

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
June 21, 2016**

A meeting of the Fayetteville City Council was held on June 21, 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

1. International Institute of Municipal Clerks Certified Municipal Clerk presentation and Arkansas City Clerks, Records, and Treasurers Association Certified Arkansas Municipal Clerk presentation - Sherri Gard, Fort Smith City Clerk and ACCRTA President.

Agenda Additions

A. Consent:

1. Approval of the June 7, 2016 City Council Meeting Minutes.

Approved

2. **CDBG PROGRAM INCOME:** A resolution to approve a budget adjustment in the total amount of \$7,375.00 representing CDBG program income received from a housing program lien payoff plan, energy efficiency rebates from Sourcegas and donations from citizens and local businesses.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 123-16

3. **ASSISTANCE TO FIREFIGHTERS GRANT (FEMA):** A resolution to authorize the acceptance of a 90/10 assistance to Firefighters Grant from the Federal Emergency Management Agency in the amount of \$613,637.00 for the purchase of a mobile training simulator system for the fire department, and to approve a budget adjustment to provide for matching funds in the amount of \$61,363.00 and a project contingency in the amount of \$27,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 124-16

4. **FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND :** A resolution to approve a budget adjustment in the total amount of \$23,435.00 recognizing revenue associated with Federal and State Law Enforcement forfeitures and a refund from EOTECH for defective rifle optics.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 125-16

5. **FAYETTEVILLE POLICE DEPARTMENT DONATIONS:** A resolution to approve a budget adjustment in the total amount of \$2,400.00 recognizing donation revenue to the Fayetteville Police Department in support of Officer Recognition.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 126-16

6. **GALLAGHER BENEFITS SERVICES:** A resolution to approve the annual renewal contract with Gallagher Benefits Services in the amount of \$57,600.00 for the provision of City Employee Benefits Broker Services.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 127-16

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.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5881

2. **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.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5882

C. New Business:

1. **PROPOSALS FOR DEVELOPMENT OF SOUTH END OF WEST AVENUE PARKING LOT:** A resolution to clarify and extend the timeframe to solicit proposals for development of the west avenue parking lot and to consider parking neutral proposals for sale of smaller parcels on southern end.

THIS ORDINANCE WAS TABLED TO THE JULY 5, 2016 CITY COUNCIL MEETING

2. **ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT:** An ordinance to authorize Mayor Jordan to sign a Membership Agreement allowing the City of Springdale to become a member of Energy Improvement District No. 1, and to amend § 33.381 Board of Directors, membership, terms of office of article XXVI Energy Improvement District No. 1 to provide for the City of Springdale's representation on the Board of Directors.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5883

3. **WAYFINDING SIGNS, POLES AND APPURTENANCES:** An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of Wayfinding signs, poles and appurtenances from Architectural Graphics, Inc., in an amount not to exceed \$122,930.98, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5884

4. **RZN 16-5386 (NORTH OF 1110 N. FRONTAGE RD. /LINDSEY PROPERTIES):** An ordinance to rezone that property described in rezoning petition RZN 16-5386 for approximately 6.40 acres located north of 1110 North Frontage Road from C-L, neighborhood commercial to CS, community services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5885

5. **RZN 16-5425 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN):** An ordinance to rezone that property described in rezoning petition RZN 16-5425 for approximately 1.84 acres located along the northwest corner of Mill Avenue and South Street from R-O, residential office, and RMF-24, residential multifamily, 24 units per acres to DG, downtown general.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5886

- 6. VAC 16-5424 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN):** An ordinance to approve VAC 16-5424 submitted by Allison Thurmond-Quinlan for property located at the northwest corner of Mill Avenue and South Street to vacate street right-of-way.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5887

- 7. C-PZD 16-5408 (WEDINGTON & MARINONI DR/CROSS CHURCH):** An ordinance to rezone that property described in rezoning petition RZN 16-5408 for approximately 24.60 acres at Wedington Drive and Marioni Drive from C-2, thoroughfare commercial and UT, urban thoroughfare to C-PZD, commercial planned zoning district.

THIS ORDINANCE WAS LEFT ON THE FIRST READING

- 8. AMEND THE DEFINITION OF “SETBACK” IN § 151.01:** An ordinance to amend the definition of “setback” in § 151.01 of the unified development code to allow architectural projections of a building such as its eaves to slightly protrude into a setback under certain conditions.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5888

D. City Council Agenda Session Presentations:

1. Agenda Session Presentation - Sarah McKenzie, Executive Director of the Office for Education Policy at the University of Arkansas, will present statistics that compare the City Of Fayetteville’s Public School Student Demographics And Performance to the Northwest Arkansas Region and to the Benchmark Cities cited in Fayetteville First, the city’s economic development strategic plan. Dr. McKenzie will also talk about the potential economic impacts of public schools in the areas of economic growth and competitiveness.

City Council Tour

Announcements

Adjournment: 9:59 p.m.

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

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

Subject:	CONSENT				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Tennant</i>			
A.1-6 <i>minutes</i> <i>Approved</i> <i>Approved</i> <i>123-16</i> <i>thru</i> <i>127-16</i>	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>✓</i>			
	Long	<i>Absent</i>			
	Mayor Jordan				

7-0

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

Subject:	AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES				
Motion To:		<i>Amend</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Petty</i>	<i>Marsh</i>		
Seconded:		<i>Tennant</i>	<i>Tennant</i>		
Unfinished	Gray	✓	✓	✓	
Business	Marsh	✓	✓	✓	
B. 1 <i>Passed</i> <i>5881</i>	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	<i>N</i>	<i>N</i>	
	La Tour	<i>N</i>	<i>N</i>	<i>N</i>	
	Long	<i>A</i>	<i>A</i>	<i>A</i>	
	Mayor Jordan		<i>yes</i>		

6-1

6-2

5-2

Subject:	FALLING WATERS APPEAL				
Motion To:		<i>2nd Reading</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Tennant</i>	<i>La Tour</i>		
Seconded:		<i>La Tour</i>	<i>Gray</i>		
Unfinished	Gray	✓	✓	✓	
Business	Marsh	✓	✓	<i>N</i>	
B. 2 <i>Passed</i> <i>5882</i>	Kinion	✓	✓	✓	
	Petty	✓	<i>N</i>	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	<i>A</i>	<i>A</i>	<i>A</i>	
	Mayor Jordan				

7-0

6-1

6-1

Subject:	PROPOSALS FOR DEVELOPMENT OF SOUTH END OF WEST AVENUE PARKING LOT				
Motion To:		<i>Table to July 5, 2016</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Tennant</i>			
New Business C. 1 <i>Tabled to July 5, 2016</i>	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	<i>A</i>			
	Mayor Jordan				

7-0

Subject:	ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>La Tour</i>	<i>La Tour</i>		
New Business C. 2 <i>passed</i> <i>5883</i>	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	<i>A</i>	<i>A</i>	<i>A</i>	
	Mayor Jordan				

7-0

7-0

7-0

Subject: WAYFINDING SIGNS, POLES AND APPURTENANCES					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Marsh		
Seconded:		Marsh	Tennant		
New Business C. 3 <u>passed</u> 5884	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	A	A	A	
Mayor Jordan					
		7-0	7-0	7-0	

Subject: RZN 16-5386 (NORTH OF 1110 N. FRONTAGE RD./LINDSEY PROPERTIES)					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Marsh	Marsh		
Seconded:		La Tour	La Tour		
New Business C. 4 <u>passed</u> 5885	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	A	A	A	
Mayor Jordan					
		7-0	7-0	7-0	

Subject:	RZN 16-5425 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Kinion</i>	<i>Marsh</i>		
Seconded:		<i>Marsh</i>	<i>Gray</i>		
New Business C. 5 <i>passed</i> <i>5886</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>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>A</i>	<i>A</i>	<i>A</i>	
	Mayor Jordan				
		<i>7-0</i>	<i>7-0</i>	<i>7-0</i>	

Subject:	VAC 16-5424 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Gray</i>		
Seconded:		<i>Gray</i>	<i>Marsh</i>		
New Business C. 6 <i>passed</i> <i>5887</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>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>A</i>	<i>A</i>	<i>A</i>	
	Mayor Jordan				
		<i>7-0</i>	<i>7-0</i>	<i>7-0</i>	

Subject:	C-PZD 16-5408 (WEDINGTON & MARINONI DR/CROSS CHURCH)				
Motion To:		<i>Amend</i>			
Motion By:		<i>La Tour</i>			
Seconded:		<i>Kinion</i>			
New Business C. 7 <i>Left on the first Reading</i>	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>✓</i>			
	Long	<i>A</i>			
	Mayor Jordan				

7-0

Subject:	AMEND THE DEFINITION OF "SETBACK" IN § 151.01				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>Petty</i>	<i>Tennant</i>		
New Business C. 8 <i>passed</i> <i>5888</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>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>A</i>	<i>A</i>	<i>A</i>	
	Mayor Jordan				

7-0

7-0



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: **June 22, 2016**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of June 21, 2016**

1. A resolution to approve a budget adjustment in the total amount of \$7,375.00 representing CDBG program income received from a housing program lien payoff plan, energy efficiency rebates from Sourcegas and donations from citizens and local businesses.
2. A resolution to authorize the acceptance of a 90/10 assistance to Firefighters Grant from the Federal Emergency Management Agency in the amount of \$613,637.00 for the purchase of a Mobile Training Simulator System for the Fire Department, and to approve a budget adjustment to provide for matching funds in the amount of \$61,363.00 and a project contingency in the amount of \$27,000.00.
3. A resolution to approve a budget adjustment in the total amount of \$23,435.00 recognizing revenue associated with Federal and State law enforcement forfeitures and a refund from Eotech for defective rifle optics.
4. A resolution to approve a budget adjustment in the total amount of \$2,400.00 recognizing donation revenue to the Fayetteville Police Department in support of officer recognition.
5. A resolution to approve the annual renewal contract with Gallagher Benefits Services in the amount of \$57,600.00 for the provision of City employee benefits broker services.
6. An ordinance to amend § 72.58 **Off-Street Parking Facilities; Rules and Rates (M)** to provide improved public notification when paid parking lots, on-street paid parking spaces or the closure of city streets for the use of a permitted special event for more than eight consecutive hours is requested and to provide a right for two City Council

members to appeal the Mayor's decision to the City Council.

7. 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.

8. An ordinance to authorize Mayor Jordan to sign a Membership Agreement allowing the City of Springdale to become a member of Energy Improvement District No. 1, and to amend § 33.381 Board Of Directors, Membership, Terms of Office of Article XXVI Energy Improvement District No. 1 to provide for the City of Springdale's representation on the Board of Directors.

9. An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of wayfinding signs, poles and appurtenances from Architectural Graphics, Inc., in an amount not to exceed \$122,930.98, and to approve a budget adjustment.

10. An ordinance to rezone that property described in rezoning petition RZN 16-5386 for approximately 6.40 acres located north of 1110 North Frontage Road from C-1, Neighborhood Commercial to CS, Community Services.

11. An ordinance to rezone that property described in rezoning petition RZN 16-5425 for approximately 1.84 acres located along the northwest corner of Mill Avenue and South Street from R-O, Residential Office, and RMF-24, Residential Multi Family, 24 Units Per Acres to DG, Downtown General.

12. An ordinance to approve VAC 16-5424 submitted by Allison Thurmond-Quinlan for property located at the northwest corner of Mill Avenue and South Street to vacate street right-of-way.

13. An ordinance to amend the definition of "setback" in § 151.01 of the Unified Development Code to allow architectural projections of a building such as its eaves to slightly protrude into a setback under certain conditions.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, June 21, 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:****1. [2016-0293](#)**

INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS CERTIFIED MUNICIPAL CLERK PRESENTATION AND ARKANSAS CITY CLERKS, RECORDERS, AND TREASURERS ASSOCIATION CERTIFIED ARKANSAS MUNICIPAL CLERK PRESENTATION - SHERRI GARD, FORT SMITH CITY CLERK AND ACCRTA PRESIDENT

Attachments: [Sherri Gard, Fort Smith City Clerk Presentation](#)

Agenda Additions:**A. Consent:****A. 1 [2015-0649](#)**

APPROVAL OF THE JUNE 7, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0171](#)**CDBG PROGRAM INCOME:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$7,375.00 REPRESENTING CDBG PROGRAM INCOME RECEIVED FROM A HOUSING PROGRAM LIEN PAYOFF PLAN, ENERGY EFFICIENCY REBATES FROM SOURCEGAS AND DONATIONS FROM CITIZENS AND LOCAL BUSINESSES

Attachments: [CDBG PROGRAM INCOME](#)
[BA CDBG PROGRAM INCOME](#)

A. 3 [2016-0274](#)**ASSISTANCE TO FIREFIGHTERS GRANT (FEMA):**

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A 90/10 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$613,637.00 FOR THE PURCHASE OF A MOBILE TRAINING SIMULATOR SYSTEM FOR THE FIRE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT TO PROVIDE FOR MATCHING FUNDS IN THE AMOUNT OF \$61,363.00 AND A PROJECT CONTINGENCY IN THE AMOUNT OF \$27,000.00

Attachments:[ASSISTANCE TO FIREFIGHTERS GRANT \(FEMA\)](#)[BA ASSISTANCE TO FIREFIGHTERS GRANT \(FEMA\)](#)**A. 4** [2016-0277](#)**FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$23,435.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND FROM EOTECH FOR DEFECTIVE RIFLE OPTICS

Attachments:[FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND](#)[BA FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND](#)**A. 5** [2016-0285](#)**FAYETTEVILLE POLICE DEPARTMENT DONATIONS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$2,400.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT IN SUPPORT OF OFFICER RECOGNITION

Attachments:[SRP - Donations, Jun 2016](#)[BA - Donations, Jun 2016](#)

A. 6 [2016-0283](#)**GALLAGHER BENEFITS SERVICES:**

A RESOLUTION TO APPROVE THE ANNUAL RENEWAL CONTRACT WITH GALLAGHER BENEFITS SERVICES IN THE AMOUNT OF \$57,600.00 FOR THE PROVISION OF CITY EMPLOYEE BENEFITS BROKER SERVICES

Attachments: [Gallagher Benefit Services Contract Renewal Packet](#)

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](#)

At the May 17, 2016 City Council Meeting this item was moved to the June 21, 2016 meeting. 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 [2016-0248](#)**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

(LEFT ON FIRST READING)

Attachments: [FALLING WATERS APPEAL](#)

At the June 7, 2016 City Council Meeting this item was left on first reading until the June 21, 2016 City Council Meeting. At the May 17, 2016 this item was left on the first reading

C. New Business:**C. 1** [2016-0294](#)**PROPOSALS FOR DEVELOPMENT OF SOUTH END OF WEST AVENUE
PARKING LOT:**

A RESOLUTION TO CLARIFY AND EXTEND THE TIMEFRAME TO SOLICIT
PROPOSALS FOR DEVELOPMENT OF THE WEST AVENUE PARKING LOT AND TO
CONSIDER PARKING NEUTRAL PROPOSALS FOR SALE OF SMALLER PARCELS
ON SOUTHERN END

Attachments:[Alderman Petty - West Avenue Parking Lot Resolution](#)[Exhibit A - Proposal](#)[ADDITIONAL: PROPOSALS FOR DEVELOPMENT OF SOUTH END OF WEST A](#)**C. 2** [2016-0290](#)**ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT:**

AN ORDINANCE TO AUTHORIZE MAYOR JORDAN TO SIGN A MEMBERSHIP
AGREEMENT ALLOWING THE CITY OF SPRINGDALE TO BECOME A MEMBER OF
ENERGY IMPROVEMENT DISTRICT NO. 1, AND TO AMEND § 33.381 **BOARD OF
DIRECTORS, MEMBERSHIP, TERMS OF OFFICE** OF ARTICLE XXVI **ENERGY
IMPROVEMENT DISTRICT NO. 1** TO PROVIDE FOR THE CITY OF SPRINGDALE'S
REPRESENTATION ON THE BOARD OF DIRECTORS

Attachments:[ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT](#)**C. 3** [2016-0287](#)**WAYFINDING SIGNS, POLES AND APPURTENANCES:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE
BIDDING AND AUTHORIZE THE PURCHASE OF WAYFINDING SIGNS, POLES AND
APPURTENANCES FROM ARCHITECTURAL GRAPHICS, INC., IN AN AMOUNT
NOT TO EXCEED \$122,930.98, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[WAYFINDING SIGNS, POLES AND APPURTENANCES](#)[BA WAYFINDING SIGNS, POLES AND APPURTENANCES](#)

C. 4 [2016-0282](#)**RZN 16-5386 (NORTH OF 1110 N. FRONTAGE RD./LINDSEY PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5386 FOR APPROXIMATELY 6.40 ACRES LOCATED NORTH OF 1110 NORTH FRONTAGE ROAD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES

Attachments: [16-5386 CC reports](#)

C. 5 [2016-0281](#)**RZN 16-5425 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5425 FOR APPROXIMATELY 1.84 ACRES LOCATED ALONG THE NORTHWEST CORNER OF MILL AVENUE AND SOUTH STREET FROM R-O, RESIDENTIAL OFFICE, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRES TO DG, DOWNTOWN GENERAL

Attachments: [RZN 16-5425 \(NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN\)](#)

C. 6 [2016-0280](#)**VAC 16-5424 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN):**

AN ORDINANCE TO APPROVE VAC 16-5424 SUBMITTED BY ALLISON THURMOND-QUINLAN FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF MILL AVENUE AND SOUTH STREET TO VACATE STREET RIGHT-OF-WAY

Attachments: [VAC 16-5424 \(NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN\)](#)

C. 7 [2016-0225](#)**C-PZD 16-5408 (WEDINGTON & MARINONI DR/CROSS CHURCH):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5408 FOR APPROXIMATELY 24.60 ACRES AT WEDINGTON DRIVE AND MARIONI DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND UT, URBAN THOROUGHFARE TO C-PZD, COMMERCIAL PLANNED ZONING DISTRICT

Attachments:[C-PZD 16-5408: \(WEDINGTON & MARINONI DR/CROSS CHURCH\)](#)[Exhibit C - RZN 16-5408 Updated PZD Booklet1](#)[Exhibit D - RZN 16-5408 Updated Master Plan Drawings1](#)**C. 8** [2016-0292](#)**AMEND THE DEFINITION OF “SETBACK” IN § 151.01:**

AN ORDINANCE TO AMEND THE DEFINITION OF “SETBACK” IN § 151.01 OF THE UNIFIED DEVELOPMENT CODE TO ALLOW ARCHITECTURAL PROJECTIONS OF A BUILDING SUCH AS ITS EAVES TO SLIGHTLY PROTRUDE INTO A SETBACK UNDER CERTAIN CONDITIONS

Attachments:[Agenda Packet Definition of Setbacks](#)**D. City Council Agenda Session Presentations:****D. 1** [2016-0262](#)

AGENDA SESSION PRESENTATION - SARAH MCKENZIE, EXECUTIVE DIRECTOR OF THE OFFICE FOR EDUCATION POLICY AT THE UNIVERSITY OF ARKANSAS, WILL PRESENT STATISTICS THAT COMPARE THE CITY OF FAYETTEVILLE’S PUBLIC SCHOOL STUDENT DEMOGRAPHICS AND PERFORMANCE TO THE NORTHWEST ARKANSAS REGION AND TO THE BENCHMARK CITIES CITED IN FAYETTEVILLE FIRST, THE CITY’S ECONOMIC DEVELOPMENT STRATEGIC PLAN. DR. MCKENZIE WILL ALSO TALK ABOUT THE POTENTIAL ECONOMIC IMPACTS OF PUBLIC SCHOOLS IN THE AREAS OF ECONOMIC GROWTH AND COMPETITIVENESS.

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.

AGENDA REQUEST FORM

FOR: Council Meeting of June 21, 2016

FROM:

City Council Member Matthew Petty

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO CLARIFY AND EXTEND THE TIMEFRAME TO SOLICIT PROPOSALS FOR DEVELOPMENT OF THE WEST AVENUE PARKING LOT AND TO CONSIDER PARKING NEUTRAL PROPOSALS FOR SALE OF SMALLER PARCELS ON SOUTHERN END

APPROVED FOR AGENDA:



City Council Member Matthew Petty

June 8, 2016

Date



Assistant City Attorney Blake Pennington
(as to form)

June 8, 2016

Date

From: [Matthew Petty - Fayetteville Ward 2](#)
To: [Pennington, Blake](#)
Subject: RE: West Avenue resolution
Date: Wednesday, June 08, 2016 2:15:59 PM
Attachments: [Matthew-Petty signature.png](#)

This email certified that I have reviewed the attached agenda request form and approve it for addition to the agenda. Furthermore I am attaching my signature and granting the City Attorney's office or the City Clerk to digitally add it to the request.

Sent from my phone

On Jun 8, 2016 11:18, "Pennington, Blake" <bpennington@fayetteville-ar.gov> wrote:

Attached is the agenda request form.

--

Blake E. Pennington

Assistant City Attorney

Tele: [\(479\) 575-8313](tel:(479)575-8313)

bpennington@fayetteville-ar.gov

From: Matthew Petty - Fayetteville Ward 2 [<mailto:citycouncil@matthewpetty.org>]
Sent: Tuesday, June 07, 2016 6:56 PM
To: Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: Re: West Avenue resolution

Looks good. Can I sign the agenda request digitally or by proxy? I'm traveling this week.

Sent from my phone

On Jun 7, 2016 19:52, "Pennington, Blake" <bpennington@fayetteville-ar.gov> wrote:

Matthew,

Attached is a draft resolution. Let me know if you have any changes.

Thanks,

Blake

--

Blake E. Pennington

Assistant City Attorney

113 W. Mountain St., Suite 302
Fayetteville, Arkansas 72701

Telephone: (479) 575-8313

bpennington@fayetteville-ar.gov



OFFICE OF THE
CITY ATTORNEY



RESOLUTION NO. _____

A RESOLUTION TO CLARIFY AND EXTEND THE TIMEFRAME TO SOLICIT PROPOSALS FOR DEVELOPMENT OF THE WEST AVENUE PARKING LOT AND TO CONSIDER PARKING NEUTRAL PROPOSALS FOR SALE OF SMALLER PARCELS ON SOUTHERN END

WHEREAS, the City is conducting a study of the parking policies and system in downtown Fayetteville; and

WHEREAS, the southern trail connection in the West Avenue Lot is a danger to Fayetteville citizens; and

WHEREAS, the City has received an unsolicited development proposal, a copy of which is attached to this Resolution as Exhibit A, which would replenish the funds expended for the parking study at least three times over; provide sufficient funds to replace any lost public parking; correct the safety concerns of the current trail design; generate substantial tax revenue for the city, schools, and affiliated institutions; and accomplish one of the specific development recommendations called for in the Downtown Master 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 formally extends the timeline to advertise the Request for Proposals called for in Resolution No. 55-16 until such time as the parking study has been completed with the exception of the parcels identified in Section 2.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses a desire to sell the parcels as described in Exhibit A and requests the Mayor direct staff to entertain purchase offers and present a proposal to the City Council in accordance with § 34.27 **Sale of Municipally Owned Real Property** of the Fayetteville City Code which best accomplishes the following:

- a. Furthers the goals described in the Downtown Master Plan.
- b. Creates or pays for as much new public parking as it removes.
- c. Contains enforceable provisions which ensure the property is developed within a reasonable time frame and is constructed in a durable manner.

PASSED and APPROVED this 21st day of June, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

From: [Matthew Petty - Fayetteville Ward 2](#)
To: [Pennington, Blake](#)
Cc: [Pate, Jeremy](#)
Subject: Resolution re: West Avenue Lot
Date: Monday, June 06, 2016 11:32:22 AM
Attachments: [Resolution.docx](#)
[Exhibits_reduced.pdf](#)

Blake, would you please draft up the attached resolution with Exhibits for the June 21 agenda?

And also, I am going to push the Cottage Housing ordinance to the July 5 agenda.

Thanks,
MP

March 9, 2016

Lionel Jordan, Mayor of the City of Fayetteville

City Council, City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

**RE: OFFER FOR LAND AT THE
CORNER OF WEST AVENUE AND SPRING STREET**

Dear Mayor Jordan and Members of the City Council,

I am writing to you to express an interest in property owned by the City of Fayetteville that abuts property that is owned by my company. The land in question is approximately 0.39 acres. I propose to purchase this property for the sum of \$337,440.00 and combine this with my current holdings in order to create a parcel for the construction of a new five story mixed use building on the corner of Spring Street and West Avenue. Please see exhibit A to show the parcel under discussion.

Downtown Master Plan: This proposed building would be a manifestation of the city's vision for this property as described in the Downtown Master Plan. It would complete the corner in anticipation of the new building proposed by Theater Squared and it would continue the streetscape of Spring Street into the site. In general, this proposal would convert surface parking space owned by the City of Fayetteville and Reindl Properties into a substantial real estate asset. Please see exhibit B:

Multi Use Trail: A compelling reason to consider this sale is that it provides a strategy for building that portion of the multi-use trail in a manner that is safer and more enjoyable for the users. Currently, Frisco Trail shares space with the drive lanes of the parking lots, which is not an ideal situation. We are proposing a solution to improve the trail experience at this very important part of our downtown. Reindl Properties will provide funding for the modifications to the trail. Please see Exhibit C:

South Property Zig Zag: Currently the south boundary of the City of Fayetteville's property is an awkward shape. A sale would clean up the south property line in this area. As the City of Fayetteville considers options for the parking lot bounded by Dickson Street, West Avenue, and the Frisco Trail, having this portion of the property squared up and the trail constructed in a safe manner, would provide a blank canvas for the city's efforts. Please refer again to Exhibit C:

Return on Investment: The sale of the 0.39 acres would provide the City of Fayetteville a substantial return on its original investment, both immediately and into the future. The sale would provide funding for the City of Fayetteville's use in the downtown area, or could be used for other purposes. After the sale, the payment of impact fees and permit fees would help to support the city's infrastructure and staff. Into the future, property taxes will fund the city's general fund, the library, and its schools. Please see Exhibit D:

Landmark Building: We are proposing to construct a landmark building that would strongly enhance the character and experience of Fayetteville's downtown. We are proposing a building of stone and brick with sash windows, pressed metal cornices and trim, and decorative steel balconies. This building will be consistent with the very best traditional architecture that is so well-loved by the citizens of Fayetteville. This building will be built in a way that we expect it to last for 200 years. We have taken every effort to completely describe this building and its features. We expect it to rival the Metro District Building and the Three Sisters Building in quality and beauty. Please see Exhibit E:

Development Team: We are presenting a development team with a proven record of financial strength and concern for the downtown community and commitment to the City of Fayetteville. Reindl Properties is located in the downtown area has been active since 1999. We have selected Robert Sharp Architect to provide design and construction services for this project. Robert is also located in the downtown area and has worked on numerous projects in the area. Please see exhibit F for more information.

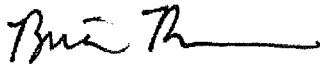
Parking: The downtown and Entertainment District rely upon a combination of private and public parking solutions. We are proposing to reconfigure the surface parking in this area in a manner that provides no net loss of parking. We propose to relocate 58 parking stall from the current West Avenue parking lot and place those parking stalls on West Avenue and adjacent streets. This keeps the same number of parking stalls in the City's inventory of public parking. Reindl Properties will provide \$1,500 per space for a total of \$87,000 for this off site work. See Exhibit G:

Purchase Price: Our proposed purchase price of \$337,440.00 can be supported by the projected income of the proposed building. We are offering \$20 per square foot for the land (\$ 871,200 per acre). This is a high value for the parcel when you take in consideration the shape of the parcel, the size of the parcel, and its distance from Dickson Street. A higher land purchase price would make a well-crafted five story masonry very difficult to finance and construct.

Schedule: We propose to negotiate a contract for the sale of the land within two months. We propose to close on the land when we have been approved for a building permit. We will apply for a building permit within twelve months of having an agreement in place to purchase the land. This allows us to make sure that we have fully considered all of the aspects of the building and it provides the City of Fayetteville assurance that the final construction drawings are equal or better in quality than the building described in Exhibit E.

Thank you for consideration. I look forward to any comments or questions you may have about this offer.

Sincerely,



Brian Reindl, President
Reindl Properties, Inc.

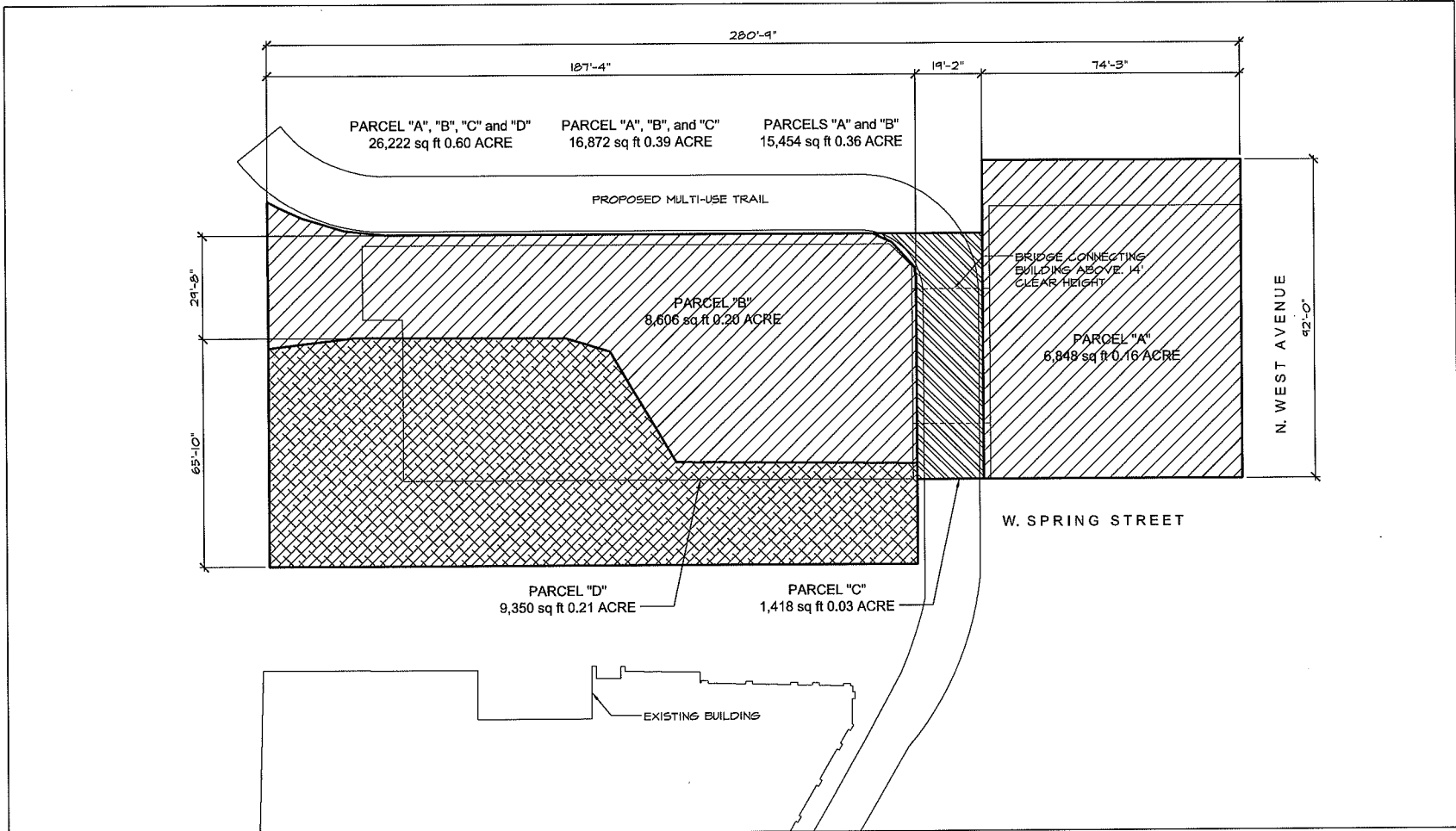


EXHIBIT A: PROPERTY PARCEL DIAGRAM

9 MARCH 2016

SCALE: 1" = 30'-0"



W. Spring St. (at Nadine Baum Studios) today.



W. Spring St. (at Nadine Baum Studios) 2004 Fayetteville Downtown Master Plan.



W. Spring St. (at Nadine Baum Studios) current proposal.

A Parking Lot Transformed

"The City parking lot adjacent to the Walton Arts Center is a strategic location for infill development. The natural spring is to be preserved and protected and the lot is to be redeveloped as a parking garage with a mix of uses lining the structure. By doing so, the street edges are to be completed along Dickson Street. In addition, the southern edge of the lot which faces Nadine Baum Studios and recently developed mixed-use building, will create an urban street scene where buildings face buildings. West Spring Street will become whole again."

