove, Apple Blossom, Columbus House, West Mountain and Bentonville Brewing Company, didn’t exist five years ago. In 2011, revenue from a \$7.50 state per-barrel tax collected in Benton and Washington counties was \$5,749. In 2014, seven breweries in the counties paid \$50,478.¹⁹

The Fayetteville Visitors Bureau’s self-guided Fayetteville Ale Trail, which was launched in August 2013, now promotes breweries in Fayetteville, Rogers, Springdale, and Bentonville and has provided more than 30,000 trail passports since the program started.²⁰

Action Item: Partner to support existing breweries

The City of Fayetteville should work with the Northwest Arkansas Council and the Fayetteville Visitors Bureau to ensure that this industry is supported and that any challenges to existing companies in Northwest Arkansas are addressed. The easiest way to determine any challenges of these companies may be a targeted online survey focused on understanding how the city and region can support their future growth and potentially attract larger operations in the future.

Action Item: Assess need for educational programs

The need for additional educational programs in the region to support the craft beer industry should be assessed as part of the online survey. This may be an area that could be addressed through the existing culinary program at Northwest Arkansas Community College (NWACC) and this should be explored.

BEST PRACTICE: CRAFT BEER INDUSTRY

Asheville, North Carolina

All around Asheville and through Western North Carolina, a brewery boom is underway with millions of dollars being pumped into the local economy. Asheville is home to more breweries per capita than any other city in the U.S. In addition to small batch breweries, the area is also home to large operations, including Sierra Nevada Brewing Company, Oskar Blues and New Belgium. New Belgium will be locating in Asheville’s River Arts District and will create 154 new jobs and invest \$140 million. To provide support for the industry and community support, Oskar Blues worked with the local community college to develop a brewing curriculum and offered space for use by students.

For more information:

[Brewery Industry Enjoys Growth](#)



| FOCUS: BUSINESS RETENTION AND ATTRACTION

SUPPORT, RETAIN AND ATTRACT BUSINESS

In the world of sales, it has often been said that “Your best prospects for new business are with your existing customers.” This mantra holds true in the world of economic development today. Therefore, economic development programs continue to have strong retention strategies to enhance private sector investment and job growth. This is particularly important for Fayetteville, considering the strong base of legacy manufacturers that Fayetteville wants to maintain and support, as well as the startup companies that need to continue to grow their operations in the city. As such, the creation of a robust business retention and expansion program is critical for Fayetteville.

On a related note any business perception challenges must also be addressed both to support and retain existing business and industry, as well as attract new business. In Fayetteville, this includes addressing perceived challenges with the permitting process. Also, access to fiber-based, high speed, affordable broadband has been identified as an issue for area businesses.

Fayetteville must also ensure that it is putting the infrastructure in place to attract and meet the needs of the targeted business sectors, which may include availability of local incentives and property to meet their needs. The retail sector is a different anomaly and, therefore, must be approached differently from a business attraction and retention perspective.

STRATEGIC PRIORITIES

Create a robust business retention and expansion (BR&E) program

- Action Item:** Clearly define role of contractor related to BR&E
- Action Item:** Include a BR&E component focused on startup companies
- Action Item:** Include a BR&E component focused on legacy manufacturers
- Action Item:** Develop a retention plan for regional headquarters

Improve the business perception

- Action Item:** Understand business perception issues
- Action Item:** Set expectations for customers
- Action Item:** Improve customer service
- Action Item:** Further streamline permitting processes and document the process as a communications outreach/tool
- Action Item:** Address broadband challenges

Develop local incentive policy

- Action Item:** Determine targeted areas of interest
- Action Item:** Discuss incentive parameters
- Action Item:** Explore potential funding mechanisms

Meet property needs of targeted business sectors

- Action Item:** Determine available properties
- Action Item:** Assess site and building needs of targeted business sectors
- Action Item:** Incent real estate developers for certain targeted developments

Develop a focused retail development strategy

- Action Item:** Conduct a thorough inventory and analysis of Fayetteville’s existing retail base and gaps
- Action Item:** Examine local and regional demographic and retail trends
- Action Item:** Identify potential commercial properties
- Action Item:** Identify potential specialty retail targets
- Action Item:** Consider attendance at the International Council of Shopping Centers (ICSC) convention
- Action Item:** Explore potential “College Town” development with U of A



CREATE A ROBUST BUSINESS RETENTION AND EXPANSION (BR&E) PROGRAM

Action Item: Clearly define role of contractor related to BR&E

Future contracts for economic development services between the City of Fayetteville and the selected contractor should clearly define BR&E requirements and services.

The program should include:

- Goals for the number of existing businesses to be visited each year
- Direction on the types of questions to ask during the visit
- A process for addressing any identified business needs or challenges following the visit
- Use of a project management data tool to track visits and employer input, with a summary of how any business needs or challenges were addressed following the visit
- A summary report of the accomplishments of the BR&E program that year, including the information above, as well as the number of new expansion projects, jobs created or saved, average wages and investment related to the program

Action Item: Include a BR&E component focused on startup companies

One component of the formalized BR&E program for Fayetteville should include a specific focus on maintaining and supporting future growth of companies that started in the city, such as Acumen, Lauren James, Riffraff, Slim Chickens, Fayettechill, Oh Baby Foods, and many others. These companies should be identified in a separate listing and should be personally contacted on at least an annual basis. Discussions should include how the city can support their growth and development and ensure that they continue to call Fayetteville home, even as they may expand regionally, nationally or internationally. Startup companies recruited by Hayseed Ventures and others should be contacted at least quarterly to ensure their needs are being met and any planning and space needs are being addressed.

Startup companies often have different needs than established companies, including the need for capital, lower-cost real estate options, and a millennial talent pool. Supporting and maintaining the companies that are created in Fayetteville is a key component of becoming a place for entrepreneurship and innovation, and also a major factor in the city’s future growth.

Action Item: Include a BR&E component focused on legacy manufacturers

Legacy manufacturers located in Fayetteville, such as Elkhart Products Company, KeyTronicEMS, Marshalltown Company, PACMAC/Packaging Specialties, Pinnacle Foods Corporation, Superior Industries International, Tyson’s of Fayetteville and others, strongly contribute to the diversity of the city’s economy. A focused BR&E effort should be established for these legacy manufacturers. A separate list of these legacy manufacturers should be generated, and questions should be designed more specifically to their needs, including probing for concerns related to facility expansion, new equipment investment, workforce attraction and training, and infrastructure. These companies should be visited at least once annually.

Action Item: Develop a retention plan for regional headquarters

One of Fayetteville’s recommended targets is corporate services, which includes regional headquarters. There are a number of existing regional headquarters in Fayetteville that need to be supported to ensure that they maintain their presence in the city long-term. Part of this strategy would be to develop good relationships with the local management team of all existing regional headquarters located in Fayetteville, as well as the management team located at that company’s corporate headquarters, assuring them that the City of Fayetteville recognizes the importance of the regional headquarters continuing to expand in Fayetteville.

 IMPROVE THE BUSINESS PERCEPTION

Action Item: Understand business perception issues

Whether accurate or not, a perception exists in Fayetteville related to “business unfriendliness.” A prevalent concern is the permitting process for construction and its difficulty and timeliness. These issues must be understood and addressed to encourage future development. See examples of best practices in permitting from the benchmark cities research.

Action Item: Set expectations for customers

The development process is admittedly more complex and rigorous than some developers experience in cities throughout the region. In part this is due to ordinances and regulations that the citizens and elected officials have determined are necessary to maintain the quality of life that Fayetteville has come to expect. Fayetteville is situated uniquely, with a somewhat difficult topography and streams traversing the community with which development must be balanced;

conversely, these are the very characteristics that make the city beloved, and enables Fayetteville to distinguish itself from competitors. Setting the right expectations and communicating Fayetteville’s values to the development and business community is important, so that informed and intentional decisions can be made up front, rather than surprises and unexpected issues forcing decisions near the end of a project. Already begun, the City should continue to conduct regular or recurring public sessions related to development, construction and permitting review, process improvements and development challenges to create a venue for communicating opportunities for improvement and set expectations for customers.

Action Item: Improve customer service

Conduct customer service training and improve communications tools and techniques for all staff engaged in interacting with the public.





Action Item: Further streamline permitting processes and document the process as a communications/outreach tool

A concierge service offering a single point of contact should be created to assist new and expanding businesses with permitting. This contact would coordinate with all city departments and divisions involved in the process. A weekly “one-stop shop” might also be created for businesses with limited needs to meet with city officials to discuss the project with the possibility of immediate approval of the submission or quick response on needed adjustments to expedite approval.

BEST PRACTICE: PERMITTING

Boulder, Colorado

The City of Boulder uses a phased process for the review of building permits. For small projects such as fences, roofs, single-family electrical systems, and single-family heating and air-conditioning systems, a permit may be issued over the counter. For new multi-family dwellings and commercial buildings, the estimated review time is 60 days. If for any reason a permit is not granted within 180 days, the applicant can either file an extension or will have to submit a new application. An online permit status report allows an application to be tracked throughout the process.

Chapel Hill, North Carolina

The Town of Chapel Hill’s permitting is handled through its Office of Planning and Sustainability. The Office of Planning and Sustainability is touting permitting improvements in 2015, including a simplified permit application; an updated, easy-to-read checklist and associated materials; improved web presence; implementation of a text message update service; improved building inspector availability; and improved average permit approval time approximately to 15 days for residential and 30 days for commercial.

For more information:

[Boulder Permitting Process](#)

[Boulder Permit Status Report](#)

[Chapel Hill Permitting Process](#)

[Chapel Hill Permitting Improvements](#)

Action Item: Address broadband challenges

The City of Fayetteville is convening a local task force of educators, entrepreneurs, and city staff to set priorities for the Mayor’s Strategic Broadband Plan for Fayetteville, which includes the creation of a competitive environment and plan for a next-generation, fiber-based service for government, residential, and business services. Mayor Jordan joined a collaborative coalition through Next Century Cities (nextcenturycities.org) last fall, and he and staff have been actively researching options.

The city understands the need/requirement of affordable, accessible broadband as an economic development driver and is determined to define a long-range blueprint with community input to implement its broadband future. The effort is not about simple high-speed Internet access; but it is also about ensuring the development of an appropriate fiber-based infrastructure to support the city’s efforts to attract and retain high-tech and entrepreneurial startups, to support local businesses, and provide quality connectivity to remote workers who handle big data modeling and visualization. Additionally, this type of infrastructure is required for a fundamental aspect of doing city business as the Internet of Things (IoT) evolves to support possible initiatives such as smart utility metering, transportation planning, and public safety.

Staying with status quo is not going to work. Current available services in Fayetteville do not include pervasive, competitively priced access to high-speed reliable network services. The future of Fayetteville depends on staying competitive to give the creative class a sense of place to exceed others across the globe. Fayetteville First means becoming the city for high-tech, high-growth, high-paying jobs for people who have the options to locate anywhere they choose. In order to enhance Fayetteville as a center of innovation, creativity and collaboration, and provide access to next-generation broadband for development opportunities, Fayetteville needs to act now and be actively recruiting partners to join its efforts.

“There’s a significant interest in making sure that the infrastructure matches the growth. The reality is that it’s very hard to build scalable ventures that are relying on tech and good bandwidth capability if you don’t have it,” remarked Jeff Amerine, founder of Startup Junkie Consulting on the Square in Fayetteville.

Fayetteville’s research with benchmark cities, the 130 cities signed on to Next Century Cities, and active participation with the National League of Cities

BEST PRACTICE: BROADBAND

Chapel Hill, North Carolina

Google Fiber -- Chapel Hill has been selected as one of the next destinations for Google Fiber, making the community among a handful in the nation to have this ultra-highspeed Internet service. Google Fiber will bring Chapel Hill residents access to “Gigabit” Internet connections up to 1,000 Megabits per second. Google will be working closely with Chapel Hill on the next steps to build a brand new fiber-optic network capable of delivering these gigabit speeds throughout Chapel Hill.

In July 2015, Google Fiber announced its commitment to provide free Internet access to public housing neighborhoods in all Google Fiber cities, including Chapel Hill. This moves the Town closer to its goal of providing free Internet access to all public housing residents, while providing all residents with a variety of options to from which to choose. Concurrently, the Department of Housing and Urban Development is announcing a new initiative to wire a select number of cities, including Durham.

Fort Collins, Colorado

In an effort to determine local citizen and business needs and desires regarding broadband, the City of Fort Collins is initiating a study to:

- Understand the communication needs of Fort Collins’ residents, businesses and educational institutions, and whether existing services and networks are keeping pace.
- Collect benchmark data from other communities.
- Explore options for broadband services.

Fort Collins will consider numerous options for being involved in broadband services. Options include leasing fiber to private entities, creating a public-private partnership to provide services, or directly providing services. Throughout 2016, the city will be conducting feasibility and market studies and will be engaging the public to determine what role, if any, they would like to see the city play in providing broadband.

Technology Leadership Committee shows there is no playbook for how to approach the issue. Each community has to look at the problem differently, depending on its goals for smart growth. Fayetteville should consider five main areas of focus:

- Fiber-based, 1+Gig service among city facilities in an institutional network
- Explore public/private partnerships to provide Fiber-based, 1+Gig service for businesses and residential customers
- Policy considerations such as “dig once” for laying conduit and/or fiber where appropriate during infrastructure development
- Policy considerations at increasing access to city infrastructure and simplifying our permitting processes to facilitate the expansion of fiber-based service and increase broadband competition in our local market
- Equitable access for all citizens at competitive, affordable prices to close the homework gap and provide access for workforce training, certification, and job applications

 DEVELOP LOCAL INCENTIVES POLICY

Action Item: Determine targeted areas of interest

Fayetteville does not currently have a local incentives policy. The City of Fayetteville should explore the development of an incentives policy that may address targeted areas of interest, such as entrepreneurship and early-stage development, retail, local agriculture and food systems, as well as the potential needs of the other targeted business sectors. The Orange County Economic Development Grant is a good example of this kind of grant program that targets areas of interest. A grant to assist local farmers, like the Orange County Agriculture Economic Development Grant, should also be considered.