- Fayetteville Downtown Master Plan 2004

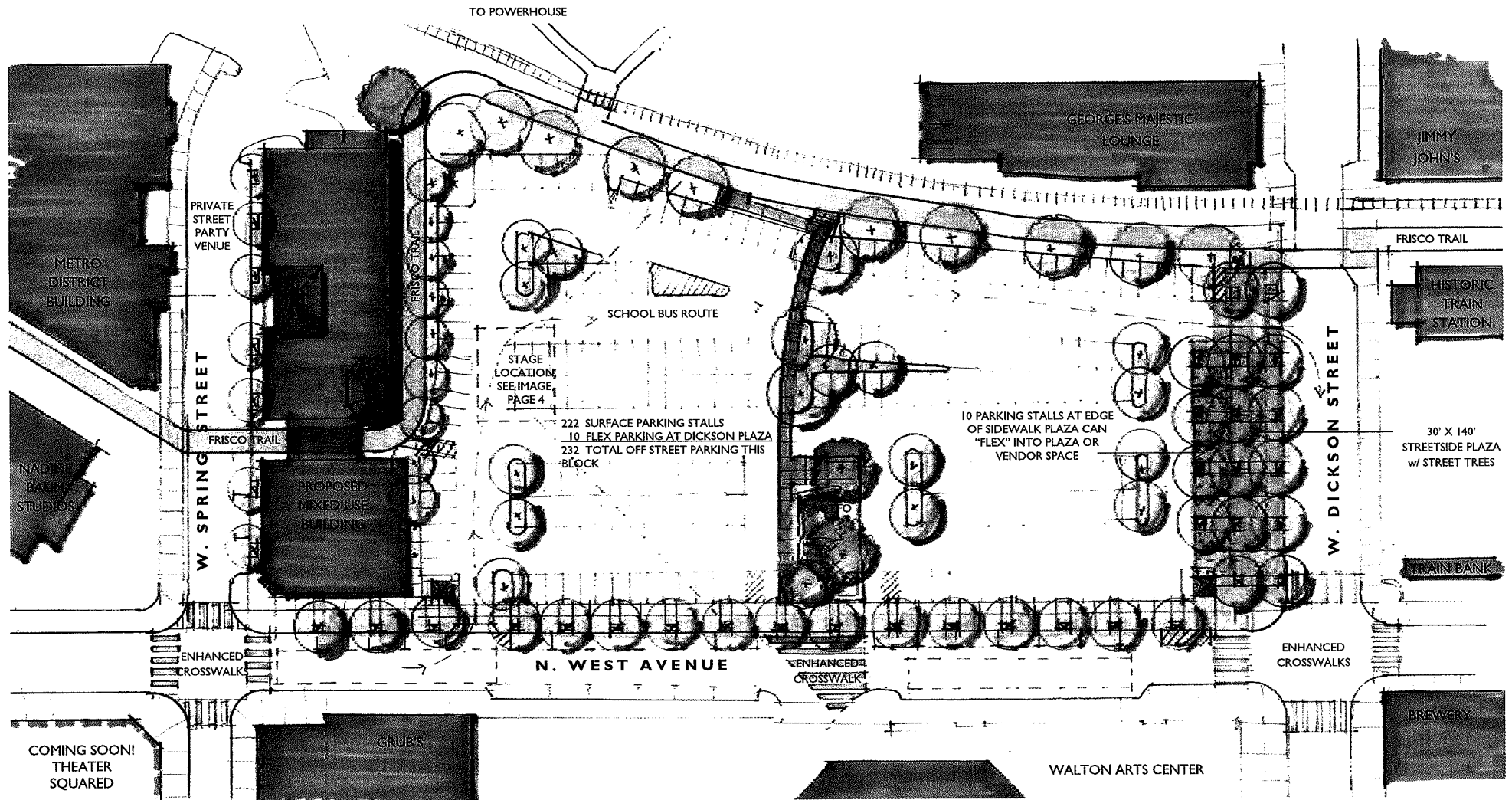


EXHIBIT C: PROPOSED SITE PLAN
 PROPOSED MODIFICATIONS TO THE WALTON ARTS CENTER PARKING LOT
 9 MARCH 2016

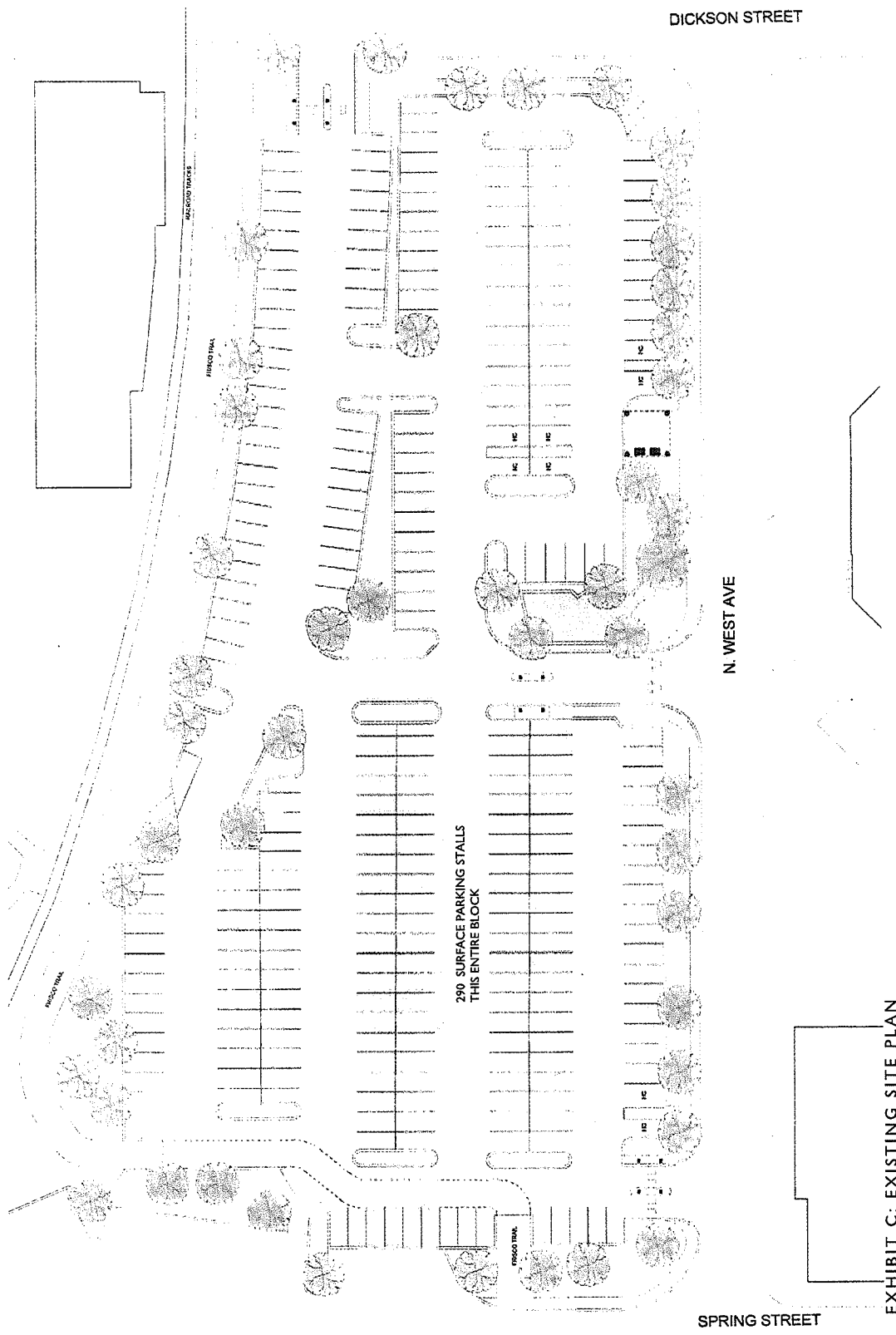


EXHIBIT C: EXISTING SITE PLAN

Exhibit D: Metro District North Analysis of Return on Investment

as of March 9, 2016

Land Sale Proceeds to City of Fayetteville			
16,872 sq ft	\$	20.00	\$ 337,440.00

Impact Fees, Residential, Estimated			
Water	\$	691.00	
Waste Water	\$	620.00	
Police and Public Safety	\$	162.00	
Fire Protection	\$	150.00	
Parks Fee	\$	960.00	
Total City Fees	\$	2,583.00	44 \$ 113,652.00

Impact Fees, Commercial, 2" meter, estimated			
Water	\$	7,768.00	
Waste Water	\$	6,876.00	
Police and Public Safety	\$	775.00	
Fire Protection	\$	1,465.00	
Total City Fees	\$	16,884.00	1 \$ 16,884.00

Sales Tax Income, estimated annual basis			
5000 sq ft retail or restaurant			
\$ 200.00 sales per sq ft			
City of Fayetteville	2%	\$	20,000.00
Washington County	1%	\$	12,500.00
State of Arkansas	7%	\$	65,000.00

Property Tax Worksheet, estimated annual basis			
\$ 9,000,000		0.2	
Millage Rate	School System	0.04565	\$ 82,170.00
	County General	0.00390	\$ 7,020.00
	Roads	0.00110	\$ 1,980.00
	Library	0.00100	\$ 1,800.00
	City General	0.00310	\$ 5,580.00
		0.05475	\$ 98,550.00



SOUTHEAST STREET LEVEL VIEW

EXHIBIT E - METRO DISTRICT NORTH



AERIAL PERSPECTIVE

PAGE 2

EXHIBIT E - METRO DISTRICT NORTH

MARCH 9, 2015



SOUTHWEST STREET LEVEL VIEW



WEST AVENUE LOOKING NORTH



WEST AVENUE LOOKING NORTH

EXHIBIT E - METRO DISTRICT NORTH



VIEW FROM GEORGE'S

EXHIBIT E - METRO DISTRICT NORTH



VIEW FROM GEORGE'S

EXHIBIT E - METRO DISTRICT NORTH

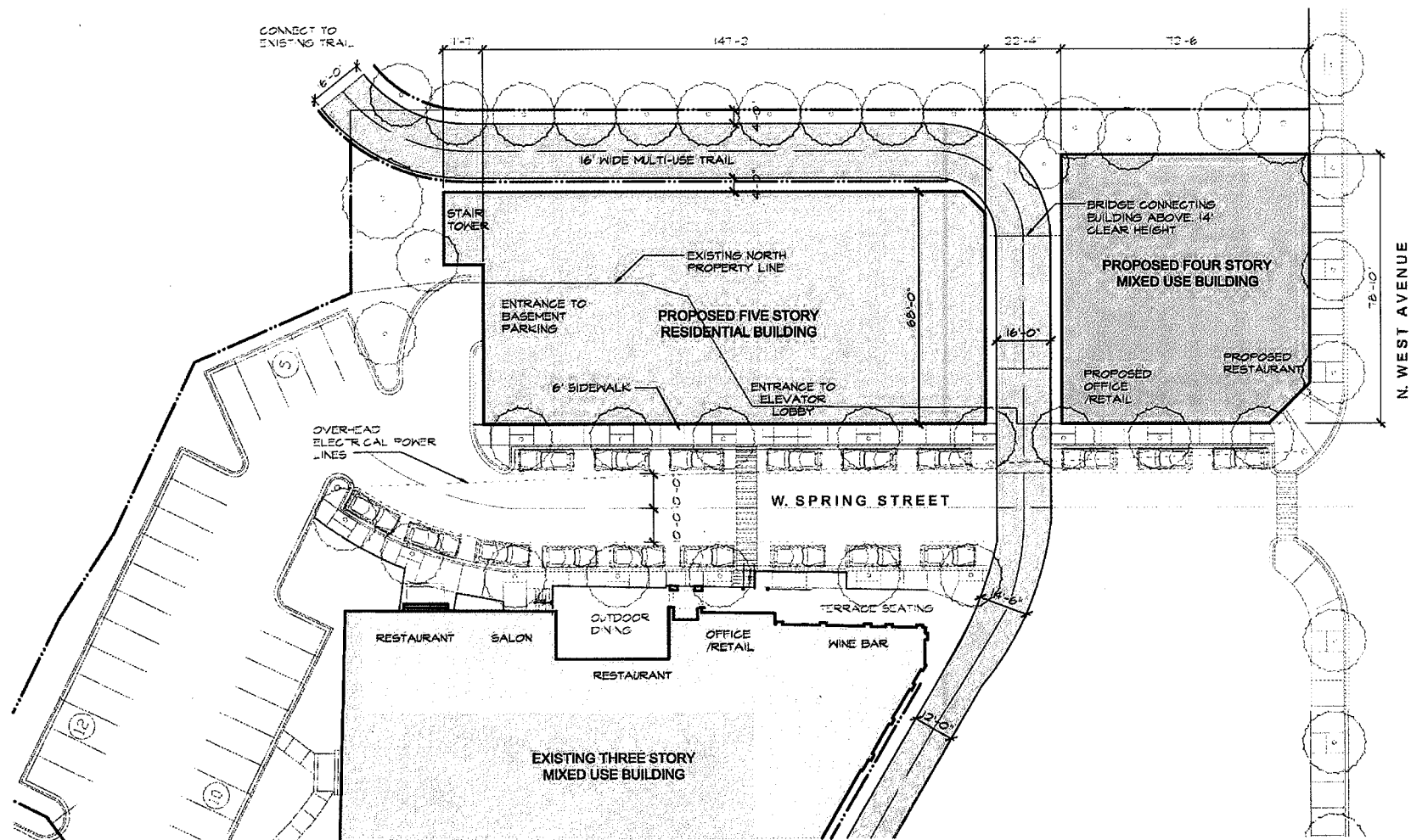


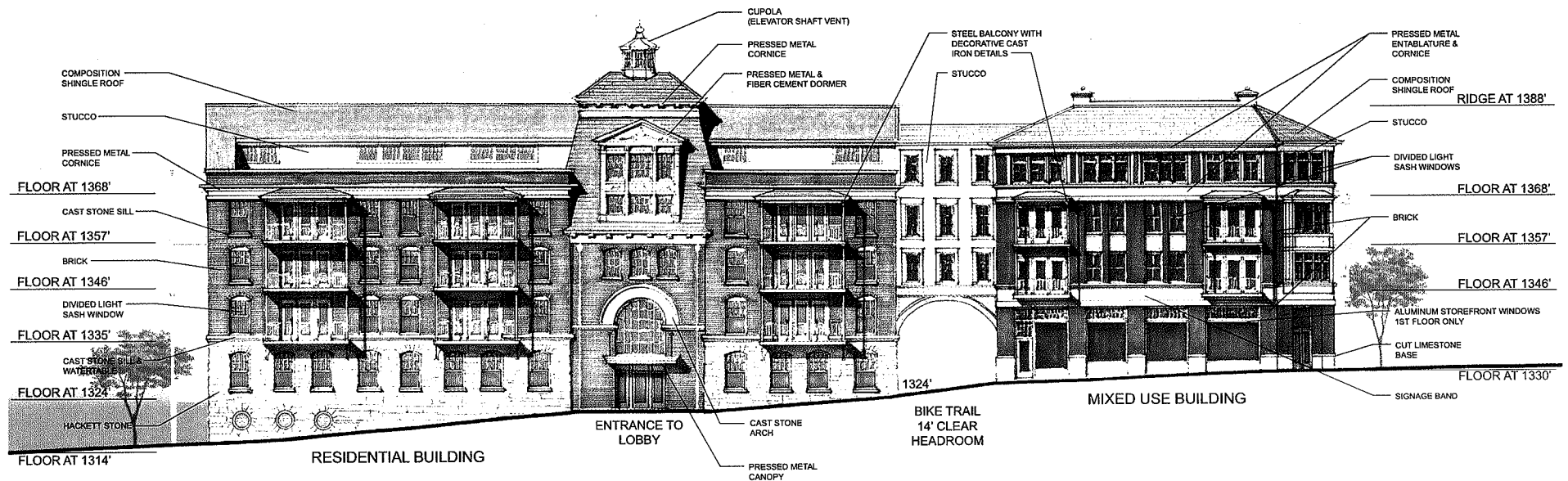
VIEW FROM TRAIL

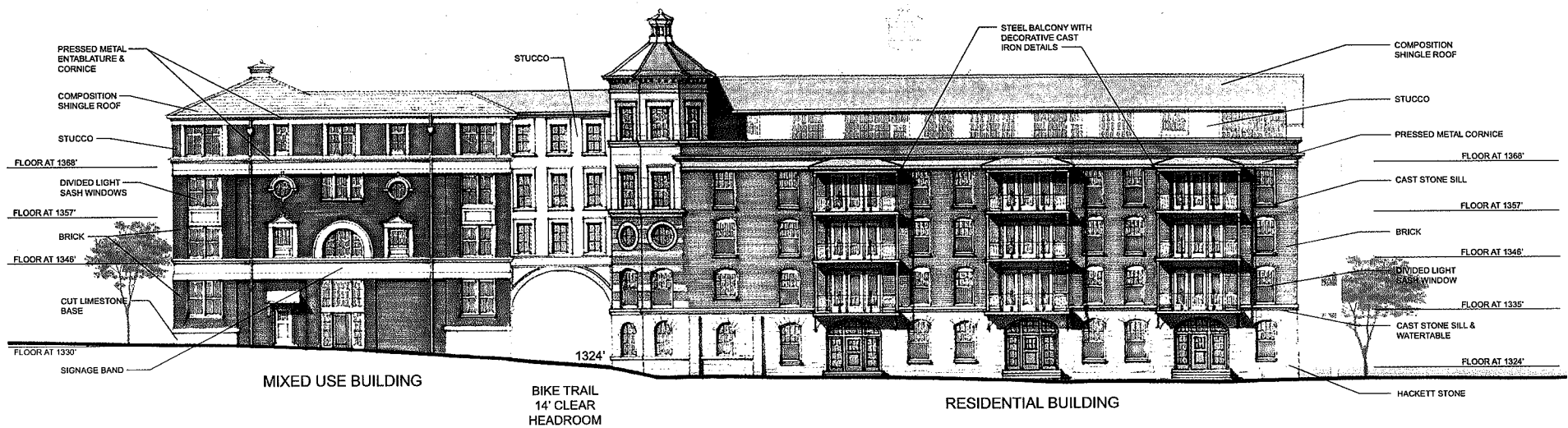


VIEW FROM TRAIL

EXHIBIT E - METRO DISTRICT NORTH





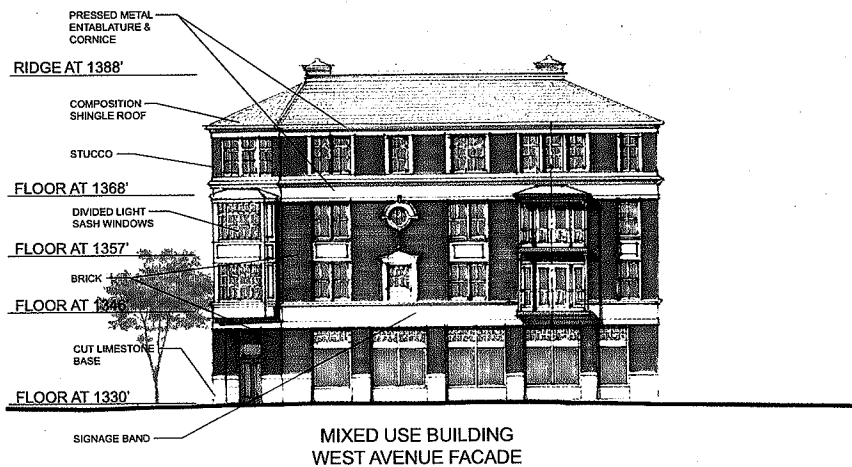


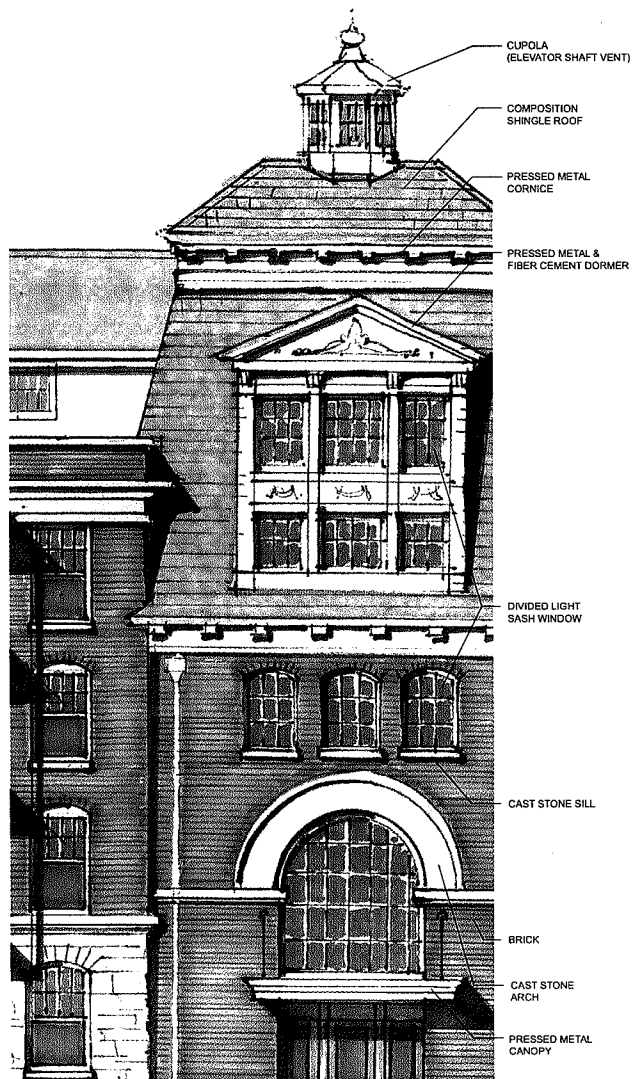
NORTH ELEVATION - FACING DICKSON STREET

PAGE 12

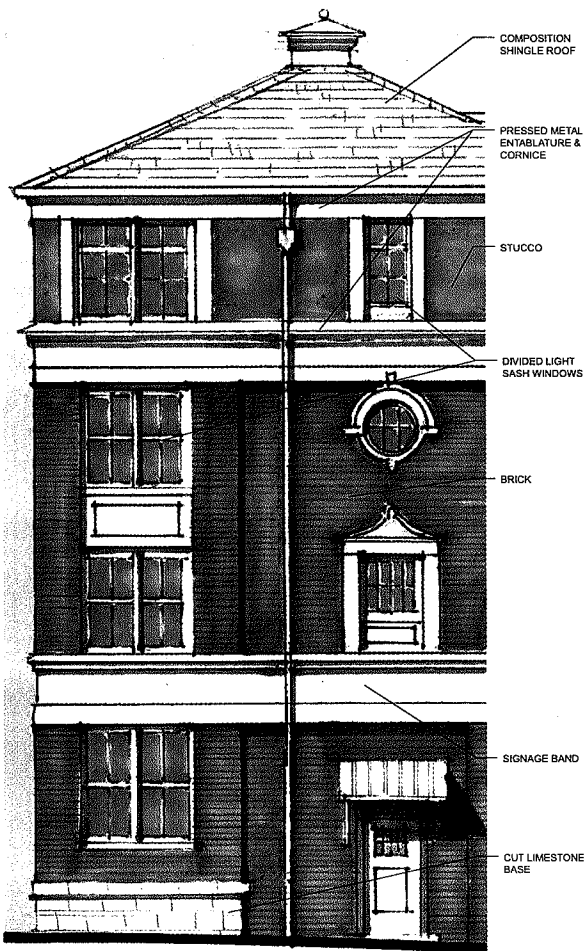
EXHIBIT E - METRO DISTRICT NORTH

MARCH 9, 2015

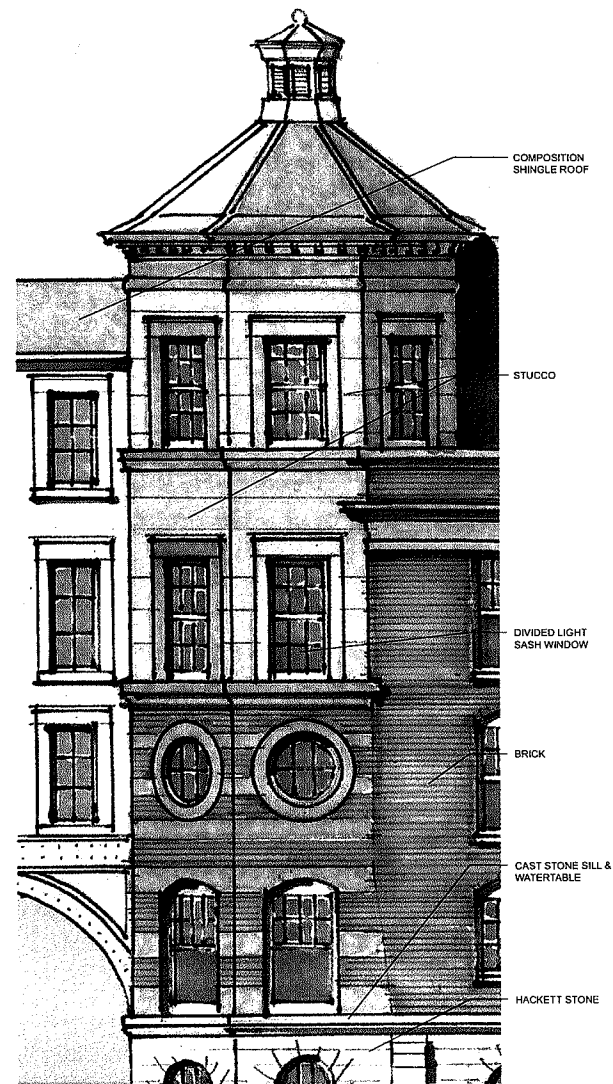




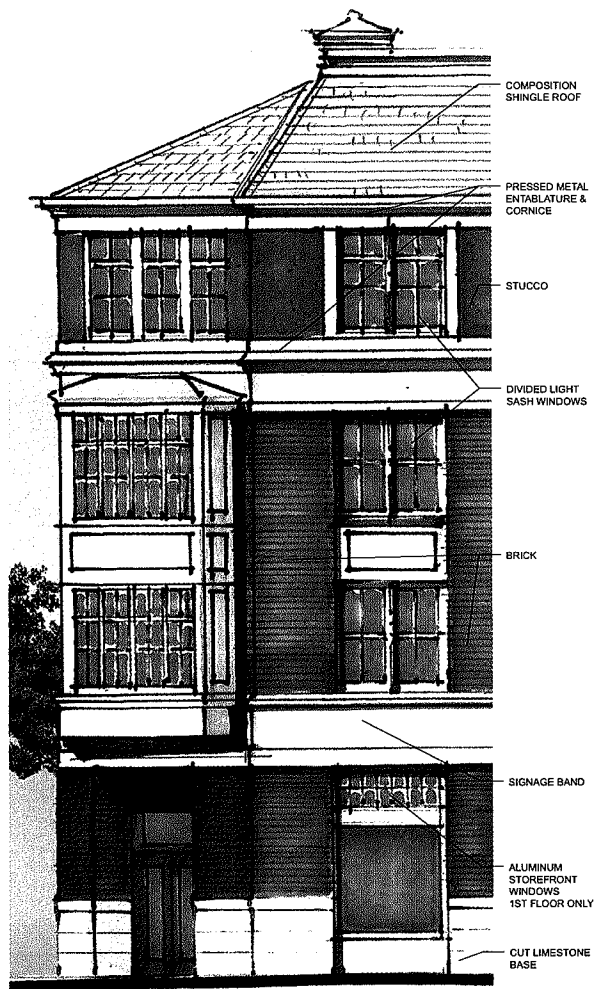
DETAIL OF ENTRY TOWER



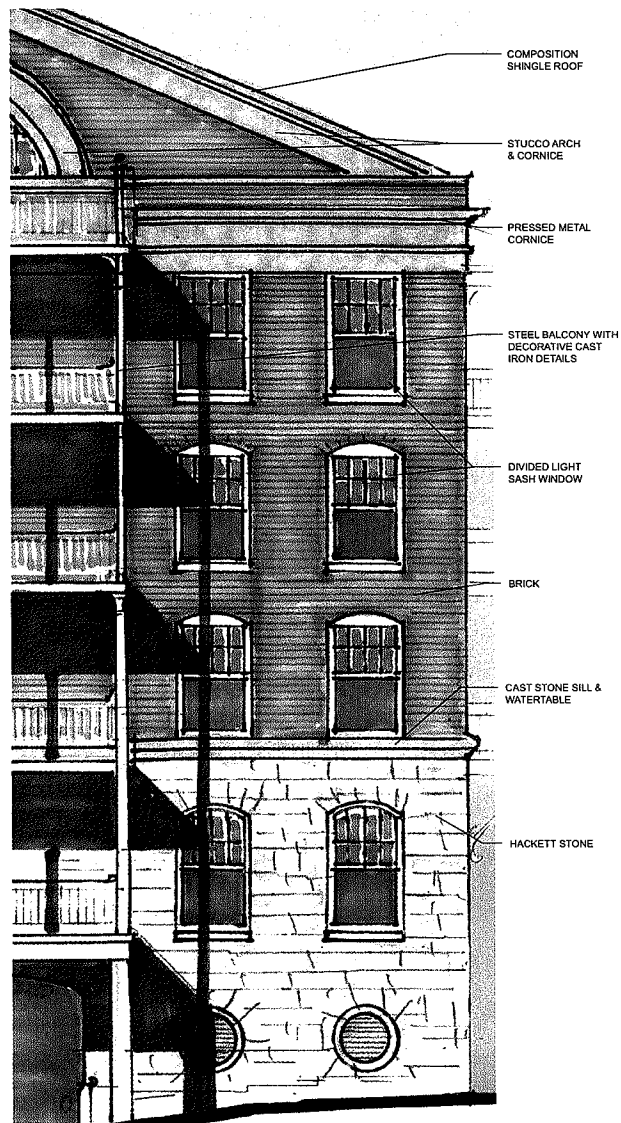
DETAIL OF MIXED USE BUILDING



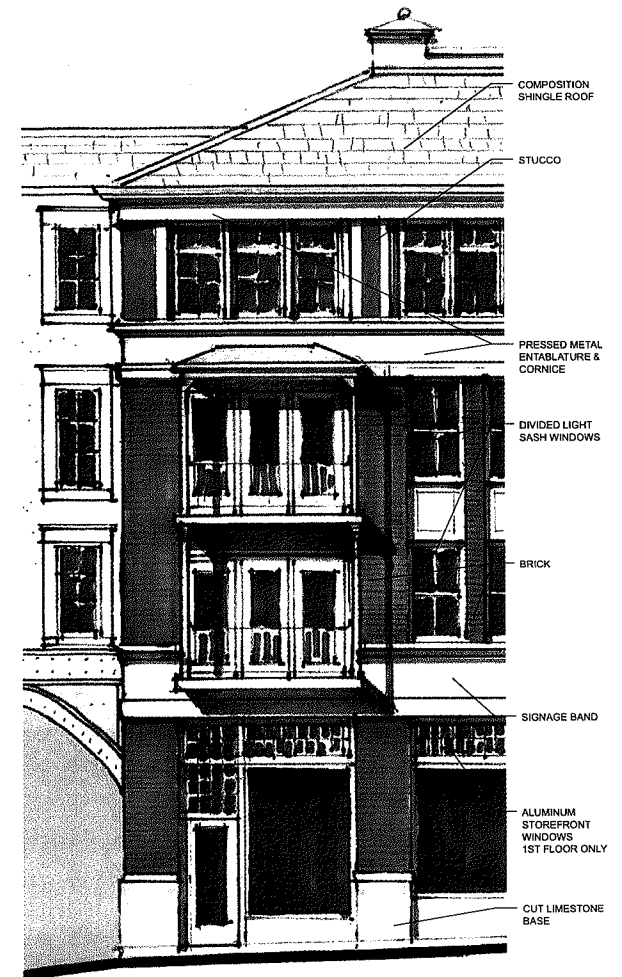
DETAIL OF TOWER



DETAIL OF CORNER ENTRY



DETAIL OF WEST FACADE



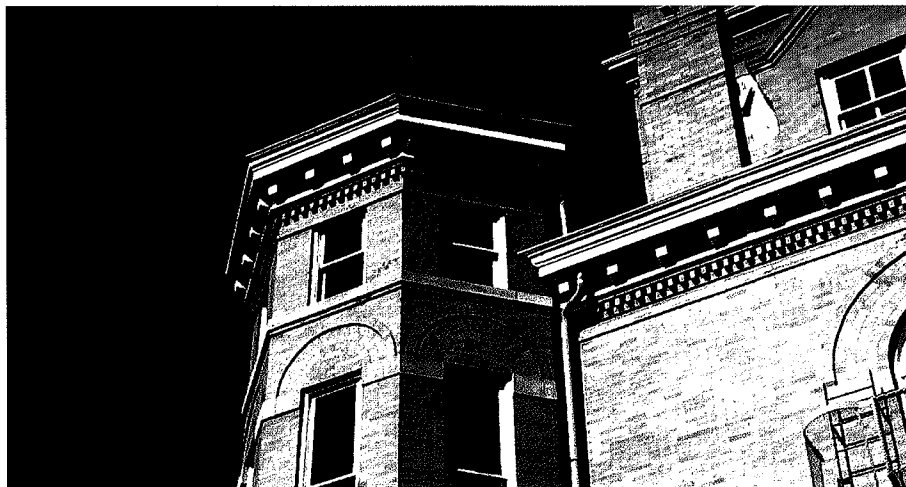
DETAIL OF SPRING STREET FACADE



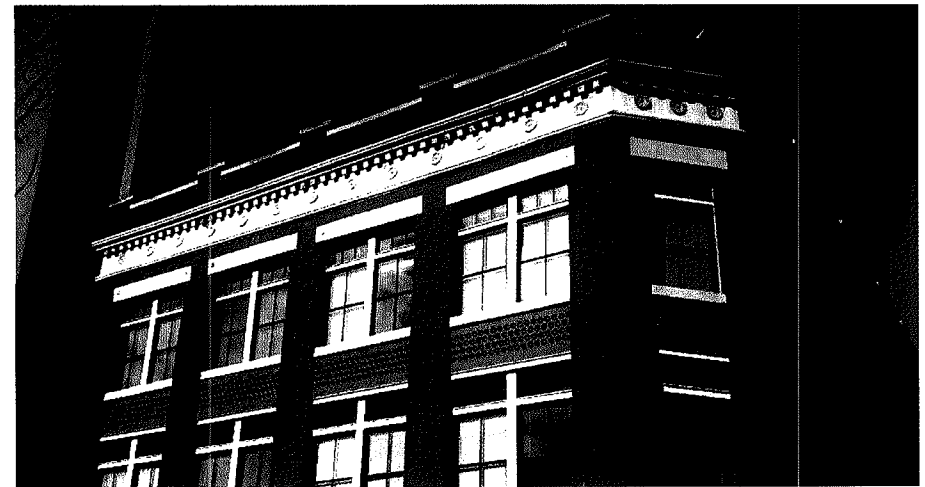
BANK OF FAYETTEVILLE



EASON BUILDING



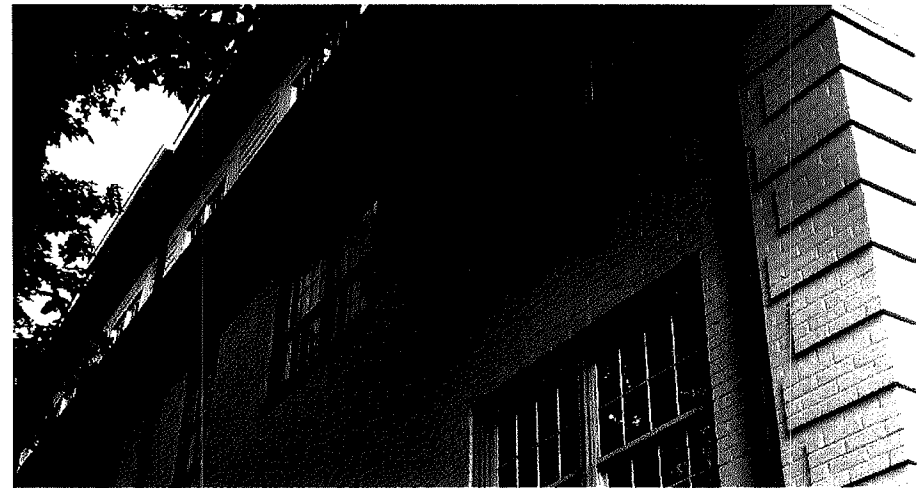
WASHINGTON COUNTY COURTHOUSE



EASON BUILDING



GUISINGER BUILDING



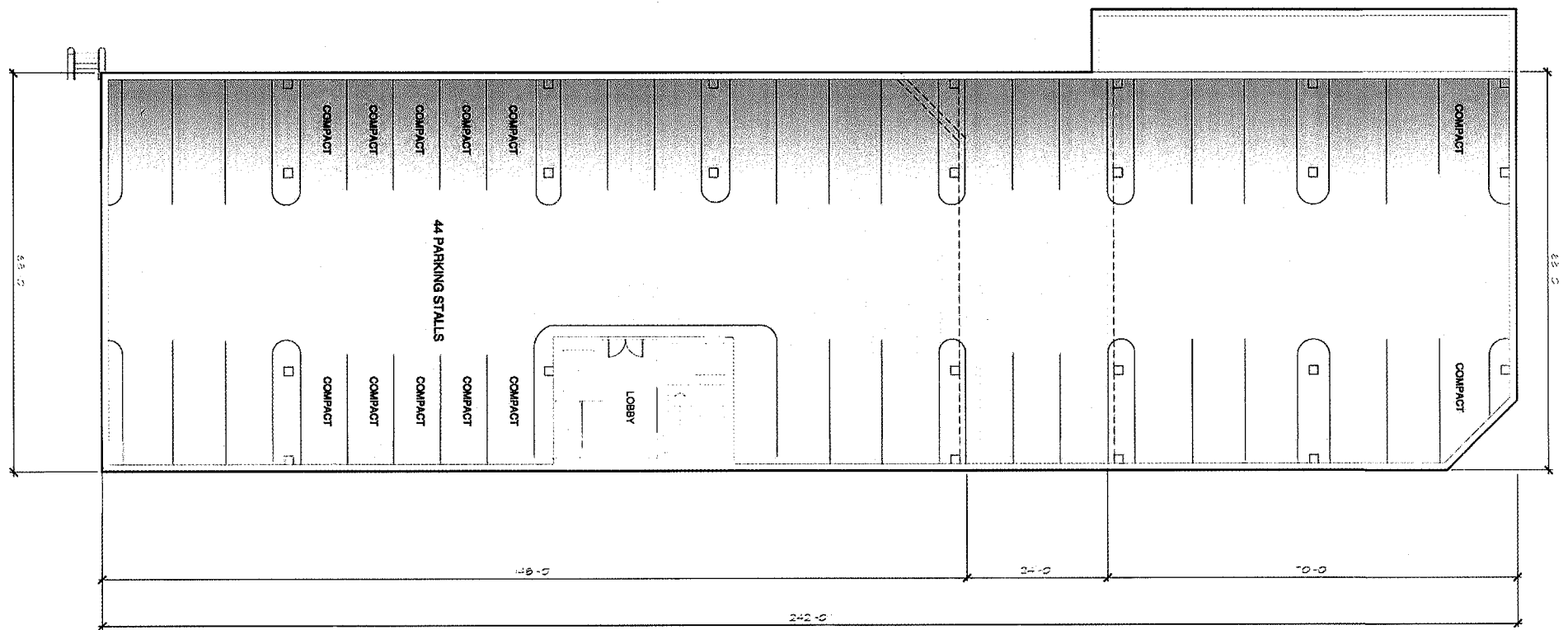
HERITAGE BUILDING

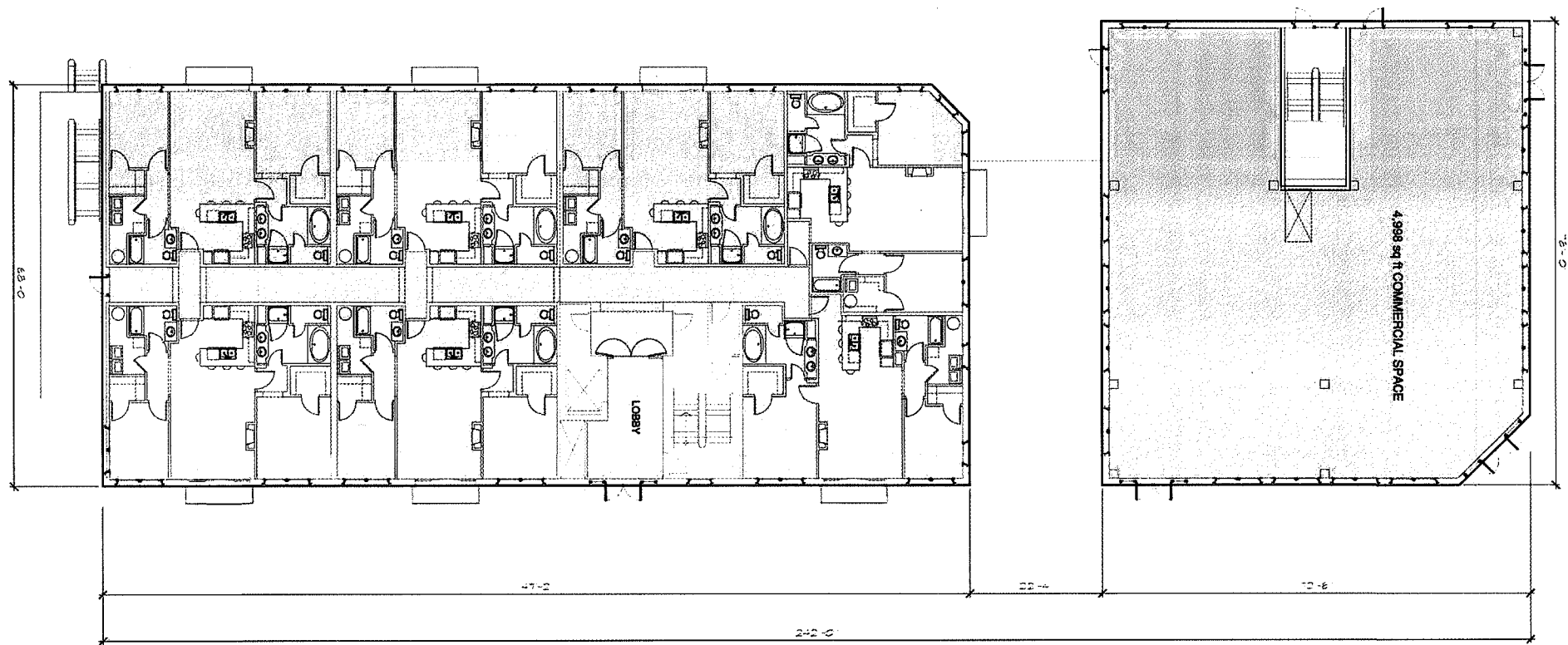


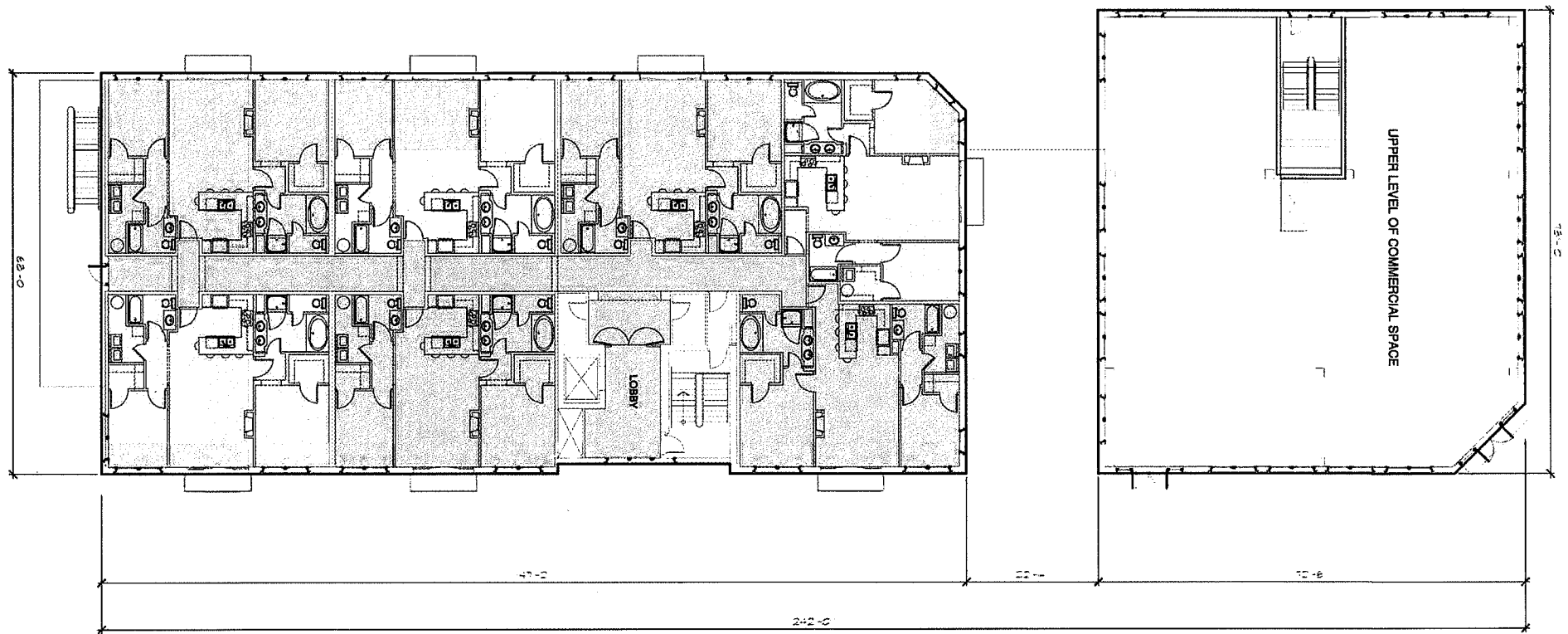
THREE SISTERS BUILDING

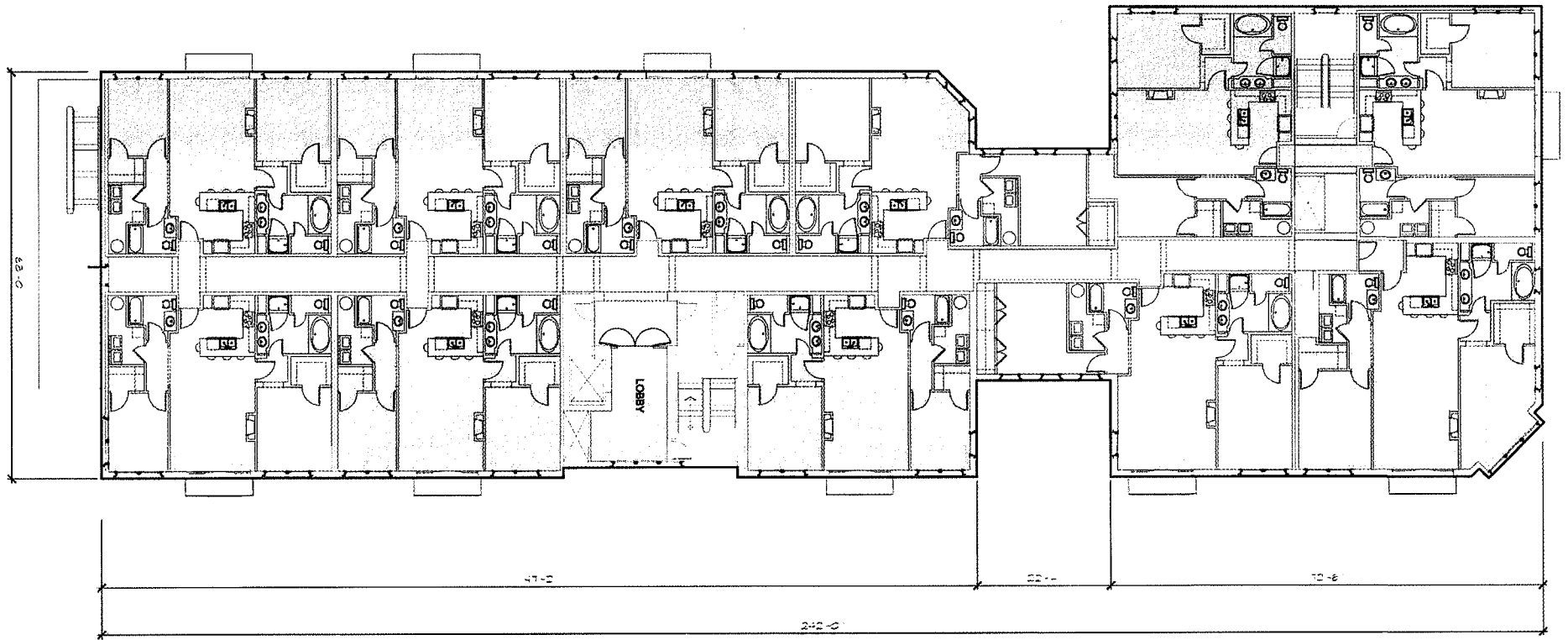


THREE SISTERS BUILDING









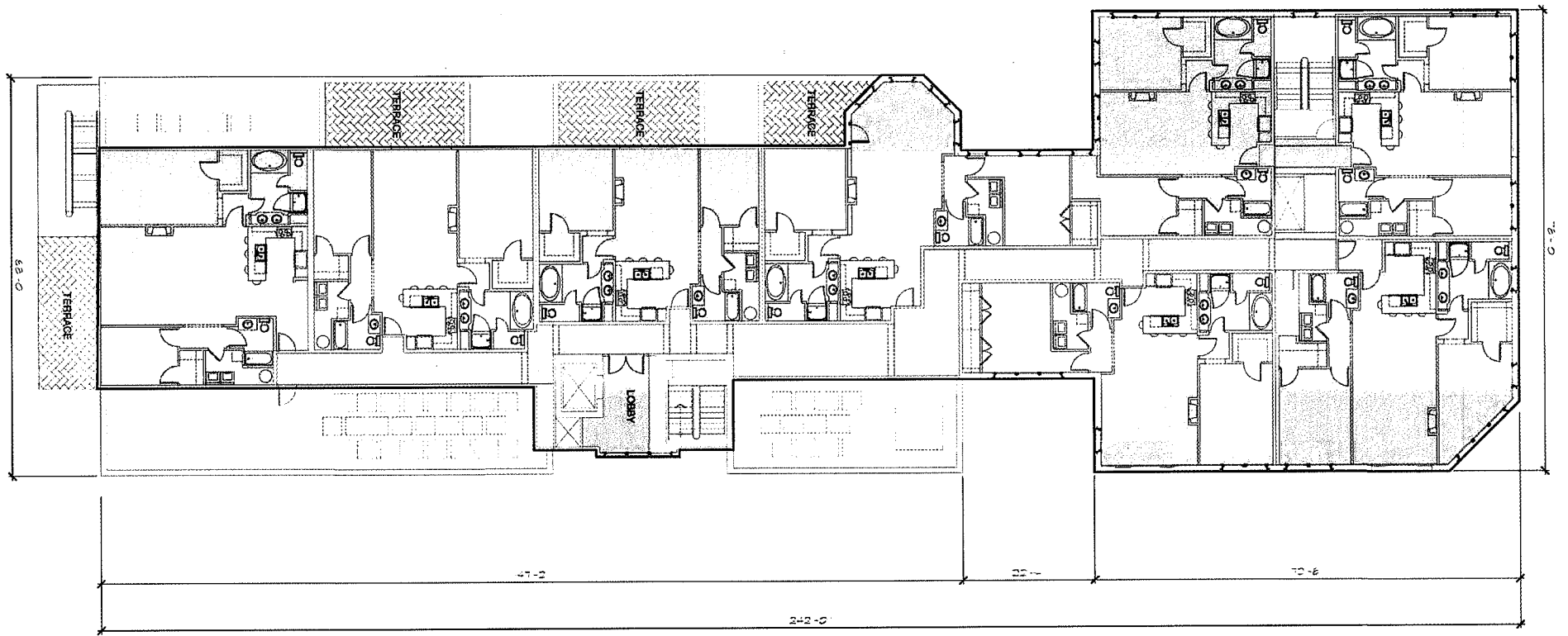
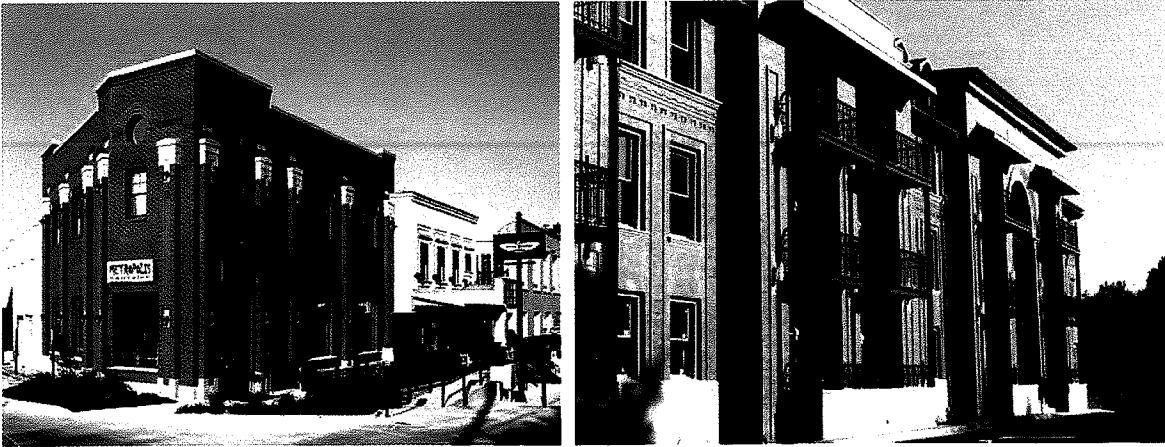


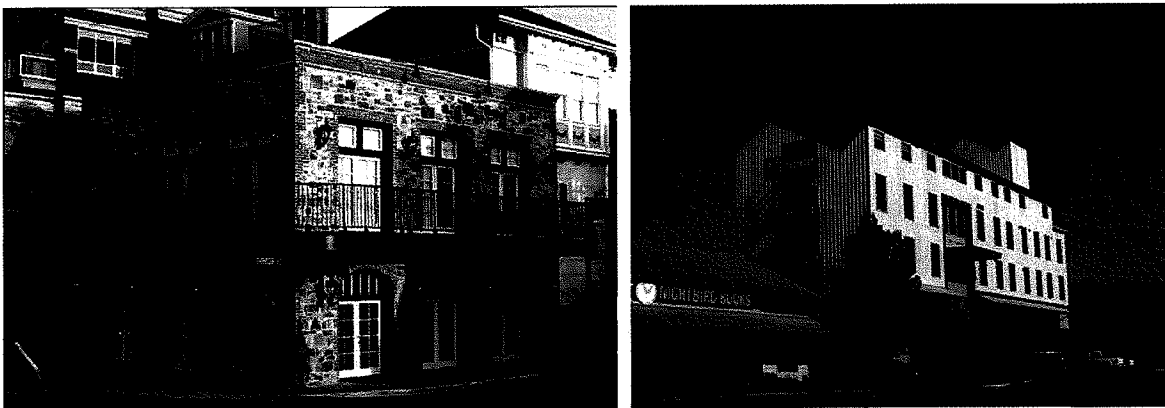
Exhibit F

Development Team

Reindl Properties, Inc. has been active in downtown real estate for over 20 years. They have a reputation for quality construction and attentive property management. Typical projects include the Metro District and the Metro District Lofts. Both projects have contributed to the character of the downtown area and have been successful investments. Reindl Properties is based in downtown Fayetteville and works almost exclusively in the Fayetteville area. Their hands-on approach to projects and reputation for success are a good match for downtown buildings that must be constructed with care and attention to detail.



Robert Sharp, Architect is located in Downtown Fayetteville and has an expertise in urban mixed use buildings and adaptive reuse. Robert has worked with Reindl properties for over 15 years and their close working relationship is an important aspect to the success of both companies.



Additional project descriptions available upon request.

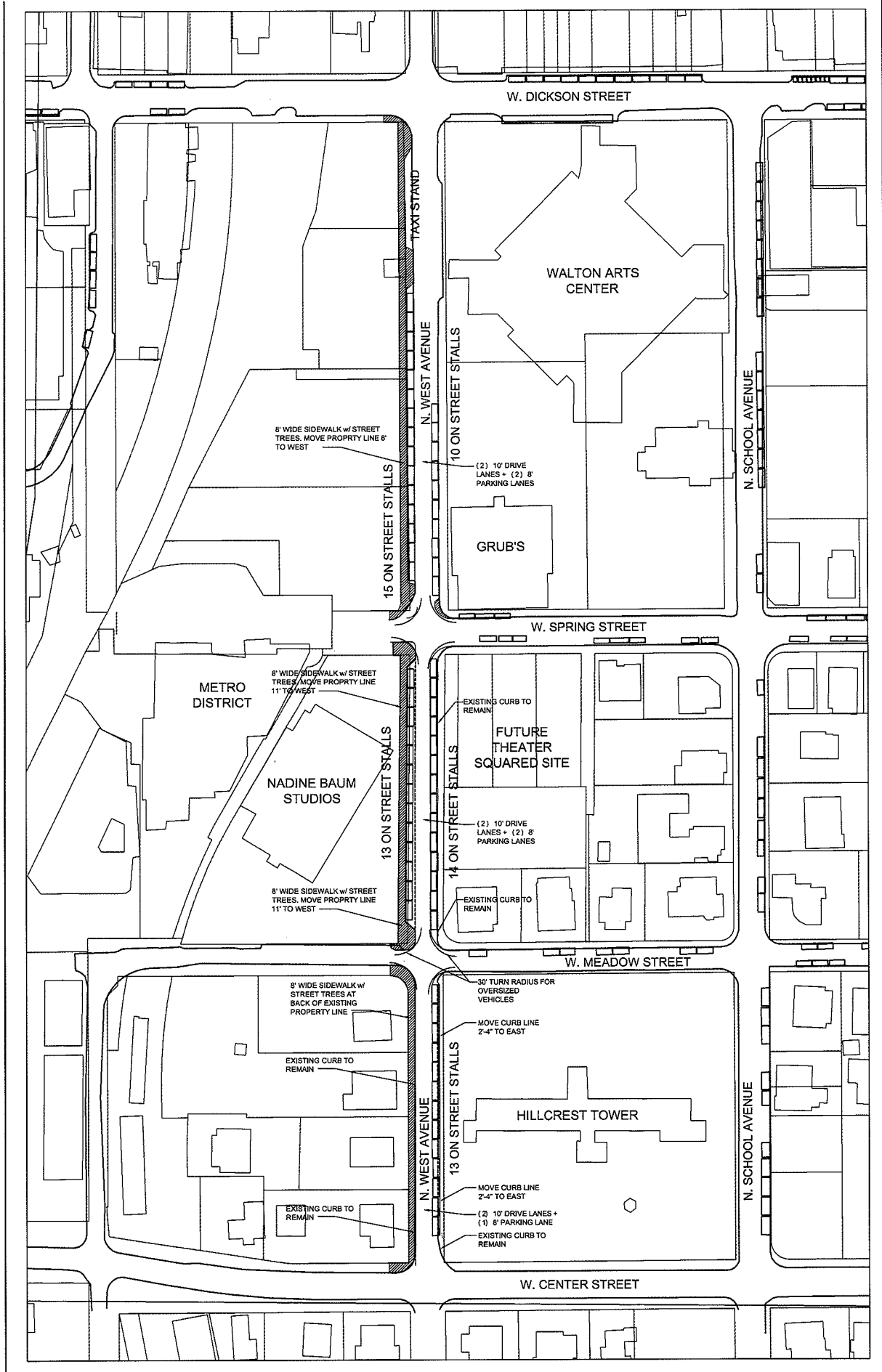


EXHIBIT G: POTENTIAL ON STREET PARKING AND PEDESTRIAN IMPROVEMENTS
 65 POTENTIAL ON-STREET PARKING STALLS



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

Resolution: 55-16

File Number: 2016-0034

WEST AVENUE PARKING LOT - DEVELOPMENT CONSIDERATION:

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO CONSIDER PROPOSALS FOR THE DEVELOPMENT AND IMPROVEMENT OF THE CITY'S 2.8 ACRE PROPERTY AT THE SOUTHWEST CORNER OF WEST AVENUE AND DICKSON STREET CURRENTLY USED AS THE WEST AVENUE PARKING LOT

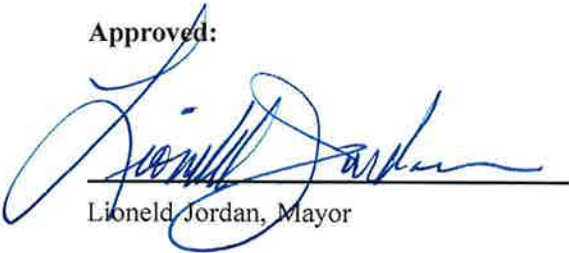
WHEREAS, the West Avenue Parking Lot was identified in the 2004 Downtown Master Plan as a "strategic location for infill development...with a parking garage and mix of uses lining the structure"; and

WHEREAS, interest has been expressed to the City by multiple parties for the development of this property and the City desires to conduct an open, transparent, and equitable process for considering development proposals. **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

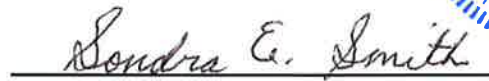
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to consider proposals for the development and improvement of the City's 2.8 acre property at the southwest corner of West Avenue and Dickson Street, which is currently used as the West Avenue Parking Lot.

PASSED and APPROVED on 3/1/2016

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: 2016-0034

Agenda Date: 3/1/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 5

WEST AVENUE PARKING LOT - DEVELOPMENT CONSIDERATION:

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO CONSIDER PROPOSALS FOR THE DEVELOPMENT AND IMPROVEMENT OF THE CITY'S 2.8 ACRE PROPERTY AT THE SOUTHWEST CORNER OF WEST AVENUE AND DICKSON STREET CURRENTLY USED AS THE WEST AVENUE PARKING LOT

WHEREAS, the West Avenue Parking Lot was identified in the 2004 Downtown Master Plan as a "strategic location for infill development...with a parking garage and mix of uses lining the structure"; and

WHEREAS, interest has been expressed to the City by multiple parties for the development of this property and the City desires to conduct an open, transparent, and equitable process for considering development proposals.

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 expresses its intent to consider proposals for the development and improvement of the City's 2.8 acre property at the southwest corner of West Avenue and Dickson Street, which is currently used as the West Avenue Parking Lot.

City of Fayetteville Staff Review Form

2016-0034

Legistar File ID

2/2/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

1/15/2016

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution expressing the City Council's intent to consider the development and improvement of the City of Fayetteville's 2.8-acre property at the southwest corner of West Avenue and Dickson Street, known as the West Avenue Parking Lot

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? No

Budget Adjustment

Remaining Budget \$

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 02, 2016

TO: Fayetteville City Council

THRU: Mayor Lioneld Jordan

FROM: Jeremy Pate, Development Services Director 

DATE: January 14, 2016

SUBJECT: **West Avenue Parking Lot – Development Consideration**

RECOMMENDATION:

A Resolution expressing the City Council's intent to consider the development and improvement of the City of Fayetteville's 2.85-acre property at the southwest corner of West Avenue and Dickson Street, known as the West Avenue Parking Lot

BACKGROUND:

In the early 1990s the City developed a 290-space surface parking lot at the southwest corner of Dickson Street and West Avenue, with the primary goal of providing parking for the new Walton Arts Center that opened in 1992 and the reviving Dickson Street entertainment district. According to Tony Wappel's *Once Upon Dickson*, the property was first developed in 1885 as a wholesale grocery store. After several expansions, changes of ownership and the addition of private switch yards and loading docks along West Avenue, the business changed from Fayetteville Grocer Company to Ozark Grocer Company. Eventually the Ozark Grocer Company closed in 1968. Following its closure, the building was used for storage and transfer along the railroad. The historic grocer building burned in 1974. In the 1970's and 80's the lot, which contained a portion of Town Branch creek traversing the site flowing from the northeast corner to the southwest, became overgrown with vegetation and according to reports was a place for unsavory characters and "mischievous deeds." After the Walton Arts Center was completed the City made the decision to clear the site, fill it in and construct the parking lot. Dickson Street was a very different place before the Walton Arts Center began to transform the Entertainment District into what we know it as today.

The site today is much like it was last developed in the 1990s; it contains 290 parking spaces, a large underground storm drain system, and is accessed via both Dickson Street and West Avenue. Along the western boundary is the Arkansas-Missouri railroad, still an active freight and excursion passenger line, and the Scull Creek Trail, part of the 36-mile Razorback Greenway. A small stone grotto with fish ponds was developed when the parking lot was constructed, using stone from the ruins of the Ozark Grocer building. The water for this pond system is piped from natural springs occurring east of the property underneath the Walton Arts Center. It is also the site of multiple festivals and outdoor performances throughout the year, the largest of which is the annual Bikes, Blues and BBQ festival, drawing thousands of citizens and visitors to the Entertainment District each fall. Parking today in this lot draws an annual revenue of

approximately \$433,000 from daily paid parking, tickets and event parking associated with large Walton Arts Center performances.

This property was featured and discussed extensively during the development of the Downtown Master Plan adopted in 2004. This site was identified as a "strategic location for infill development...with a parking garage and mix of uses lining the structure." Concepts were developed to complete the street edges along Dickson and West, and to "create an urban street scene" along the southern edge of the lot which faces Nadine Baum Studios and the mixed-use Metro District buildings.

In 2007 the City issued a Request for Proposals for a public-private partnership to develop the subject property. A proposal was selected and a development agreement negotiated to construct two parking structures and a mixture of retail/commercial liner buildings. However, the construction of the development agreement did not pass legal review tests for a variety of reasons. About this time, the "Great Recession" hit our region along with the rest of the nation, and talks on this project ceased.

In 2014 and 2015, two major expansions impacting this property began. The City broke ground on a 235-space parking deck serving the Entertainment District, along with an administrative office building replacement and expansion for the Walton Arts Center. In 2015, the Walton Arts Center began a \$23 million expansion and renovation project. The parking deck project was completed in October of 2015, and construction on the expansion and renovation is scheduled for completion near the end of 2016.

DISCUSSION:

In December the Mayor communicated that he would be bringing to the City Council a Resolution of Intent to determine if the Council is interested and willing to consider development proposals on the property. As you are aware, the opening of the Spring Street Parking Deck in October has provided additional parking capacity in the downtown entertainment district. Because of the successful completion of this important piece of infrastructure in the Dickson Street area, the City has received renewed interest from multiple parties in the potential for re-development of the West Avenue Parking lot at the corner of Dickson and West. The Mayor's Office has spoken to a number of interested parties whose proposals vary dramatically in impact to the property, scale of development, and financial consideration. A primary factor in all of these conversations, from the mayor's perspective, is to not reduce parking capacity. Rather, if the property is to be developed in accordance with the adopted Downtown Master Plan and continue to support the growing arts, entertainment, retail and residential uses now occurring in our thriving downtown, proposals need to find a way to replace and/or expand public parking.

In an effort to conduct an open, transparent, and equitable process, the Mayor decided to bring forward this item to get the Council involved in the conversation early; after all, Dickson Street's influence and impact is greater than its physical area, for residents and visitors alike. Long considered the heartbeat of the region, Dickson Street and the surrounding area is a valuable asset to the City, and the development of this property should be taken deliberately with all due consideration. Should the Council be interested in considering private development proposals, we are recommending that you pass a Resolution of Intent thus beginning a Request For Proposal process with a clear schedule and questions to be answered, such as: how parking is proposed to be replaced or enhanced, how a proposal fits with the Downtown Master Plan, how current festival and event venue space is to be managed, proof of financial feasibility, purchase/lease proposals, and a timetable for development, among other items.

We welcome the Council's input in this process and look forward to the public dialogue on the future of this important property in our Downtown Entertainment District.

BUDGET/STAFF IMPACT:

At the direction of the Mayor, staff will develop a Request for Proposals and advertise for responses. Jeremy Pate will lead this process with the assistance of appropriate staff as needed. A selection committee of the Council as a whole is proposed to be developed to consider valid proposals, and to make any final decisions to move forward on parts of, all of or none of the proposals received.

Attachments:

Downtown Master Plan documents

West Ave. Parking Lot

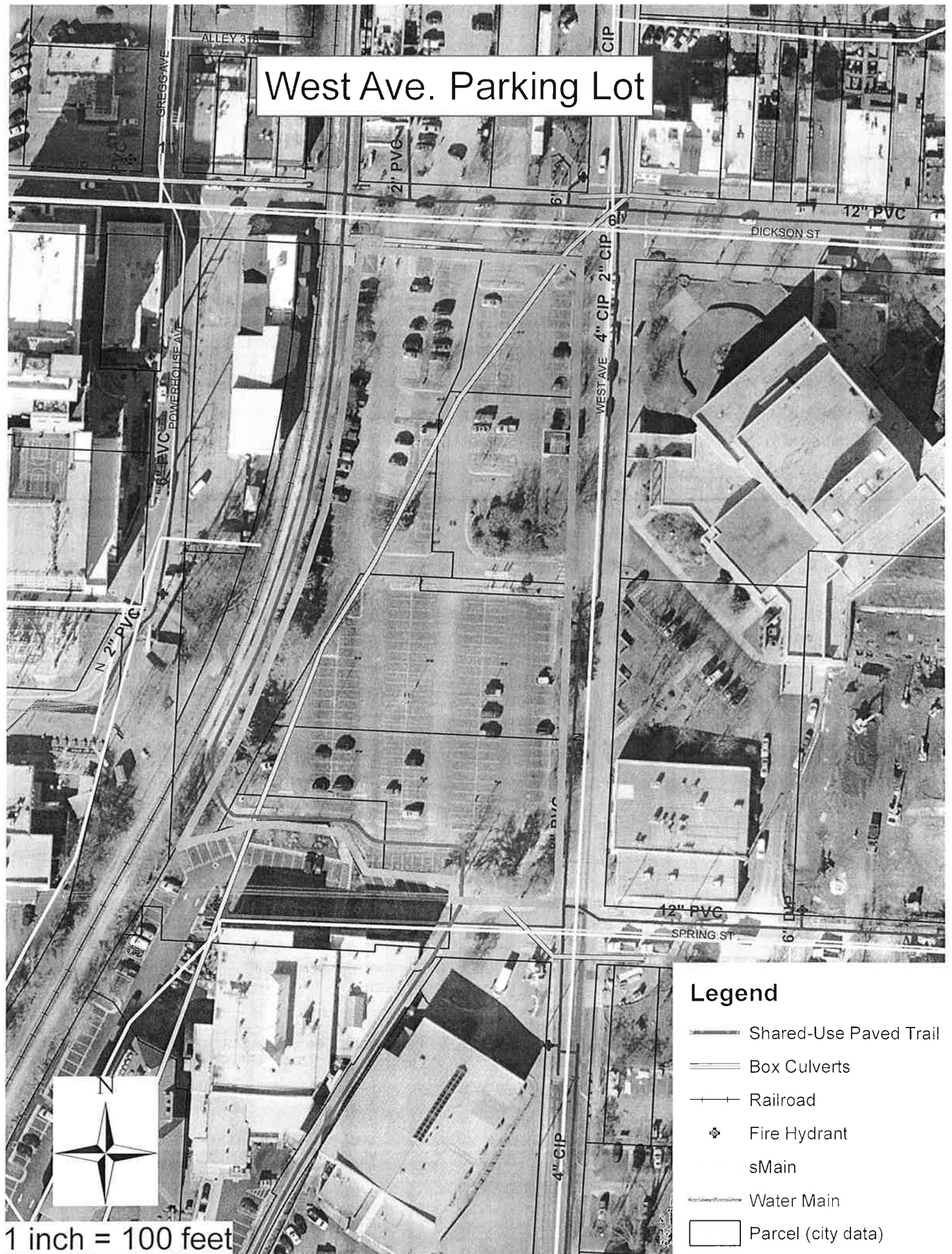
1 inch = 500 feet

Legend

- Shared-Use Paved Trail
- Box Culverts
- Railroad
- Parcel (city data)

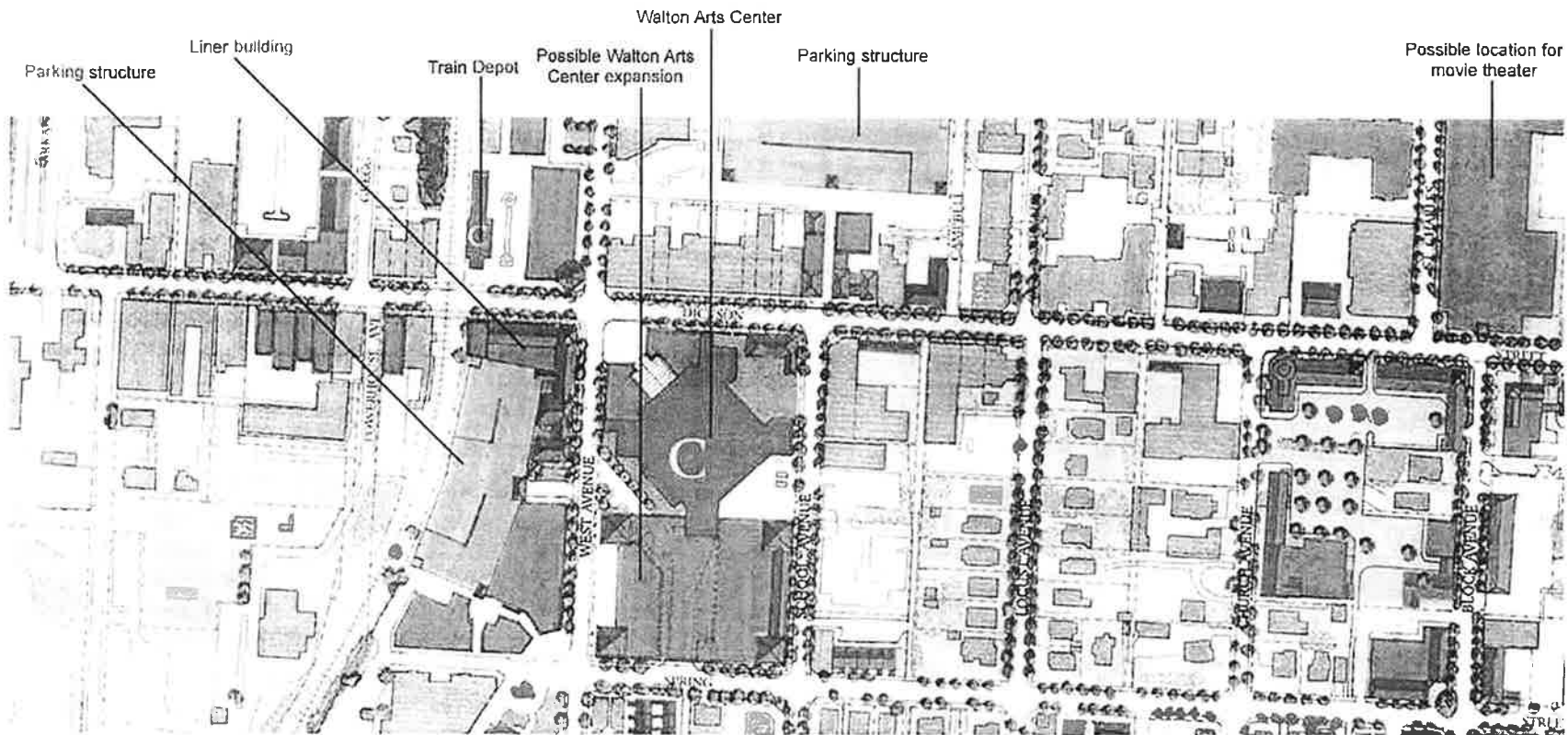


West Ave. Parking Lot



Dickson Street is the social and entertainment backbone of Downtown. A mix of shops, restaurants, bars, and civic institutions are located along the street. The area has experienced recent reinvestment with the construction of the "Three Sisters" Building and other new developments and rehabilitation projects. In addition, the completion of recent street and infrastructure improvements have improved the street's physical form and character as a pedestrian-friendly area. The Downtown Master Plan provides for continued infill development and location of entertainment activities along Dickson Street.