Action Item: Discuss incentive parameters

Incentives should be offered only to projects meeting established parameters related to job creation, investment and wages. Very rigid requirements and guidelines for companies receiving incentives should also be established.

BEST PRACTICE: INCENTIVES

Asheville, North Carolina

The City of Asheville offers Land Use Grant Incentives that provide property tax rebates to projects that fulfill public objectives outlined in the City Council’s Strategic Plan. Those objectives include green building, affordable and workforce housing, and mixed-use and transit oriented projects. Qualification for the grants requires that projects obtain Energy Star certification; consist of two or more dwelling units; and be located within city limits and ¼-mile of major highways. Green and affordable housing projects may also qualify for a 50 percent rebate of water connection fees.

Industrial Development Grants are also available to eligible businesses investing \$1.5 million or more. Eligible companies would qualify for a grant paid annually, calculated as a percentage of property taxes for up to seven years. In addition to the investment requirement, companies must be consistent with long-range plans and development goals, create “quality jobs,” and be engaged in eligible business activities that may include manufacturing, research and development or distribution. This incentive also requires all new and retained jobs pay a living wage as determined by the universal living wage formula.

A Business Development Grant is available for projects with an investment of more than \$250,000 but less than \$1.5 million.

For more information:

[Asheville Sustainability Incentives](#)

[Asheville Development Incentives](#)

BEST PRACTICE: INCENTIVES

Chapel Hill, North Carolina

The Orange County Economic Development Grant Program includes a Business Investment Grant funded by a one-quarter-cent sales tax and managed by the County’s Economic Development office. To support and encourage entrepreneurship, early-stage development, local agriculture and local food systems, small and large grants are available ranging from \$1,500 to \$10,000.

An Agriculture Economic Development grant assists local farmers to develop new sources of agricultural income.

For more information:
[*Grow in Orange County*](#)

Action Item: Explore potential funding mechanisms
Incentives could be funded through a grant of the non-educational portion of property tax revenues generated by the project, which is how the City of Asheville has funded its incentives. The City of Fayetteville may also want to explore the possibility of utilizing discretionary mills to fund a grant program.

 MEET PROPERTY NEEDS OF TARGETED BUSINESS SECTORS

Action Item: Determine available properties
As previously indicated, Fayetteville has a number of sites and buildings listed on the AEDC sites and buildings database as of March 2016. There are also private developers that own other sites and buildings in Fayetteville that may not be reflected on that database. A comprehensive inventory of all sites and buildings that are available for potential development must be created, and the AEDC sites and buildings database updated accordingly.

Action Item: Assess site and building needs of targeted business sectors
Assess the potential site and building needs of each of the targeted sectors and determine the need to identify additional sites and encourage the development of property in the future. The main need seems to be related to the availability of greenfield sites and office building or park development.

Related to each target sector, the typical site and/or building needs would need to be determined based on what a typical project of that caliber needs. For example, a regional headquarters, IT services company, and those engaged in specialized technologies may require a greenfield site or Class A office space. A data center typically wants a greenfield site. Entrepreneurs and innovators want collaborative space that is available at little to no cost. Retail needs available commercial space or land to develop.

Action Item: Identify and develop more property
Based on the outcome of the comprehensive inventory of all sites and buildings and the assessment of available inventory to meet the needs of the targeted business sectors, work to identify and develop additional property.

Action Item: Incent real estate developers for certain targeted developments
It may be necessary to provide incentives to developers to entice them to invest in sites or office space in Fayetteville, related to the targeted business sectors. Incentives that could be offered to developers may include a finder’s fee or reduced land cost (if city-owned), property tax reductions, expedited permitting, impact and other fee reductions, sale-leaseback arrangements, or incentives for developers building to sustainable building standards. Once developed and vetted through the proper review process, the potential incentive offerings should be marketed to a list of targeted developers.

 DEVELOP A FOCUSED RETAIL DEVELOPMENT STRATEGY

Action Item: Conduct a thorough inventory and analysis of Fayetteville’s existing retail base and gaps
As previously referenced, Fayetteville is the fastest-growing city in the State of Arkansas by population, and Northwest Arkansas is one of the fastest-growing regions in the U.S., with each city in the region adding more than 1,000 people in the last year, with a total population of more



than half a million.²¹ The population of the region is expected to increase nearly 10 percent between 2015 and 2020.²² However, Fayetteville and the larger Fayetteville-Springdale-Rogers Metropolitan Statistical Area (MSA) have significant retail leakage in the categories of clothing and clothing accessories; sporting goods, hobby, book and music stores; electronics and appliance stores; and other.²³ These retail gaps must be addressed.

Fayetteville must have an understanding of its existing retail base, including all businesses and centers, as well as any gaps, and should also work with the Northwest Arkansas Council to determine the existing retail base and gaps of the entire region.

Action Item: Examine local and regional demographic and retail trends

Fayetteville should also understand the demographics of Fayetteville and the region, considering typical factors considered by the retail sector in its location decisions, which include population, population growth, educational attainment and income. This retail infographic should reflect this information and can be used to market Fayetteville and the region to potential retailers and retail developers. This information should appear on the city and Chamber websites.

Action Item: Identify potential commercial properties

As previously indicated, Fayetteville offers a number of sites and buildings potentially available for commercial development. These sites and buildings should be mapped and marketed to potential retailers and retail developers. In addition, potential redevelopment sites that may be appropriate for retail should be identified.

Action Item: Identify potential specialty retail targets

Specialty retail stores are typically in smaller formats that are focused on specific product categories such as women's clothing, electronics or office products.²⁴

Based on the outcome of the retail base and gap analysis, as well as the commercial property inventory, Fayetteville should identify potential specialty retailers to focus its marketing efforts. A niche market attractive to the University environment, such as Trader Joe's, Urban Outfitters and West Elm, should be considered.

Action Item: Consider attendance at the International Council of Shopping Centers (ICSC) convention

ICSC is the global trade association of the shopping center industry. Its more than 70,000 members in over 100 countries include shopping center owners, developers, managers, investors, retailers, brokers, academics, and public officials.²⁵

The global convention occurs in Las Vegas each year, but there are also regional events that should be explored and considered for attendance.

Action Item: Explore potential “College Town” development with U of A

Universities today continue to look for ways to shape the environments around them and to work in partnership with the municipalities in which they reside to create spaces that can be enjoyed by students and residents alike. The city should discuss this idea with representatives of the U of A.

North American Properties developed the College Town development in Rochester, New York, described to the right, and has invested heavily in the community.

Other developers, such as Fairmont Properties, have University initiatives in which they focus on acquiring, constructing, developing, leasing, financing, owning and operating real estate assets either on, adjacent to, or affiliated with colleges and universities. These projects often result in revitalization of a downtown area or contribute toward efforts to initiate broader growth in a community. Fairmount Properties invests its own capital into these projects, and often these developments provide a new source of revenue for the institutions around which they are built. One example of a Fairmont Properties development is the College Town Blacksburg, which is a 225,000-square-foot town center located within walking distance of Virginia Tech University. The \$35 million development includes a variety of regional and national retailers.²⁶

BEST PRACTICE: RETAIL DEVELOPMENT

Rochester, New York

Once home to the Towne House Motor Lodge, the location of the \$100 million College Town development in the City of Rochester was in need of reinvention. College Town is a one-million-square-foot mixed-use development on more than 14 acres of land owned by the University, which is anchored by a Barnes & Noble bookstore, features a Hilton Garden Inn Hotel with 150 rooms and a conference center, as well as restaurants, coffee shops, a bakery, a yoga studio, a grocery store, other shops, a parking garage with capacity for 850 vehicles, and 152 apartments. A CVS, Corner Bakery and Urban Outfitters are other retailers that have located in the neighborhood near the College Town development.

The developer, North American Properties, has invested more than \$87 million in the neighborhood.

Neighborhood groups and the City of Rochester joined the University in planning the development.

For more information:

[Rochester Review](#)

[Rochester Builds a College Town](#)

| FOCUS: EDUCATION/WORKFORCE

ENSURE WORKFORCE TALENT IS ATTRACTED, DEVELOPED, AND RETAINED

Being able to attract, develop, and maintain talent is critical for the retention and recruitment of business and industry. With the presence of the U of A and the Northwest campus of the University of Arkansas for Medical Science (UAMS) in the city, and NWACC and Northwest Technical Institute in the region, Fayetteville is positioned to provide young and educated talent, as well as access to R&D, to support existing and new business/industry. However, it is critical that the city continue to support and partner with the U of A and UAMS on educational and other initiatives in the future, and work to ensure the future growth of both institutions in Fayetteville.

It is also critical that an understanding of the workforce and training needs of existing business/industry and the targeted business sectors be obtained. A review of existing programs at each institution of higher education in the region, as well as at the high school level, would then need to take place to ensure that the talent needs of the targeted business sectors can be met.

The workforce of today and tomorrow, also known as millennials or Gen Y, and in the future Gen Z, must also be engaged in the hopes they will remain in Fayetteville.

The strategic priorities below are meant to ensure that Fayetteville is able to attract, develop, and retain talent to support its existing business and industry.



STRATEGIC PRIORITIES

Further engage with higher education

- Action Item: Create a formalized partnership with the U of A
- Action Item: Support UAMS Northwest in its future growth in Fayetteville

Ensure workforce and training needs can be met

- Action Item: Understand existing industry and targeted business sector needs
- Action Item: Research and conduct a survey of regional higher educational institutions
- Action Item: Convene regional educational leadership
- Action Item: Initiate a career readiness program at the high school level
- Action Item: Ensure that appropriate skilled trade programs and training are available
- Action Item: Improve public school rankings

Attract and retain the workforce of today and tomorrow

- Action Item: Create millennial programs
- Action Item: Focus on retention of U of A graduates

FURTHER ENGAGE WITH HIGHER EDUCATION

Action Item: Create a formalized partnership with the U of A

The University of Arkansas is the biggest asset in terms of attracting residents. “Without the University, Fayetteville would not exist, but we are dependent on each other,” according to one stakeholder. Because of this, stakeholders would like to see a stronger relationship between the city and the University.

The Town and Gown Advisory Committee was created by Ordinance 5511 on July 3, 2012, to serve as a forum for collaboration between the City of Fayetteville and the U of A on mutually relevant issues including, but not limited to, campus expansions, the need for student housing both on and off campus, and parking and noise in the areas adjacent to or nearby the campus.²⁷

The Committee is empowered to advise and make recommendations on a periodic basis to both the City Council and the U of A on such issues and to adopt rules for the conduct of its own business.²⁸

The City of Fayetteville should explore with the U of A the idea of formalizing the Town and Gown Advisory Committee. Its focus should be on overall commercial revitalization, community development, quality housing opportunities, workforce/education, talent retention and other areas in order to meet the needs of both the University and the city. The activities of the Town and Gown Advisory Committee may also include exploring a “College Town” development similar to the one described in the previous section related to retail development.

Action Item: Support UAMS Northwest in its future growth in Fayetteville

The City of Fayetteville should convene a meeting with representatives of UAMS to determine how the city can better support their growth and development. This should also include conversations related to the proposed UAMS dental school that could be located in Fayetteville or Little Rock, and a strategy should be developed related to encouraging the location of the dental school here in Fayetteville. There are several sites near the existing campus and downtown that are perfect for these projects.

Support for UAMS may require something similar to what was done for the Walton Arts Center, where voters passed a \$10.9 million bond issue with \$7.1 million committed to help pay for the expansion of the center that was backed by the Hotel/Motel/Restaurant (HMR) tax.

ENSURE WORKFORCE AND TRAINING NEEDS CAN BE MET

Action Item: Understand existing industry and targeted business sector needs

Review workforce analysis studies done for the region to gain an understanding of the workforce availability related to the occupations required of the targeted business sectors. There may be a need to partner with the Northwest Arkansas Council on this initiative.

**Action Item: Research and conduct a survey of regional higher educational institutions**

Develop an understanding of enrollment, degrees offered and graduates of regional institutions of higher education that may serve Fayetteville, including the U of A, Northwest Arkansas Community College (NWACC), John Brown University, and Northwest Technical Institute. This understanding may be obtained through research and by issuing an online survey to representatives of each institution to gather further detail on existing and planned programs. This should be done in partnership with the Northwest Arkansas Council.

Action Item: Convene regional educational leadership

Coordinate with the Northwest Arkansas Council to participate in discussions with local institutions of higher education, and determine whether the workforce and training needs of the identified target markets, as well as existing business and industry, can be met. Representatives of the Fayetteville School District should also be consulted as part of this process.

Work with these institutions to determine possible new program development in the future to meet the needs of the targeted business sectors and existing business and industry.

Action Item: Initiate a career readiness program at the high school level

The Fayetteville School District and/or local charter schools, such as Haas Hall, should explore, in partnership with U of A, the city and others, the creation of a career readiness program similar to the Blue Valley Schools Center for Advanced Professional Studies. This program would have the effect of providing students with real-world experience with local companies, which would result in not only a more trained and prepared workforce, but also could result in more students remaining in Fayetteville after graduation if they had a possible job waiting for them with the company for which they worked during the program. The City of Bentonville launched a similar program called Ignite in August 2015.