The portion of Dickson Street from West Avenue to Block Avenue is highlighted in the plan as a centerpiece of the Cultural and Entertainment Overlay District. Specific sites for infill development are noted. The buildings are to front the street and are to create a walkable environment that connects the destinations north and south of Dickson Street. Parking is to be located both along the street and behind the buildings in parking garages.



A Parking Lot Transformed

The City parking lot adjacent to the Walton Arts Center is a strategic location for infill development. The natural spring is to be preserved and protected and the lot is to be redeveloped as a parking garage with a mix of uses lining the structure. By doing so, the street edges are to be completed along Dickson Street. In addition, the southern edge of the lot which faces the Nadine Baum Studios, and recently developed mixed-use building, will create an urban street scene where buildings face buildings. West Spring Street will become whole again.



W. Spring Street [at Nadine Baum Studios] today.



W. Spring Street [at Nadine Baum Studios] tomorrow.

Appraisal Report Format of

**Commercial Land located at:
N. West Avenue
Fayetteville, AR 72701**



As of:

January 26, 2016

Prepared for:

City of Fayetteville
115 S. Church Street
Fayetteville, AR 72701

Prepared by:

Avaluations, LLC
P.O. Box 2991
Fayetteville, AR 72702

January 28, 2016

City of Fayetteville
Attn: Wade Abernathy
115 S. Church Street
Fayetteville, AR 72701

RE: Appraisal of commercial land located at N. West Avenue, Fayetteville, AR 72701

Our file number: City of Fayetteville

Dear Mr. Abernathy,

In fulfillment of our agreement as outlined in the letter of engagement, Avaluations, LLC is pleased to transmit our Summary Appraisal Report developing an opinion of the fee simple estate in the above referenced real property as of January 26, 2016 on an “as is” basis. The opinion of value reported below is qualified by certain assumptions, limiting conditions, certifications, and definitions, which are set forth in the report.

The appraisal will be used by City of Fayetteville to establish a potential asking price. It may not be distributed to or relied upon by other persons or entities without written permission of Avaluations, LLC. However, City of Fayetteville may provide only complete, final copies of the appraisal report in its entirety (but not component parts) to third parties who shall review such reports in connection with loan efforts. The appraisers are not required to explain or testify as to appraisal results other than to respond to the client for routine and customary questions.

Please note that our consent to allow an appraisal report prepared by Avaluations, LLC or portions of such report, to become part of or be referenced in any public offering, the granting of such consent will be at our sole discretion and, if given, will be on condition that we will be provided with an Indemnification Agreement and/or Non-Reliance letter, in a form and content satisfactory to us, by a party satisfactory to us. We do consent to your submission of the reports to rating agencies, loan participants or your auditors in its entirety (but not component parts) without the need to provide us with an Indemnification Agreement and/or Non-Reliance letter.

The following appraisal sets forth the most pertinent data gathered, the techniques employed and the reasoning leading to the opinion of value. The analysis, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the *Uniform Standards of Professional Appraisal Practice* (USPAP), the requirements of the *Code of Professional Ethics and Standards of Professional Appraisal Practice* of the Appraisal Institute, The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), and Title XI Regulations.

Based on the analysis contained in the following report, the market value of the subject property is concluded as follows:

MARKET VALUE CONCLUSION

Appraisal Premise	Interest Appraised	Effective Date	Value Conclusion
As Is	Fee Simple	January 26, 2016	\$5,478,000

The analysis contained in this appraisal is based upon assumptions and estimates that are subject to uncertainty and variation. These estimates are often based on data obtained in interviews with third parties, and such data are not always completely reliable. In addition, we make assumptions as to future behavior of consumers, and the general economy, which are highly uncertain. It is, however, inevitable that some assumptions will not materialize and that unanticipated events may occur which will cause actual achieved operating results to differ from the financial analyses contained in this report, and these differences may be material. Therefore, while our analysis was conscientiously prepared on the basis of our experience, and the data available, we make no warranty of any kind that the conclusions presented will, in fact, be achieved. Additionally, we have not been engaged to evaluate the effectiveness of management, and we are not responsible for future marketing efforts, and other management actions upon which actual results may depend.

We believe, based on the assumptions employed the value conclusion represents a market price achievable within 6 months prior to the effective date. The value conclusion was based upon the following extraordinary assumptions or hypothetical conditions.

Extraordinary Assumptions

An extraordinary assumption is defined by USPAP (2014 – 2015 Edition) as:

An assumption directly related to a specific assignment, as of the effective date of the assignment results, which if found to be false, could alter the appraiser's opinions or conclusions.

- No survey was provided for the subject site; therefore, this appraisal was performed based upon the extraordinary assumption that the indicated site size (taken from courthouse records) is accurate. If the reported site size is not accurate, then the indicated market value could be affected.

Hypothetical Conditions

A hypothetical condition is defined by USPAP (2014 – 2015 Edition) as:

A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purposes of analysis.

- The subject property consists of a public parking lot; however, at the request of the client this appraisal is being performed on the land only. Therefore, this report was performed based upon the hypothetical condition that the parking lot improvements do not exist.

We take no responsibility for any events, conditions, or circumstances affecting the market that exists subsequent to the effective date of this appraisal. This letter is invalid as an opinion of value if detached from the report, which contains the text, exhibits, and addenda.

It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis or if Avaluations, LLC can be of further service, please contact us.

Respectfully submitted,



Aaron Crawley, CG1562
Certified General Appraiser

Avaluations, LLC

P.O. Box 2991, Fayetteville, AR 72702

Phone (479) 695-1371

Email: avalue@cox-internet.com

Website: www.avaluations.com



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Section 1 - Summary of Salient Facts

EFFECTIVE DATE OF APPRAISAL:	January 26, 2016
LOCATION:	The subject property is located on the west side of N. West Avenue, at the southwest corner of the N. West Avenue/ W. Dickson Street intersection in Fayetteville, Arkansas. More generally, the subject property can be described as its street name: N. West Avenue, Fayetteville, Arkansas, in Section 16, Township 16 North, Range 30 West.
SITE DESCRIPTION:	The subject site consists of seven platted parcels of land, which are located on the west side of N. West Avenue and the south side of W. Dickson Street. Furthermore, the parcels are irregular shaped and contain approximately 123,745 square feet or 2.84 acres, subject to a survey. The site is level to gently sloping and has around 550' of frontage along N. West Avenue and around 190' of frontage along W. Dickson Street.
INTENDED USE AND USER OF APPRAISAL:	To estimate the value of the security to establish a potential asking price for the intended user – City of Fayetteville.
ESTATE APPRAISED:	Fee Simple
PROPERTY DESCRIPTION:	Commercial Land
LEGAL DESCRIPTION:	Part of Block 7 of the Original Town Plat of the City of Fayetteville, Washington County, Arkansas.
ZONING:	MSC; Main Street/ Center
PRESENT USE:	Public Parking Lot
HIGHEST & BEST USE:	As Vacant: It is estimated that the highest and best use of the subject property as though vacant would be for a mixed use commercial development with apartments and/ or offices above retail units.
RECONCILED “AS IS” VALUE:	\$5,478,000

Section 2 – Certification and Limiting Conditions

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT:

- ❖ The statements of facts contained in this report are true and correct.
- ❖ The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.
- ❖ I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- ❖ I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- ❖ My engagement in this assignment was not contingent upon the development or reporting predetermined results.
- ❖ My compensation for completing this assignment is not contingent upon the development and reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- ❖ My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- ❖ I, Aaron Crawley, have made a personal inspection of the property that is the subject of this report.
- ❖ No one provided significant real property appraisal assistance to the person signing this certification.
- ❖ As of the date of this report, I have completed the continuing education program from Practicing Affiliates of the Appraisal Institute.
- ❖ In compliance with USPAP standards, I certify that I **have not** performed services as an appraiser, or in any other capacity, regarding the subject property within a three-year period immediately preceding acceptance of this assignment.



Aaron Crawley, Certified General Appraiser
AR CG1562, exp. 6/30/2016
OK 13112CGA, exp. 2/28/2018

General Assumptions & Limiting Conditions

I suggest that anyone using this appraisal read the following limiting conditions and assumptions thoroughly. The acceptance and/or use of the appraisal report constitutes acceptance of the following conditions.

In rendering my opinions, I have made certain assumptions and my opinions are conditioned upon and are subject to certain qualifications including, but not limited to, the following:

Information Used

No responsibility is assumed for accuracy of information furnished by others or from others, including the client, its officers and employees, or public records. I am not liable for such information or for the work of contractors, subcontractors and engineers. The comparable data relied upon in this appraisal has been confirmed with one or more parties familiar with the transaction unless otherwise noted; all are considered appropriate for inclusion to the best of my factual judgment and knowledge.

Certain information upon which the opinions and values are based may have been gathered by research staff working with the appraiser. Names, professional qualifications and extent of their participation can be furnished to the client upon request.

Legal, Engineering, Financial, Structural or Mechanical Nature, Hidden Components, Soil

No responsibility is assumed for matters legal in character or nature, nor matters of survey, nor of any architectural, structural, mechanical or engineering nature. No opinion is rendered as to the legal nature or condition of the title to the property, which is presumed to be good and marketable. The property is appraised assuming it is free and clear of all mortgages, liens or encumbrances, unless otherwise stated in particular parts of this report.

The legal description is presumed to be correct, but I have not confirmed it by survey or otherwise. I assume no responsibility for the survey, any encroachments or overlapping or other discrepancies that might be revealed thereby.

I have inspected, as far as possible by observation, the land and improvements thereon; however, it was not possible to personally observe conditions beneath the soil or hidden structural or other components, or any mechanical components within the improvement; as a result, no representation is made herein as to such matters unless otherwise specifically stated. The estimated market value assumes that no such conditions exist that would cause a loss of value. I do not warrant against the occurrence of problems arising from any of these conditions.

It is assumed that there are no hidden or unapparent conditions to the property, soil, subsoil or structures, which would render them more or less valuable. No responsibility is assumed for any such conditions or for any expense or engineering to discover them. All mechanical components are assumed to be in operating condition standard for the properties of the subject's type. The condition of the heating, cooling, ventilation, electric and plumbing equipment is considered to be commensurate with the condition of the balance of the improvements, unless otherwise stated. No judgment is made as to the adequacy of insulation, engineering or energy efficiency of the improvements or equipment.

Information relating to the location or existence of public utilities has been obtained through verbal inquiry to the appropriate utility authority, or has been ascertained from visual evidence. No warranty has been made regarding the exact location or capacities of public utility systems. Subsurface oil, gas or mineral rights were not considered in this report unless otherwise stated.

The appraisal is based on the premise that there is or will be full compliance with all applicable Federal, State and local environmental regulations and laws, unless otherwise stated in the report; and that all appropriate zoning, building and use regulations and restrictions of all types have been or will be complied with, unless otherwise stated in the report. It is assumed that all require licenses, consent, permits or other legislative or administrative authority, whether local, State, Federal, and/or private, have been or can be obtained or renewed for the use intended and considered in the value estimate.

Component Values

The distribution of the total valuation of this report between land and improvements applies only under the proposed program of utilization. The separate valuations of land and buildings must not be used in conjunction with any other appraisal, and are invalid if so used.

A report related to an estate that is less than the whole fee simple estate applies only to the fractional interest involved. The value of this fractional interest, plus the value of all other fractional interests, may or may not equal the value of the entire fee simple estate considered as a whole.

A report relating to the geographic portion of a larger property applies only to such geographic portion and should not be considered as applying with equal validity to other portions of the larger property or tract. The value for such geographic portions, plus the value of all other geographic portions, may or may not equal the value of the entire property or tract considered as a single entity.

All valuations in the report are applicable only under the estimated program of the highest and best use and are not necessarily appropriate under other programs of use.

Auxiliary and Related Studies

No environmental or impact studies, special market study or analysis, highest and best use analysis study or feasibility study has been requested or made by us unless otherwise specified in this report or in my agreement for services. I reserve the unlimited right to alter, amend, revise or rescind any of these statements, findings, opinions, values, estimates or conclusions upon any subsequent study or analysis or previous study or analysis that subsequently becomes available to us.

Dollar Values, Purchasing Power

The value estimates and the costs used herein are as of the date of the estimate of value. All dollar amounts are based on the purchasing power and price of the United States dollar as of the date of value estimate.

Inclusions

Furnishings and equipment or business operations, except as otherwise specifically indicated, have been disregarded, with only the real estate being considered.

Proposed Improvements Conditioned Value

For the purpose of this appraisal, on- or off-site improvements proposed, if any, as well as any repairs required, are considered to be completed in a good and workmanlike manner according to information submitted and/or considered by us. In cases of proposed construction, the report is subject to change upon inspection of the property after construction is complete. The estimate of value, as proposed, is as of the date shown, as if completed and operating at levels shown and projected.

Value Change, Dynamic Market Influences

The estimated value is subject to change with market changes over time. Value is highly related to interest rates, exposure, time, promotional effort, supply and demand, terms of sale, motivation and conditions surrounding the offering. The value estimate considers the productivity and relative attractiveness of the property both physically and economically in the marketplace.

The estimate of value in this report is not based in whole or in part upon race, color or national origin of the present owners or occupants of the properties in the vicinity of the property appraised.

In the event this appraisal includes the capitalization of income, the estimate of value is a reflection of such benefits and my interpretation of income and yields and other factors which were derived from general and specific market information. Such estimates are made as of the date of the estimate of value. As a result, they are subject to change, as the market is dynamic and may naturally change over time. The date upon which the value estimate applies is only as of the date of valuation, as stated in the letter of transmittal. The appraisal assumes no responsibility for economic or physical factors occurring at some later date which may affect the opinion stated herein.

An appraisal is the product of a professionally trained person, but nevertheless is an opinion only, and not a provable fact. As a personal opinion, a valuation may vary between appraisers based upon the same facts. Thus, the appraiser warrants only that the value conclusions are his best estimate as of the date of valuation. There are no guaranties, either written or implied, that the property would sell for the expressed estimate of value.

Sales History

Unless otherwise stated, the appraiser has not reviewed an abstract of title relating to the subject property. No title search has been made, and the reader should consult an attorney or title company for information and data relative to the property ownership and legal description. It is assumed that the subject title is marketable, but the title should be reviewed by legal counsel. Any information given by the appraiser as to a sales history is information that the appraiser has researched; to the best of my knowledge, this information is accurate, but not warranted.

Management of the Property

It is assumed that the property which is the subject of this report will be under prudent and competent ownership and management over the entire life of the property. If prudent and competent management and ownership are not provided, this would have an adverse effect upon the value of the property appraised.

Confidentiality

We are not entitled to divulge the material (evaluation or valuation) content of this report and analytical findings or conclusions, or give a copy of this report to anyone other than the client or his designee, as specified in writing, except as may be required by the Appraisal Institute, as they may request in confidence for ethic enforcement, or by a court of law with the power of subpoena.

All conclusions and opinions concerning the analyses as set forth herein are prepared by the appraisers whose signatures appear. No change of any item in the report shall be made by anyone other than the appraiser, and the firm shall have no responsibility if any such unauthorized change is made.

Whenever our opinion herein with respect to the existence or absence of fact is qualified by the phrase or phrases "to the best of our knowledge", "it appears" or "indicated", it is intended to indicate that, during the course of our review and investigation of the property, no information has come to our attention which would give us actual knowledge of the existence or absence of such facts.

The client shall notify the appraiser of any error, omission or invalid data herein within 10 days of receipt and return of the report, along with all copies, to the appraiser for corrections prior to any use whatsoever. Neither our name nor this report may be used in connection with any financing plans which would be classified as a public offering under State or Federal Security Laws.

Copies, Publication, Distribution, Use of Report

Possession of this report, or any copy thereof, does not carry with it the right of publication, nor may it be used for other than its intended use. The physical report remains the property of the firm for the use of the client, with the fee being for the analytical services only. This report may not be used for any purpose by any person or corporation other than the client or the party to whom the report is addressed. Additional copies may not be made without the written consent of an officer of the firm, and then only in its entirety.

Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations effort, news, sales or other media without my prior written consent and approval of the client.

It has been assumed that the client or representative thereof, if soliciting funds for his project, has furnished to the user of this report complete plans, specifications, surveys and photographs of land and improvements, along with all other information which might be deemed necessary to correctly analyze and appraise the subject property.

Trade Secrets

This appraisal was obtained from Avaluations, LLC or related companies and/or its individuals and consists of "trade secrets and commercial or financial information" which is privileged and confidential. Notify the appraisers signing the report or an officer of Avaluations, LLC of any request to reproduce this report in whole or in part.

Testimony, Consultation, Completion of Contract for Appraisal Services

A contract for appraisal, consultation or analytical services is fulfilled and the total fee payable upon completion of the report. The appraisers or those assisting in the preparation of the report will not be asked or required to give testimony in court or hearing because of having made the appraisal in full or in part, nor will they be asked or required to engage in post appraisal consultation with client or third parties except under separate and special arrangement and at an additional fee.

Any subsequent copies of this appraisal report will be furnished on a cost plus expenses basis, to be negotiated at the time of request.

Limit of Liability

Liability of the firm and the associates is limited to the fee collected for preparation of the appraisal. There is no accountability or liability to any third party.

Fee

The fee for this appraisal or study is for the service rendered, and not for time spent on the physical report. The acceptance of the report by the client takes with it the agreement and acknowledgement that the client will pay the negotiated fee, whether said agreement was verbal or written. The fee is in no way contingent on the value estimated.

Section 3 –Assignment Overview and Scope of Work

Date of Inspection

The subject was inspected on January 26, 2016.

Date of Value and Interest Appraised

The date of value and interest appraised is summarized in the following table:

Market Value Date		
As Is	Fee Simple	January 26, 2016

Date of Report

The date of report is January 28, 2016.

Purpose of Appraisal

The purpose of this appraisal was to estimate the “as is” market value of the subject property as of the effective date of appraisal. The current economic definition agreed upon by agencies that regulate federal financial institutions in the U.S. (and used herein) is contained in Section 4 of this report.

Intended Use and User of Appraisal

The intended use of this report is to estimate the value of the land to establish a potential asking price for the intended user – City of Fayetteville.

Competency of Appraisers

The appraisers' specific qualifications are included within this report. These qualifications serve as evidence of their competence for the completion of this appraisal assignment in compliance with the competency provision contained within the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal Foundation. The appraisers' knowledge and experience, combined with their professional qualifications, are commensurate with the complexity of this assignment based on the following:

- ❖ Professional experience
- ❖ Educational background and training
- ❖ Business, professional, academic affiliations and activities

The appraisers have previously provided consultation and value estimates for similar land and various types of commercial properties in Northwest Arkansas.

Scope of the Appraisal

The scope of this appraisal assignment involves the completion of several steps performed within the guidelines of commonly accepted appraisal procedures. The scope of the assignment relates to the extent and manner in which research is conducted, data is gathered and analysis is applied, all based upon the purpose of the appraisal and its intended use, as previously outlined. Avaluations, LLC completed the following steps for this assignment:

The subject property was identified to the appraiser by the client providing the property address and the current owner's name. A tax card and plat were pulled for that address via a third party provider. The property boundaries were pointed out to the appraiser by the City of Fayetteville and the Washington County GIS mapping software.

The following approaches to value have been considered in the scope of work decision for the main "Value Opinion":

- The Direct Comparison Approach was performed.

Please be aware that the term "Inspection" may be used on some standard appraisal forms which the appraiser cannot modify. The term inspection found anywhere in this report is to mean a "Personal Visual Inventory" of the subject's or comparable property's components. This is opposed to a "Home Inspection", which investigates the appropriateness and soundness of various components of the improvements.

The American Disability Act (ADA) became effective January 26, 1992. The appraiser has not made a specific compliance survey or analysis of the property or comparables to determine whether or not they are in conformity with one or more of the requirements of the act.

Extent of Research of the Subject Property

The Census Tract information for the subject property was obtained from a third party provider based on the property address via my appraisal software. The flood zone information for the subject property was obtained from a third party provider based on the property address via my appraisal software. The subject property's zoning was obtained from the planning department at the City of Fayetteville.

I, Aaron Crawley, did personally make a visual inventory of the subject property while walking over the land. I am familiar with the subject neighborhood and the market area. I have worked in and around this area for a number of years. I did drive through parts of this neighborhood in conjunction with this assignment.

Unless a professional home inspection, structural engineer study, or similar report was provided to the appraiser; the subject property information was obtained by a method of data gathering known as a "Personal Visual Inventory". This consists of the appraiser compiling notes of what components are there and how many of them there are. This personal visual inventory may be made on-site or from the curb, but not from photos or a video presentation. The extent of the subject property accessed was stated above; and did not include accessing any part of the property that could not be walked through in an upright manner, or that required the use of special equipment such as a ladder. None of the property components were dissected or inspected by the appraiser.

Neither police records nor past issues of newspapers have been researched concerning the subject property's past use for anything that might affect the safety or health of present and future occupants. This includes but is not limited to the by-products of methamphetamine production, infectious disease, or environmental hazards.

If available in the normal course of business the appraiser has evaluated any previous sales within the past 3 years prior to the effective date of the appraisal, and current contract, listing, or option of the subject property for its applicability in forming an opinion of current market value and/or marketability.

Extent of the Analysis & Associated Research

The following analysis and associated research have been performed in conjunction with the main opinion of value:

The Direct Sales Comparison was performed by an analysis in which the subject is compared to similar properties that have a recent marketing history.

An opinion of the value was formed by the Direct Sales Comparison Approach. A quantitative line by line adjustment grid was utilized. Many of the property characteristics were considered including; the size of the improvements, land size, date of sale, view, topography and location.

The comparable properties were obtained from a thorough search of office files, the local MLS and/or Tax office. The tax data was supplied by a third party provider. The physical property characteristics, sales price, and date were not verified by any other source. However, the second hand data records were analyzed for errors and inconsistencies. The records with errors and discrepancies and records that showed a large discrepancy from the other data was not used.

Previous Market Activity of the Subject

The subject property has not sold or transferred within the past three years prior to the effective date of this report. The subject has been under its current ownership since 1990. Also, no listings of the subject property were found within the past year prior to the effective date of this report, per the Northwest Arkansas Regional MLS, Xceligent and CoStar data sources.

Interest Appraised:

Fee Simple Interest

Exposure Time:

An estimate of exposure time is not intended to be a prediction of a date of sale or a simple one-line statement. Instead, it is an integral part of the appraisal analysis and is based on one or more of the following:

- ❖ statistical information about days on the market
- ❖ information gathered through sales verification
- ❖ interviews of market participants.

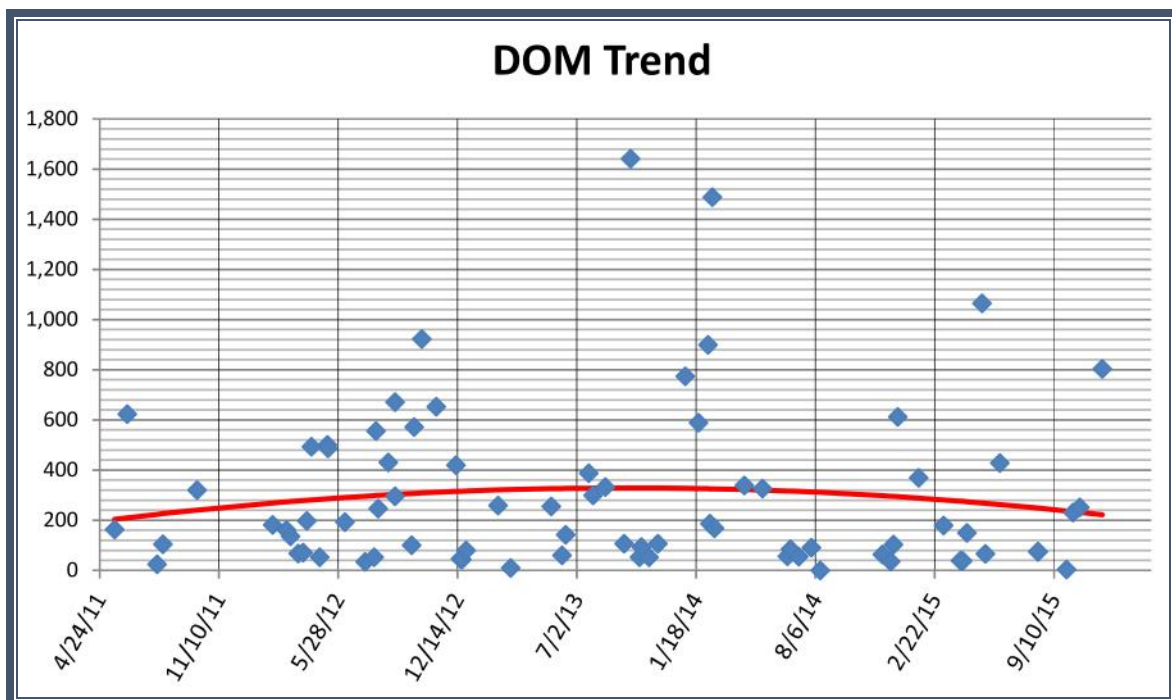
The reasonable exposure period is a function of price, time, and use. It is not an isolated estimate of time alone. Exposure time is different for various types of real estate and under various market conditions.

Exposure time is the estimated length of time the property would have been offered prior to a hypothetical market value sale on the effective date of appraisal. It is a retrospective estimate based on an analysis of recent past events, assuming a competitive and open market. It assumes not only adequate, sufficient, and reasonable time but also adequate, sufficient, and reasonable marketing effort. Exposure time is therefore interrelated with appraisal conclusion of value.

In consideration of these factors, we have analyzed the following:

- ❖ exposure periods of comparable sales revealed during the course of this appraisal;
- ❖ Macroeconomic exposure times for the subject property type across the Subject MSA and the entire United States as published in multiple articles and websites.
- ❖ knowledgeable real estate professionals.

The following chart indicates a regression analysis of land sales within a 2-mile radius around the subject property that have sold over the past few years.



The above regression analysis indicates the days on market for land sales within a 2-mile radius around the subject have slightly declined over the past year and is currently falling around 200 days. Based on the foregoing analysis, an exposure time of 6 months is reasonable, defensible, and appropriate. Avaluations, LLC assumes the subject would have been competitively priced and aggressively promoted regionally.

Marketing Time:

Marketing time is the period a prospective investor would forecast to sell the subject property immediately after the date of value, at the value estimated. The marketing time is an estimate of the number of months it will require to sell the subject from the date of value, into the future. The anticipated marketing time is essentially a measure of the perceived level of risk associated with the marketability, or liquidity, of the subject property. The marketing time estimate is based on the data used in estimating the reasonable exposure time, in addition to an analysis of the anticipated changes in market conditions following the date of appraisal. The future price for the subject (at the end of the marketing time) may or may not equal the appraisal estimate. The future price depends on unpredictable changes in the physical real estate, demographic and economic trends, real estate markets in general, supply/demand characteristics for the property type, and many other factors.

Based on the premise that present market conditions are the best indicators of future performance, a prudent investor will forecast that, under the conditions described above, the subject will require a marketing time of 6 months.

Section 4 – Definitions

Market Value

The most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions under which: (a) buyer and seller are typically motivated; (b) both parties are well informed or well advised, and each acting in what he considers his own best interests; (c) a reasonable time is allowed for exposure in the open market; (d) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (e) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.¹

Fee Simple Interest

Absolute ownership unencumbered by any other interest or estate; subject only to the limitations of eminent domain, escheat, police power, and taxation.²

Highest and Best Use

Highest and best use is defined as: (1) the reasonable and probable use that supports the highest present value of vacant land or improved property, as defined, as of the date of the appraisal; (2) the reasonably probable and legal use of land or sites as though vacant, found to be physically possible, appropriately supported, financially feasible, and that results in the highest present land value; and (3) the most profitable use.

Implied in these definitions is that the determination of highest and best use takes into account the contribution of a specific use to the community and community development goals as well as the benefits of that use to individual property owners. Hence, in certain situations the highest and best use of land may be for parks, greenbelts, preservation, conservation, wildlife habitats, and the like.³

Depreciation

In appraising, a loss in property value from any cause; the difference between the reproduction or replacement cost of an improvement on the effective date of the appraisal and the market value of the improvement on the same date.²

¹ Uniform Standards of Professional Appraisal Practice, Page I-7; Federal Reserve System, 12 CFR Parts 208 and 225, Sec. 225.62; Office of the Comptroller of the Currency, 12 CFR Part 34, Sec. 34.42; FDIC, 12 CFR Part 323, Sec. 323.2; Office of Thrift Supervision, 12 CFR Part 564, Sec. 564.2; National Credit Union Administration, 12 CFR Part 722, Sec. 722.2.

² American Institute of Real Estate Appraisers, The Dictionary of Real Estate Appraisal, 1984

³ Ibid

Direct Capitalization

A method used to convert an estimate of a single year's income expectancy into an indication of value in one direct step, either by dividing the income estimate by an appropriate rate or by multiplying the income estimate by an appropriate factor.²

Gross Building Area (GBA)

The total floor area of a building, including below-grade space but excluding unenclosed areas, measured from the exterior of the walls.²

Land to Building Ratio

The proportion of land area to gross building area; typical land-to-building ratios for properties combine land and building components into a functional economic unit.²

Net Operating Income (NOI)

The actual or anticipated net income that remains after all operating expenses are deducted from effective gross income, but before mortgage debt service and book depreciation are deducted; may be calculated before or after deducting replacement reserves.²

Paired Data Analysis

A quantitative technique used to identify and measure adjustments to the sale prices or rents of comparable properties; to apply this technique, sales or rental data on nearly identical properties area analyzed to isolate a single characteristic's effect on value or rent.²

Uniform Standards of Professional Appraisal Practice (USPAP)

Current standards of the appraisal profession, developed for appraisers and the users of appraisal services by the Appraisal Standards Board of the Appraisal Foundation. The Uniform Standards set forth the procedures to be followed in developing an appraisal, analysis, or opinion and the manner in which an appraisal, analysis, or opinion is communicated. They are endorsed by the Appraisal Institute and by other professional appraisal organizations.²

Vacancy and Collection Loss

An allowance for reductions in potential income attributable to vacancies, tenant turnover, and nonpayment of rent.²

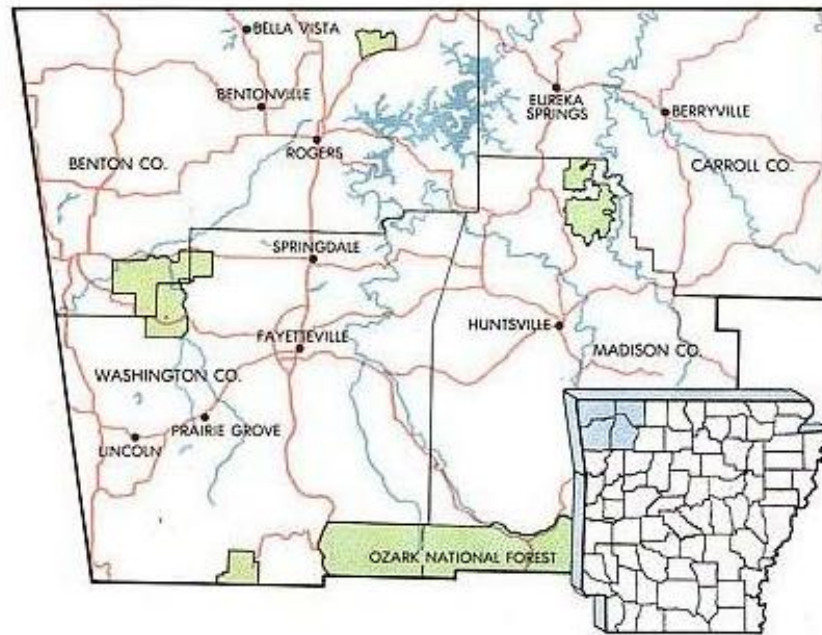
¹ Uniform Standards of Professional Appraisal Practice, Page I-7; Federal Reserve System, 12 CFR Parts 208 and 225, Sec. 225.62; Office of the Comptroller of the Currency, 12 CFR Part 34, Sec. 34.42; FDIC, 12 CFR Part 323, Sec. 323.2; Office of Thrift Supervision, 12 CFR Part 564, Sec. 564.2; National Credit Union Administration, 12 CFR Part 722, Sec. 722.2.

² American Institute of Real Estate Appraisers, The Dictionary of Real Estate Appraisal, 1984

³ Ibid

Section 5 – Presentation of Data Collected

Northwest Arkansas Region - Fayetteville-Springdale-Rogers MSA



The Northwest Arkansas region is defined as the Fayetteville-Springdale-Rogers Metropolitan Statistical Area, which is composed of Benton, Madison and Washington counties in Arkansas and McDonald County in Missouri. The Northwest Arkansas region has the following attributes:

- Population around 500,000
- Annual population growth around 1.9%
- Employed workforce of around 232,136
- Unemployment rate among the lowest in the U.S., currently around 4.2%
- One of the safest metropolitan areas in the U.S.
- Gross metro product around \$21 billion
- Per capita personal income around \$34,130

Industry giants like Tyson Foods, Wal-Mart Corp., and J.B. Hunt trucking provide strong employment opportunities with current employment numbers falling just over 232,000 for the region. Employment in the region is led by the trade, transportation and utilities sector and is relatively concentrated in the professional and business services sector, the government sector and the manufacturing sector. Education and health services and the leisure and hospitality sectors are growth sectors in Northwest Arkansas.

The number of professionals employed by the industry giants mentioned above and other companies in the area have raised the per capita personal income for the area. However, the cost of living index for the area has remained relatively stable and is below the national average. A cost of living index is calculated based on the spending categories of housing costs, food and groceries costs, transportation costs, healthcare costs and other costs such as clothing and entertainment. Based on these factors, the Northwest Arkansas cost of living index is 91, which is compared against the nation average of 100.

The MSA is serviced by Interstate 540 and the Arkansas-Missouri Railroad by land; and the Northwest Arkansas Regional Airport by air. Distances by highways to major cities are as follows: Dallas – 358 miles; Little Rock – 204 miles; Memphis – 316 miles; Kansas City – 240 miles; and Tulsa – 128 miles.



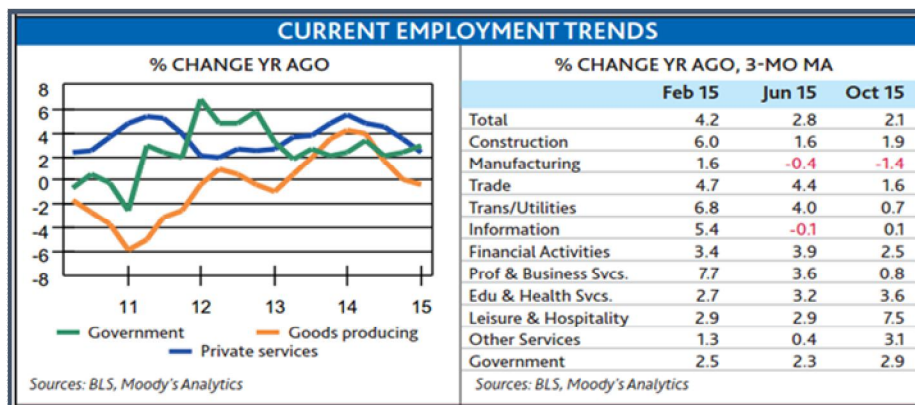
The following data is a brief explanation of the current market conditions for the Fayetteville-Springdale – Rogers MSA. The data was obtained from Moody’s Economy.com.

2009	2010	2011	2012	2013	2014	INDICATORS	2015	2016	2017	2018	2019	2020
17.4	18.2	18.4	19.1	20.0	20.7	Gross metro product (C09\$ bil)	21.5	22.9	24.2	25.2	26.0	26.7
-4.2	4.4	1.3	3.3	4.7	3.7	% change	4.1	6.4	5.6	4.2	3.2	2.7
199.4	200.2	204.2	209.5	214.8	223.9	Total employment (ths)	229.5	233.3	238.4	243.5	247.3	249.5
-3.8	0.4	2.0	2.6	2.5	4.2	% change	2.5	1.7	2.2	2.1	1.6	0.9
6.5	6.7	6.4	5.8	5.5	4.5	Unemployment rate (%)	4.0	3.8	3.8	3.7	3.6	3.7
-1.3	4.0	8.2	9.4	3.5	5.9	Personal income growth (%)	5.2	2.7	4.5	5.5	4.2	3.4
44.4	44.8	45.3	46.2	47.9	50.1	Median household income (\$ ths)	52.3	52.7	54.1	55.7	56.7	57.4
455.1	465.7	474.2	483.0	492.4	501.7	Population (ths)	511.9	522.3	532.9	543.8	556.7	570.5
1.9	2.3	1.8	1.9	1.9	1.9	% change	2.0	2.0	2.0	2.0	2.4	2.5
4.2	6.5	4.7	5.1	5.4	5.4	Net migration (ths)	6.3	6.5	6.7	7.0	9.1	9.9
1,067	1,081	1,289	1,906	2,391	2,639	Single-family permits (#)	3,296	3,218	3,537	3,655	3,540	3,568
684	140	48	160	133	965	Multifamily permits (#)	1,040	1,772	1,439	1,575	1,644	1,698
161.4	151.8	145.1	146.1	152.5	159.4	FHFA house price (1995Q1=100)	164.1	166.0	169.1	172.2	176.1	181.3

“The Fayetteville-Springdale-Rogers expansion is firing on all cylinders led by healthcare, food manufacturing, and financial services. A population expanding at more than twice the national average has spurred rapid hiring at hospitals and other healthcare providers capitalizing on increasing demand. Elsewhere, local food manufacturers are expanding in order to keep up with rising national consumption of products such as chicken and other foodstuffs. Financial services have also boomed driven by rising residential and commercial construction activity along with increasing lending volumes. The increasingly tight labor market has also driven robust growth in consumer industries in recent months thanks to greater household spending. The unemployment rate dropped to 3.8% in October, and is now more than 1 percentage point below the national average.

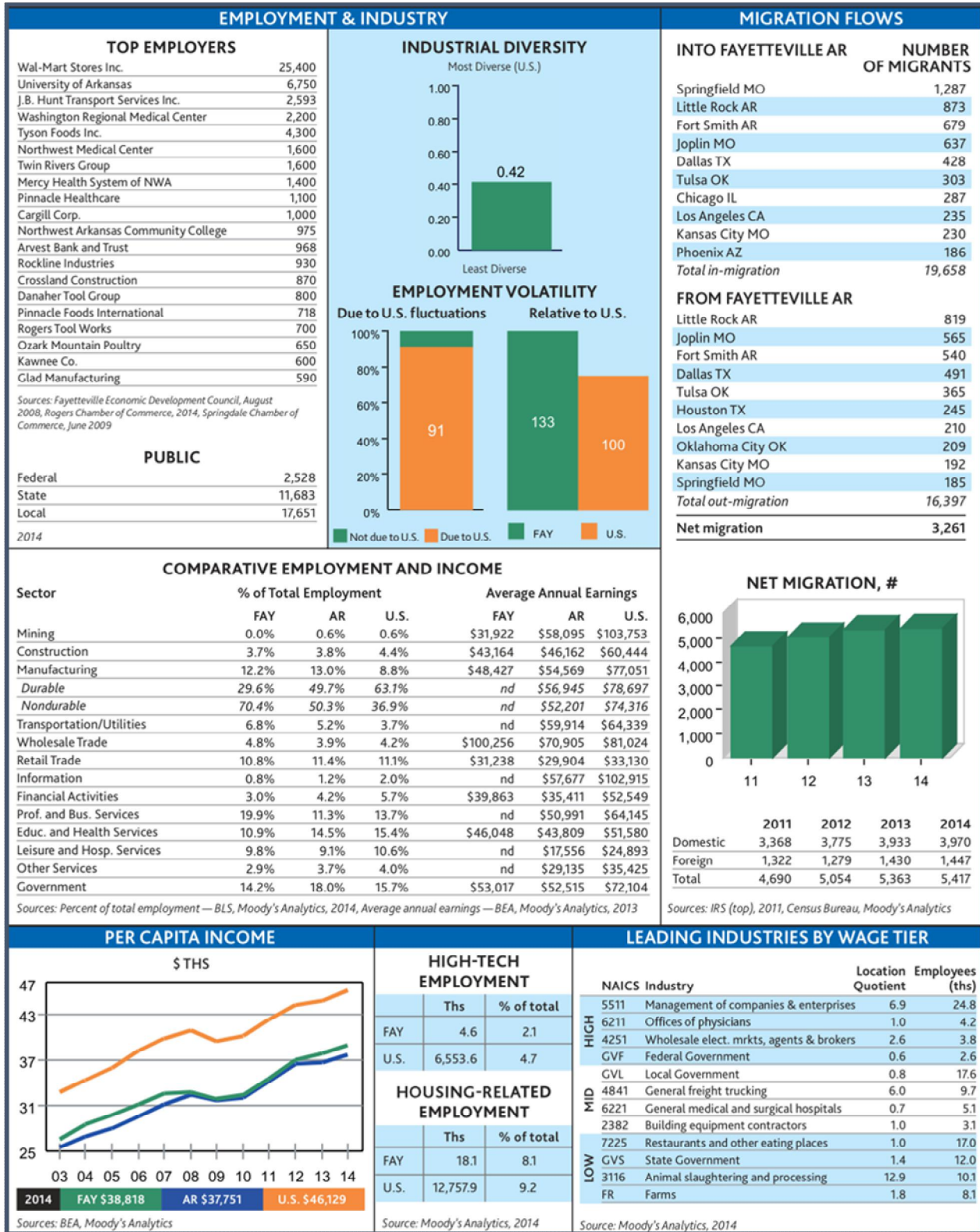
ECONOMIC HEALTH CHECK						
3-MO MA						
	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15
Employment, change, ths	0.2	0.3	0.1	0.1	0.1	0.4
Unemployment rate, %	4.2	4.2	4.2	4.1	3.9	3.8
Labor force participation rate, %	64.7	64.8	64.7	64.7	64.7	64.8
Employment-to-population ratio, %	62.0	62.1	62.0	62.1	62.2	62.3
Average weekly hours, #	34.8	34.7	34.6	34.6	34.7	34.7
Industrial production, 2007=100	106.1	105.8	105.7	106.0	106.4	106.5
Residential permits, single-family, #	3,440	3,542	3,408	3,352	3,347	3,267
Residential permits, multifamily, #	177	143	997	1,765	1,803	1,579
Better than prior 3-mo MA Unchanged from prior 3-mo MA Worse than prior 3-mo MA						
Sources: BLS, Census Bureau, Moody's Analytics						

White-collar services job growth will also accelerate over the next few years. Consulting firms, corporate headquarters and marketing companies are boosting hiring as a rising proportion of the population attains postsecondary degrees. Approximately 28% of the population now holds a bachelor's degree, up from only 23% a decade ago. For example, top employer J.B. Hunt Transport Systems is expanding its corporate headquarters in Lowell and adding more than 1,000 positions. Rising demand for goods through such channels as e-commerce is bolstering the need for workers with higher skills. There will be a small offsetting frag from recently announced layoffs at mega retailer Walmart. The company is laying off 450 workers from its headquarters because of slowing sales growth and a shift toward online shopping.



Despite the slowdown in hiring over the past couple of quarters, food manufactures will be a major source of growth over the next few years. Low input costs are already bolstering good manufactures' profit margins including the key chicken processing segment. Sizable national wheat and corn harvests over the past two growing seasons have put downward pressure on feed costs. The price of corn and wheat used in chicken feed remain near multiyear lows, which have helped local chicken manufactures free up cash flow to reinvest into new machinery and equipment.

Chicken demand is rising across the nation as consumers are increasingly substituting it in favor of more expensive protein options including beef and pork. In addition, foreign demand for locally produced chicken is in a secular growth phase. Specifically, an expanding middle class in Asia and Latin America is putting upward pressure on meat consumption because of rising standards of living and wages.



Health services will also be a key pillar of strength over the next decade. Capital spending among local healthcare providers is ramping up on order to keep pace with a population that is growing two and a half times the national average. For example, Arkansas Children's Hospital System is building a \$184 million hospital in Springdale that will include an emergency department, operating rooms and imaging facilities. Rising demand for pediatric care spurred by a growing population of infants and children is driving the increased investment. In addition, Washington Reginal Medical Center is constructing a \$60 million five-story tower that will expand women's health services.

STRENGTHS & WEAKNESSES	
STRENGTHS	
» Headquarters of several industry leaders.	
» Home to large research university.	
» Support to private research firms from Arkansas Research and Technology Park.	
» Strong in-migration and favorable age structure.	
WEAKNESSES	
» Above-average employment volatility.	
» Less broad-based job creation compared with the national average.	

FORECAST RISKS	
SHORT TERM	LONG TERM
 	
RISK EXPOSURE 2015-2020	156 2nd quintile <i>Highest=1 Lowest=401</i>
UPSIDE	
» Chicken exports rise, providing extra income for producers.	
» Out-of-area firms boost hiring of white-collar staff to take advantage of low business costs.	
» Strong population growth generates more healthcare jobs than expected.	
DOWNSIDE	
» Grain prices rebound, compressing margins at food processors and restraining hiring.	

The Fayetteville-Springdale-Rogers expansion will accelerate in 2016 driven by food manufacturing, professional services and healthcare. Over the long term, employment growth will outperform the national average thanks to superior demographics.”

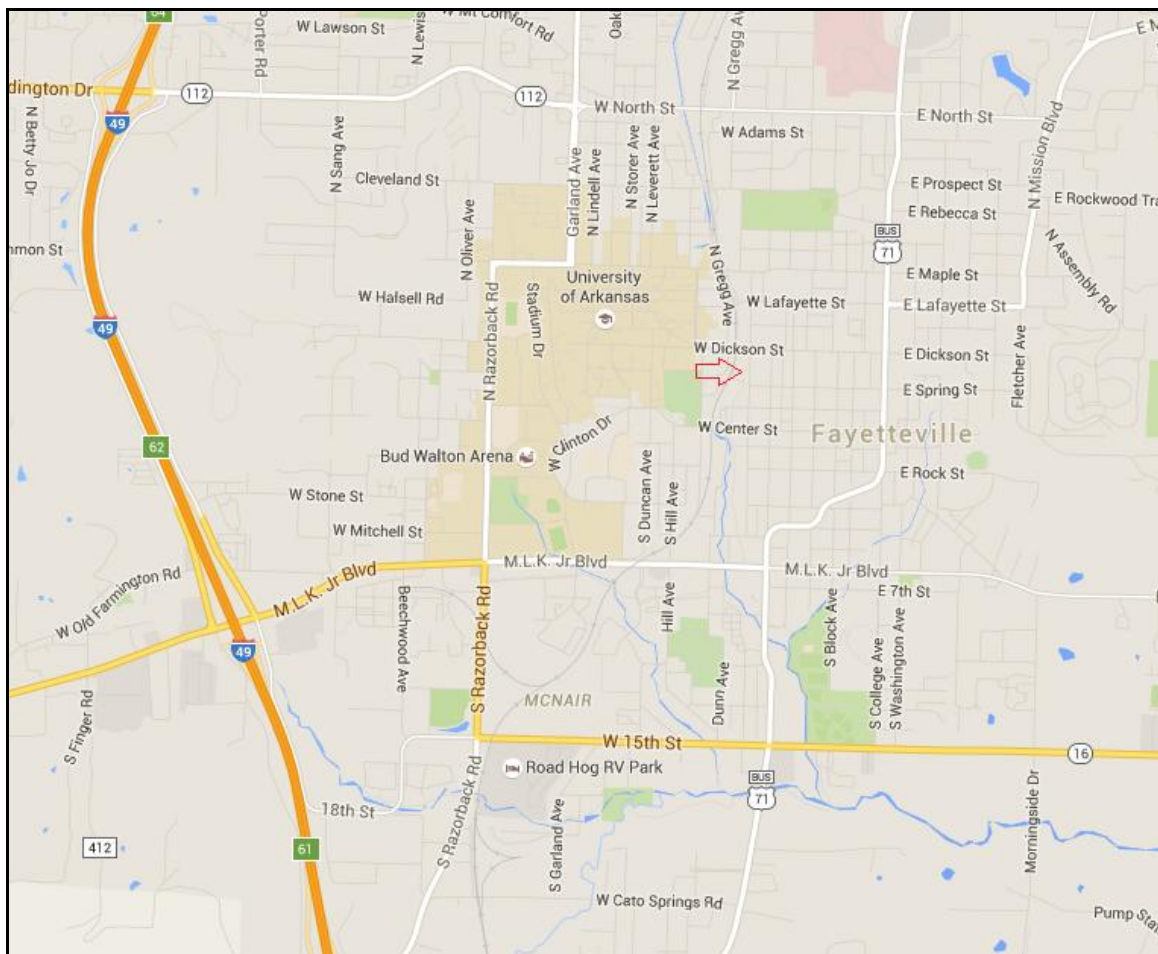
Neighborhood Data

A neighborhood is defined by the Dictionary of Real Estate Appraisal (10th Edition) as:

A group of complementary land uses; a congruous grouping of inhabitants, buildings, or business enterprises.

The subject is located in the central section of Fayetteville, Arkansas. The subject neighborhood can be characterized as an established neighborhood that is predominantly single and multi-family residential uses with commercial facilities located along the major thoroughfares.

The neighborhood boundaries are best described as follows: North Street to the north; Interstate 49 to the west; Cato Springs Road to the south; and College Avenue to the east.



Primary access to the neighborhood is from Interstate 49, which runs north and south; College Avenue (Highway 71B.), which runs north and south; Martin Luther King Jr. Blvd. (Highway 62), which runs east and west; North Street/ Wedington Drive, which runs east and west; Razorback Road, which runs north and south; and 15th Street (Highway 16), which runs east and west. Secondary access is from Gregg Avenue, Cato Springs Road and Center Street. Road access in the neighborhood is good.

Primary employment centers in the neighborhood consist of a variety of small and medium size companies which have retail, offices, warehouses and open display commercial facilities throughout the neighborhood and city. Also, a very large employer – The University of Arkansas – is located within the subject neighborhood and provides employment to a large number of people throughout the subject neighborhood and all of Northwest Arkansas.

A general outlook of the neighborhood is as follows:

Predominant Age of Improvements: 40 years
Predominant Quality and Condition: Average
Approximate Percent Developed: 90%
Percent Developed as Single-family: 70%
Prevailing Single-family Price Range: \$150,000 - \$250,000
Life Cycle Stage: Growing to Stable
Infrastructure/Planning: Average
Predominant Location of Undeveloped Land: South
Prevailing Direction of Growth: West
Subject's Immediate Surrounding Land Use:
North – Bank and Restaurants
South – Mixed-Use Facility, Condominiums and Theatre Squared
East – Walton Arts Center, Restaurant and Public Parking Lot
West – Bar/ Night Club, Mixed-Use Facility and Restaurants

During the last five years, the subject's neighborhood has grown with several new multi-family residential developments and new commercial facilities. Most of the commercial growth in the area is occurring to the south of the subject along Martin Luther King Jr. Blvd. This new commercial development consists of restaurants, retail buildings, convenience store and a new Walmart Neighborhood Market. Several new multi-family residential developments have been built, or are currently under construction, to service the increasing student population at the University of Arkansas. It should be noted that the subject site is located in the center of the entertainment district and just west of the Walton Arts Center, which is currently undergoing a \$23 million expansion and renovation.

In summary, the neighborhood is in the growing to stable stage of its life cycle with a mix of residential and commercial development activity over the past few years. Single and multi-family housing has seen good demand of late as building activity has increased over the past few years. Demand for commercial office and retail space in the neighborhood is expected to slightly increase in the short term. Given the history of the neighborhood and present market conditions, it is my opinion that the values in the subject neighborhood are expected to remain stable to slightly increase in the near future.

Site Description

General Site Information	
Address:	N. West Avenue Fayetteville, Arkansas 72701
Current Owner	According to the Washington County Assessor's Office, the current owner of record is the City of Fayetteville.
Legal Description	Part of Block 7 of the Original Town Plat of the City of Fayetteville, Washington County, Arkansas.
Assessor's Parcel Number	765-01739-000; 765-01740-000; 765-01742-000; 765-01743-002; 765-01743-003; 765-01744-000; 765-01745-002.
Assessed Value	\$0 (Exempt)
Millage	0.05475
2015 Taxes (Gross)	\$0 (Exempt)
Physical Characteristics of the Site	
Total Site Area:	123,745 square feet or 2.84 acres, subject to a survey.
Frontage:	~550' along N. West Avenue ~190' along W. Dickson Street
Shape of Tract:	Irregular
Topography:	Level to Gently Sloping
Corner Influence:	The subject is a corner lot (southwest corner of the N. West Avenue/ W. Dickson Street intersection).
Easements:	None noted that influence property value, typical utility easements appear to exist.
Encroachments:	None noted from site visit, encroachments subject to survey.
Utilities to Site:	Sewer..... Public Water..... Public Electric..... Public Natural Gas..... Public
Sidewalks:	There are public sidewalks on the subject street.

Flood Designation:	The subject is located on F.E.M.A. Panel #05143C0210F dated 05/16/2008. According to this map, the subject is not in the 100- or 500-year floodplain as it lies within flood zone X.
Surface Drainage:	Appears adequate with no noticed standing water
Soils:	A soil analysis for the site has not been provided for the preparation of this appraisal. In the absence of a soil report, it is a specific assumption that the site has adequate soils to support the highest and best use.
Subsurface Conditions:	It is assumed that there are no hidden or unapparent conditions to the property, soil, or subsoil, which would render them more or less valuable. Subsurface oil, gas or mineral rights were not considered in this report unless otherwise stated.
Economic Factors Affecting the Site	
Supply of Vacant Tracts:	The subject neighborhood is approximately 90% built up; a limited amount of vacant land is available.
Demand for Vacant Tracts:	The supply-demand factors seem to be in balance at this time. Some teardowns are starting to occur, and a limited amount of vacant commercial land is available.
Traffic Pattern/Volume:	The subject lies along a secondary thoroughfare, traffic counts are considered to be average for this market.
Zoning	
Current Zoning	MSC; Main Street/Center
Zoning Authority	City of Fayetteville
Zoning Description	A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

Permitted Uses

Permitted uses within this district include: city-wide uses by right; cultural and recreational facilities; government facilities; single-family dwellings; two-family dwellings; three-family dwellings; eating places; hotel, motel and amusement services; shopping goods; transportation trades and services; commercial recreation, small sites; home occupations; offices, studios and related services; multi-family dwellings; liquor store; cottage housing development; or small scale production.

Bulk Use Restrictions	Max. Structure Height	Max. Building Coverage	
	56'-84'	N/A	
Minimum Setback Requirements	Front	Side	Rear
	25' Build-to Zone	None	5'

Section 6 – Highest and Best Use

Highest and best use is defined in the Dictionary of Real Estate Appraisal (10th Edition) as:

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.

In appraisal practice, the concept of highest and best use represents the premise upon which value is based. The four criteria that the highest and best use must meet are:

- ❖ legal permissibility;
- ❖ physical possibility;
- ❖ financial feasibility;
- ❖ and maximum profitability.

Highest and best use is applied specifically to the use of a site as if vacant and as improved. It is recognized that in cases where a site has existing improvements, the concluded highest and best use as if vacant may be different from the highest and best use given the existing improvements (as improved). The existing use will continue, however, until the land value, in its highest and best use, exceeds that total value of the property under its existing use plus the cost of removing or altering the existing structure.

Implied in the highest and best use is recognition of the contribution of a specific use to the community environment or to the community's development goals, in addition to wealth maximization of individual property owners. Also implied is that the conclusion of highest and best use results from the appraiser's judgment and analytical skill, i.e., that the use determined from the analysis represents an opinion, not a fact to be found.

Highest and Best As If Vacant

Legally Permissible

The subject site is located within the MSC; Main Street/ Center zoning district which permits a variety of uses including: city-wide uses by right; cultural and recreational facilities; government facilities; single-family dwellings; two-family dwellings; three-family dwellings; eating places; hotel, motel and amusement services; shopping goods; transportation trades and services; commercial recreation, small sites; home occupations; offices, studios and related services; multi-family dwellings; liquor store; cottage housing development; or small scale production. Overall, based on our review of the zoning restrictions, the most reasonable probable legal use of the site is for city-wide uses by right; cultural and recreational facilities; government facilities; eating places; hotel, motel and amusement services; shopping goods; transportation trades and services; commercial recreation, small sites; home occupations; offices, studios and related services; multi-family dwellings; liquor store; cottage housing development; or small scale production.

Physically Possible

The size, shape, and terrain of the appraised site is conducive for all types of development. The utilities serving the subject site are adequate for most uses, and the property is clearly visible from N. West Avenue and from W. Dickson Street, and the accessibility to the rest of the Fayetteville market is good. The subject's physical aspects do not impose apparent physical limitations on development for the above legally permissible uses. The subject site would reasonably accept a site layout for any of the legally probable uses. There are no known physical reasons why the subject site would not support any legally probable development. The size of the subject property is conducive for all types of development.

Financially Feasible

The determination of financial feasibility is dependent primarily on the relationship of supply and demand for the legally probable land uses versus the cost to create the uses. As discussed previously in this report, the commercial market is generally stable with the majority of well located, good quality product operating at stabilized occupancy levels. Under a pre-leased or build-to-suit arrangement, new development is considered feasible.

Maximum Profitability

The final test of highest and best use of the site as though vacant is the use be maximally productive, yielding the highest return to the land. In the case of the subject as if vacant, the analysis has indicated that a mixed use commercial development with apartments and/ or offices above retail units would be most appropriate.

Summary

The subject neighborhood is a community location within the City of Fayetteville.

Considering these factors, the highest and best use of the subject as though vacant is for a mixed use commercial development with apartments and/ or offices above retail units in accordance with the physically possible, appropriately supported, financially feasible and maximally profitable use of the site.

Section 7 – Valuation of Subject

Appraisal Methodology

The appraisal process is defined as an orderly program by which the problem is planned and the data involved is acquired, classified, analyzed and interpreted into an estimate of value. In this process three basic approaches to value are considered: income capitalization approach, sales comparison approach, and cost approach. In appraisal practice, an approach to value is included or omitted based on its applicability to the property type being valued and the quality and quantity of information available. The final step in the appraisal process is reconciliation: a process by which we analyze alternative conclusions and selects a final value estimate from among the indications of value. We weigh the relative significance and applicability of each approach as it relates to the type of property being appraised. Provided on the following pages is a more detailed discussion of each applicable approach to value.

The **Cost Approach** is based on the principle of substitution, which states that no rational person would pay more for a property than the amount for which he can obtain, by purchase of a site and construction of improvements without undue delay, a property of equal desirability and utility.

In the cost approach, the land value is estimated through consideration of transactions involving comparable sales (refer to the following sales comparison approach discussion for the typical process used to determine land value). The replacement cost new of the improvements is supported via typical sources, primarily the Marshall & Swift Cost Estimation Service, a nationally recognized cost service. When applicable, the actual construction costs for the subject are utilized and information for costs of constructing similar buildings is considered. Then to estimate, in dollar amounts, the accrued depreciation caused by the physical deterioration, functional deficiencies, super adequacies, or any adverse economic influences. The next step is to deduct the accrued depreciation from the improvement's estimated replacement or reproduction cost new to arrive at a present depreciated cost estimate. The contributory value of the land is then added to the depreciated replacement cost of the improvements to indicate value via the cost approach.

The **Sales Comparison Approach** utilizes sales of comparable properties, adjusted for differences, to indicate a value for the subject. Valuation is typically accomplished using physical units of comparison such as price per square foot, price per unit, price per floor, etc., or economic units of comparison such as gross rent multiplier. Adjustments are applied to the physical units of comparison derived from the comparable sales. The unit of comparison chosen for the subject is then used to yield a total value. Economic units of comparison are not adjusted, but rather analyzed as to relevant differences, with the final estimate derived based on the general comparisons.

Within the sales comparison approach, the fundamental basis for the real estate appraisal conclusion involves differences (elements of comparison) between the comparables and the subject property. Specifically, the elements of comparison are the characteristics of properties and transactions that cause the prices paid for real estate to vary. The ten common elements of comparison that are always considered in the sales comparison approach include:

- | | |
|----------------------------------|-----------------------------|
| 1. Real property rights conveyed | 6. Location |
| 2. Financing terms | 7. Physical Characteristics |
| 3. Conditions of sale | 8. Economic Characteristics |

4. Expenditures made after purchase
5. Market Conditions

9. Use
10. Non-Realty Components of Value

Adjustments can be applied verbally or in terms of dollars or percentages; the appropriate methodology is determined by the market. Rigid statements on the `proper` way to make adjustments should be avoided and the calculations that an appraiser uses to make an adjustment are based on a rationale, but the mathematics should not control an appraiser's judgment. Appraisal has an art aspect in that appraisers use their judgment to analyze and interpret quantitative data. While the above statement is true, constant attention must be paid for market-based, well-explained support for all adjustments.

The ***Income Capitalization Approach*** reflects the subject's income-producing capabilities. This approach is based on the assumption that value is created by the expectation of benefits to be derived in the future. Specifically estimated is the amount an investor would be willing to pay to receive an income stream plus reversion value from a property over a period of time. The two common valuation techniques associated with the income capitalization approach are direct capitalization and the discounted cash flow (DCF) analysis. A discussion of the steps to be completed in each of these analyses is presented in the following paragraphs.

Direct capitalization is the method used to convert a single year's estimate of income into a value indication. In direct capitalization, a precise allocation between return on and return of capital is not made because investor assumptions or forecasts concerning the holding period, pattern of income, or changes in value of the original investment are not simulated in the method. Direct capitalization is most appropriate when analyzing a stable income stream and in estimating the reversion at the end of a holding period. Using this method, the following sets forth the process:

- ❖ Estimate the Potential Gross Income (PGI) from all sources that a competent owner should be able to generate from a property based on existing and/or market rents.
- ❖ Deduct an estimate of Vacancy and Collection Loss (VCL) to arrive at an Effective Gross Income (EGI) estimate.
- ❖ Deduct operating expenses from the estimate of EGI. The result is an estimate of the stabilized Net Operating Income (NOI).
- ❖ Estimate an Overall capitalization rate (Ro, or OAR).
- ❖ Divide the NOI by Ro, resulting in a value estimate at stabilized occupancy.
- ❖ Adjust the stabilized value to account for "as is" condition, if applicable.

Discounted Cash Flow (DCF) analysis is a detailed analysis used when the future income is expected to be variant, usually as a result of numerous lease obligations and/or anticipated changes in income and expenses. It is also particularly relevant when institutional buyers are the most likely purchasers of the subject because institutional buyers often place great weight on this analysis. The DCF analysis specifies the quantity, variability, timing, and duration of NOIs and cash flows. Selecting the proper yield rate (discount rate) is essential. In this analysis appraisers must consider the target yield sought by investors, as well as yields derived from comparable sales and/or market information. The methodology is:

- ❖ Estimate the before-tax cash flows for each period of a projected holding period net of any capital expenditures such as leasing expenses and tenant improvements.
- ❖ Estimate a discount rate and a terminal overall capitalization rate.
- ❖ Estimate a selling price, known as the reversion, for the end of the projected holding period.
- ❖ The cash flows and the reversion are then discounted to a present value estimate.

Methodology Applicable to the Subject

The present appraisal situation deals with the valuation of commercial land. The subject property is located on N. West Avenue in Fayetteville, Washington County, AR. The subject is being appraised on the basis of its value “as is”. Based upon the type of property and scope of this assignment, I have used the sales comparison approach to estimate the market value of the subject property.

Sales Comparison Approach

The Sales Comparison Approach to value compares the subject to similar properties that have sold or are under contract in the same or similar market. This approach is based on the principle of substitution, which states that no commodity has a value greater than a similar commodity offering similar uses, similar utility, and similar function that can be purchased within a reasonable time frame. In other words, the market value of a property is set by the price of acquiring a substitute property, which could provide the owner with similar utility. The principle of substitution also is crucial in reconciling all three approaches to value, as it provides linkage in the underlying determination the subject's market value.

Units of Comparison

Using a common unit of comparison is an effective device to adjust for differences in physical characteristics while controlling for scale or some other factor. This control allows the appraisers to determine the impact of differences in attributes between the subject and comparable sale properties.

As for the subject, the appraisers discussed recent market transactions with area brokers, as well as evaluating the physical attributes of the subject's use type. In both instances, the predominant unit of comparison was sale price per square footage of gross land area. The following analysis will use this unit.

Elements of Comparison

There are ten major comparison categories that must be considered in the direct sales comparison approach. These include the following:

Date of Sale	┌	1.	Property rights conveyed
	└	2.	Financing
		3.	Conditions of Sale
	└	4.	Expenditures made after sale
Trend Forward		5.	Market Trends
Appraisal Effective Date	┌	6.	Location
	└	7.	Physical Attributes
		8.	Economic Attributes
		9.	Use
	└	10.	Non-Realty Components of Value

Each of these categories will be addressed in the subsequent analysis, as it relates to the subject.

Sale Selection Criteria

The following selection criteria were used:

Sale Period: A sale period of dating back to January 1, 2012 to the effective date of this appraisal was examined.

Location / Neighborhood: Sales were taken from a 1 mile radius around the subject property, focusing on similar commercial site with similar proximity to neighborhood arterials and major highways and located in similar areas.

Physical Attributes: The survey of comparable sales was limited to commercial land sales with 1.00 to 5.00 acres of gross land area.

Highest and Best Use: All of the sales were land sales with a similar highest and best use as the subject.

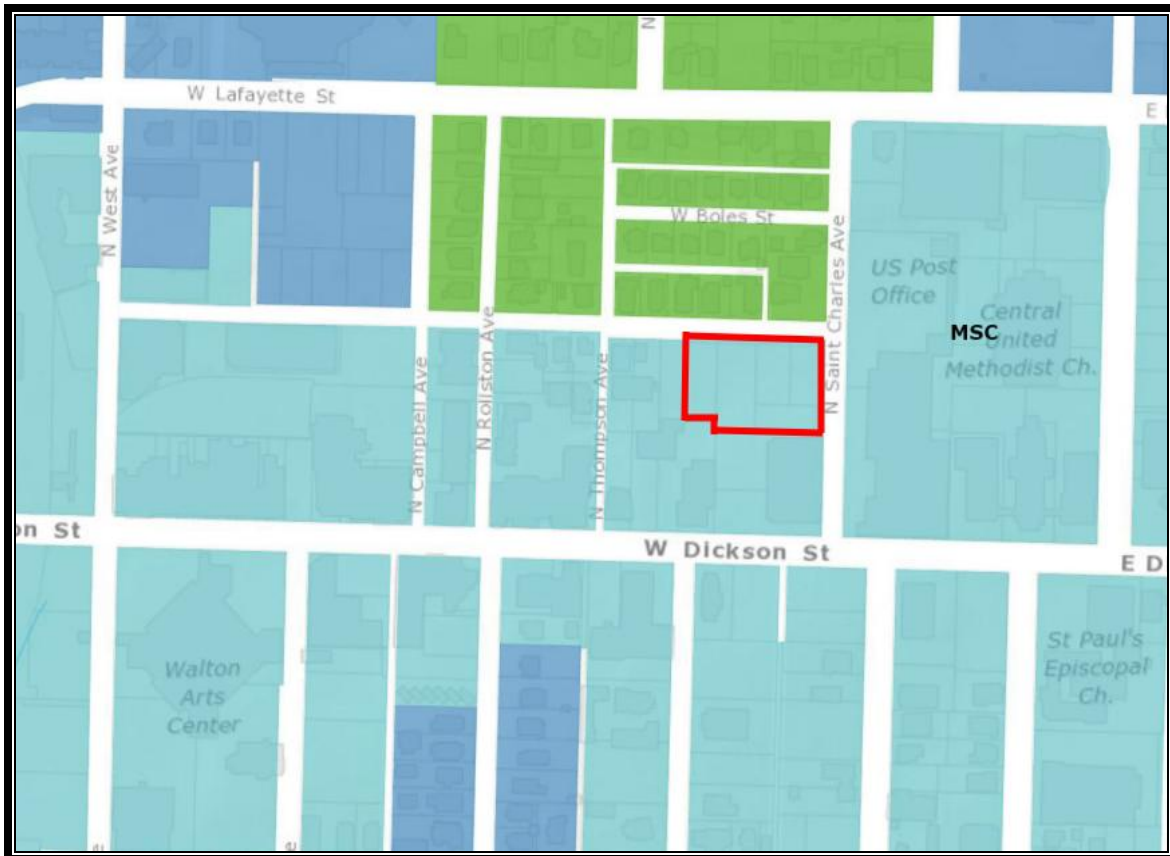
Sale Collection Results

Of the sales reviewed, based on the above criteria, the following sales represent the best available from the market to determine the subject's market potential under this valuation approach. While some are more ideal than others, the appraisers believe that they represent a sufficient sample of the data reviewed to illustrate a sound market-based conclusion for the subject.

The selected comparable sales are presented on the following pages.