Action Item: Ensure that appropriate skilled trade programs and training are available

Northwest Technical Institute and NWACC should be the institutions in the region that address skilled trades. Existing manufacturers in Fayetteville and throughout the region should be engaged working with the Northwest Arkansas Council to ensure that the appropriate skilled trade program offerings are in place to meet their needs.

Action Item: Improve public school rankings

In 2014-15, Fayetteville Public Schools (FPS) students performed better on state assessments in math, English language arts, and science than the other big five districts, which include Bentonville, Springdale, Rogers, Siloam Springs and Fayetteville. The comparison may be somewhat indirect, however, because Fayetteville enrolls lower percentages of students at-risk (eligible for free/reduced lunch programs, limited English and/or special education) than the 'big five' overall. When comparing the performance of just these at-risk (aka TAGG) students, Fayetteville continues to outperform its peers in the region. Even when compared with Bentonville Public Schools, which has fewer at-risk students enrolled, Fayetteville's performance is competitive. FPS meets or exceeds Bentonville's performance in the majority of tested areas.

Although Fayetteville students performed well across the board in 2014-15, FPS should strive to have Fayetteville High School be identified as a "Best High School" by *U.S. News & World Report*. Fayetteville High School has been unranked for several years, while many other high schools in the region have ranked highly. Haas Hall Academy, a charter school with campuses in Bentonville and Fayetteville, remained the top high school in Arkansas for the fifth straight year and increased in the rankings of the nation's best in the latest rankings of high schools by *U.S. News & World Report*. Six of the state's top nine high schools are in Benton and Washington Counties. The state's top three remained unchanged from last year, with Bentonville High School ranking second and Rogers High School ranking third.

Note that all of the information above related to FPS was provided by Sarah McKenzie, PhD, Executive Director, Office for Education Policy, University of Arkansas.

The availability of good public education can be a significant site location factor. FPS should work to improve its school rankings to be more in line with other communities in Northwest Arkansas.

BEST PRACTICE: BLUE VALLEY SCHOOLS CENTER FOR ADVANCED PROFESSIONAL STUDIES

Overland Park, Kansas

Blue Valley Schools' Center for Advanced Professional Studies (CAPS) is a nationally recognized high school program, where students are fully immersed in a professional culture, solving real world problems, using industry standard tools and are mentored by actual employers, all while receiving high school and college credit.

CAPS is an example of how business, community and public education can partner to produce personalized learning experiences that educate the workforce of tomorrow.

CAPS courses meet five days a week for a semester. Courses are two or three periods in length and are offered in both the morning and afternoon to better accommodate students' schedules.

For more information:

[Center for Advanced Professional Studies](#)

 ATTRACT AND RETAIN THE WORKFORCE OF TODAY AND TOMORROW

Action Item: Create millennial programs

Millennials or Generation Y, who are typically categorized as those born between 1980 and 2000, were projected to be the largest generation in the workforce by the end of 2015, and will represent nearly 75 percent of the workforce by 2030. These millennials are entering the workforce and are bringing with them a new perception of what work/career life should be like and how relationships between employers and employees should be structured.³⁰

Numerous studies have shown that millennials typically want walkable neighborhoods with commercial areas, including urban mixed-use developments, diversity, transportation alternatives and amenities like arts, culture and restaurants.³¹ They also tend to care about the environment and want to live in communities that practice sustainable development.

With the presence of the U of A and the lifestyle quality the city offers, Fayetteville should be a prime location for the millennial population, as well as the future Generation Z. As such, the creation of a Fayetteville Millennial Advisory Panel should be pursued. This panel should be focused on gaining an understanding of and addressing the issues that concern the millennial population related to Fayetteville in order to ensure their retention long-term.

Action Item: Focus on retention of U of A graduates

Another way to increase the millennial population in Fayetteville is by developing programs to retain graduates of the U of A long-term. One successful example is Philadelphia, with its Knowledge Industry Partnership and Campus Philly, an independent nonprofit established in 2004. Fayetteville should explore, with the U of A, the creation of programs such as these to encourage college graduates to remain in Fayetteville by showing them what the city has to offer beyond the university experience. This could be another initiative of the Town and Gown Advisory Committee.

BEST PRACTICE: COLLEGE GRADUATE RETENTION PROGRAM

Philadelphia, Pennsylvania

More than 15 years ago, Philadelphia city leaders developed a strategy to engage college students in the life of the city with a focus on retaining them after they graduated. The talent retention program began as the Knowledge Industry Partnership under Mayor Rendell and has grown under three additional mayoral administrations.

Campus Philly was established as an independent nonprofit in 2004 with the mission to encourage college students to study, live and work in the Greater Philadelphia region. Campus Philly today has become a model nationally on how to retain college talent. Campus Philly works in partnership with 31 colleges and universities and over 25 corporate members that invest financially in the Campus Philly mission. In addition, 43 arts and culture organizations work in partnership with Campus Philly to bring off-campus experiences to college students.

Campus Philly works to bring audiences together and ensure that Philadelphia meets its college students and college students meet the City of Philadelphia.

Greater Philadelphia has shown tremendous success in retaining graduates, with 64 percent of college students staying in the region after graduation, which is significantly higher than other cities that measure this trend, including Boston, where approximately 50 percent of college graduates stay, and Baltimore, where an estimated 37 percent of college graduates stay. In addition, between 2006 and 2012, Philadelphia gained 100,000 new millennials, with this portion of the population twice as likely to have a college degree as the older population in the city. Philadelphia is also ranked number one among large cities in millennial growth.

For more information:

[Campus Philly](#)

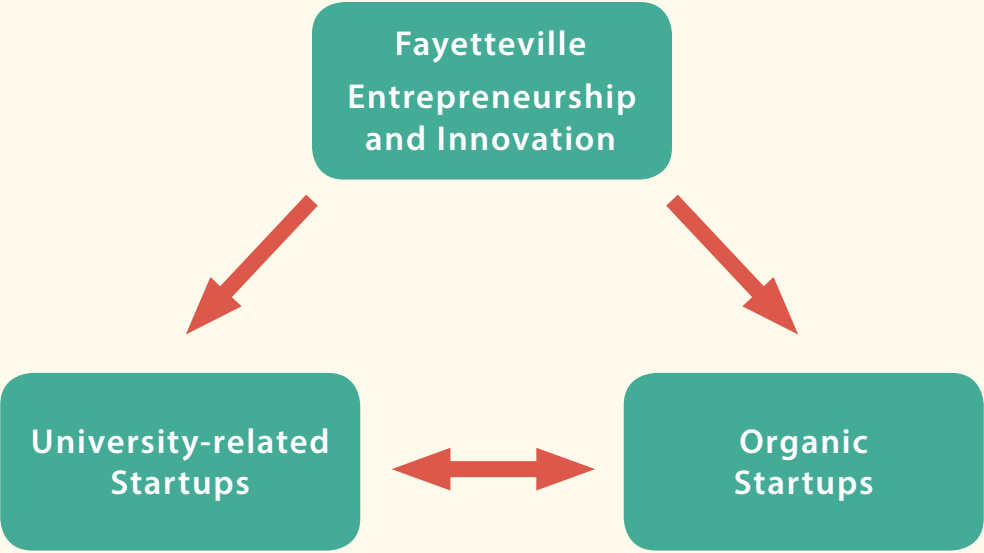


| FOCUS: ENTREPRENEURSHIP AND INNOVATION

EMBRACE THE ENTREPRENEURIAL ECOSYSTEM AND SUPPORT STARTUP COMPANIES AND THE CULTURE TO RETAIN THEM LONG-TERM

Fayetteville is a place for creativity, innovation, and culture. Support of an environment for entrepreneurship/innovation is one of Fayetteville's top economic development opportunities. With that said, an environment that supports entrepreneurship/innovation already exists in Fayetteville, as demonstrated by the success of startup companies that have launched in the city. The support system that currently exists in Fayetteville is strong but not well known or structured. For startup companies to continue to grow and thrive in the city, all of the existing resources must be brought together to truly create an ecosystem for startups, innovation, and ventures in Fayetteville.

Currently there are at least two different tracks of entrepreneurship/innovation occurring in Fayetteville, each of which needs to be fostered and brought together to further enhance the innovation economy. These two tracks include startups originating from research occurring at the U of A, developing from a robust platform of intellectual property that may take time to mature, and organic startup companies in Fayetteville that do not develop out of university research and may have a shorter time to market.



University-related startups in Fayetteville include companies such as APEI (now known as Wolfsped); Biodetection Instruments, Inc.; Biologics MD, Inc.; Nanomatronix, LLC; Pacific Vet Group-USA, Inc.; and many others, which are primarily supported by the Arkansas Regional Technology Park (ARTP) and related organizations associated with the University system, as well as private companies such as VIC Technology Venture Development, LLC. VIC focuses on forming new technology companies with the purpose of commercializing licensed technologies, providing initial leadership and other support once formed.³² Another University-related resource is the Office of Entrepreneurship and Innovation, which is part of the Walton College of Business and Research & Economic Development.³³

The “Organic Startups” category includes companies such as Acumen Brands, Data Rank, FayetteChill, Field Agent, Lauren James, Overdrive Brands, RifRaff, Slim Chickens, QBox, Oh Baby Foods, and many others that were founded locally in Fayetteville but did not originate out of research conducted at the University, although some were founded by University graduates. These types of companies may receive support through local organizations, such as Startup Junkie Consulting LLC and Hayseed Ventures LLC, both of which are located on the Square in downtown Fayetteville.

Startup Junkie Consulting leads the NWA Venture Team/Ozarks Regional Innovation Cluster (ORIC)/Greater Retail Entrepreneurship Cluster (GREC). It specializes in supporting small businesses and startups with a focus on the retail, consumer packaged goods, supply chain, food, and data analytics clusters. Startup Junkie also provides support, consulting, and assistance to new ventures and small businesses from all sectors.³⁴ In the past year, Startup Junkie has served over 500 unique small businesses and startups through consulting, mentoring, counseling, training, support, and assistance.

Hayseed Ventures describes itself as a “Venture Capital Production Studio” that builds startups into businesses.³⁵ Hayseed may identify an early-stage startup, create its own startup, or take an equity stake in an existing company. It then refines the initial company concept to build a viable product and continues to support the company through Series A funding and more.³⁶

In addition, it was announced in the summer of 2015 that the Northwest Arkansas Innovation Hub would be established on the Fayetteville Square, spearheaded by the Fayetteville Chamber of Commerce. The Innovation Hub is meant to be a space that enables innovators and entrepreneurs and will include a maker space or Fab Lab in a 4,800-square-foot space, which will house “maker” machinery and equipment for invention and prototyping, including a CNC Routing Table, 3D printers and laser-cutting tools catering to entrepreneurs and startup companies, as well as artists and designers.³⁷ The Chamber is now in the process of soliciting private and public funds to renovate and equip these spaces. Once this one-time expense is completed, the centers will be maintained through user fees. The Northwest Arkansas Fab Lab (NWA Fab Lab), which will be open six days a week, is expected to be operational by August 1, 2016.³⁸

The NWA Fab Lab is part of the United States Fab Lab Network (USFLN) and a part of the Fab Foundation created at the Massachusetts Institute of Technology with a worldwide reach of 450 operating Fab Labs. The Fab Foundation was formed in 2009 to facilitate and support the growth of the international fab lab network, as well as the development of regional capacity building organizations. The advantage of being a part of the network is to enable the NWA Fab Lab to exchange knowledge, ideas, and resources to collectively empower people of all ages and backgrounds to experiment and invent new products to solve real-world problems at local, national and global levels.³⁹

The NWA Fab Lab plans to involve all the elementary and middle schools in Benton, Madison, and Washington Counties, as well as charter schools and home-schooled children by inviting students in the 5th through 7th grades to come to the center for classes and hands-on learning.⁴⁰

The Chamber is also partnering with Multi-Craft Contractors (MCC) and NorthWest Arkansas Community College (NWACC) in the development of the NWA Robotics Training Center, which will be located in approximately 3,500 square feet of space just off the Downtown Square. The Robotics Training Center will be funded by paying students sent by their employers to be certified in operating a robot. Other students who wish to receive robotics/automation training through workshops/seminars will also pay a fee to attend them. The NWA Robotics Training Center is also expected to be operational by August 1, 2016.⁴¹

Ideas, talent, capital, and a culture of openness and collaboration are all vital to startup communities. The strategic priorities below are meant to ensure that Fayetteville has the proper system to support and retain startups long-term and truly become known as the Startup City of the South.



STRATEGIC PRIORITIES

Support a collaborative entrepreneurial/innovative environment

Action Item: Create an entrepreneurial support position at the city

Action Item: Create the Fayetteville Innovation Council

Increase high-tech job growth through University partnerships

Action Item: Partner with the University to expand the existing technology park

Action Item: Create a Startup Village at ARTP

Action Item: Partner with the University to further address capital needs

Create innovative spaces and programs to support entrepreneurs

Action Item: Develop and define an Innovation District

Action Item: Create Collaborative Space

Action Item: Develop incentives for startup companies locating downtown

Action Item: Create innovation housing

Action Item: Support maker space and robotics training center development

Expand entrepreneurship education programs

Action Item: Inventory and assess entrepreneurship education programs

Action Item: Integrate entrepreneurship programs into public schools



SUPPORT A COLLABORATIVE ENTREPRENEURIAL/ INNOVATIVE ENVIRONMENT

Action Item: Create an entrepreneurial support position at the city

In order to coordinate the activities within the entrepreneurial/innovative environment in Fayetteville, there must be a single point of contact that handles entrepreneurship/innovation for the city. This Innovation Director role would coordinate with all entities involved in entrepreneurial efforts in the City of Fayetteville, and serve as the point person in addressing any city-related processes that affect entrepreneurs and truly become known as the Startup City of the South.