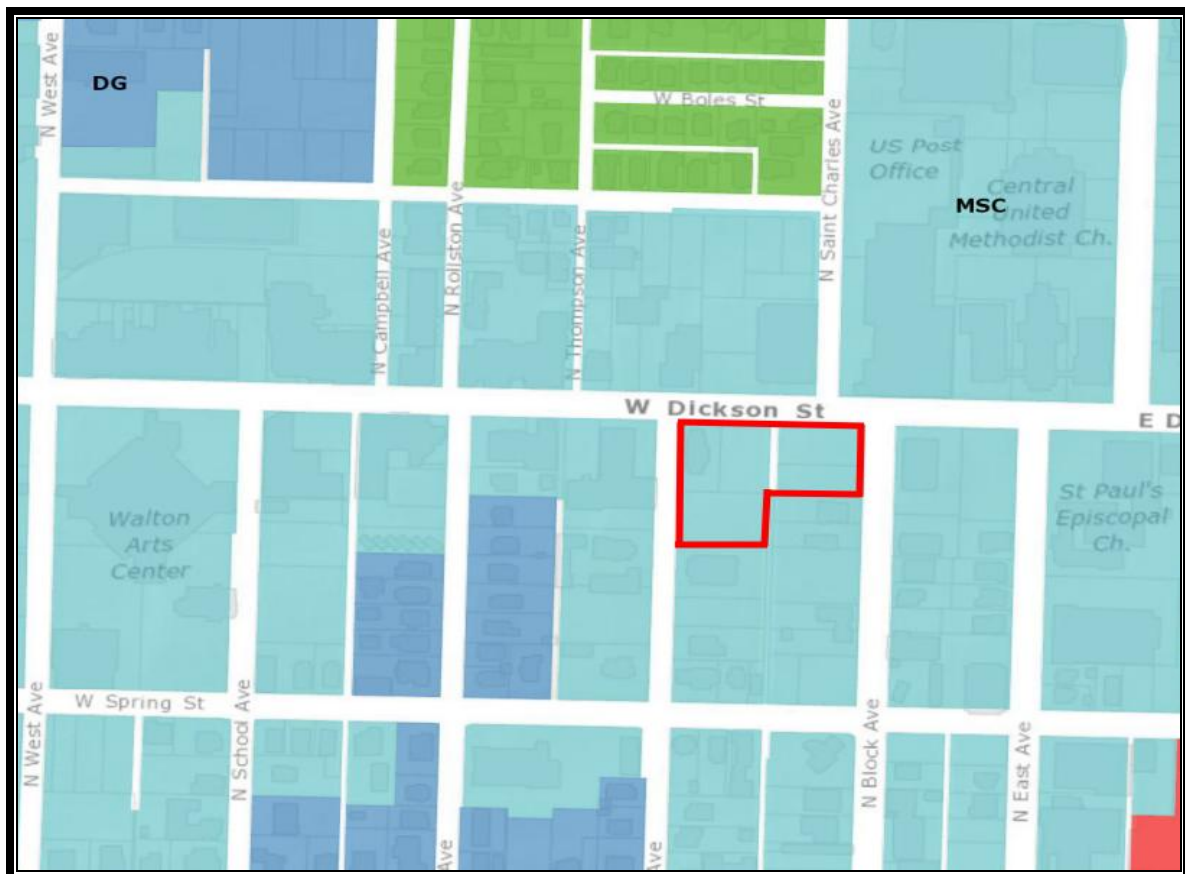
Land Sale #1

Location: W. Watson Street, Fayetteville, AR
Legal Description: Part of Lot 13, Block 8, County Court Addition; Lots 8, 9 & 10, Block 1; Watson Addition to the City of Fayetteville, Washington County, Arkansas.
Tax ID # 765-04433-000, 765-04513-000, 765-04514-000, 765-04515-000; & 765-04516-000
Seller: Collier Diversification Specialties LLC
Purchaser: RDC Fund VII Investments LLC
Sale Date: December 20, 2013
Document Type: Warranty Deed
Recording Number: 2013-41571
Sale Price: \$1,600,000.00
Site Description: According to the Washington County Assessor's office, the site contains 1.01 acres or 43,938 sq. feet.
Topography: Level to Gently Sloping
Zoning: MSC
Analysis: \$36.41/ sq. foot
Property Remarks: Land located on the south side of W. Watson Street, at the southwest corner of the W. Watson Street/ St. Charles Avenue intersection in central Fayetteville.
Sales History: No prior sale within the past year.



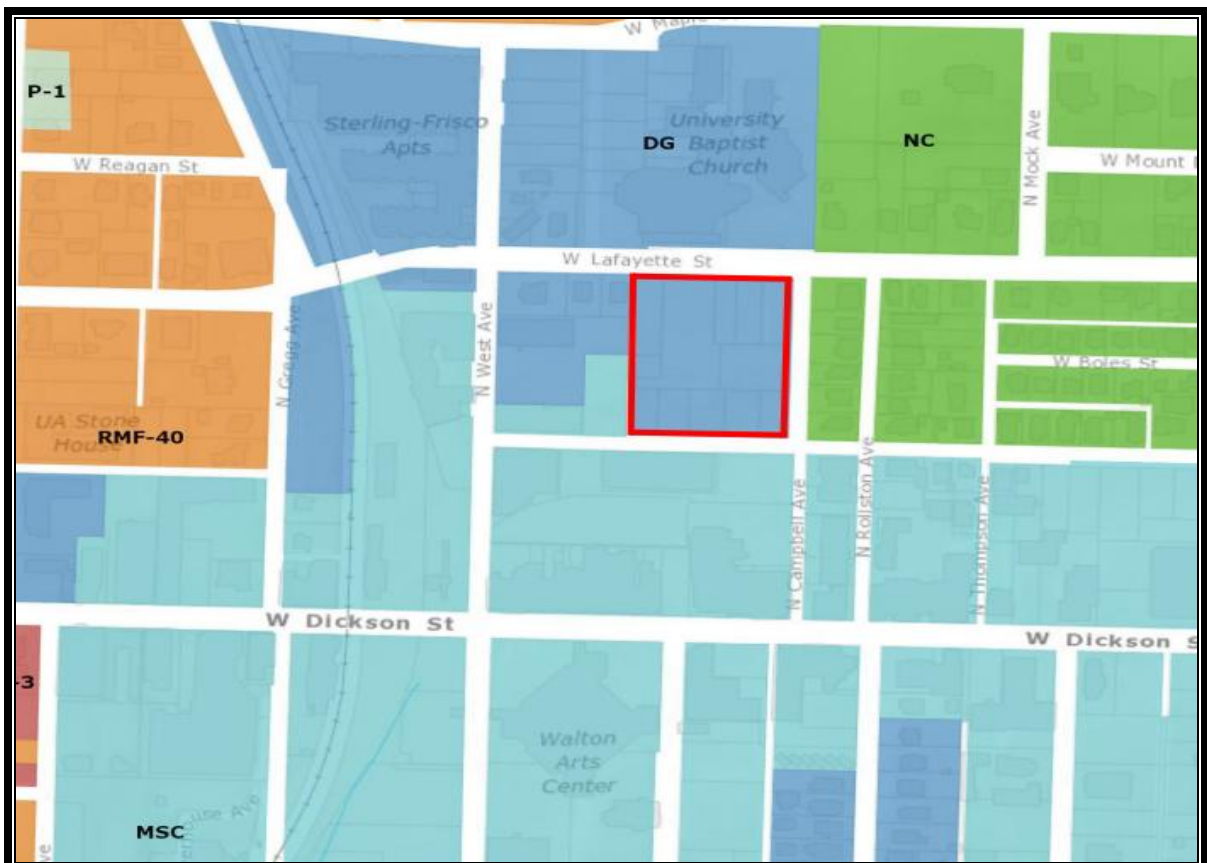
Land Sale #2

Location: W. Dickson Street, Fayetteville, AR
Legal Description: Part of Block 3 of the Original Town of Fayetteville, Washington County, Arkansas.
Tax ID # 765-01669-000; 765-01670-000; 765-01668-000; 765-01666-000; 765-01667-000;
Seller: Dickson Street & Church Dev. LLC
Purchaser: Collier Diversification Specialties LLC
Sale Date: May 2, 2014
Document Type: Warranty Deed
Recording Number: 2014-10872
Sale Price: \$2,700,000.00
Site Description: According to the Washington County Assessor's office, the site contains 1.42 acres or 61,855 sq. feet.
Topography: Level to Gently Sloping
Zoning: MSC
Analysis: \$43.65/ sq. foot
Property Remarks: Land located on the south side of W. Dickson Street, at the southeast corner of the W. Dickson Street/ N. Church Avenue and the southwest corner of the W. Dickson Street/ N. Block Avenue intersections in central Fayetteville. This land sold with an older office building that was considered to have no contributory value.
Sales History: No prior sale within the past year.



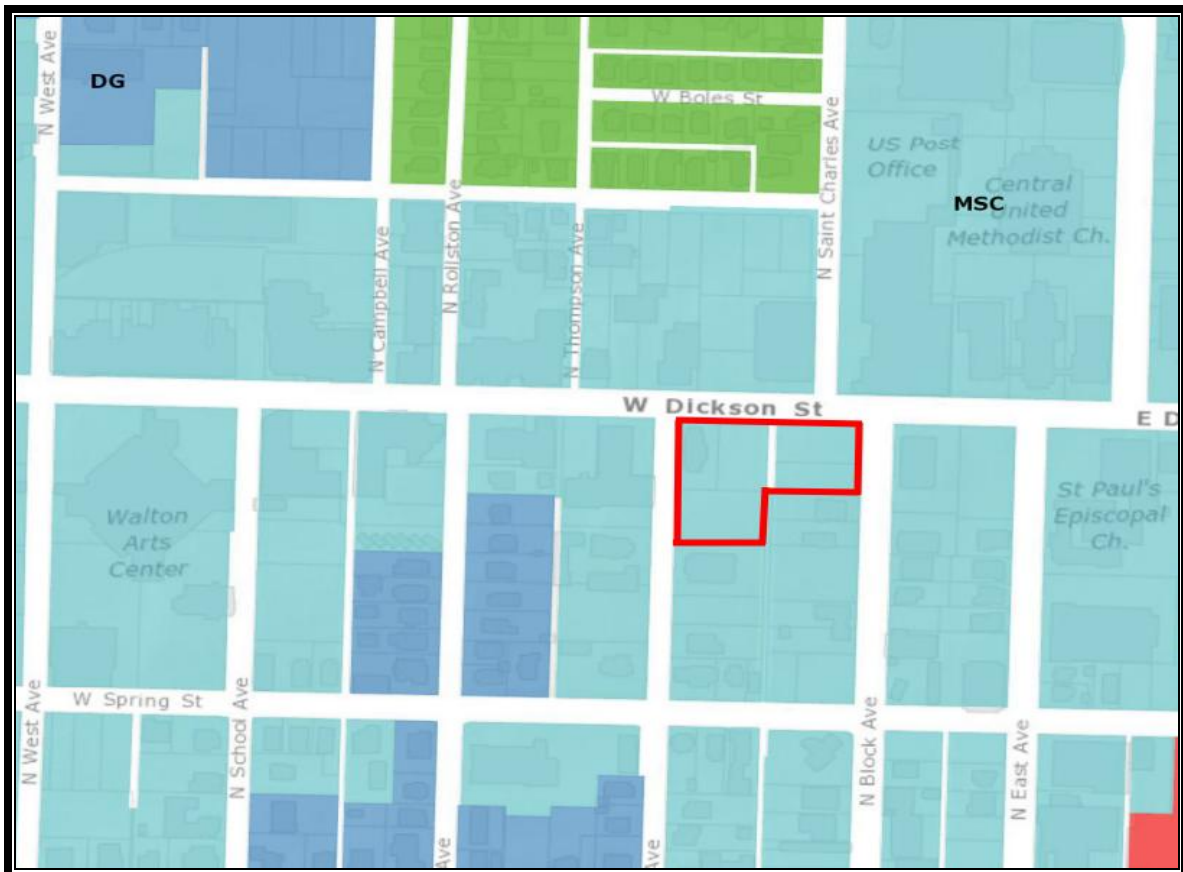
Land Sale #3

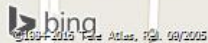
Location: W. Lafayette Street, Fayetteville, AR
Legal Description: Lots 1 and 16, and part of Lot 15, all in Block 6, County Court Addition, an Addition to the City of Fayetteville, Washington County, Arkansas.
Tax ID # 765-04351-000; 765-04352-000; 765-04353-000; 765-04354-000; 765-04359-000; 765-04380-000; 765-04381-000; 765-04382-000; 765-04384-000; 765-04385-000; 765-04388-000; 765-04389-000; 765-04390-000.
Seller: University Baptist Church Trustees
Purchaser: U Ark Land Venture LP
Sale Date: March 20, 2012
Document Type: Warranty Deed
Recording Number: 2012-8775
Sale Price: \$2,850,000.00
Site Description: According to the Washington County Assessor's office, the site contains 2.48 acres or 107,868 sq. feet.
Topography: Level to Gently Sloping
Zoning: DG
Analysis: \$26.42/ sq. foot
Property Remarks: Land located on the south side of W. Lafayette Street, at the southwest corner of the W. Lafayette Street/ N. Campbell Avenue intersection in central Fayetteville.
Sales History: No prior sale within the past year.



Listing #1

Location: W. Dickson Street, Fayetteville, AR
Legal Description: Part of Block 3 of the Original Town of Fayetteville, Washington County, Arkansas.
Tax ID # 765-01669-000; 765-01670-000; 765-01668-000; 765-01666-000; 765-01667-000;
Seller: Collier Diversification Specialties LLC
Purchaser: *Current Listing
List Date: January 1, 2015
Document Type: MLS #726347
Recording Number: *Current Listing
List Price: \$3,725,000.00
Site Description: According to the Washington County Assessor's office, the site contains 1.42 acres or 61,855 sq. feet.
Topography: Level to Gently Sloping
Zoning: MSC
Analysis: \$60.22/ sq. foot
Property Remarks: Land located on the south side of W. Dickson Street, at the southeast corner of the W. Dickson Street/ N. Church Avenue and the southwest corner of the W. Dickson Street/ N. Block Avenue intersections in central Fayetteville. This land has an older office building that was considered to have no contributory value.
Sales History: No prior sale within the past year.





Land Value - Market Approach to Value

Subject		Sale 1	Sale 2	Sale 3	Listing 1
Address	N. West Ave.	W. Watson St.	W. Dickson St.	W. Lafayette St.	W. Dickson St.
City	Fayetteville	Fayetteville	Fayetteville	Fayetteville	Fayetteville
State	AR	AR	AR	AR	AR
Recording Date	----	12/20/2013	5/2/2014	3/20/2012	*Current
Sale Price	----	\$ 1,600,000	\$ 2,700,000	\$ 2,850,000	\$ 3,725,000
Land Area (SF)	123,745	43,928	61,855	107,868	61,855
Land Area (Acres)	2.84	1.01	1.42	2.48	1.42
Price/ Sq. Foot		\$ 36.42	\$ 43.65	\$ 26.42	\$ 60.22
Property Rights Conveyed					
Percent Adjustment		0.0%	0.0%	0.0%	0.0%
Dollar Adjustment		\$ 0	\$ -	\$ -	\$ -
Adjusted Price		\$ 36.42	\$ 43.65	\$ 26.42	\$ 60.22
Financing Terms					
Percent Adjustment		0.0%	0.0%	0.0%	0.0%
Dollar Adjustment		\$ -	\$ -	\$ -	\$ -
Adjusted Price		\$ 36.42	\$ 43.65	\$ 26.42	\$ 60.22
Conditions of Sale					
Percent Adjustment		0.0%	0.0%	0.0%	0.0%
Dollar Adjustment		\$ -	\$ -	\$ -	\$ -
Adjusted Price		\$ 36.42	\$ 43.65	\$ 26.42	\$ 60.22
Time/Market Conditions					
Appraisal Date	1/26/2016				
Months Elapsed	-----	25.57	21.13	46.90	0.00
Annual % Adj.	*see graph				
Percent Adjustment		0.0%	0.0%	0.0%	0.0%
Dollar Adjustment		\$ -	\$ -	\$ -	\$ -
Adjusted Price		\$ 36.42	\$ 43.65	\$ 26.42	\$ 60.22
Location		Inferior	Inferior	Inferior	Inferior
Percent Adjustment		30.0%	10.0%	30.0%	10.0%
Dollar Adjustment		\$ 10.93	\$ 4.37	\$ 7.93	\$ 6.02
Site Size		Smaller	Smaller	Comparable	Smaller
Percent Adjustment		-8.0%	-6.0%	0.0%	-6.0%
Dollar Adjustment		\$ (2.91)	\$ (2.62)	\$ -	\$ (3.61)
Zoning		Comparable	Comparable	Inferior	Comparable
Percent Adjustment		0.0%	0.0%	10.0%	0.0%
Dollar Adjustment		\$ -	\$ -	\$ 2.64	\$ -
Net Percent Adjustment		22.0%	4.0%	40.0%	4.0%
Net Adjustment		\$ 8.01	\$ 1.75	\$ 10.57	\$ 2.41
Adjusted Price		\$ 44.44	\$ 45.40	\$ 36.99	\$ 62.63
Weight		30%	60%	10%	0%

Price/ Sq. Foot Comparison

No. Comparables		4
Maximum		\$ 62.63
Weighted Avg.		\$ 44.27
Minimum		\$ 36.99

Indicated Subject Value

Land Area (SF)	123,745
Indicated Value Per Sq. Ft.....	\$ 44.27
Indicated Subject Value.....	\$ 5,477,915
Indicated Value Rounded To.....	\$ 5,478,000

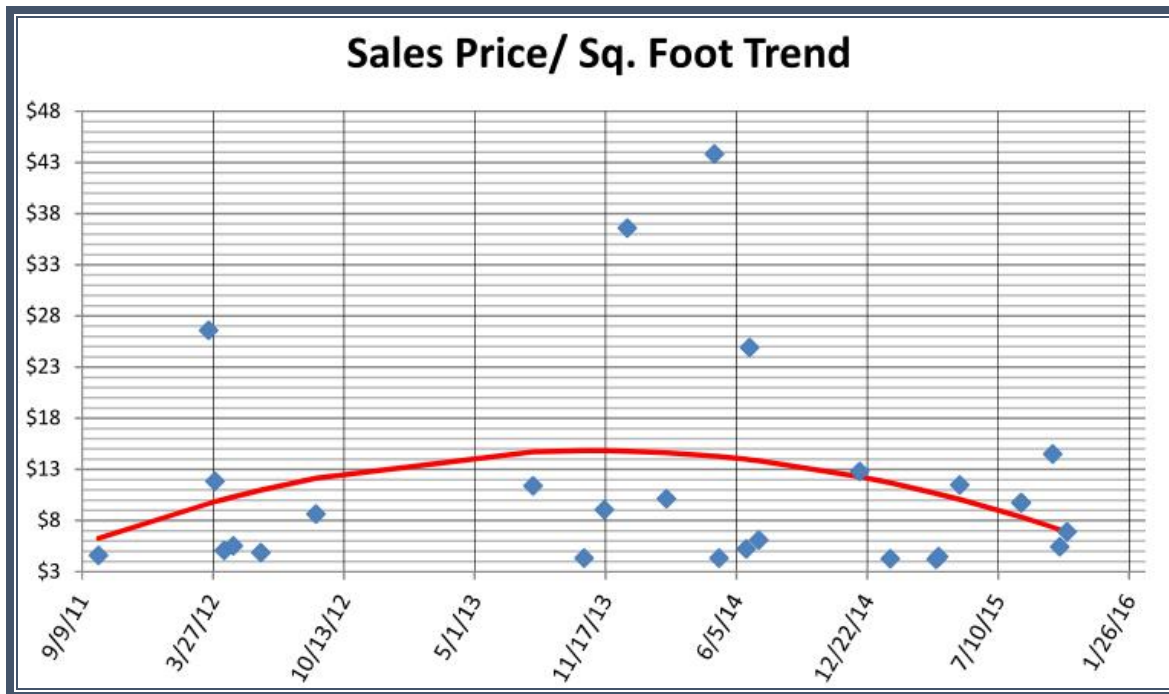
Discussion and Analysis:

Property Rights Conveyed: All of the sales were determined to be Fee Simple transactions. As such, no adjustment was indicated for any of the sales.

Financing Terms: A review of the available financing terms for each of the respective sales did not indicate financing terms that would affect the cash equivalency.

Condition of Sale: This element of comparison takes into account the possible motivation on the part of the buyer or seller in a sales transaction. The closed sales were all determined to be arms-lengths transactions. Therefore, no condition of sale adjustments was necessary.

Market Conditions: Similar land sales that were located within a 2-mile radius around the subject were charted in a regression analysis to determine if the sales price/ square foot of these commercial sales were increasing, decreasing or remaining stable over the past few years.



This regression analysis indicates that the sales price of similar land sales within a 2-mile radius around the subject has seen slightly fluctuations over the past few years, but overall is considered to be fairly stable. Since all of the land sales utilized within this report had occurred within this time frame, no market condition/ time adjustments were necessary.

Location: All three comparable land sales and the current listing are located in a close proximity around the subject property. However, all three comparable sales and the current listing are considered to be in slightly inferior locations to the subject in less defined commercial areas or on lower traffic count thoroughfares. Therefore, all three sales and the current listing were adjusted upward in location.

Parcel Size: Generally, the market indicates an inverse relationship to size and unit price; the larger the parcel, the lesser the unit price. Comparable sales #1 & 2 and the current listing have smaller site sizes than the subject and were adjusted downward to account for the size differences.

Zoning: Comparable sales #1 & 2 and the current listing are located in the same zoning district (MSC) as the subject property. Comparable sale #3 is located in a slightly inferior zoning district (DG) and this sale was adjusted upward in zoning.

Conclusion

The analysis of the comparable land sales similar to the subject site indicates an adjusted value range of \$36.99 to \$45.40 per square foot with the current listing falling around \$62.63 per square foot. It should be noted that the current listing was not adjusted for a typical list-to-sales-price ratio; therefore, the adjusted list price represents the upper-end of the value range for the subject property. Comparable sale #2 is the most recent sale with the lowest net percentage adjustments; therefore, this sale was given most weight (60%) with comparable sales #1 & 3 given the remaining weight (30% and 10%, respectively) in estimating the current market value of the subject property. Also, a current listing was included for additional support. In the final value conclusion, a land value of \$44.27 per square foot, or \$5,478,000 (r) for the 2.84 acre site was concluded.

Based on the foregoing, the market value of the subject has been concluded as follows:

MARKET VALUE CONCLUSION

Appraisal Premise	Interest Appraised	Effective Date	Value Conclusion
As Is	Fee Simple	January 26, 2016	\$5,478,000

Section 8 – Addendum

Photo Pages



Looking northerly from the southwest corner of the subject site.



Looking westerly from N. West Avenue at the subject site.



Looking westerly from N. West Avenue at the northeast corner of the subject site.



Looking northerly from the south side of the subject site.



Looking southerly from W. Dickson Street at the subject site.

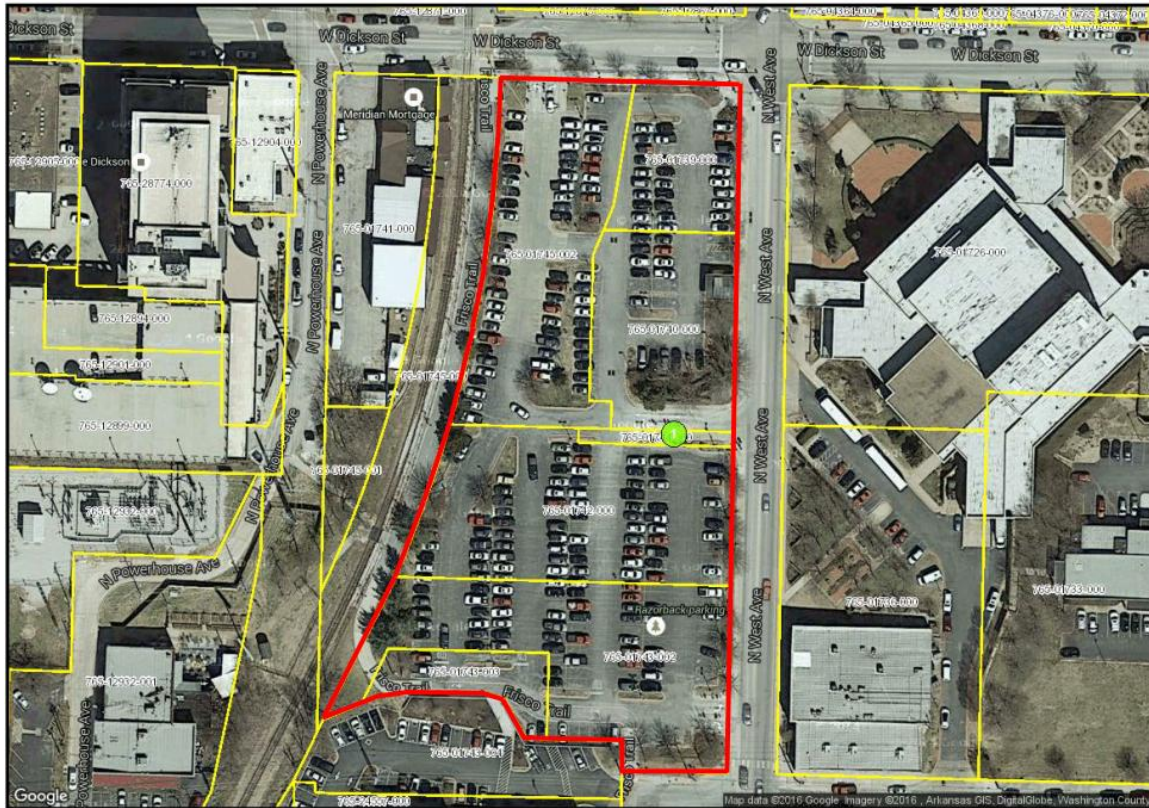


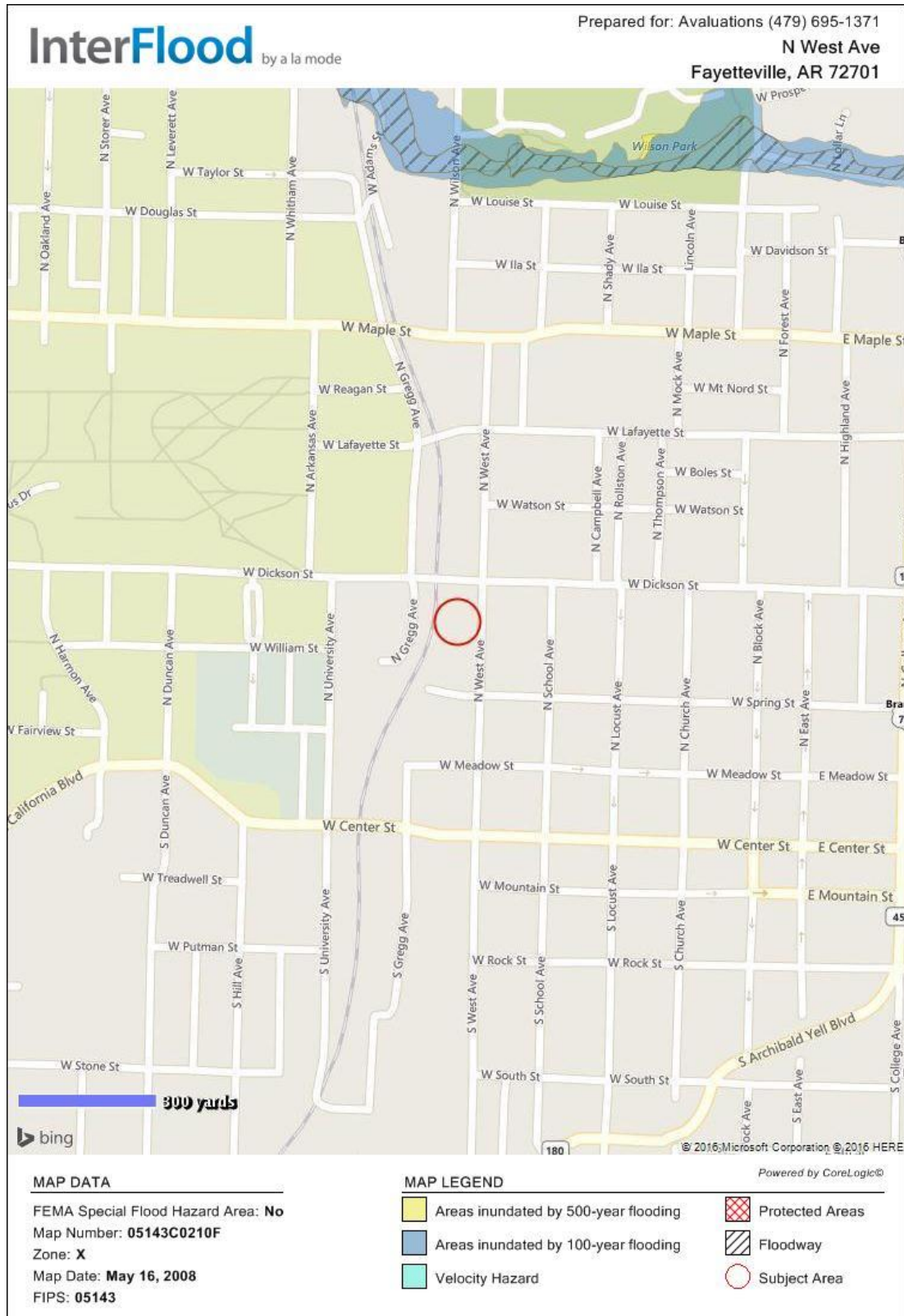
Looking northerly down N. West Avenue, subject on the left.



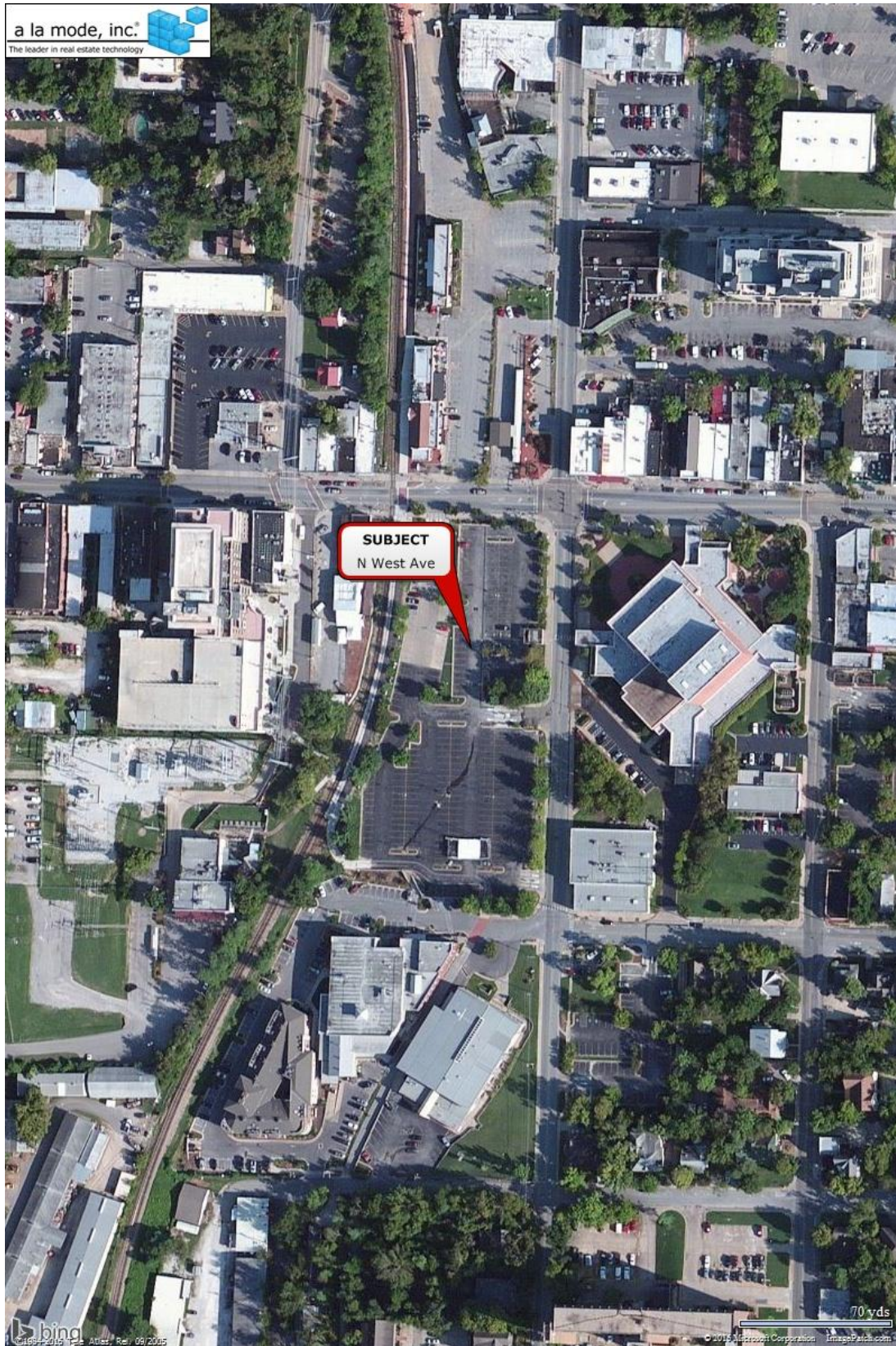
Looking westerly along W. Dickson Street, subject on the left.

Parcel Map:

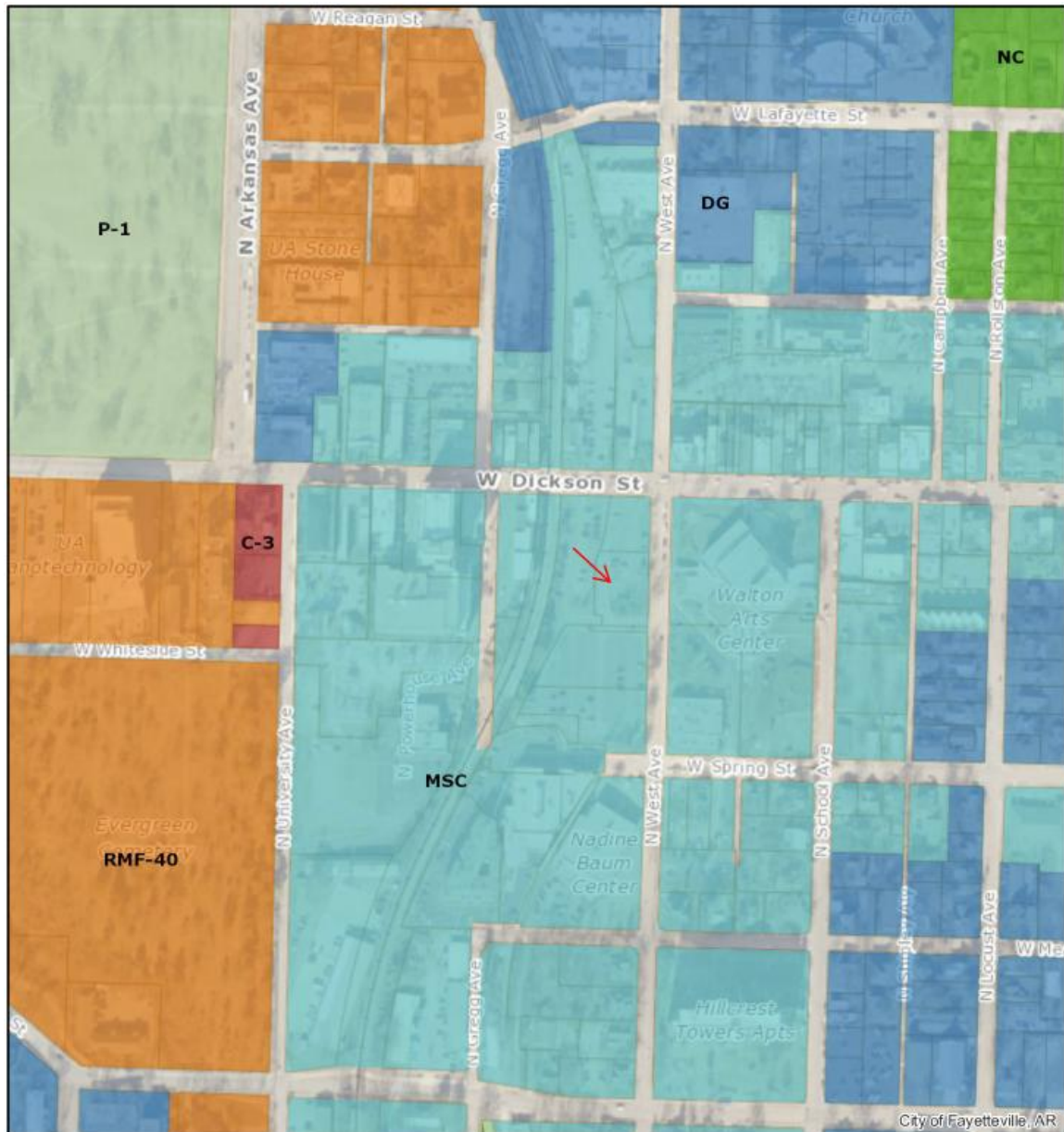


Flood Map:

Aerial Map:



Zoning Map:



Appraiser Resume:

Aaron Crawley

Education 1994–1998 University of Arkansas Fayetteville, AR
 Bachelors of Science in Business Administration – Financial Management

Professional Designations

Arkansas – Certified General Real Estate Appraiser, CG1562

Oklahoma – Certified General Real Estate Appraiser, 13112CGA

Educational courses and seminars from the Appraisal Institute:

Appraisal Principles – *University of Colorado, Boulder, Colorado*

Appraisal Procedures – *University of Colorado, Boulder, Colorado*

Uniform Standards of Prof. Appraisal Practice: *St. Louis, Missouri*

Dallas, Texas, Fayetteville, AR, Little Rock, AR, Fayetteville, AR

Eminent Domain & Condemnation Appraising, *Manhattan, NY*

Advanced Income & Capitalization, *Houston, Texas*

Advanced Sales Comp. & Cost Approach, *Houston, Texas*

Residential Sales Comparison Approach, *Grand Rapids, Michigan*

Analyzing Operating Expenses

Online Internet Search Strategies for Real Estate Appraisers

Appraising Nursing Facilities

Office Building Valuation: A Contemporary Perspective

Appraising Convenience Stores

Appraisal of Residential Property for Foreclosure & Pre-foreclosure

Business Practices and Ethics

Reviewing Residential Appraisals

Commercial Clients Seminar

Regression Analysis

Employment • 2001–Present Avaluations, LLC Northwest Arkansas
 Experience

Managing Owner/Operator

Perform all aspects of commercial and residential appraisals, review appraisals and consulting.

• 1997–2001

Danehower & Associates

Rogers, Arkansas

Licensed Staff Appraiser

Types of
Appraisals
Performed

Single Family Residential
2-4 Family Residential
Apartment Complex
Motel / Hotel
Neighborhood Shopping Center
Retail Facility
Professional Office
Medical Office
Convenience Store
Laundromat
Church/ Religious Facility
Restaurant
Car Lots / Open Display
Mini-Storage Facility
Residential Subdivision
Nursing Facility
Warehouse
Industrial Plant/ Manufacturing Facility
Airport Hanger
Easement/ Condemnation

Appraiser License:

 ARKANSAS APPRAISER LICENSING & CERTIFICATION BOARD This is to certify that Aaron Crawley License #: CG 1562	has complied with the requirements of Arkansas Code Section §17-14-201 et seq., and is the holder of a valid certificate. This card is for identification purposes only. 6/30/2016 Expiration Date  Chairman
STATE OF ARKANSAS 	
APPRAISER LICENSING & CERTIFICATION BOARD	
Attest That AARON D. CRAWLEY	
On this date was certified as a STATE CERTIFIED GENERAL APPRAISER	
The Arkansas Appraiser Licensing and Certification Board hereby affirms that this Certificate is issued in accordance with all the requirements of Arkansas Code Annotated, Section § 17-14-101 et seq., and subsequently adopted "Rules and Regulations" and shall remain in force when properly supported by a current pocket identification card.	
FEBRUARY 13, 2002 Date Issued	CG1562 Certificate Number
 Chairman, AAL & CB	

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
June 7, 2016**

A meeting of the Fayetteville City Council was held on June 7, 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, Mark Kinion, Justin Tennant, Martin Schoppmeyer, John La Tour, Alan Long, Mayor Lioneld Jordan, Assistant City Attorney Blake Pennington, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Sarah Marsh and Alderman Matthew Petty were absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan: We had the loss of city staff member, Tyrone Rogers while he was filming the Quorum Court. It is a loss for this city. He was with the Government Channel for about six years. Our condolences go out to his family.

City Council Meeting Presentations, Reports, and Discussion Items:

First Quarter Financial Report to City Council

Paul Becker, Chief Financial Officer gave a brief summary of the First Quarter Financial Report for 2016.

Agenda Additions:

Nominating Committee Report:

Alderman Kinion moved to suspend the rules and add the Nominating Committee Report to the agenda. Alderman Long seconded the motion. Upon roll call the motion passed 6-1. Alderman Long, Gray, Kinion, Tennant, Schoppmeyer, and Mayor Jordan voting yes. Alderman La Tour voting no. Alderman Marsh and Alderman Petty were absent.

Alderman Kinion presented the Nominating Committee report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman Gray moved to approve the Nominating Committee Report as read. Alderman Tennant seconded the motion. Upon roll call the motion passed 5-1. Alderman Long, Gray, Kinion, Tennant, and Schoppmeyer voting yes. Alderman La Tour voting no. Alderman Marsh and Alderman Petty were absent.

Consent:

Approval of the May 17, 2016 City Council Meeting Minutes.

Approved

Bid #16-23 JBZ, Inc. d/b/a Ellingson Contracting: A resolution to award Bid # 16-23 and approve a contract with JBZ, Inc. d/b/a Ellingson Contracting in the amount of \$287,300.00 for the construction of kitchen renovations at the Fayetteville Senior Center; to approve a project contingency in the amount of \$30,153.00; to approve Change Order No. 1 to reflect value engineering items and reduce the contract amount by \$53,560.00; and to approve a budget adjustment.

Resolution 109-16 as recorded in the office of the City Clerk

Bid #16-31 Hilbilt Sales Corporation: A resolution to award Bid #16-31 and authorize the purchase of a 2016 Clement Starlight 3829 tandem axle dump trailer from Hilbilt Sales Corporation of Benton, Arkansas in the amount of \$39,590.00 plus applicable taxes for use at the City Wastewater Treatment Facilities.

Resolution 110-16 as recorded in the office of the City Clerk

Bid #16-33 Superior Automotive Group: A resolution to award Bid #16-33 and authorize the purchase of two (2) 2016 Ford F-350 flatbed trucks from Superior Automotive Group of Siloam Springs, Arkansas in the total amount of \$66,558.00 for use at the City Wastewater Treatment Facilities.

Resolution 111-16 as recorded in the office of the City Clerk

Riggs Cat 2016 Caterpillar 420F2 Backhoe: A resolution to authorize the purchase of a 2016 Caterpillar 420F2 backhoe from Riggs Cat of Springdale, Arkansas in the amount of \$95,620.00, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Transportation Department.

Resolution 112-16 as recorded in the office of the City Clerk

Riggs Cat 2016 Caterpillar 259D Skid Steer: A resolution to authorize the purchase of a 2016 Caterpillar 259D skid steer from Riggs Cat of Springdale, Arkansas in the amount of \$55,000.00, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Water and Sewer Operations Division.

Resolution 113-16 as recorded in the office of the City Clerk

Lewis Automotive Group: A resolution to approve the purchase of a 2013 Dodge Caravan from Lewis Automotive group of Fayetteville, Arkansas in the amount of \$17,771.00 for use by the Airport Services Division, and to approve a budget adjustment.

Resolution 114-16 as recorded in the office of the City Clerk

Special Needs Assistance Program Grant Agreement: A resolution to approve a special needs assistance program grant agreement with the U.S. Department of Housing and Urban Development in the amount of \$188,525.00 for the city to administer programs to provide rental assistance and supportive services to homeless Fayetteville residents.

Resolution 115-16 as recorded in the office of the City Clerk

McGoodwin, Williams and Yates, Inc.: A resolution to approve a professional engineering services agreement with McGoodwin, Williams and Yates, Inc. in an amount not to exceed \$182,077.00 for a Water Master Plan update and for design, bidding and construction phase services for the replacement of approximately 3,000 feet of water line on Dinsmore Trail.

Resolution 116-16 as recorded in the office of the City Clerk

Taxiway Lighting Rehabilitation Construction Grant Application: A resolution to authorize application for and acceptance of a 90/10 matching grant from the Federal Aviation Administration to provide funding for the Taxiway Lighting Rehabilitation project at Drake Field, to approve a contract with H&H Electric, Inc. in the amount of \$222,755.00 for the project contingent upon a grant award, and to approve a budget adjustment authorizing the airport fund matching expense and recognizing grant revenue contingent upon approval of the grant application and receipt of grant funds.

Resolution 117-16 as recorded in the office of the City Clerk

University of Arkansas Osher Lifelong Learning Institute Lease Agreement: A resolution to approve a lease agreement with the Board of Trustees of the University of Arkansas for the unoccupied banquet area in the Airport Terminal building to be used by the Osher Lifelong Learning Institute to conduct classes during the Fall 2016 and Spring 2017 semesters in the amount of \$25.00 for each day the space is used.

Resolution 118-16 as recorded in the office of the City Clerk

Rogers, Inc.: A resolution to approve a one year lease agreement with Rogers, Inc. for office space in the Airport Terminal building in the amount of \$330.00 per month to provide in-flight catering services.

Resolution 119-16 as recorded in the office of the City Clerk

Alderman Tennant moved to accept the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh and Alderman Petty were absent.

Public Hearing:

550 West Skelton Street: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of abating unsightly and unsanitary conditions and the razing and removal of a dilapidated and unsafe structure upon the property owned by U.S. Bank National Association at 550 West Skelton Street in the City of Fayetteville, Arkansas.

Mayor Jordan opened the Public Hearing.

David Carver, Code Compliance Administrator gave a brief description of the resolution.

Alderman La Tour: What is the process of notifying the owner?

David Carver: Our notices of violation are sent via certified mail. They contain all the information pertinent to the violations and the means of correcting the violations. Depending on the violation, there are various time frames for the property owner to bring the property into compliance.

Alderman La Tour: Did this owner respond?

David Carver: No, sir. They signed for the mail, but we had no correspondence with the owner.

Alderman La Tour: Can we prove they received it? Someone signed it, but who was that someone?

David Carver: The fact is that the mail was picked up.

Alderman La Tour: The owner may not know.

David Carver: It is a large U.S. National Bank. I imagine they have a wide variety of staff.

Alderman La Tour: I googled search for that owner. I didn't come up with anything.

Assistant City Attorney Blake Pennington: John, we communicated with the attorneys who did the foreclosure on the property. They attempted to contact the owner and nothing worked.

Alderman La Tour: As far as we know, the owner may have not been contacted or they didn't respond.

Assistant City Attorney Blake Pennington: They didn't respond.

Alderman La Tour: I just want to be sure everybody knows what is going on with their property.

David Carver: They are based out of Texas. It could be that they have no interest in the property.

Mayor Jordan closed the Public Hearing.

Alderman Long moved to approve the resolution. Alderman Schoppmeyer seconded the motion. Upon roll call the resolution passed 6-0. Alderman Marsh and Alderman Petty were absent.

Resolution 120-16 as recorded in the office of the City Clerk

Unfinished Business:

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 item was left on the first reading at the May 17, 2016 City Council meeting.*

Jeremy Pate, Director of Development Services: A little over a week ago we received a notification from the applicant that they would not be able to be present tonight. We informed Council last Tuesday at Agenda Session that we might not be hearing this item tonight. They have requested the item to be left on the second reading or tabled to the next meeting. I spoke to two neighbors in the neighborhood that spoke at the last meeting. We discussed at that time we likely would not be considering this for a vote tonight. For those of you who did not attend Agenda Session, I wanted to make sure you were aware of that.

This ordinance was left on the First Reading

New Business:

RZN 16-5400 (Southeast Corner of Persimmon & Broyles Ave./Cross Keys South SD): An ordinance to rezone that property described in Rezoning Petition RZN 16-5400 for approximately 1.43 acres located at the southeast corner of Persimmon and Broyles Avenue from R-A, Residential Agricultural and NC, Neighborhood Conservation to NC, Neighborhood Conservation and R-A, Residential Agricultural.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission recommends approval with a vote of 9-0. Staff recommends approval.

Alderman Long: I haven't heard anything from anyone in Ward 4 about this.

Alderman Tennant moved to suspend the rules and go to the second reading. **Alderman Long** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Marsh** and **Alderman Petty** were absent.

Assistant City Attorney Blake Pennington 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 6-0. **Alderman Marsh** and **Alderman Petty** were absent.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. **Alderman Marsh** and **Alderman Petty** were absent.

Ordinance 5877 as recorded in the office of the City Clerk

VAC 16-5404 (1649 W. Farmington St./Stevens): An ordinance to approve VAC 16-5404 submitted by Angela Stephens for property located at 1649 West Farmington Street to vacate portions of an access easement.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. We recommend approval.

Angela Stephens, Applicant: This has become a safety issue for us with the cut through traffic. In order to protect my employees and the general public we would like to get the access easement vacated.

Alderman Long: Thank you for reaching out to us before the meeting with all of your information.

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

Assistant City Attorney Blake Pennington 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 6-0. Alderman Marsh and Alderman Petty were absent.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Marsh and Alderman Petty were absent.

Ordinance 5878 as recorded in the office of the City Clerk

Theatre Squared, Inc.: A resolution to approve a long term lease of the spring and west parking lot with Theatre Squared, Inc. to construct a performance theater with educational and community event space.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. Staff recommends approval.

Bob Ford, Artistic Director of Theatre Squared: The City Councils' support for Theatre Squared's use of a site in a resolution last fall was a major shot in the arm for this project. Our first ten years in residence at the Walton Arts Center at the Nadine Baum Studios have been exciting. We have grown from an idea into a nationally recognized organization with a \$2 million annual budget. This season we have passed 40,000 in yearly attendance. The vision for the site is a 50,000 square foot professional theater building. It will house performance and rehearsal spaces, design workshops, staff offices, education space, artist residences, and public spaces that are open all day to audience members and the community. Working with Marvel Architects and Charcoalblue with the support of the Walton Family Foundation's Design Excellence Program, this building will be architecturally significant. We are in the quiet phase of a fundraising campaign.

Martin Miller, Executive Director of Theatre Squared spoke about the economic development benefits for the City of Fayetteville. He stated that the new facility can expand partnerships with local organizations such as Seven Hills and Fayetteville Public Schools to provide low cost and free tickets throughout the community.

Alderman Tennant: I am in full support. This will be a local, regional, and national building block of something very special. Will there be some sort of idea of community involvement into the facility, whether it is indoor or outdoor shows?

Martin Miller: Absolutely. We would like to have public spaces that are accessible all day, both indoor and outdoor. Currently, there is not in the plan an outdoor performance venue, but there is an opportunity to have events outside and performances that spill outside.

Alderman Tennant stated his appreciation.

Paul Becker, Chief Financial Officer: I brought this to the attention of the Council at Agenda Session. With all projects, there are risk. In Section 39 of the contract, Theatre Squared doesn't have the money to fund this right now. They are going to have to borrow the money. If we approve this lease, this gives the lending institution to stand in the same place as Theatre Squared in case Theatre Squared defaults. We aren't transferring title to the property to Theatre Squared. We will not be responsible for any mortgage payments. However, it would give them the right to stand in the same specific place as Theatre Squared. The lending institution would have the right to find a replacement for Theatre Squared with the approval of the Council to run the facility and we would still reap the same benefits. The risk of that is during a point of time it may not be in operation. It may stand not being utilized until a mortgagee can find an acceptable group to run the programs and meet the terms and conditions of the contract to fulfill a contractual obligation. Theatre Squared has raised money or gotten pledges so far. The Walton Foundation has been very generous to them with grants for the architectural phase and the initial phases. As your Chief Financial Officer I want to make sure that we all understand there is a risk.

Jeremy Pate: If this lease is approved tonight, there isn't going to be fence put around the parking lot tomorrow, and the lease takes effect. The terms of the lease indicate that the parking lot is maintained by the public until such time as financing is in place and permits are ready.

Mayor Jordan: We have been in negotiations for over a year. This is some of the things that a lot of cities are doing all across the country. Studies show that the arts are the third best driver of an economic engine in a city or region. This will create an arts campus and will be a win for the community. It will be a great economic driver for this city.

Alderman Long moved to approve the resolution. Alderman Tennant seconded the motion. Upon roll call the resolution passed 6-0. Alderman Marsh and Alderman Petty were absent.

Resolution 121-16 as recorded in the office of the City Clerk

Mark Zweig, Inc.: An ordinance to waive the requirements of formal competitive bidding and approve a cost share agreement with Mark Zweig, Inc. for a water main upgrade along College Avenue between East Davidson Street and East Maple Street with the amount to be paid by the City of Fayetteville not to exceed \$73,100.40.

Assistant City Attorney Blake Pennington read the ordinance.

Mark Rogers, Water & Sewer Operations Manager gave a brief description of the ordinance. Staff recommends approval.

Alderman Long: Would utilizing Water & Sewer city staff to install the line be any cheaper for our portion?

Mark Rogers: We haven't looked at that. We have a considerable workload, currently. It would be to our advantage to have the contractor that is already going to be in the area to do the work.

Alderman Long: Is there any way we can find out what that would cost?

Don Marr, Chief of Staff: We can get that cost estimate, but it not the matter of the cost. It is the matter of the time to do the project. Our current staff is programmed for the year for all of our CIP and our Water & Sewer line work projects. It is a timing issue.

Alderman Kinion: In the Water & Sewer budget, we already have the funds to do this. We are looking at the rehabilitation of the aging infrastructure Downtown. We also are looking at having loop activity. The timing could not be better with having someone come in with this kind of money that is going to contribute to something that we already are looking at doing. We see this as a very generous contribution from Zweig.

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

Assistant City Attorney Blake Pennington read the ordinance.

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

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Gray: I agree with Alderman Kinion. I'm interested in seeing us repair or replace our infrastructure in the older parts of town. I'm very pleased with this.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Marsh and Alderman Petty were absent.

Ordinance 5879 as recorded in the office of the City Clerk

Ozarks Electric Cooperative Corporation, Inc.: An ordinance to waive the requirements of formal competitive bidding and authorize a 25 year license agreement with Ozarks Electric Cooperative Corporation, Inc. for the purchase of 100 shares at the Ozarks Natural Energy Solar Facility in the amount of \$34,000.00.

Assistant City Attorney Blake Pennington read the ordinance.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the ordinance. The Environmental Action Committee and staff recommend approval.

Alderman La Tour: I hear that Solar panels don't pay for themselves and they cost more than they generate. Can you definitively say this is false?

Chris Williams, Ozarks Natural Electric Representative explained that the cost of solar panels have significantly dropped over the last few years. He stated that the idea of solar systems not paying for themselves has become antiquated and false. He stated there have been a lot of studies done and believes this is the best way to go.

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

Assistant City Attorney Blake Pennington 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 6-0. Alderman Marsh and Alderman Petty were absent.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman La Tour: I am supporting this. If the solar panels don't pay for themselves, that is your problem Mr. Williams, not ours. We still get our discount, is that right?

Chris Williams: Correct.

Don Marr, Chief of Staff: I would like to applaud the Council. Two weeks ago you sent me to an economic development convention. There was a speaker named, Parag Khanna, who is a leading global strategist. He made a powerful statement, "The winners and losers in the economy in the future will not be who is richest or poorest today, but those communities that are making investments in three areas. Either in the area of transportation infrastructure, communications infrastructure, specifically broadband, and energy infrastructure." Under Mayor Jordan's leadership with the staff and Councils support, we have been working in all three of those areas. Thank you for supporting these initiatives.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Marsh and Alderman Petty were absent.

Ordinance 5880 as recorded in the office of the City Clerk

Tree Preservation Area Modification: A resolution to approve a modification to an existing tree preservation area at the Walton Arts Center for the purpose of installing public art.

John Scott, Urban Forester gave a brief description of the resolution. Staff recommends approval.

Alderman Gray moved to approve the resolution. Alderman La Tour seconded the motion. Upon roll call the resolution passed 6-0. Alderman Marsh and Alderman Petty were absent.

Resolution 122-16 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: As Mayor Jordan mentioned earlier this evening, Tyrone Rogers of the Media Services Division passed away last night. Tyrone leaves behind two children. There has been a Tyrone Rogers Memorial Fund set up at the Bank of Fayetteville to accept donations to help the family with funeral cost. The City of Fayetteville extends its condolences to the family for their loss. He was a valuable member of our Media Services team.

We will be celebrating the completion of our Town Branch Trail on June 9, 2016 at 2:00 p.m. in Greathouse Park. There will be a ribbon cutting. We would love if members of the Council could attend the opening.

June 9, 2016 our Gulley Park concert series continues. The music starts at 7:00 p.m.

June 10, 2016 is our first Dive-In movie sponsored by the Fayetteville Firefighters Association. It is at Wilson Park. Gates open at 7:15 p.m. and the movie begins at sunset.

June celebrates “National Adopt a Shelter Cat” month. Adoption fees are waived for adult cats. There is a discounted fee of \$10 for the adoption of a kitten.

City Council Agenda Session Presentations:

Agenda Session Presentation - CH2M Annual Report, Billy Ammons.

Agenda Session Presentation - Trail Construction Status Update - Matt Mihalevich.

City Council Tour: None

Adjournment: 6:44 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

UNOFFICIAL

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. Every house built on this 35.31 acre Falling Waters property shall have two rain barrels and any downspout not connected to a rain barrel shall be equipped with pop-up emitter/diffuser for the elimination of concentrated discharge from impervious rooftop surfaces. Further, Petitioner will make reasonable efforts to incorporate low-impact development features such as bio-retention, bio-swales, rain gardens, vegetated swales, extended detention, level spreaders, and infiltration devices where practical.
4. 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.

6-21-2016
Date

Falling Waters, LLC

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

P.O. Box 8519
Fayetteville, AR 72703
Address

NOTARY OATH

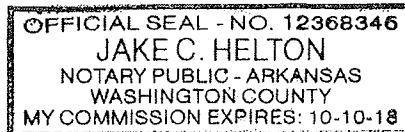
STATE OF ARKANSAS }
 } .ss
COUNTY OF WASHINGTON }

And now on this the 21 day of June, 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.

JCH
NOTARY PUBLIC

My Commission Expires:

10-10-18



FALLING WATERS ADDENDUM

Between The **CONTRACTOR:** **Buffington Homes of Arkansas, LLC**
 P O Box 8519
 Fayetteville AR 72703

And the **SUBCONTRACTOR:** _____

The Contractor and Subcontractor Agree As Follows:

- **CONSTRUCTION TRAFFIC WILL BE ALLOWED TO ENTER AND EXIT THE FALLING WATERS SUBDIVISION ON**

DEAD HORSE MOUNTAIN ROAD, ONLY.

There will be signage posted to direct construction traffic to use Dead Horse Mountain Road.

- **AT NO TIME will construction traffic be allowed to use Pumpkin Ridge.**

There will be signage posted to forbid any construction traffic on Pumpkin Ridge.

It is the Subcontractor's responsibility to provide copies of the attached Instructions and to direct their Workmen, Material Suppliers and any and all others driving to or from the site on the Subcontractor's behalf, to be in compliance.

- **ALL VEHICLES MUST BE CLEAN BEFORE LEAVING THE SITE.**

There will be a gravel entrance and a wash pit provided to clean debris, mud, dirt and rock off of all vehicles before leaving the site. It is the Subcontractor's responsibility to direct their Workmen, Material Suppliers and any and all others driving vehicles to or from the site on the Subcontractor's behalf, to clean their vehicles before exiting the site.

Any individuals, driving to or from the site on the Subcontractor's behalf, in non-compliance with the provisions of this Addendum will result in the Subcontractor to be penalized in accordance with the following:

- Penalties will be assessed to the Subcontractor as follows:
 - i. Access to and from the site via any route other than Dead Horse Mountain Road - **\$250.00**
 - ii. Tracking debris, mud, dirt or rock on the road after exiting the site - **\$250.00**
- Miscellaneous Provision:
 - i. These penalties may be assessed per vehicle in non-compliance.
 - ii. Furthermore, Subcontractor shall be responsible for any penalties or assessments incurred by the Contractor by any governing authorities as a result of Subcontractor's actions or the actions of any individuals driving to or from the site on the Subcontractor's behalf.

- iii. The purpose of this policy is to state the position of the Contractor, on administering equitable and consistent discipline of unsatisfactory conduct. The primary purpose of this disciplinary plan is to correct the problem(s) and prevent recurrence(s).

IN WITNESS WHEREOF, The Contractor and Subcontractor have hereunto set their hands and seals in duplicate the day and year first above written.

<i>Subcontractor</i>		<i>Buffington Homes of Arkansas, LLC</i>	
<i>Subcontractor</i>		<i>Contractor</i>	
X		X	
<i>Subcontractor Signature</i>	<i>Date</i>	<i>Buffington Homes of Arkansas Signature</i>	<i>Date</i>
Sworn and subscribed before me, a Notary Public within and for the		Sworn and subscribed before me, a Notary Public within and for the	
State of <u>Arkansas</u> , County of _____,		State of <u>Arkansas</u> , County of _____,	
on this _____ day of _____, 20_____.		on this _____ day of _____, 20_____.	
Signature of Notary Public		Signature of Notary Public	
(seal)		(seal)	
My commission expires: _____		My commission expires: _____	

FALLING WATERS INSTRUCTIONS

- **CONSTRUCTION TRAFFIC WILL BE ALLOWED TO ENTER AND EXIT THE FALLING WATERS SUBDIVISION ON**

DEAD HORSE MOUNTAIN ROAD, ONLY.

There will be signage posted to direct construction traffic to use Dead Horse Mountain Road.

- **AT NO TIME will construction traffic be allowed to use Pumpkin Ridge.**

There will be signage posted to forbid any construction traffic on Pumpkin Ridge.

- **ALL VEHICLES MUST BE CLEAN BEFORE LEAVING THE SITE.**

There will be a gravel entrance and a wash pit provided to clean all vehicles before leaving the site.

C.1 2016-0294 Proposals for dev. of south end of West
Ave. Parking Lot.

Handed out at the City Council Meeting 6/21/16

C. Existing and Future Parking Demand Analysis

Evaluation of the Existing Conditions

Today's parking utilization rates and patterns will be analyzed to assess whether the existing supply meets current demand. The analysis will evaluate system-wide demand, as well as subgroups such as public parking lots, employee spaces, private lots, and on-street spaces. Data by user groups (visitors, employees, residents, commuters) will be tabulated to understand behaviors and trends among particular population subsets. Charts will be created to represent the dynamics of the supply and demand relationship across the day and throughout the study area, the different facility types, locations, including five-minute walk radii, and user groups.

Evaluation of Parking Expansion Needs

A summary parking Excel model starts with data from the Parking GIS database, developed in Task 1.B Parking Inventory and Utilization, in order to analyze the relationship between supply and demand in the entire study area, plus sub-areas as identified in coordination with the City.

The Consultant will account for potential parking demand in the next three-, five-, and ten-year horizons as determined from:

- Existing and on-going development projects
- Planned and anticipated projects
- Residential and commercial population shifts
- Residential and commercial demand
- Vehicle and foot traffic patterns
- Available parking distance from major destinations/trip attractors and venue locations
- Transit service improvements, dedicated bicycle facility additions, and transportation demand management (TDM) programs

This work stems from data collection efforts in Task 1.B but takes the data one step further by relating it to surrounding land uses and adjusting national standards in order to determine if parking supply is sufficient. This analysis will lead the Consultant to incorporate projections on future parking supply and demand based on changes in land use (i.e. potential development, build out of underutilized sites) in the study area. More specifically, this task will analyze:

- Existing land use in downtown Fayetteville
- Future land use in downtown Fayetteville
- Expected parking demand based on downtown land use relative to the Institute of Transportation Engineers and a Fayetteville parking generation rate

- Observed parking demand relative to the Institute of Transportation Engineers and a Fayetteville parking generation rate
- Shared use analysis (peaking by time of day)
- Ratio between parking spaces and built square footage, existing and future
- Scenario adjustments based on mode split and future planned uses

Nelson\Nygaard has experience all over the country in developing Excel spreadsheet tools that can be easily adjusted based on new land uses, parking supply, and mode split. In similar studies, the Consultant has found that traditional parking projections overstate demand. Downtowns offer the opportunity to share parking spaces between various uses throughout times of the day and week, thereby reducing the total number of spaces required compared to the same uses in stand-alone developments. This is a primary benefit in mixed-use contexts.

The Consultant will develop detailed projection scenarios of potential future demand, drawing upon parking demand in Task 1.B, Urban Land Institute (ULI) methodologies, and the Fayetteville context. Existing land use and projections will be based on information provided from the City and other stakeholders in the study, plus potential development scenarios based on vacant sites, sites identified for redevelopment, and development permitted through existing zoning.

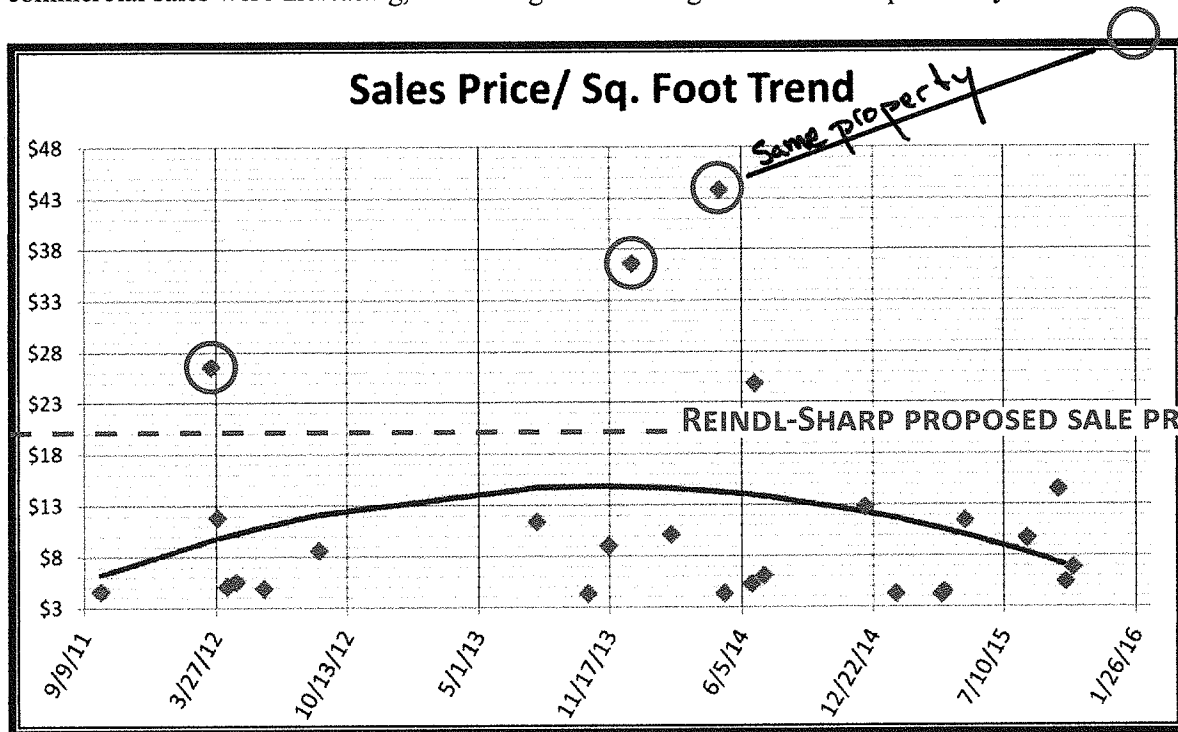
Discussion and Analysis:

Property Rights Conveyed: All of the sales were determined to be Fee Simple transactions. As such, no adjustment was indicated for any of the sales.

Financing Terms: A review of the available financing terms for each of the respective sales did not indicate financing terms that would affect the cash equivalency.

Condition of Sale: This element of comparison takes into account the possible motivation on the part of the buyer or seller in a sales transaction. The closed sales were all determined to be arms-lengths transactions. Therefore, no condition of sale adjustments was necessary.

Market Conditions: Similar land sales that were located within a 2-mile radius around the subject were charted in a regression analysis to determine if the sales price/ square foot of these commercial sales were increasing, decreasing or remaining stable over the past few years.



This regression analysis indicates that the sales price of similar land sales within a 2-mile radius around the subject has seen slightly fluctuations over the past few years, but overall is considered to be fairly stable. Since all of the land sales utilized within this report had occurred within this time frame, no market condition/ time adjustments were necessary.

Location: All three comparable land sales and the current listing are located in a close proximity around the subject property. However, all three comparable sales and the current listing are considered to be in slightly inferior locations to the subject in less defined commercial areas or on lower traffic count thoroughfares. Therefore, all three sales and the current listing were adjusted upward in location.

ORDINANCE NO.

AN ORDINANCE TO AMEND § 72.58 **OFF-STREET PARKING FACILITIES; RULES AND RATES** (M) TO PROVIDE IMPROVED PUBLIC NOTIFICATION WHEN PAID PARKING LOTS, ON-STREET PAID PARKING SPACES OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT FOR MORE THAN EIGHT CONSECUTIVE HOURS IS REQUESTED AND TO PROVIDE A RIGHT FOR TWO CITY COUNCIL MEMBERS TO APPEAL THE MAYOR'S DECISION TO THE CITY COUNCIL

WHEREAS, the Mayor is currently 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, special events that close parking facilities and city streets for more than eight (8) hours significantly impact citizens, businesses, and institutions as well as the quality of life in our community and therefore citizens should be properly notified and 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 for more than eight (8) consecutive hours should be required to notify affected property owners/tenants and the Mayor's decision whether or not to approve of the special event should be appealable to the City Council by the request of two City Council Members.

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 or paid parking spaces along city streets for up to eight (8) hours.

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 for up to eight (8) consecutive hours, but 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 eight (8) consecutive hours.

(a) When an applicant for a special event permit proposes to use a city paid parking lot or close a city street for more than eight (8) consecutive hours, nearby residents shall be notified and be provided an opportunity to comment. Subject to the overall limit of 16 days per calendar year, the Mayor may propose to approve or to reject an expanded special event permit which would

authorize the special event applicant to use city owned paid parking lots or on-street paid parking for more than eight (8) consecutive hours. The Mayor may also propose to approve or to reject the closure of city streets for more than eight (8) consecutive hours for a special event.

(b) The Mayor by and through his staff shall notify the City Council Members by email or otherwise of the decision to grant or deny the special event permit and provide the City Council Members the results of the neighbor notification including comments by such citizens. If at least two City Council Members notify the City Clerk's Office in writing within seven (7) days of the Mayor's notification of his or her decision that they wish to appeal such decision, then the issue will be presented on the next City Council meeting in which the Mayor's decision could reasonably be considered. The City Council would then be able to decide by Resolution whether to reverse the Mayor's decision and upon what condition (if any) the permit would be granted."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance shall not take affect and be in force until January 1, 2017.