Action Item: Create the Fayetteville Innovation Council

Create an Innovation Council comprised of representatives of all organizations currently assisting entrepreneurs in Fayetteville described above, including the University of Arkansas, as well as successful entrepreneurs or representatives of startups based in Fayetteville. The new city Innovation Director should also staff the Council. The goal of this organization would be to bring all parties together in order to truly create a collaborative environment that addresses the needs and challenges of entrepreneurs and innovators in Fayetteville. This Council should meet monthly to discuss and work together to address these needs and challenges.

 INCREASE HIGH-TECH JOB GROWTH THROUGH UNIVERSITY PARTNERSHIPS

Action Item: Partner with the University to expand the existing technology park

Research Triangle Park (RTP) in Raleigh, North Carolina, reinvented itself 50 years ago as one of the world’s leading hubs for innovation, and transformed the area into one of the most-educated and highest-earning metros in the South. With all of its success, RTP is now facing the challenge of “evolving from a suburban office park into a new hub for creativity and economic growth,” in order to continue to attract and retain the companies and talent it needs for future growth in the new economy.

ARTP in Fayetteville is comprised of three multi-tenant facilities and three multi-disciplinary research facilities comprising approximately 285,000 square feet of R&D capacity. The idea behind ARTP is to build clusters of companies around the core research strengths of the University.

The U of A owns property near the existing ARTP campus, referred to as West Campus, which is comprised of 72 acres, and East Campus located on the east side of South School Avenue, which is comprised of 54 acres (22.3 acres and 32 acres, respectively) that is vacant.

A partnership by and among the State of Arkansas, the Northwest Arkansas Council, the University of Arkansas, and the City of Fayetteville should be initiated with a focus on funding the expansion of ARTP supporting startups

and attracting new companies in the technology field with the idea of developing a “mini-RTP” in Fayetteville. Once again, support for this project may require something similar to what was done for the Walton Arts Center, where voters passed a \$10.9 million bond issue with \$7.1 million committed to help pay for the expansion of the center that was backed by the Hotel/Motel/Restaurant (HMR) tax.

Action Item: Create a Startup Village at ARTP

In order to provide affordable housing and encourage additional collaboration among U of A entrepreneurs who are working with the University and ARTP to launch a startup business, explore the creation of a Startup Village that would provide housing at reduced costs so that student entrepreneurs can funnel their time, energy and funds into their businesses. In addition to a Startup Village at ARTP, this idea could also be explored for other areas of Fayetteville.

BEST PRACTICE: CSU VENTURES

Colorado State University

CSU Ventures, which is an affiliate of Colorado State University (CSU), a land grant institution, is focused on the business of technology transfer and commercialization at CSU with the intent on bringing innovations and technologies discovered at the University into the marketplace.

CSU Ventures works to protect, manage and transfer University innovations by connecting individuals and companies with University researchers.

CSU Ventures serves as a resource not only to CSU faculty and researchers, but also to industry, entrepreneurs, and investors seeking to further research or commercialize a technology.

For more information:

[CSU Ventures](#)

Action Item: Partner with the University to further address capital needs

Even though there are private organizations in Fayetteville, such as Hayseed Ventures and VIC, that provide angel and venture capital to startup companies in the area, there is still a need for additional funding to support and retain the companies originating there. In addition, in order to successfully develop a “mini-RTP,” availability of capital will become even more critical.

The possibility of establishing a University venture capital fund should be explored, focused on funding companies that are established from research occurring at the University. CSU Ventures, an affiliate of Colorado State University, is one example of this type of arrangement.

CREATE INNOVATIVE SPACES AND PROGRAMS TO SUPPORT ENTREPRENEURS

Action Item: Develop and define an Innovation District

Innovation Districts are creative ecosystems where innovative design and development patterns can help entrepreneurs, established companies, and leaders build unexpected relationships, resulting in transformative solutions. These districts are designed to make unusual collaborations more likely to happen.

There is already a burgeoning creative ecosystem in downtown Fayetteville with the presence of numerous startup companies, Startup Junkie Consulting, Hayseed Ventures, the proposed Innovation Hub, and the University of Arkansas Community Design Center (UACDC), which advances creative development through design, research, and education solutions from its downtown facility that houses a full-time design and planning staff who deliver professional services for communities and organizations nationwide.⁴² These businesses, all of which are located on the Fayetteville Square, are the epicenter of this creative ecosystem that is developing and should become part of the proposed Fayetteville Innovation District. Note that the Fayetteville Chamber of Commerce supports the idea of the development of an Innovation District, but defines the geography of the district starting at ARTP from the South/South School Road, up College Avenue to Garland, up north until I-49, down I-49 until Cato Springs, and back to ARTP.⁴³

The geography of the proposed Innovation District should be further discussed and defined with involvement from all of the parties currently involved in the development of the entrepreneurial/startup ecosystem in Fayetteville as previously defined.

Action Item: Create Collaborative Space

Hayseed Ventures, which is located in the old Post Office building, has excess space that could be converted into collaboration space for startup companies. The city should explore the possibility of seeking historic preservation funds to support a restoration of that building into collaborative space. The idea behind this facility could be modeled on District Hall in Boston on a much smaller scale.

BEST PRACTICE: DISTRICT HALL

Boston, Massachusetts

District Hall is a dedicated civic space where the innovation community can gather and exchange ideas that is comprised of open workspace, classrooms, assembly space, flexible use ‘pods,’ writable surfaces throughout the facility, as well as a coffee shop.

District Hall is the result of a collaborative public-private partnership that started with the idea of the Innovation District by the City of Boston and the Boston Redevelopment Authority, was funded and built by Boston Global Investors, and is operated by the Venture Café Foundation, a not-for-profit sister organization to the Cambridge Innovation Center and others.

For more information:

[District Hall](#)

Action Item: Develop incentives for startup companies locating downtown

One of the biggest issues with further development of the entrepreneurial ecosystem in downtown Fayetteville is related to issues with parking. The city is already working on a solution to this issue by potentially creating parking options that would be available to startup companies and those that support them in the downtown area at low to no cost.

The City of Fayetteville may also want to explore development of a low-interest loan or grant program to support startup companies locating in downtown Fayetteville similar to the City of Boulder Microloan Program, which provides funding up to \$50,000 to businesses with annual gross revenue of less than \$2 million⁴⁴, or the Orange County Small Business Loan Program, which is a revolving loan fund for companies with gross revenues of less than \$3 million annually.⁴⁵

Action Item: Create innovation housing

Smaller houses have proven popular in denser settings like downtowns and urban neighborhoods. This trend in housing has resulted in the development of pocket neighborhoods, which are clustered groups of neighboring houses or apartments gathered around a shared open space, such as a garden courtyard, a pedestrian street, a series of joined backyards or other, which can be in urban, suburban, or rural areas.⁴⁶ Pocket neighborhoods are now found in several states, including Arizona, Indiana, Massachusetts, and Oregon.⁴⁷ Smaller homes or apartments with shared facilities outside have broad appeal to young people who don't own much, are highly mobile, and don't mind living in close quarters, and may also appeal to retirees.

During the stakeholder engagement process, many stakeholders mentioned a need for more attainable housing in Fayetteville. A housing component should be included in the plans for development of an Innovation District in Fayetteville that should be focused on development of pocket neighborhoods or communities, which would be more appealing to the entrepreneur/innovator living in Fayetteville.



Action Item: Support maker space and robotics training center development

The first TechShop was created in San Francisco in 2006 and today has more than 3,300 members in six markets. For a small monthly membership fee, urban creatives can build anything, with past projects ranging from a laser hair loss treatment to an electric motorcycle to an incubation blanket for infants that might be on track to save 100,000 children’s lives. TechShop is part of a larger maker movement called Fab Lab, which started at MIT, and today is a global network of nonprofit workshops, many associated with schools or universities.⁴⁸

As previously mentioned, there are plans to establish the Northwest Arkansas Innovation Hub on the Fayetteville Square, which is being spearheaded by the Fayetteville Chamber of Commerce. The Innovation Hub is meant to be a space that enables innovators and entrepreneurs and will include a maker space or Fab Lab, as well as a robotics training center.

A recent tour of the University of Arkansas School of Architecture’s maker space labs revealed that there is citizen interest in a publicly accessible facility.

 EXPAND ENTREPRENEURSHIP EDUCATION PROGRAMS

Action Item: Inventory and assess entrepreneurship education programs

All entrepreneurship programs offered at the U of A and other institutes of higher education in the county and region should be inventoried and reviewed to determine potential gaps in the offerings that need to be addressed.

Action Item: Integrate entrepreneurship programs into public schools

There may be small pockets of programs in Fayetteville Public Schools that offer a focus on entrepreneurship, but there does not appear to be a standard curriculum at all schools. As such, explore the establishment of a TYE chapter in Fayetteville in order to ensure entrepreneurship is taught at the high school level in Fayetteville Public Schools. Starting entrepreneurship education at a younger age should have a long-term effect of creating a culture of entrepreneurship in Fayetteville.

BEST PRACTICE: TIE YOUNG ENTREPRENEURS (TYE)

TiE Young Entrepreneurs (TYE) is a global program created in 2005, focused on fostering the future generation of entrepreneurs. TYE focuses on teaching entrepreneurship to high school students, leaving them with an understanding of the rewards and challenges of becoming an entrepreneur.

During the program, the students form teams, go through classroom session modules focused on different aspects of business and entrepreneurship, then write their own business plans, competing at the chapter level. The winner of each chapter goes on to the Global Competition to compete for \$10,000. TYE now has over 20 chapters throughout the TiE network participate each year. There is no TYE chapter in Arkansas.

For more information:

[TiE](#)

| FOCUS: LIFESTYLE QUALITY

CONTINUE TO IMPROVE THE OUTSTANDING LIFESTYLE QUALITY IN FAYETTEVILLE

In today's highly competitive environment for talent, a compelling lifestyle quality has become a competitive advantage. In the tight labor market of today, companies are choosing locations that are attractive to the workforce of tomorrow; and many workers, especially recent graduates and young professionals, are selecting a place to live based on the lifestyle quality before securing employment.

Quality of life/lifestyle was selected as an advantage in Fayetteville by 86 percent of the 1,000 resident survey participants. As such, Fayetteville needs to continue to build on its outstanding lifestyle quality by addressing any potential challenges and capitalizing on any opportunities to make the lifestyle quality even better. The strategic priorities below are focused on the future improvement of the lifestyle quality.



STRATEGIC PRIORITIES

Support attainable housing development

- Action Item:** Assess attainable housing availability and need
- Action Item:** Target and grow attainable housing developers
- Action Item:** Explore incentives for developers

Enhance and support public transportation

- Action Item:** Work to improve local/regional transit system
- Action Item:** Support idea of rapid transit or light rail in Northwest Arkansas

Energize and support downtown Fayetteville

- Action Item:** Develop and define downtown boundary
- Action Item:** Organize downtown business support effort
- Action Item:** Seek downtown redevelopment opportunities

Explore other redevelopment opportunities

- Action Item:** Work to redevelop 71 Business (North College Avenue and South School Avenue)
- Action Item:** Identify other areas for future redevelopment

Seek development of hotel/conference center

- Action Item:** Initiate discussions with U of A
- Action Item:** Identify potential sites
- Action Item:** Gather supportive data
- Action Item:** Identify potential developers
- Action Item:** Explore potential funding options



SUPPORT ATTAINABLE HOUSING DEVELOPMENT

Action Item: Assess attainable housing availability and need

One challenge that was referenced many times during the stakeholder engagement process was the need for more affordable, attainable, or workforce housing in Fayetteville. Attainable housing is generally defined as housing that is affordable to households that earn 120 percent or less of median area-wide income. This group can also include the millennial generation, some of which have just finished college and are starting their first jobs.⁴⁹ There must be attainable housing available to support the middle class and millennials or young professionals that want to remain or locate in Fayetteville.

A housing study should be conducted to identify the availability of and need for additional attainable housing, as well as other types of housing, in Fayetteville, as well as downtown Fayetteville, specifically.

Action Item: Target and grow attainable housing developers

Identify and engage in conversations with residential or attainable housing developers who have completed other projects in the region.

Action Item: Explore incentives for developers

Possible incentives, such as free or reduced-cost land, expedited permitting, fee waivers, and grants for developers of attainable housing developments in Fayetteville, should be explored.

Many jurisdictions in the U.S. have adopted a “density bonus” program as an incentive for developers to construct new attainable housing units. In such programs, a developer obtains the ability to construct additional “market rate” units in exchange for including “attainable” units.

The attainable housing bonus for market rate units may be higher if the developer commits to including very-low or low-income housing units (to be defined), and bonuses may be higher if the attainable units are located in areas preferred for development/redevelopment, or are part of projects that will further land-use plan priorities.

Another program to consider is something similar to the Vacants to Value program in Baltimore, Maryland, described on the following page, which focused on revitalization of distressed neighborhoods through development of quality workforce housing.

BEST PRACTICE: VACANTS TO VALUE PROGRAM

Baltimore, Maryland

This program has resulted in revitalization of many of Baltimore’s distressed neighborhoods by providing quality workforce housing through a program of enhanced code enforcement, public/private partnerships and homebuyer incentives. The program, which is managed by Baltimore Housing, focuses its efforts on 24 distressed areas, designated by the city and called Community Development Clusters. The clusters were created in partnership with developers committed to creating new workforce housing opportunities through the acquisition and rehabilitation of vacant property within the cluster area. The program included:

- Receivership auctions that transfer underutilized vacant properties into the hands of capitalized developers;
- Simplified processes and pricing that result in city-owned vacant properties being transferred to the developers quickly and affordably;
- Partnerships that address public safety and infrastructure issues in transitioning neighborhoods;
- Homeownership incentives, including down payment and closing cost assistance to targeted buyers

As of June 2013, 350 units had been created, with another 175 in process of being rehabilitated. More than 95 percent of the housing has been affordable to families at or below 120 percent of AMI, and nearly \$42 million in private investment has been leveraged.

For more information:

[Vacants to Value Program](#)



ENHANCE AND SUPPORT PUBLIC TRANSPORTATION

Action Item: Work to improve local/regional transit system

Another challenge that was referenced many times during the stakeholder engagement process was the need for more public transportation options in Fayetteville and throughout Northwest Arkansas.

Ozark Regional Transit, Inc., currently provides public transportation on 26 buses that travel 15 different routes to a four-county area within Northwest Arkansas, which includes Washington County and Fayetteville. Ozark Regional Transit currently serves more than 300,000 riders each year.⁵⁰

Razorback Transit provides fare-free transportation to U of A on-campus locations and major off-campus living and shopping areas.⁵¹

Work with Ozark Regional Transit to determine the need for additional bus routes in Fayetteville within the city and to other locations in Northwest Arkansas.

Action Item: Support idea of rapid transit or light rail in Northwest Arkansas

Over the years, there have been many discussions and studies completed related to the possibility of rapid transit and/or light rail in Northwest Arkansas. The city should support the Northwest Arkansas Council in this pursuit.



ENERGIZE AND SUPPORT DOWNTOWN FAYETTEVILLE

Action Item: Develop and define downtown boundary

The Fayetteville Downtown Master Plan defines the downtown boundary. It needs to be determined if that should be the definition of “downtown” moving forward or whether the boundary should be defined differently.

Action Item: Organize downtown business support effort

Having a vibrant downtown is an important characteristic in attracting and retaining business, as well as the Millennial Generation and others. The downtown and Dickson Street areas in Fayetteville are at the center of the arts and entertainment attractions in the city, with many boutiques, galleries, bars and restaurants, as well as music venues such as George's Majestic Lounge, and a farmer's market that runs every Saturday throughout much of the year.⁵² Although the Downtown Square is a vibrant, thriving area, there are other areas close to downtown Fayetteville in need of revitalization.

All of the benchmark cities reviewed as part of this process have a downtown organization with one or more staff members that advocate for the ongoing vitality of the downtown area and its businesses. Fayetteville does not currently have this type of support for its downtown efforts, and the Fayetteville Visitor's Bureau seems to be the only organization that markets the downtown area.

The City of Fayetteville should explore the possibility of creating a new organization to fulfill this role, contracting this role or at least forming a Downtown Business Association that works to address the needs of downtown businesses.

Action Item: Seek downtown redevelopment opportunities

It is important that strong ties be developed to the downtown and surrounding historic neighborhoods to promote revitalization and a healthy urban core. There are a number of historical buildings in downtown Fayetteville that are in need of redevelopment. While the historical façade of these buildings should be maintained, it is also important that they be redeveloped into a useful facility so that they can provide both an aesthetic and financial benefit to the City of Fayetteville.

As previously referenced in the Entrepreneurship/Innovation recommendations, Hayseed Ventures, which is located in the old Post Office building, has space left in that facility that could be converted into collaboration space for startup companies. It was recommended that the city explore the availability of historic preservation funds that could be used to support a restoration of that building into collaborative space.

**EXPLORE OTHER REDEVELOPMENT OPPORTUNITIES****Action Item: Work to redevelop 71 Business (North College Avenue and South School Avenue)**

During the stakeholder engagement process, many mentioned that they would like to see redevelopment along 71 Business (defined as North College Avenue and South School Avenue). In line with the City 2030 plans to prioritize infill over sprawl, to accommodate growth, and to bring more people to 71 Business, Fayetteville is working on redeveloping and reinvesting in the area. The city's plan anticipates the future 71 Business to have continuous sidewalks and destinations that encourage the community to come out, walk, interact and support the local businesses there. The city has a new College Avenue sidewalk project currently underway.

Redevelopment of 71 Business is important for the city and should include not only improvement in walkability, but new retail, residential, and business developments. The Chamber of Commerce has recently identified this area as a priority and is investigating opportunities in both the public and private sector to realize this opportunity.

Action Item: Identify other areas for future redevelopment

71 Business should be the immediate focus, but other areas of the city should be identified as priorities for future redevelopment.

**SEEK DEVELOPMENT OF HOTEL/CONFERENCE CENTER****Action Item: Initiate discussions with U of A**

It was referenced many times during the stakeholder engagement process that there is a need in Fayetteville both for a full-service hotel and conference center space.



Partnerships involving hotels, universities, and developers are very common today.⁵³ This may present another great opportunity for the City of Fayetteville to collaborate with the U of A in encouragement of the development of a hotel/conference center near campus, and may be another area for the Town and Gown Advisory Committee to focus its efforts.

Action Item: Identify potential sites

The first step is to identify potential sites for a hotel and conference center. Locations near the downtown area should be a key focus.

Action Item: Gather supportive data

Next, gather data to help support the need for a hotel and conference center development.

Action Item: Identify potential developers

Potential developers will then need to be identified to target for a hotel and conference center development in Fayetteville.

Action Item: Explore potential funding options

Potential funding options for the development will then need to be explored, which may include issuance of a bond or a public/private partnership.

| FOCUS: MARKETING AND COMMUNICATIONS

ENHANCE FAYETTEVILLE'S PUBLIC PROFILE AS A DYNAMIC BUSINESS LOCATION

At its core, economic development is a sales and marketing function. For that reason, effective marketing and communications tactics are essential to support other strategies in this plan that are focused on areas such as business retention and expansion, innovation and entrepreneurship, and sustainability, as well as recruitment of companies within the identified targeted sectors. Additionally, this planning process also included a comparative analysis that identified Fayetteville's key assets related to economic development success. Promotion of those assets to key target audiences will further support the city's economic development success.

Strategic marketing recommendations that increase awareness of Fayetteville and exploit the community's strengths as a business location will serve to enhance overall effectiveness of the city's economic development efforts. Throughout this marketing effort, it is important to remember that most successful marketing programs begin with the community, which requires a marketing focus on internal audiences, in addition to those external prospects. However, the recommendations contained in this document are not intended to represent a comprehensive marketing plan for Fayetteville's economic development efforts. Rather, they are designed to enhance and support other ongoing marketing efforts.



STRATEGIC PRIORITIES

Build the Fayetteville First brand

- Action Item:** Develop key messages that speak to the Fayetteville First positioning
- Action Item:** Secure and utilize appropriate Fayetteville First online handles
- Action Item:** Rebrand all marketing materials and activities with Fayetteville First logo
- Action Item:** Incorporate Fayetteville First messaging into speeches and talking points for economic development leaders

Develop a dynamic digital media presence

- Action Item:** Develop an enhanced economic development web presence
- Action Item:** Re-focus social media messaging toward economic development priorities
- Action Item:** Monitor and engage in online discussions related to targeted sectors
- Action Item:** Incorporate sustainability messaging into digital media

Pursue recognition in key rankings

- Action Item:** Research methodology for targeted rankings
- Action Item:** Identify and pursue recognition in rankings related to innovation, millennials, and sustainability
- Action Item:** Market recognition to key audiences

Increase publicity about key economic development efforts

- Action Item:** Utilize local media to communicate to local and regional audiences
- Action Item:** Place guest editorials and news articles in key business and trade publications
- Action Item:** Seek publicity about Fayetteville’s sustainability initiatives
- Action Item:** Seek recognition as the Startup City of the South

ATTRIBUTES OF KEY MESSAGES

Effective key messages have the following attributes:

- Concise:** three to five messages of no more than one to three sentences in length.
- Strategic:** define and speak to the benefits/value proposition.
- Relevant:** a message of importance to the target audience.
- Compelling:** important information that moves the audience to action.
- Simple:** straightforward language free of jargon and acronyms.
- Memorable:** easily recalled and shared.
- Tailored:** adapted to various target audiences, with appropriate depth of information.



BUILD THE FAYETTEVILLE FIRST BRAND

Action Item: Develop key messages that speak to the Fayetteville First positioning

Key messages are used as the basis for an effective branding and communications program. The City of Fayetteville should develop a series of key messages about Fayetteville's economic development assets that relate to the Fayetteville First positioning. These messages would include areas in which the city is a recognized leader, such as sustainability, entrepreneurship, and key educational offerings. All economic development communications activities should center on these messages, which will tell the Fayetteville First story.

Action Item: Secure and utilize appropriate Fayetteville First online handles

While the FayettevilleFirst-AR.com web domain has been purchased and is already in use for this strategic planning process, similar digital media handles should be secured for various social media tools, including Twitter, LinkedIn, and YouTube. Having a consistent handle across all online media platforms will help build equity in the Fayetteville First brand and will ensure that target audiences will easily locate and identify Fayetteville's economic development online presence.

Action Item: Rebrand all marketing materials and activities with the Fayetteville First logo

The Fayetteville First brand and logo should be extended to all marketing materials utilized for Fayetteville's economic development program. This should include the redesigned website, as well as print materials, online "brochures," RFI/RFP responses, signage, and news releases. In addition, a PowerPoint template should be developed using the Fayetteville First brand for all presentations related to economic development.

Action Item: Incorporate Fayetteville First messaging into speeches and talking points for leaders

The concept behind Fayetteville First, as described in the introduction to this document, as well as other key messages developed as part of this plan should be incorporated into speeches and talking points for the Mayor and

other city leaders. These talking points should be provided to City Council members and city staff, in addition to the Mayor, and included in civic club presentations, Council meetings, and any other opportunities to discuss Fayetteville's economic development programs and successes.

DEVELOP A DYNAMIC DIGITAL MEDIA PRESENCE

Action Item: Develop an enhanced economic development web presence

A new, dynamic web presence should be developed to promote Fayetteville as a business location. The website should use the FayettevilleFirst-AR.com web domain and be available through a link from the city's website. The site should be branded with the Fayetteville First brand and include sections on the city's targeted sectors; advantages of locating in Fayetteville; demographic and workforce data and maps; available buildings and sites; business climate and incentives; and living in Fayetteville.

Action Item: Re-focus social media messaging toward economic development priorities

Current social media messaging related to Fayetteville economic development, particularly on Twitter, has a more general Chamber of Commerce message. Fayetteville should more effectively utilize social media platforms with messaging tied to the economic development priorities identified in the Fayetteville First plan. With a basis in the key messages recommended as part of this plan, a series of two or three hashtags should be developed to promote key initiatives around innovation/entrepreneurship, millennials, and sustainability.

To ensure an appropriate focus on targeted sectors, a series of YouTube testimonials featuring successful Fayetteville businesses in each of the targeted sectors should be produced. Additionally, hashtags related to the targets should also be developed to bring Fayetteville to the forefront in conversations related to the targets.

**Action Item: Monitor and engage in online discussions related to targeted sectors**

Key industry groups on LinkedIn and industry chats on Twitter should be monitored, with Fayetteville leaders participating in those online discussions to further tell the city's story. Additionally, Fayetteville success stories should be posted and promoted on social media platforms and in industry interest groups, as appropriate. These stories should include topics specific to economic development, as well as other related organizations and topics in the community.

Action Item: Incorporate sustainability messaging into digital media

Fayetteville's history of aggressive support for sustainability initiatives should be promoted through social media. As described in the sustainability focus section of this document, sustainability is a critical issue for Corporate America, and Fayetteville can position itself to take advantage of the commitment the city has made to sustainability. To heighten awareness of Fayetteville's sustainability initiatives, the city should incorporate business-oriented sustainability programs into its social media messaging and on the city's economic development website. Additionally, sustainability interest groups on LinkedIn should also be monitored, with Fayetteville initiatives shared in discussions that relate to local programs.

**PURSUE RECOGNITION IN KEY RANKINGS****Action Item: Research methodology for targeted rankings**

Fayetteville has been recognized by several publications, including U.S. News & World Report Best Places to Live, Forbes Best Places for Business and Careers, and Livability Top 10 Best College Towns. In an effort to continue receiving this recognition and being included on other similar lists, it is important to understand how those rankings are determined. Many rankings of this kind are based primarily on empirical data, which limits how those rankings can be influenced through a public relations effort. However, other rankings are more subjective and require an overall awareness of Fayetteville in order to be considered for recognition. In these cases, an ongoing public relations effort with key editors and/or reporters could potentially influence inclusion on these lists.

Action Item: Identify and pursue recognition in rankings related to innovation, millennials, and sustainability

A variety of publications research and rank communities on various factors related to economic and community development. Fayetteville should explore some of these lists that are specific to the objectives and recommendations of this plan and determine the selection process and criteria for inclusion. Following are examples of the kinds of lists that might be pursued:

- *Forbes* “Best Cities for Millennials”
- *Huffington Post* “10 Best Cities to Live In If You’re 35 and Under”
- *Niche* “Best Cities for Millennials in America”
- *Nerd Wallet* “Best Cities for Young Entrepreneurs”
- *Kiplinger* “10 Great Cities for Starting a Business”
- *Inc.* “America’s 10 Best Cities to Live and Launch”
- *Mother Nature Network* “Top 10 Green U.S. Cities”
- *Huffington Post* “Top 10 Greenest Cities in America”
- *Wallet Hub* “Greenest Cities in America”

Action Item: Market recognition to key audiences

As Fayetteville is recognized in key rankings, this recognition should be promoted to targeted audiences. All rankings should be included in the city’s social media messaging and added to the economic development website. In addition, an e-mail template should be developed to utilize in sharing this news with selected prospects, existing businesses, and economic development partners. These e-mail blasts should be more targeted, with rankings in specific categories shared only with those contacts that would have a particular interest in the topic, while more general rankings are shared with all contacts.



INCREASE PUBLICITY ABOUT KEY ECONOMIC DEVELOPMENT EFFORTS

Action Item: Utilize local media to communicate to local and regional audiences

As mentioned, “internal” audiences – Fayetteville residents and partners – are very important players in an economic development marketing effort. For that reason, it is important to regularly communicate with those audiences about

economic development initiatives and successes. One tool for accomplishing this would be to place a guest column authored by the Mayor in the Northwest Arkansas Business Journal on a bi-annual basis. While “breaking news” successes would likely have been covered by local media, this column would provide a vehicle for summarizing those successes and discuss upcoming opportunities.

Action Item: Place guest editorials and news articles in key business and trade publications

While this plan does not recommend paid media in traditional publications, it is important to pursue news coverage in targeted business and trade publications. This publicity effort should include both guest columns and news articles about important successes and programs in Fayetteville. In trade publications, the focus should be on unique opportunities within a targeted sector, along with potential testimonials from successful companies in that sector that are located in Fayetteville. For general business publications, the target should be on markets that have a cluster of companies within one or more of Fayetteville’s targets or that otherwise align with the strategies recommended in the Fayetteville First plan. A guest column authored by the Mayor or other Fayetteville leader could be placed to point to the advantages of locating a business in Fayetteville or have a specific focus, such as the robust entrepreneurial ecosystem in the city.

Action Item: Seek publicity about Fayetteville’s sustainability initiatives

In addition to social media messaging and pursuing recognition in rankings related to sustainability, Fayetteville should seek publicity placement about sustainability initiatives in some key business publications. This publicity should be focused on how sustainability impacts Fayetteville’s corporate citizens and why companies find the city attractive as a result of its commitment to sustainability.

Action Item: Seek recognition as the Startup City of the South

In the Entrepreneurship and Innovation section of this report, there are a number of action items focused on ensuring that Fayetteville has the proper ecosystem in place to truly support and retain startups long-term. The activities in this area must be publicly touted through social media and other means with the ultimate goal of establishing the message that Fayetteville is the “Startup City of the South.” The phrase “Startup City of the South” should be trademarked by Fayetteville, if possible.



| FOCUS: SUSTAINABILITY

ORGANIZE AND CAPITALIZE ON FAYETTEVILLE'S SUSTAINABLE ENVIRONMENT

In recent years, corporate America's commitment to sustainability has grown exponentially. Some of America's most high-profile companies have been recognized for their sustainability initiatives. A number of factors have played a role in the pervasive talk about sustainability among businesses both large and small, and across virtually every industry sector. Consumers are making purchasing decisions based on how sustainable a company or product is. Younger talent is seeking cities and jobs that align with their own sustainable values. Many sustainable initiatives are more than just the "right thing to do"—they actually positively impact the bottom line.

A recent survey by McKinsey showed that CEOs today are twice as likely to view sustainability as their top priority compared to their views in 2012. Most leading global companies today see sustainability as important, if not central, to their strategy for controlling costs, avoiding risks, enhancing brands, attracting talent, fueling innovation, and driving top-line growth. This commitment to sustainability has tremendous impact on economic development efforts. Companies want to locate and do business in communities that have a similar commitment to sustainability and have programs to support their internal initiatives. Fayetteville has in place comprehensive sustainability initiatives, which should be utilized as a competitive advantage for the community. These initiatives should be inventoried, promoted, and strengthened as part of this comprehensive economic development program.

STRATEGIC PRIORITIES

Understand, promote, and plan for the future of sustainability in Fayetteville

- Action Item:** Update Sustainable Inventory annually
- Action Item:** Market and promote sustainable activities
- Action Item:** Develop a plan to guide future sustainable activities

Promote and encourage ongoing sustainability activities in Fayetteville Public Schools (FPS)

- Action Item:** Promote sustainability efforts in FPS
- Action Item:** Work to expand sustainability programs across all schools

Support the local food economy

- Action Item:** Form a Regional Food Economy Work Group
- Action Item:** Seek grants to fund programs
- Action Item:** Explore creation of a Food Hub or similar program

 UNDERSTAND, PROMOTE AND PLAN FOR THE FUTURE OF SUSTAINABILITY IN FAYETTEVILLE

Action Item: Update Sustainable Inventory annually

As part of its recognition as a 3-STAR Community, Fayetteville submitted information on its sustainable efforts. Ensure that this “sustainable inventory” is complete and updated annually.

Action Item: Market and promote sustainable activities

Fayetteville is a leader in the area of sustainability in the State of Arkansas, and this accolade should be actively promoted through the city and Chamber websites, social media, and other outlets.

Action Item: Develop a plan to guide future sustainable activities

The next step for Fayetteville is to develop a sustainable plan that outlines its strategic priorities related to sustainability over the next five years.

 PROMOTE AND ENCOURAGE ONGOING SUSTAINABILITY ACTIVITIES IN FAYETTEVILLE PUBLIC SCHOOLS (FPS)

Action Item: Promote sustainability efforts in FPS

FPS is already ahead of the game related to its sustainability efforts. The FPS District Green Team is focused on educating students, parents, and community members on environmental issues and ways to improve the environment. The Center for Green Schools at the US Green Building Council (USGBC) has selected the Fayetteville School District as one of six school districts across the nation to receive year-round support from the Center for Green Schools and a broad network of school sustainability leaders. The School District Scholarship program provides real, on-the-ground opportunities for entire school districts to engage in sustainability improvements and ongoing education. FPS also has a Farm to School and school garden program called Seed to Student.

These efforts should be inventoried and marketed as appropriate.

Action Item: Work to expand sustainability programs across all schools

Fayetteville has community gardens in some but not all public schools. There should be an organized and supported effort to ensure that there is a school gardening program at all schools in the Fayetteville School District, and that other key programs referenced above are offered district wide.

School gardens provide an opportunity for students to learn not only about how plants grow and where food comes from, but also history, math, science, and culinary arts. Students who participate in school gardens are also shown to have a greater likelihood of trying and liking fruits and vegetables, as school gardens tend to increase the proportion of local and healthy food on the school lunch tray.

SUPPORT THE LOCAL FOOD ECONOMY

The term “local food system” is used to describe a method of food production and distribution that is geographically localized, where food is grown or raised and harvested close to the home of the consumer, then distributed over much shorter distances than is common in the conventional global food system. In general, local/regional food systems are associated with sustainable agriculture.⁵⁷

There is already a significant local food system that exists in Fayetteville that includes but is not limited to organizations such as Apple Seeds, which leads the movement of school garden education within Washington County and manages the educational component of the Fayetteville Public Schools Farm to School program, and Feed Fayetteville, which works to find solutions to local hunger and childhood obesity focusing on supporting local farmers and producers in the community. Even with the existing support, the Fayetteville local food system needs additional support to fully reach its potential. The following steps are recommended:

Action Item: Form a Regional Food Economy Work Group

Involve the Northwest Arkansas Council and the U of A in efforts to further develop the local and regional food economy, and suggest the formation of a Regional Food Economy Work Group.

Action Item: Seek grants to fund programs

In March 2016, it was announced that The Horticulture Department in the Dale Bumpers College of Agricultural, Food and Life Sciences at the University of Arkansas received a \$25,000 planning grant from the United States Department of Agriculture (USDA) Local Foods Program to promote the local food system in Northwest Arkansas. The project, which is a partnership among the U of A, Fayetteville Farmers Market, and Fayetteville Public Schools, called “Building the Capacity of the Northwest Arkansas Food System,” is using an advisory committee, surveys, and stakeholder meetings to determine challenges and opportunities associated with bringing local products to market.⁵⁸

BEST PRACTICE: LOCAL FOOD SUPPORT

Louisville, Kentucky

A Local Food Economy Work Group, which was a collaboration of elected officials from Henry, Oldham, Shelby, Spencer and Trimble Counties and the Cities of Shelbyville and Louisville, started studying the issue of local food supply and demand in 2009. The Kentucky Department of Economic Development, working on behalf of this group, commissioned a Regional Farmers Market Feasibility Study, to understand what regional farmers needed in order to sell more local food in Louisville, and where local food was being sold.

The study recommended key elements needed to increase Kentucky farmers’ share of Louisville’s food market system, specifically, calling for a broker to create relationships and connect suppliers with consumers, which led to the creation of the Louisville Farm to Table program. The program is focused on increasing the capacity of the local food system by working to increase production, marketing, distribution and sales of Kentucky edible agriculture products and to meet the demand of Louisville’s market for local foods.

The effort includes brokering deals and relationships, hosting public forums to identify and overcome barriers in the local food system, and working directly with institutions such as the public school system to support their local food purchasing goals. The program’s objective is to make the flow of Kentucky-grown products into all types of markets more seamless.

The Louisville Farm to Table program is made possible through grants and support from the Kentucky Agricultural Development Board.

For more information:

[Louisville Farm to Table](#)

[Louisville Local Food](#)

The schools received the first three year grant that was a similar partnership in 2012. The USDA Farm to School Implementation Grant was for just over \$99,000 and was used for kitchen equipment, training, staffing, and supplies to increase the ability to purchase and process local products, provide relevant nutrition and school garden learning opportunities for students, and develop community partnerships to expand the Seed to Student program. Other potential grants available through the USDA Local Foods Program should be explored.

Action Item: Explore creation of a Food Hub or similar program

Seek support and funding from the Arkansas Agriculture Department and USDA Local Foods Program to explore the feasibility of creating a program in Fayetteville similar to the Louisville Farm to Table Program, described previously.

Fayetteville has already been exploring the idea of a “Food City” development, a concept developed by the University of Arkansas Community Design Center (UACDC) in association with the University of Arkansas Department of Biological and Agricultural Engineering. “Food City” devises a model for developing an urban food production system beyond the scale of the individual garden. The plan envisions the food shed as an ecological municipal utility, featuring green infrastructure, public growscapes, and urban spaces related to food processing, distribution, and consumption. “Food City” reclaims a “missing middle scale of agricultural land use between the backyard garden and the industrial farm.”⁵⁹

Since its release in 2013, the Food City project team has participated in creating a more permissive Fayetteville Urban Agriculture Ordinance, adopted in 2014 by the city. The city will incorporate urban agriculture land uses into Fayetteville’s forthcoming updated master plan. The city’s Food Policy Working Group was subsequently founded, and in fall 2015 the city launched a municipal composting pilot project.⁶⁰

This idea seems to have some crossover with the Food Hub idea in Louisville. The feasibility of this should be further explored by engaging the Arkansas Agriculture Department, Northwest Arkansas Council, and the University of Arkansas Division of Agriculture.

BEST PRACTICE: FOOD HUB

Louisville, Kentucky

Food hubs, or networks that allow regional growers to collaborate on marketing and distribution, are growing in popularity around the nation, in part due to support from the U.S. Department of Agriculture (USDA).

A 24-acre site formerly occupied by the National Tobacco Company will soon become home to a local food hub in Louisville known as the West Louisville Food Hub. This project, which is a partnership between city government and Seed Capital Kentucky, a non-profit investor, is aimed at supporting small farmers and building a local food economy. The West Louisville Food Hub is a \$45 million project. Seed Capital applied for New Markets Tax Credit to cover about 30 percent of the initial cost of getting the site ready.

The hub is envisioned as a marketplace where farmers can monetize their entire crop. Local produce will first go to restaurant and market buyers within the hub. What doesn’t sell will go to an industrial food processor located next door. What’s left will go to a food bank in the hub. And whatever cannot be eaten will go to an anerobic biodigester producing methane and heat from organic waste.

The vision is to have a mix of tenants representing the entire food cycle, as well as a two-acre demonstration farm operated by the county agriculture extension service. The project was projected to be completed in mid-2016. “This project has the potential to transform one of Louisville’s most distressed neighborhoods by bringing good food, good jobs, and good development to a vacant site,” says Mayor Greg Fischer.

For more information:

[Louisville Food Hub](#)



ECONOMIC DELIVERY SYSTEM

CREATE AN EFFECTIVE ECONOMIC
DELIVERY SYSTEM

There are various ways as to how a city can organize its delivery system for its economic development efforts. What is most important is that there is a clear direction on which entities are responsible for the various functions and that there is accountability for those functions. In the case of Fayetteville, regionalism is also a critical factor related to the activities of the Northwest Arkansas Council. Economic development does not result from the efforts or actions of any single person, organization or institution, but rather through collective energies of multiple entities working together in partnerships toward consistent and mutually acknowledged objectives.

In the benchmark locations reviewed as part of this process, which included Asheville, North Carolina; Boulder, Colorado; Chapel Hill, North Carolina; Fort Collins, Colorado; and Lawrence, Kansas; most of the city economic development departments, except one, Chapel Hill, have at least one dedicated staff member providing economic development services with the majority having two or three, and one, Asheville, having nine staff, many of which are focused specifically on economic development issues.

 CURRENT STRUCTURE

- Economic development services in the City of Fayetteville are currently managed at the city level. The Development Services Department, which is the city’s planning arm, manages the contract for economic development services. The Fayetteville Chamber of Commerce was contracted for business recruitment and retention services beginning in 2009 at a cost of \$165,000 per year.
- The Office of Sustainability was created in 2007 to partner with city divisions to promote and incorporate ecological practices into city projects and planning.⁶¹
- The Fayetteville Visitor’s Bureau promotes tourism in Fayetteville. The Fayetteville Advertising and Promotion Commission was created in 1977 with the passage of the Hotel/Motel/Restaurant Tax in the city, which it administers today.⁶²

- The Northwest Arkansas Council is a private, non-profit organization that undertakes regional issues important to the growth of the regional economy. The Council is the regional economic development organization lead. Those economic development leads appropriate for Fayetteville are directed to the Chamber for follow-up and response. As previously referenced, the City of Fayetteville contracts with the Chamber for business recruitment and retention services. The Council also provides funding assistance to the Chamber to support existing industry.

 GENERAL OBSERVATIONS OF CURRENT ECONOMIC DEVELOPMENT DELIVERY SYSTEM

- Accountability is more important than ever in the economic development arena in order for organizations to create the environment of trust and respect that is critical to fulfilling their leadership role. Specific, realistic, and quantifiable metrics, such as increases in jobs, investment, and average wages, should be put in place related to Fayetteville’s economic development efforts to measure success of business recruitment and expansion activities. These metrics will focus on results, rather than process, and provide a true barometer of performance.
- Entrepreneurship and innovation present a significant opportunity for Fayetteville. There is not currently an organized economic development effort focused on this area, and this must be addressed by working with all of the parties currently involved in this area in Fayetteville.
- Arts and culture is another area that needs focus in Fayetteville.
- There is a need for at least one economic development position at the city that coordinates for all services.
- There may also eventually need to be a position at the city that focuses on entrepreneurship/innovation.



ECONOMIC DEVELOPMENT DELIVERY SYSTEM RECOMMENDATION

Three functions of an economic development program are recommended moving forward:

1. Business Recruitment Services
2. Business Retention & Expansion (BRE) Services
3. Entrepreneurial/Startup Support Services

Business recruitment and BRE services are two of the most critical components of economic development today and entrepreneurial/startup support services is a growing area of focus of an economic development program, and a significant opportunity for Fayetteville as previously noted.

Responsibilities for each of these functions would need to be clearly defined. The city must ensure that each of these functions are properly addressed and that performance metrics are put in place to measure effectiveness of delivery of each role. Based on this, there should be two delivery system options:

1. The city can issue an RFP(s) to contract out these three services to one or more entities.
2. If the city does not get adequate or strength of responses in one or more of these areas, create a comprehensive economic development program at the City of Fayetteville to address these services.

Regardless of the delivery system option put in place, there should be at least one new position created at the city that may be called the Director of Economic Vitality that coordinates all services, giving specific attention to entrepreneurship/innovation, and there may eventually need to be another new position at the city that focuses specifically on entrepreneurship/innovation that may be called the Director of Innovation.

Specific performance metrics will be developed related to each of the three services and delivered separately from this document.



- 29 <http://www.nwaonline.com/news/2016/apr/21/northwest-region-rules-ranking-of-state/?news-arkansas-nwa>
- 30 <http://www.forbes.com/sites/jefffromm/2015/11/06/millennials-in-the-workplace-they-dont-need-trophies-but-they-want-reinforcement/#640659d05127>
- 31 <http://millennials.atlantaregional.com>
- 32 <http://www.victvd.com>
- 33 <http://entrepreneurship.uark.edu>
- 34 <http://www.startupjunkieconsulting.com/what-we-do/>
- 35 <https://www.facebook.com/hayseedventures/info/?tab=overview>
- 36 <http://www.hayseedventures.com/#services>
- 37 <http://www.nwabusinessjournal.com/14866/center-of-it-all-innovation-hub-makes-its-way-to-fayetteville-square>
- 38 Information provided by the Fayetteville Chamber of Commerce.
- 39 Information provided by the Fayetteville Chamber of Commerce.
- 40 Information provided by the Fayetteville Chamber of Commerce.
- 41 Information provided by the Fayetteville Chamber of Commerce.
- 42 <http://uacdc.uark.edu/about/>
- 43 Information provided by the Fayetteville Chamber of Commerce.
- 44 <https://bouldercolorado.gov/pages/microloan-program>
- 45 <http://growinorangenc.com/news/orange-county-revolving-loan-program/>
- 46 <http://www.pocket-neighborhoods.net/whatisaPN.html>
- 47 http://www.architectmagazine.com/technology/black-apple-pocket-community-brings-high-performance-homes-to-suburban-arkansas_o
- 48 <http://www.aia.org/aiaucmp/groups/aia/documents/pdf/aia100106.pdf>
- 49 <https://broward.org/BrowardNext/Documents/02-BrowardNEXT-Attainable-Housing-Vision.pdf>
- 50 <http://www.ozark.org/index.php/9-news/153-schematic-transit-map>
- 51 <http://www.fayetteville-ar.gov/1258/Sustainable-Transportation>
- 52 <http://www.experiencefayetteville.com/do/item/44-dickson-street-downtown>
- 53 <http://maryscottnabers.com/2016/02/05/universities-find-hotels-conference-centers-good-partnership-prospects/>
- 54 http://district.fayar.net/pages/Fayetteville_SD/Departments_Programs/Sustainability/FPS_Green_Team
- 55 http://district.fayar.net/pages/Fayetteville_SD/Departments_Programs/Sustainability/News/FPS_Receivees_Sustainability_Sc
- 56 http://district.fayar.net/pages/Fayetteville_SD/Departments_Programs/Sustainability/Seed_to_Student
- 57 <http://www.sustainabletable.org/254/local-regional-food-systems>
- 58 http://news.uark.edu/articles/34007/usda-awards-grant-to-horticulture-department-for-promoting-local-foods?utm_source=NewsWire&utm_medium=mail2016-03-22&utm_campaign=usda-awards-grant-to-horticulture-department-for-promoting-local-foods
- 59 <http://uacdc.uark.edu/work/fayetteville-2030-food-city-scenario-plan>
- 60 <http://uacdc.uark.edu/work/fayetteville-2030-food-city-scenario-plan>
- 61 <http://www.experiencefayetteville.com/hospitality-hero-blog/item/129-about-the-cvb>
- 62 <http://www.experiencefayetteville.com/hospitality-hero-blog/item/548-history-of-the-cvb>

C.I.

*Addition:
Falling Waters
Appeal*

Agenda Session

5-10-16

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 10, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

*Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

ELECTED OFFICIALS:

*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith*

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions

A. Consent:

A. 1 2015-0647

APPROVAL OF THE MAY 3, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 2016-0236

MICROSOFT CORPORATION ENTERPRISE AGREEMENT RENEWAL:

A RESOLUTION TO AUTHORIZE A THREE YEAR RENEWAL OF THE ENTERPRISE AGREEMENT WITH MICROSOFT CORPORATION, THROUGH ITS AUTHORIZED RESELLER SHI INTERNATIONAL CORPORATION, FOR SOFTWARE PRODUCTS IN THE AMOUNT OF \$137,200.00 PER YEAR PLUS APPLICABLE TAXES, AND TO APPROVE A CONTINGENCY IN THE AMOUNT OF \$13,700.00 PER YEAR FOR ADDITIONAL SOFTWARE LICENSES AS NEEDED

Attachments: MICROSOFT CORPORATION ENTERPRISE AGREEMENT RENEWAL

A. 3 2016-0196

ANIMAL SERVICES DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$81,602.00 REPRESENTING DONATION REVENUE TO ANIMAL SERVICES FOR THE FIRST QUARTER OF 2016

Attachments: ANIMAL SERVICES DONATION REVENUE
 BA ANIMAL SERVICES DONATION REVENUE

A. 4 2016-0212**ALLIANCE PUMP & MECHANICAL, INC.:**

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE CONTRACT WITH ALLIANCE PUMP & MECHANICAL, INC. IN THE AMOUNT OF \$43,521.00 PLUS APPLICABLE TAXES FOR ADDITIONAL REPAIR SERVICES REQUIRED TO REBUILD SEVEN (7) GEARBOXES AT THE NOLAND WASTEWATER TREATMENT PLANT

Attachments: ALLIANCE PUMP & MECHANICAL, INC.

A. 5 2016-0222**BID #16-30 CENTRAL LAUNDRY EQUIPMENT, INC.:**

A RESOLUTION TO AWARD BID #16-30 AND AUTHORIZE THE PURCHASE OF FOUR COMMERCIAL WASHER EXTRACTORS AND FIVE DRYING UNITS FROM CENTRAL LAUNDRY EQUIPMENT, INC. OF WARD, ARKANSAS IN THE AMOUNT OF \$65,130.00 PLUS APPLICABLE TAXES FOR USE BY THE FIRE DEPARTMENT

Attachments: BID #16-30 CENTRAL LAUNDRY EQUIPMENT, INC.

A. 6 2016-0213**BRADEN NEIGHBORHOOD PARK:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$3,723.00 RECOGNIZING PARKLAND DEDICATION FEES FROM THE NORTHEAST QUADRANT TO BE USED FOR A PORTION OF IMPROVEMENTS TO AND EXPANSION OF THE PLAYGROUND AT BRADEN NEIGHBORHOOD PARK

Attachments: BRADEN NEIGHBORHOOD PARK
 BA BRADEN NEIGHBORHOOD PARK

A. 7 2016-0229**ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR
RECREATION GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 50/50 MATCHING GRANT FROM THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM IN THE AMOUNT OF \$150,000.00 FOR THE CONSTRUCTION OF PLAYGROUND AND PARKING IMPROVEMENTS AT WILSON PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREAT
 BA ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECR

A. 8 2016-0237**PARKS AND RECREATION DEPARTMENT DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$29,387.00 REPRESENTING DONATION REVENUE TO THE PARKS AND RECREATION DEPARTMENT

Attachments: PARKS AND RECREATION DEPARTMENT DONATION REVENUE
 BA PARKS AND RECREATION DEPARTMENT DONATION REVENUE

A. 9 2016-0227**RECREATIONAL TRAILS GRANT APPLICATION - TRAIL REPLACEMENT:**

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID RECREATIONAL TRAILS FUNDS AND AUTHORIZE APPLICATION FOR A 20% LOCAL MATCH GRANT THROUGH THE ARKANSAS RECREATIONAL TRAILS PROGRAM IN AN AMOUNT UP TO \$56,000.00 FOR THE REPLACEMENT OF A SECTION OF THE RAZORBACK REGIONAL GREENWAY FROM MAPLE STREET TO FRISCO AVENUE

Attachments: RECREATIONAL TRAILS GRANT APPLICATION - TRAIL REPLACEMENT

A. 10 2016-0228**TRANSPORTATION ALTERNATIVES PROGRAM - MUD CREEK TRAIL
LIGHTING:**

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS AND AUTHORIZE APPLICATION FOR A 20% LOCAL MATCH GRANT THROUGH THE ARKANSAS TRANSPORTATION ALTERNATIVES PROGRAM IN AN AMOUNT UP TO \$500,000.00 FOR THE INSTALLATION OF TRAIL LIGHTING ALONG THE RAZORBACK REGIONAL GREENWAY AND THE MUD CREEK TRAIL FROM THE FULBRIGHT EXPRESSWAY TO OLD MISSOURI ROAD

Attachments: TRANSPORTATION ALTERNATIVES PROGRAM - MUD CREEK TRAIL LIGHTING

A. 11 2016-0230**LEVI STORAGE CENTER, LLC PURCHASE FOR CATO SPRINGS TRAIL:**

A RESOLUTION TO APPROVE THE PURCHASE OF 1.5 ACRES OF PROPERTY FOR CONSTRUCTION OF THE CATO SPRINGS TRAIL FROM LEVI STORAGE CENTER, LLC IN THE AMOUNT OF \$31,296.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,129.60

Attachments: LEVI STORAGE CENTER, LLC PURCHASE FOR CATO SPRINGS TRAIL

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

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

Attachments: Amend 72.58 Off-Street Parking Facilities; Rules and Rates

Left on the Second Reading at the April 5, 2016 City Council Meeting and Tabled until the May 17, 2016 City Council Meeting. At the March 1, 2016 City Council Meeting, this ordinance was left on the second reading and. Tabled to April 5, 2016. This Ordinance was left on the first reading at the February 16, 2016 City Council meeting.

B. 2 2016-0194**VAC 16-5354 (1137 W. MLK BLVD./ARENA VILLAGE):**

AN ORDINANCE TO APPROVE VAC 16-5354 SUBMITTED BY STEVE FOWLER FOR PROPERTY LOCATED AT 1137 WEST MARTIN LUTHER KING BOULEVARD TO VACATE PORTIONS OF A UTILITY EASEMENT

Attachments: VAC 16-5354 (1137 W MLK BLVD. Arena Village)

This Ordinance was left on first reading at the May 3, 2016 City Council Meeting.

B. 3 2016-0205**AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION:**

AN ORDINANCE TO AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION OF THE FAYETTEVILLE CODE BY REPEALING § 116.01, ENACTING A REPLACEMENT § 116.01 AND BY AMENDING THE DEFINITION OF SOLICITOR IN § 116.02 (A) (4)

Attachments: Amend Chapter 116: Door to Door Solicitation

This Ordinance was left on first reading at the May 3, 2016 City Council Meeting.

C. New Business:

Consent
(C. 1)

2016-0234**HOME TEAM, LLC:**

A RESOLUTION TO ACCEPT THE DONATION OF 1.5 ACRES OF PROPERTY FROM HOME TEAM, LLC WITH THE RESTRICTION THAT NO DEVELOPMENT SHALL OCCUR ON THE PROPERTY FOR AT LEAST FIFTY (50) YEARS

Attachments: HOME TEAM, LLC

Consent
(C. 2)

2016-0233**FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP AMENDMENTS:**

A RESOLUTION TO APPROVE AMENDMENTS TO THE FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP TO ADD A CONNECTOR TRAIL BETWEEN THE HAMESTRING CREEK TRAIL AND THE SHILOH TRAIL, TO REMOVE A PAVED TRAIL FROM THE KESSLER MOUNTAIN RIDGE, AND TO ADD A LOOP TRAIL AROUND THE REGIONAL PARK

Attachments: FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP AMENDMENTS

C. 3 2016-0193**U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE FOR 2016 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$61,721.00

Attachments: U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT

C. 4 2016-0197**AMEND § 92.31 DANGEROUS ANIMALS AND ENACT § 92.07 INHUMANE TRAPS PROHIBITED:**

AN ORDINANCE TO AMEND § 92.31 **DANGEROUS ANIMALS** TO PROVIDE THE ANIMAL SERVICES DIVISION WITH ADDITIONAL OPTIONS TO DECLARE AN ANIMAL DANGEROUS AND ALLOW THE REHOMING OF A DANGEROUS ANIMAL WITH THE APPROVAL OF THE ANIMAL SERVICES SUPERINTENDENT, AND TO ENACT A NEW § 92.07 **INHUMANE TRAPS PROHIBITED**

Attachments: AMEND § 92.31 DANGEROUS ANIMALS AND ENACT § 92.07 INHUMANE TRA

C. 5 2016-0235**SPECIAL ELECTION FOR FAYETTEVILLE PUBLIC LIBRARY:**

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ON THE QUESTIONS OF (1) THE RAISING BY ONE AND ONE-HALF (1.5) MILLS THE CURRENT ONE (1.0) MILL CITY TAX ON REAL AND PERSONAL PROPERTY SUPPORTING THE MAINTENANCE AND OPERATION OF FAYETTEVILLE PUBLIC LIBRARY, AND (2) THE IMPOSITION OF A ONE AND TWO-TENTHS (1.2) MILL CITY TAX ON REAL AND PERSONAL PROPERTY TO BE PLEDGED TO AN ISSUE OR ISSUES OF BONDS NOT TO EXCEED \$26,500,000 IN PRINCIPAL AMOUNT TO FINANCE CAPITAL IMPROVEMENTS TO FAYETTEVILLE PUBLIC LIBRARY; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY

Attachments: SPECIAL ELECTION FOR FAYETTEVILLE PUBLIC LIBRARY

C. 6 2016-0238**ECONOMIC DEVELOPMENT STRATEGIC PLAN:**

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE FIRST
ECONOMIC DEVELOPMENT STRATEGIC PLAN

Attachments: ECONOMIC DEVELOPMENT STRATEGIC PLAN

D. City Council Agenda Session Presentations:**E. City Council Tour:**

C. 6 Add: Falling Waters Appeal

F. Announcements:**G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

Pre Agenda Meeting 5/4/16

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 10, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

*Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

ELECTED OFFICIALS:

*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith*

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions****A. Consent:**✓
A.1 2015-0647✓
A.2 2016-0236
APPROVAL OF THE MAY 3, 2016 CITY COUNCIL MEETING MINUTES.**MICROSOFT CORPORATION ENTERPRISE AGREEMENT RENEWAL:**

A RESOLUTION TO AUTHORIZE A THREE YEAR RENEWAL OF THE ENTERPRISE AGREEMENT WITH MICROSOFT CORPORATION, THROUGH ITS AUTHORIZED RESELLER SHI INTERNATIONAL CORPORATION, FOR SOFTWARE PRODUCTS IN THE AMOUNT OF \$137,200.00 PER YEAR PLUS APPLICABLE TAXES, AND TO APPROVE A CONTINGENCY IN THE AMOUNT OF \$13,700.00 PER YEAR FOR ADDITIONAL SOFTWARE LICENSES AS NEEDED

✓
A.3 2016-0196
Attachments: Microsoft EA Packet.pdf**ANIMAL SERVICES DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$81,602.00 REPRESENTING DONATION REVENUE TO ANIMAL SERVICES FOR THE FIRST QUARTER OF 2016

Attachments: SRF and Memo 2016-0196
BA 1 Qtr Donation Rev 4-12-16

A✓4 2016-0212

ALLIANCE PUMP & MECHANICAL, INC.:

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE CONTRACT WITH ALLIANCE PUMP & MECHANICAL, INC. IN THE AMOUNT OF \$43,521.00 PLUS APPLICABLE TAXES FOR ADDITIONAL REPAIR SERVICES REQUIRED TO REBUILD SEVEN (7) GEARBOXES AT THE NOLAND WASTEWATER TREATMENT PLANT

Attachments: 2016-0212 - SRP - Noland WWTP Gearbox Change Order

A✓5 2016-0222

BID #16-30 CENTRAL LAUNDRY EQUIPMENT, INC.:

A RESOLUTION TO AWARD BID #16-30 AND AUTHORIZE THE PURCHASE OF FOUR COMMERCIAL WASHER EXTRACTORS AND FIVE DRYING UNITS FROM CENTRAL LAUNDRY EQUIPMENT, INC. OF WARD, ARKANSAS IN THE AMOUNT OF \$65,130.00 PLUS APPLICABLE TAXES FOR USE BY THE FIRE DEPARTMENT

Attachments: SRF SRM PO Request Bid Tab Sheet Purchasing Documents

A✓6 2016-0213

BRADEN NEIGHBORHOOD PARK:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$3,723.00 RECOGNIZING PARKLAND DEDICATION FEES FROM THE NORTHEAST QUADRANT TO BE USED FOR A PORTION OF IMPROVEMENTS TO AND EXPANSION OF THE PLAYGROUND AT BRADEN NEIGHBORHOOD PARK

Attachments: Legistar submittal for Braden Park

BA (Agenda Item) - Braden Park Playground Expansion 4-15-16

A✓7

2016-0229**ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR
RECREATION GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 50/50 MATCHING GRANT FROM THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM IN THE AMOUNT OF \$150,000.00 FOR THE CONSTRUCTION OF PLAYGROUND AND PARKING IMPROVEMENTS AT WILSON PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:Legistar Packet - AR Parks and Tourism Grant AcceptanceBA (Agenda Item) - Wilson Park matching grant 4-28-16

A✓8

2016-0237**PARKS AND RECREATION DEPARTMENT DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$29,387.00 REPRESENTING DONATION REVENUE TO THE PARKS AND RECREATION DEPARTMENT

Attachments:Legistar Packet 0237BA (Agenda Item) - Parks & Rec Donations through 4-29-16

A✓9

2016-0227**RECREATIONAL TRAILS GRANT APPLICATION - TRAIL REPLACEMENT:**

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID RECREATIONAL TRAILS FUNDS AND AUTHORIZE APPLICATION FOR A 20% LOCAL MATCH GRANT THROUGH THE ARKANSAS RECREATIONAL TRAILS PROGRAM IN AN AMOUNT UP TO \$56,000.00 FOR THE REPLACEMENT OF A SECTION OF THE RAZORBACK REGIONAL GREENWAY FROM MAPLE STREET TO FRISCO AVENUE

Attachments:2016-0227 Recreational Trails Grant Application - Trail Replacement

A.V10 2016-0228**TRANSPORTATION ALTERNATIVES PROGRAM - MUD CREEK TRAIL
LIGHTING:**

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS AND AUTHORIZE APPLICATION FOR A 20% LOCAL MATCH GRANT THROUGH THE ARKANSAS TRANSPORTATION ALTERNATIVES PROGRAM IN AN AMOUNT UP TO \$500,000.00 FOR THE INSTALLATION OF TRAIL LIGHTING ALONG THE RAZORBACK REGIONAL GREENWAY AND THE MUD CREEK TRAIL FROM THE FULBRIGHT EXPRESSWAY TO OLD MISSOURI ROAD

Attachments: 2016-0228 - TAP Mud Creek Trail Lighting

A.V11 2016-0230**LEVI STORAGE CENTER, LLC PURCHASE FOR CATO SPRINGS TRAIL:**

A RESOLUTION TO APPROVE THE PURCHASE OF 1.5 ACRES OF PROPERTY FOR CONSTRUCTION OF THE CATO SPRINGS TRAIL FROM LEVI STORAGE CENTER, LLC IN THE AMOUNT OF \$31,296.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,129.60

Attachments: 2016-0230 - Levi Storage LLC. Property Purchase

B. Unfinished Business:B.V1 2016-0057**AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:**

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

Attachments: Amend 72.58 Off-Street Parking Facilities: Rules and Rates

Left on the Second Reading at the April 5, 2016 City Council Meeting and Tabled until the May 17, 2016 City Council Meeting. At the March 1, 2016 City Council Meeting, this ordinance was left on the second reading and. Tabled to April 5, 2016. This Ordinance was left on the first reading at the February 16, 2016 City Council meeting.

BV2 2016-0194**VAC 16-5354 (1137 W. MLK BLVD./ARENA VILLAGE):**

AN ORDINANCE TO APPROVE VAC 16-5354 SUBMITTED BY STEVE FOWLER FOR PROPERTY LOCATED AT 1137 WEST MARTIN LUTHER KING BOULEVARD TO VACATE PORTIONS OF A UTILITY EASEMENT

Attachments: VAC 16-5354 (1137 W MLK BLVD. Arena Village)

This Ordinance was left on first reading at the May 3, 2016 City Council Meeting.

BV3 2016-0205**AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION:**

AN ORDINANCE TO AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION OF THE FAYETTEVILLE CODE BY REPEALING § 116.01, ENACTING A REPLACEMENT § 116.01 AND BY AMENDING THE DEFINITION OF SOLICITOR IN § 116.02 (A) (4)

Attachments: Amend Chapter 116: Door to Door Solicitation
 C. 7 Additional Amend Chapter 116 Door to Door Solicitation

This Ordinance was left on first reading at the May 3, 2016 City Council Meeting.

C. New Business:**CV1** 2016-0234**HOME TEAM, LLC:**

A RESOLUTION TO ACCEPT THE DONATION OF 1.5 ACRES OF PROPERTY FROM HOME TEAM, LLC WITH THE RESTRICTION THAT NO DEVELOPMENT SHALL OCCUR ON THE PROPERTY FOR AT LEAST FIFTY (50) YEARS

Attachments: 2016-0234 - Home Team LLC Property Donation

✓ 2 2016-0233

FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP AMENDMENTS:

A RESOLUTION TO APPROVE AMENDMENTS TO THE FAYETTEVILLE ACTIVE TRANSPORTATION PLAN MAP TO ADD A CONNECTOR TRAIL BETWEEN THE HAMESTRING CREEK TRAIL AND THE SHILOH TRAIL, TO REMOVE A PAVED TRAIL FROM THE KESSLER MOUNTAIN RIDGE, AND TO ADD A LOOP TRAIL AROUND THE REGIONAL PARK

✓ Attachments: 2016-0233 - Active Transportation Plan Map Update

✓ 3 2016-0193

U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE FOR 2016 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$61,721.00

✓ Attachments: 2016-0193 USGS Joint Funding Agreement 2016

✓ 4 2016-0197

AMEND § 92.31 DANGEROUS ANIMALS AND ENACT § 92.07 INHUMANE TRAPS PROHIBITED:

AN ORDINANCE TO AMEND § 92.31 **DANGEROUS ANIMALS** TO PROVIDE THE ANIMAL SERVICES DIVISION WITH ADDITIONAL OPTIONS TO DECLARE AN ANIMAL DANGEROUS AND ALLOW THE REHOMING OF A DANGEROUS ANIMAL WITH THE APPROVAL OF THE ANIMAL SERVICES SUPERINTENDENT, AND TO ENACT A NEW § 92.07 **INHUMANE TRAPS PROHIBITED**

Attachments: Memo and SRF Amend Chapter 92 Animals

CV5 2016-0235**SPECIAL ELECTION FOR FAYETTEVILLE PUBLIC LIBRARY:**

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ON THE QUESTIONS OF (1) THE RAISING BY ONE AND ONE-HALF (1.5) MILLS THE CURRENT ONE (1.0) MILL CITY TAX ON REAL AND PERSONAL PROPERTY SUPPORTING THE MAINTENANCE AND OPERATION OF FAYETTEVILLE PUBLIC LIBRARY, AND (2) THE IMPOSITION OF A ONE AND TWO-TENTHS (1.2) MILL CITY TAX ON REAL AND PERSONAL PROPERTY TO BE PLEDGED TO AN ISSUE OR ISSUES OF BONDS NOT TO EXCEED \$26,500,000 IN PRINCIPAL AMOUNT TO FINANCE CAPITAL IMPROVEMENTS TO FAYETTEVILLE PUBLIC LIBRARY; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY

CV6 2016-0238
Attachments: 2016-0235 Library Election**ECONOMIC DEVELOPMENT STRATEGIC PLAN ~~UPDATE~~:**Attachments: Fayetteville First Staff Agenda Item**D. City Council Agenda Session Presentations:****E. City Council Tour:****F. Announcements:****G. Adjournment**

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.