PASSED and **APPROVED** this 21st day of June, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

KENNETH HALL PLLC

Ken Hall
khall@nwabusinesslaw.com
479-409-6021

*Licensed in Arkansas and Missouri

4100 Corporate Center Drive
Springdale, AR 72764

P.O. Box 8451
Fayetteville, AR 72703

June 17, 2016

Fayetteville City Clerk
113 W. Mountain Street
Fayetteville, Arkansas 72701

RECEIVED

JUN 17 2016

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

RE: File #2016-0225: Appeal of C-PZD 16-5408 - Commercial Planned Zoning District
(Wedington and Marinoni Drive)

Dear Sir/Madam:

The appeal of the above referenced rezoning request ("Rezoning Request") is scheduled for consideration by the City Council on June 21, 2016.

The purpose of this letter is to provide notice that that the following changes will be made to the Rezoning Request:

- (a) Lots 1, 2, 3, 4, 5, and 6 of the McMillan Estates Subdivision are withdrawn from the Rezoning Request; and
- (b) In lieu of Commercial Planned Zoning District, applicant is seeking P-1 Institutional Zoning for Lots 7, 8, 9 and 10 of the McMillan Estate Subdivision, which lots will be further restricted pursuant to Bill of Assurance identifying use and location of improvements on the lots.

Thank you for your assistance.

Sincerely,



Kenneth N. Hall

KNH/grm
cc: Kit Williams, City Attorney
Jonathan Curth, Planning



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: **Jeremy Pate**, Development Services Director
Andrew Garner, Planning Director

FROM: **Kit Williams**, City Attorney

DATE: **June 20, 2016**

RE: **Rezoning land for church**

The commercial developers who were part of the proposed Commercial Planned Zoning District have agreed to withdraw their lots and develop their businesses in accord with Urban Thoroughfare requirements. Therefore, the appeal will relate only to Lots 7-10 of the McMillan Estates Subdivision needed for the development of the church. With this change, the church is now seeking to rezone its property from UT, Urban Thoroughfare, and C-2, Thoroughfare Commercial to P-1, Institutional. I have attached an ordinance properly reflecting the church being placed within the appropriate Institutional zoning district.

This rezoning complies with express "*Purpose*" the City Council approved for the Institutional zoning district.

"Purpose. The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and **church related organizations.**" § 161.29 of the Unified Development Code (emphasis added).

The Institutional District was created expressly for churches, is the only zoning district to expressly refer to churches, and is the most logical and reasonable zoning district within which to place a church.

The current zoning of lots 7-10 is UT, Urban Thoroughfare and C-2, Thoroughfare Commercial. Their "*Purpose*" sections not only fail to mention churches, but show they are really inappropriate for development of a local church currently operating in Fayetteville on Wedington that needs a larger and safer location for its members. For example, the "*Purpose*" of UT, Urban Thoroughfare states:

"Purpose. The Urban Thoroughfare District is designed to provide good and services for persons living in **surrounding communities**. This district encourages a **concentration of commercial and mixed use development....**" § 161.21 of the Unified Development Code (emphasis added).

First, this Fayetteville church simply wants to move its location closer to downtown (inside I-49) from further out on Wedington. It predominantly serves Fayetteville rather than "surrounding communities." Secondly, rather than providing "a concentration of commercial and mixed use development," this church will provide church related services only. Thus, UT purposes are at odds with the development of this church.

Similarly C-2, Thoroughfare Commercial is not the right zoning district for this church. Its "*Purpose*" section like Urban Thoroughfare does not refer to churches.

"Purpose. The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers." § 161.20 of the Unified Development Code.

Thus, the "*Purpose*" sections of the currently zoned districts for lots 7-10 do not reflect the P-1, Institutional Zoning District *Purpose* which "is designed to **protect and facilitate use of property owned by...church related organizations.**"

All of these "*Purpose*" sections were enacted by the Fayetteville City Council and approved by the Mayor. As part of the Unified Development Code of Fayetteville, they carry **the force of law** and cannot be ignored or "trumped" by one of the many long range plans agreed upon in the past by Resolutions. The Arkansas Supreme Court has warned cities: "A land use plan is meant to be just that - a plan....(One) views the purpose of a development plan as being one

for serving as a guideline and not to be binding." *Taylor v. City of Little Rock*, 266 Ark. 384, 583 S.W. 2d 72, 73 (1979).

On the other hand, the Fayetteville City Council **must** follow its own **ordinances** such as those codified into the Unified Development Code and may not "conveniently ignore them themselves." *Potocki v. City of Fort Smith*, 279 Ark. 19, 648 S.W. 2d 462, 464 (1983).

"(N)or does a city have to create a zoning ordinance..., but once it has done so it must follow the ordinance until it is repealed or altered." *City of Little Rock v. Pfeifer*, 318 Ark. 6479, 887 S.W. 2d 296, 298 (1994).

Therefore, the ordinances enacted by the City Council into the Unified Development Code, including those in Chapter 161 **Zoning Regulations**, must be adhered to even if it could be argued that the much more general guidelines of a long term plan would favor a different result.

City Councils are granted substantial deference by the Courts when making rezoning decisions. However, such deference is limited so that a rezoning decision may not be made arbitrarily and unreasonably. To deny a church related organization from rezoning its own land from Commercial (UT and C-2) to Institutional, which the City Council expressly enacted "to protect and facilitate use of properly owned by...church related organizations" could be found to be unreasonable by the Courts.

No adjoining or nearby property owners have expressed any opposition to this rezoning. Although Planning Staff may have had some reasonable objections to the initially requested Commercial Planned Zoning District rezoning (which objections were agreed to by the Planning Commission), I expect Planning may now support this simple rezoning to P-1, Institutional for this church related organization as such zoning appears to completely conform with the Unified Development Code regulations and the purposes of the zoning districts.

CONCLUSION

The City of Fayetteville has never had a rezoning decision reversed in Court during my 15 years as Fayetteville City Attorney. If the City Council denies this church related organization its requested rezoning to P-1, Institutional, that perfect record would likely be broken. As opposed to applicants for most rezoning requests, this church related organization which is seeking this rezoning to build its new church is also protected by the Free Exercise of Religion Clause of the First Amendment and federal law. An improper denial of the requested rezoning to P-1, Institutional could result in the assessment of attorney fees and costs against the City of Fayetteville.

The City of Fayetteville Board of Directors allowed political considerations to control a couple of decision in the late 80's which eventually stung our taxpayers for several million dollars of attorney fees when the Arkansas Supreme Court ruled against us in both cases in the 90's. Because the Fayetteville City Councils have consistently followed my legal advice and cautions (sometimes in the face of substantial political pressure), our taxpayers have not suffered further multimillion dollar losses in the last 15 years. Please help me maintain our good record of protecting our taxpayer revenues from excessive attorney fee awards by approving the church's request to be rezoned into our only zoning district expressly designed for churches.

ORDINANCE NO. _____

AN ORDINANCE TO REZONE LOTS 7, 8, 9 AND 10 OF THE MCMILLAN ESTATES SUBDIVISION OF THE CITY OF FAYETTEVILLE ENCOMPASSING APPROXIMATELY 16.2 ACRES LOCATED AT MCMILLAN DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND UT, URBAN THOROUGHFARE TO P-1, INSTITUTIONAL SUBJECT TO THE ATTACHED BILL OF ASSURANCES

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the lots 7, 8, 9 and 10 of the McMillan Estates Subdivision encompassing about 16.2 acres as shown on the map (Exhibit A) attached to the applicant's letter from C-2, Thoroughfare Commercial and UT, Urban Thoroughfare to P-1, Institutional subject to the attached Bill of Assurances.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and APPROVED this 21st day of June, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

KENNETH HALL PLLC

Ken Hall
khall@nwabusinesslaw.com
479-409-6021

4100 Corporate Center Drive
Springdale, AR 72764

P.O. Box 8451
Fayetteville, AR 72703

*Licensed in Arkansas and Missouri

June 17, 2016

Fayetteville City Clerk
113 W. Mountain Street
Fayetteville, Arkansas 72701

RE: File #2016-0225: Appeal of C-PZD 16-5408 - Commercial Planned Zoning District
(Wedington and Marinoni Drive)

Dear Sir/Madam:

The appeal of the above referenced rezoning request ("Rezoning Request") is scheduled for consideration by the City Council on June 21, 2016.

The purpose of this letter is to provide notice that that the following changes will be made to the Rezoning Request:

- (a) Lots 1, 2, 3, 4, 5, and 6 of the McMillan Estates Subdivision are withdrawn from the Rezoning Request; and
- (b) In lieu of Commercial Planned Zoning District, applicant is seeking P-1 Institutional Zoning for Lots 7, 8, 9 and 10 of the McMillan Estate Subdivision, which lots will be further restricted pursuant to Bill of Assurance identifying use and location of improvements on the lots.

Thank you for your assistance.

Sincerely,



Kenneth N. Hall

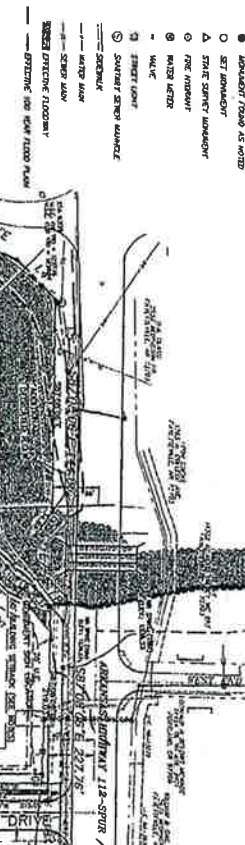
KNH/grm

cc: Kit Williams, City Attorney
Jonathan Curth, Planning

Long Projects: About 100 days leading to 201, 201, 201, 201

1200 PM CST

100



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[illegible]

SURETAXOR/ENGINEER:
ENGINEERING DESIGN ASSOCIATES, P.A.
 134 West Emma Avenue
 Springfield, AR 72716
 Phone: 479-756-1155
 FAX: 479-756-2129

OWNER / DEVELOPER:
 Thomas R. Jernan Realty
 1000 West Parkway, Suite 100
 Spring 77, 2001 Wirth Road, AR 72227-4048
 501-225-0102

		Coastal Engineering Ltd Surveying Ltd Surveying	
Brightcoting Design Associates P.A. 81 West Green Avenue Springfield, Illinois 62761		1079 794,504 Tel 708 221,200	
DRY ALAS PAGE 42		DRAWN BY: BLW CHECKED BY: AMF DATE: 3-15-2002 SCALE: 1" = 100' JOB NUMBER: 02356 FILE NAME: 02356_DRAW_PAVING	
\$09-16H-00H-07-200-22-1174		SHEET 1 OF 1	

RECEIVED

MAY 27 2016

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

KENNETH HALL PLLC

Ken Hall
khall@nwabusinesslaw.com
479-409-6021

4100 Corporate Center Drive
Springdale, AR 72764

P.O. Box 8451
Fayetteville, AR 72703

*Licensed in Arkansas and Missouri

May 27, 2016

Fayetteville City Clerk
113 W. Mountain Street
Fayetteville, Arkansas 72701

RE: Appeal of C-PZD 16-5408: Commercial Planned Zoning District
(McMillan Estates/Wedington and Marinoni Drive)

Dear Sir/Madam:

I represent Cross Church, Inc. with respect to the proposed Commercial Planned Zoning District identified above (the "Rezoning Request"). On May 23, 2016, the City of Fayetteville Planning Commission denied the Rezoning Request.

The purpose of this letter is to appeal to the Fayetteville City Council the denial of the Rezoning Request. The applicant contends the decision was in error because, among other things, the Planning Commission erred in concluding that the Rezoning Request did not satisfy the requirements and intention of the Planned Zoning District Ordinance (Fayetteville City Code Sections 161.32 and 166.06) and failed to properly consider the impact of the proposed modification to the I-49/Wedington interchange on development of the subject property under existing Urban Thoroughfare zoning.

It is our understanding that the next available City Council meeting during which this would be considered is on June 21, 2016. We look forward to your confirmation of this appeal and City Council hearing date.

Sincerely,



Kenneth N. Hall

KNH/grm

cc: Kit Williams, Fayetteville City Attorney
Jonathan Curth, Fayetteville City Planning Department

Branson, Lisa

From: Pate, Jeremy
Sent: Friday, May 27, 2016 2:33 PM
To: Branson, Lisa
Cc: Garner, Andrew; Pennington, Blake
Subject: RE: Appeal

June 21; staff will work to prepare an agenda packet next week for that date.

Thanks,
jp

From: Branson, Lisa
Sent: Friday, May 27, 2016 9:01 AM
To: Pate, Jeremy <jpate@fayetteville-ar.gov>
Cc: Garner, Andrew <agarner@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: Appeal

Jeremy,

The City Clerk office received the attached appeal. Please let our office know what City Council meeting date you would like the item placed on.

Lisa

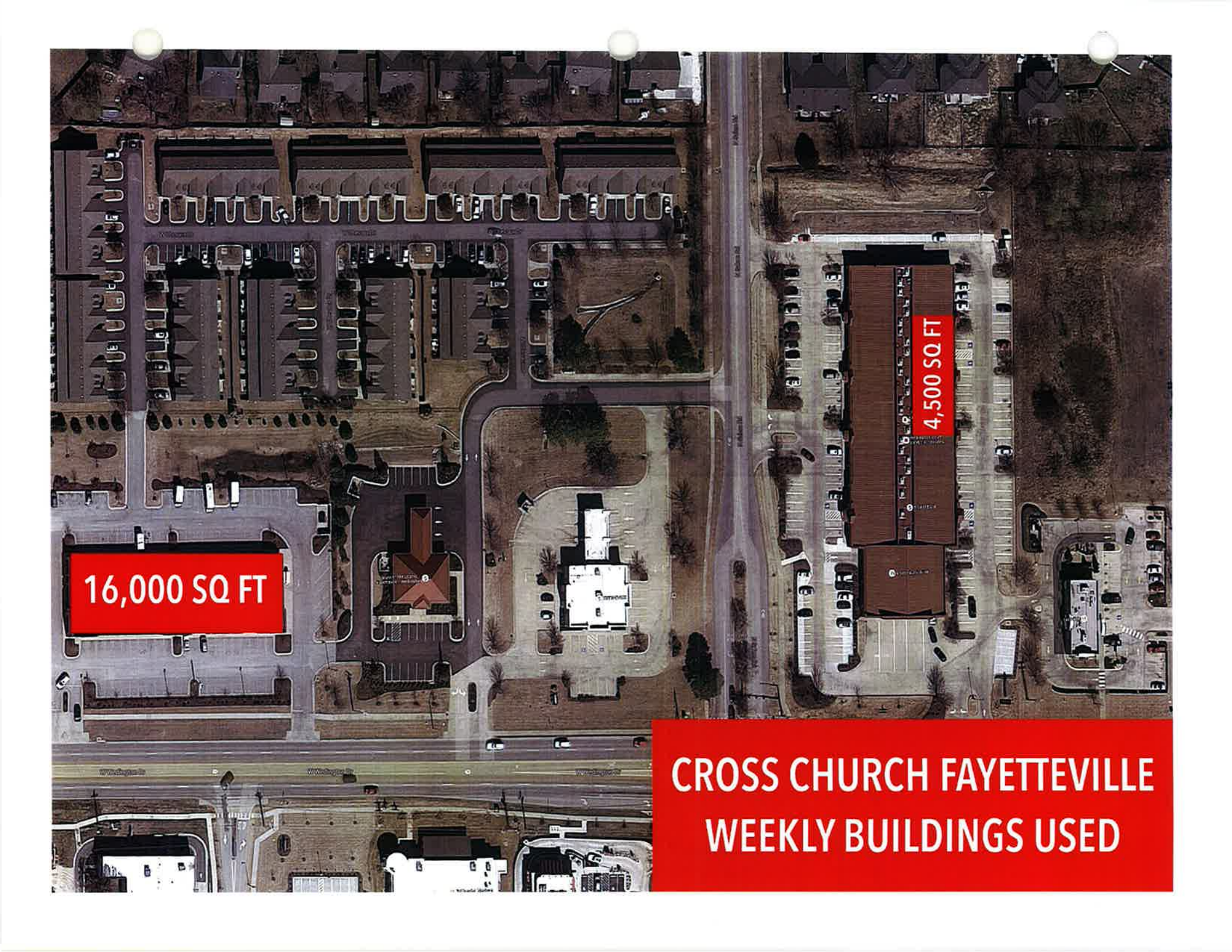
Office of the City Clerk Treasurer

Lisa Branson CAMC, CMC
Deputy City Clerk
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
lbranson@fayetteville-ar.gov
[Website](#) | [Twitter](#) | [YouTube](#)

CITY OF

Fayetteville
ARKANSAS
www.fayetteville-ar.gov

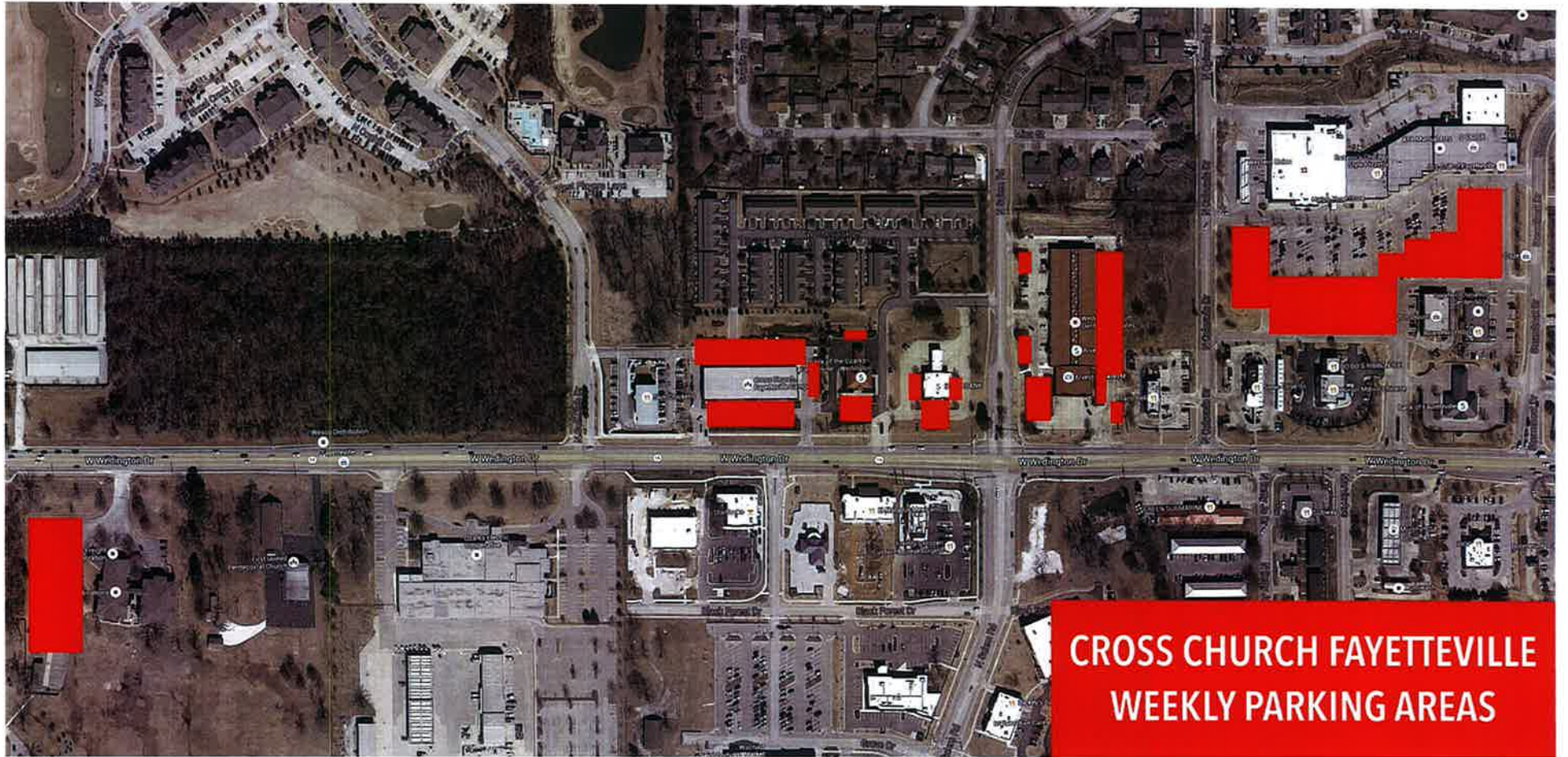


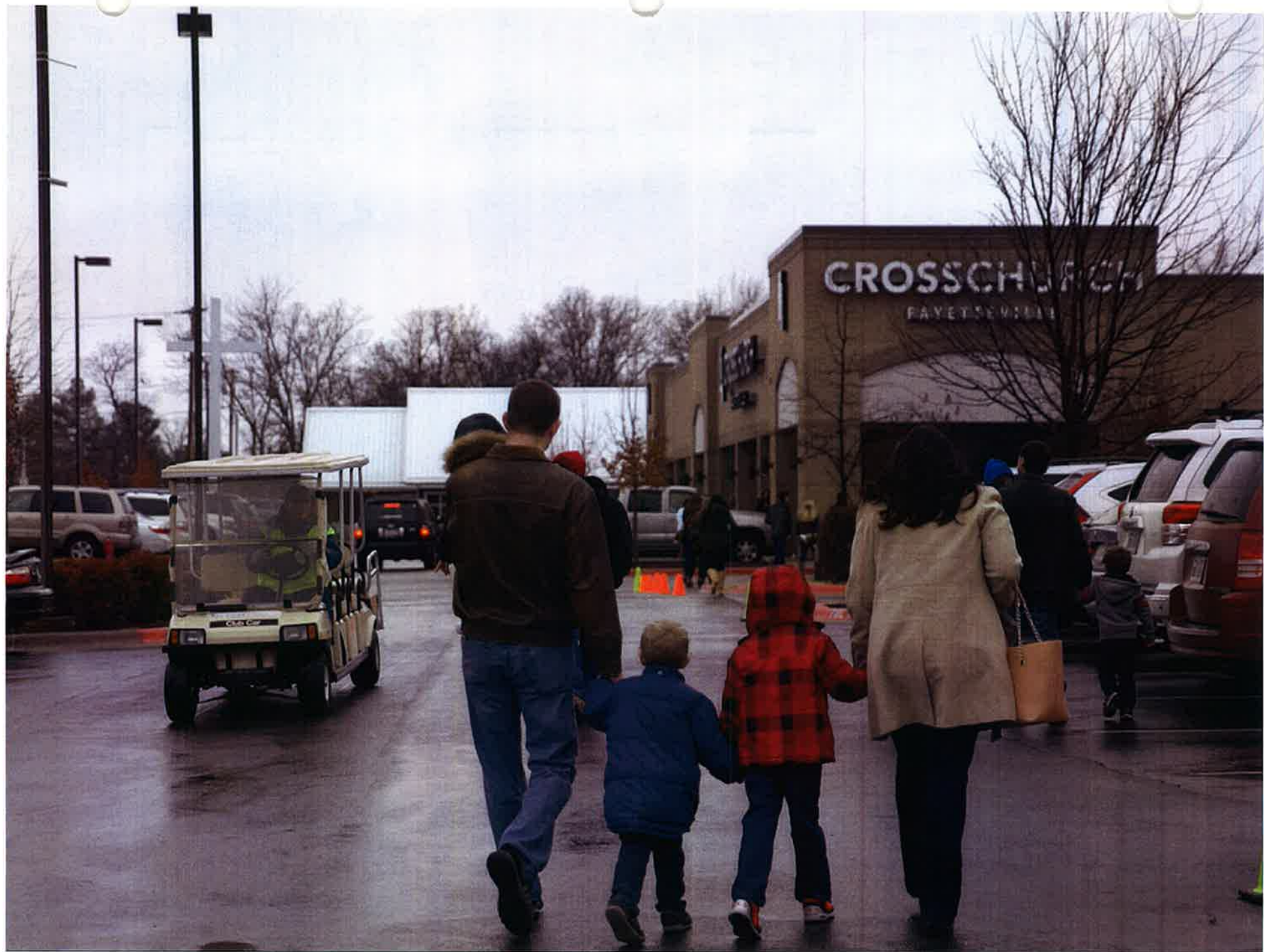
An aerial photograph of the Cross Church Fayetteville campus. The image shows a large parking lot on the left, a central building with a red roof, and a long building on the right. Red callouts indicate the square footage of two buildings: 16,000 SQ FT for the building on the left and 4,500 SQ FT for the building on the right. The text 'CROSS CHURCH FAYETTEVILLE WEEKLY BUILDINGS USED' is overlaid in a red box at the bottom right.

16,000 SQ FT

4,500 SQ FT

**CROSS CHURCH FAYETTEVILLE
WEEKLY BUILDINGS USED**



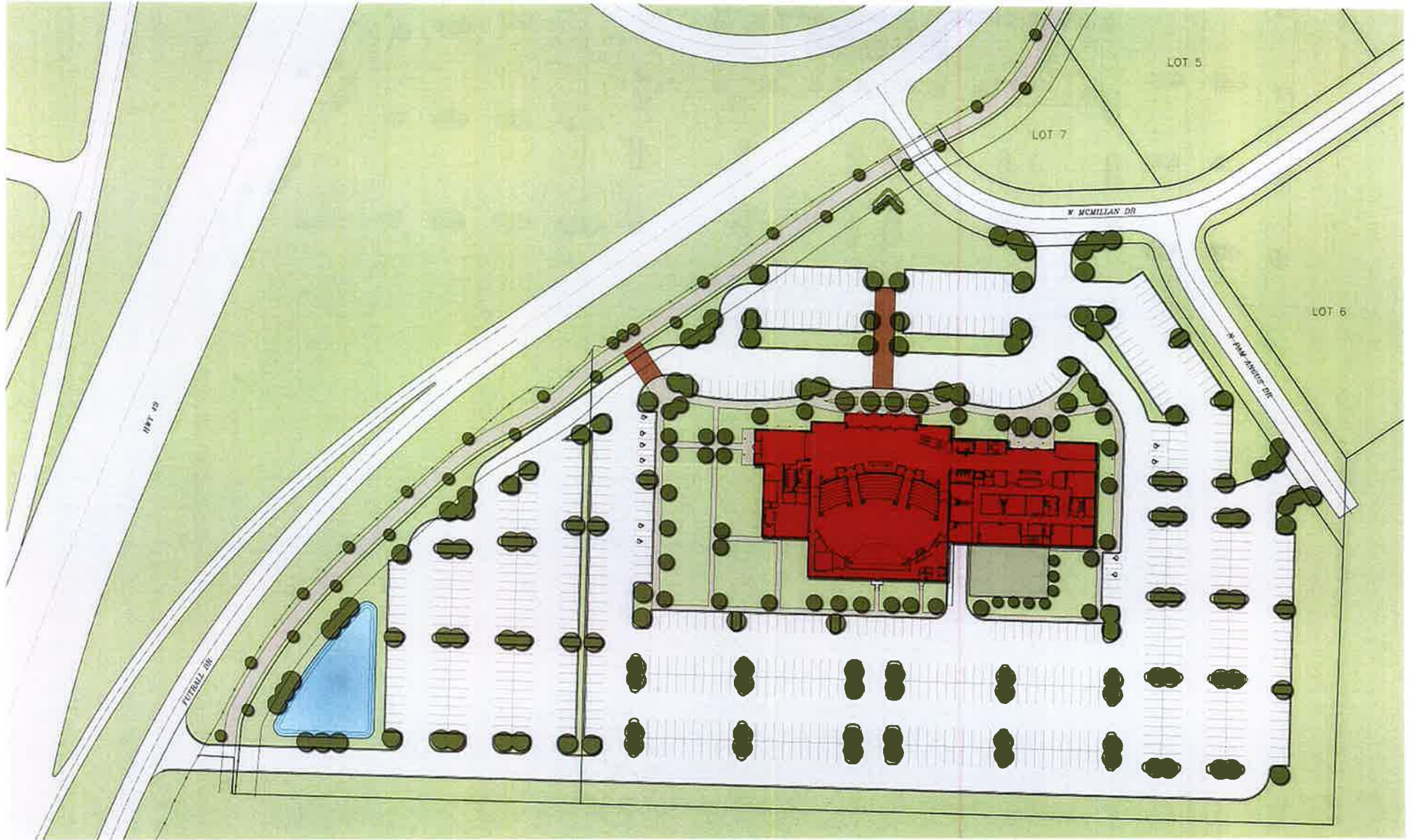


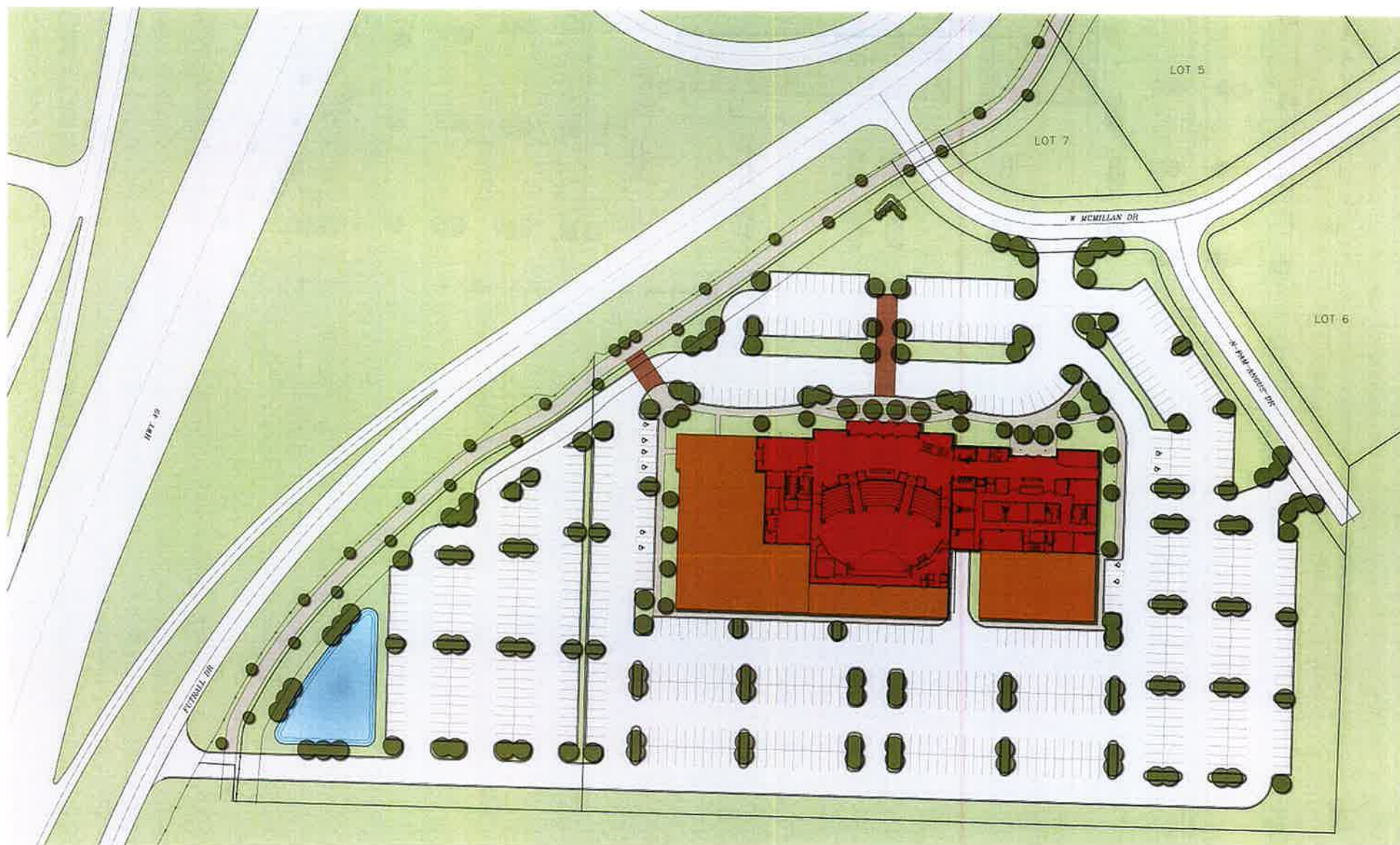




PROPOSED AHD INTERCHANGE IMPROVEMENTS
 McMILLAN ADDITION
 FAYETTEVILLE, ARKANSAS

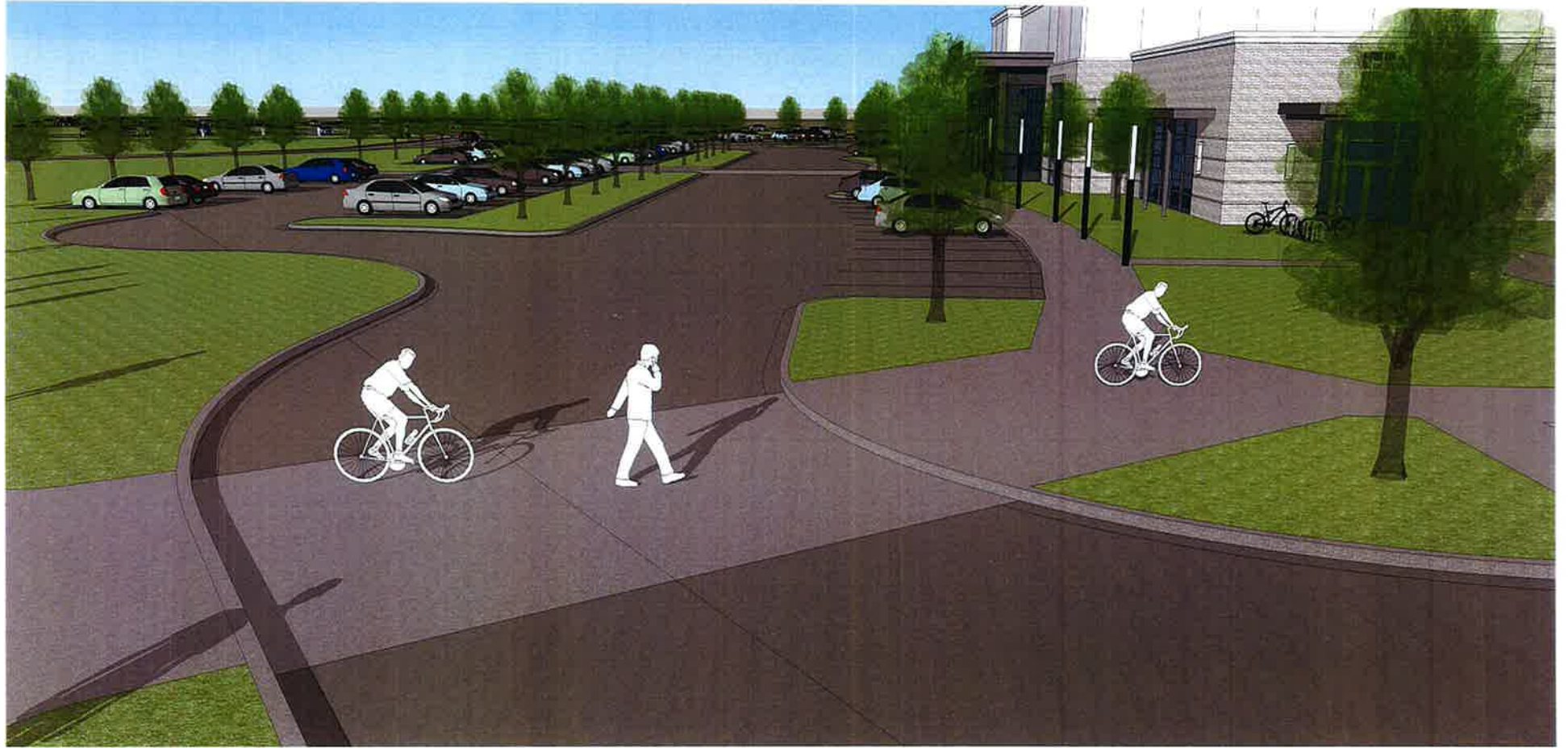
NO.	DATE	DESCRIPTION
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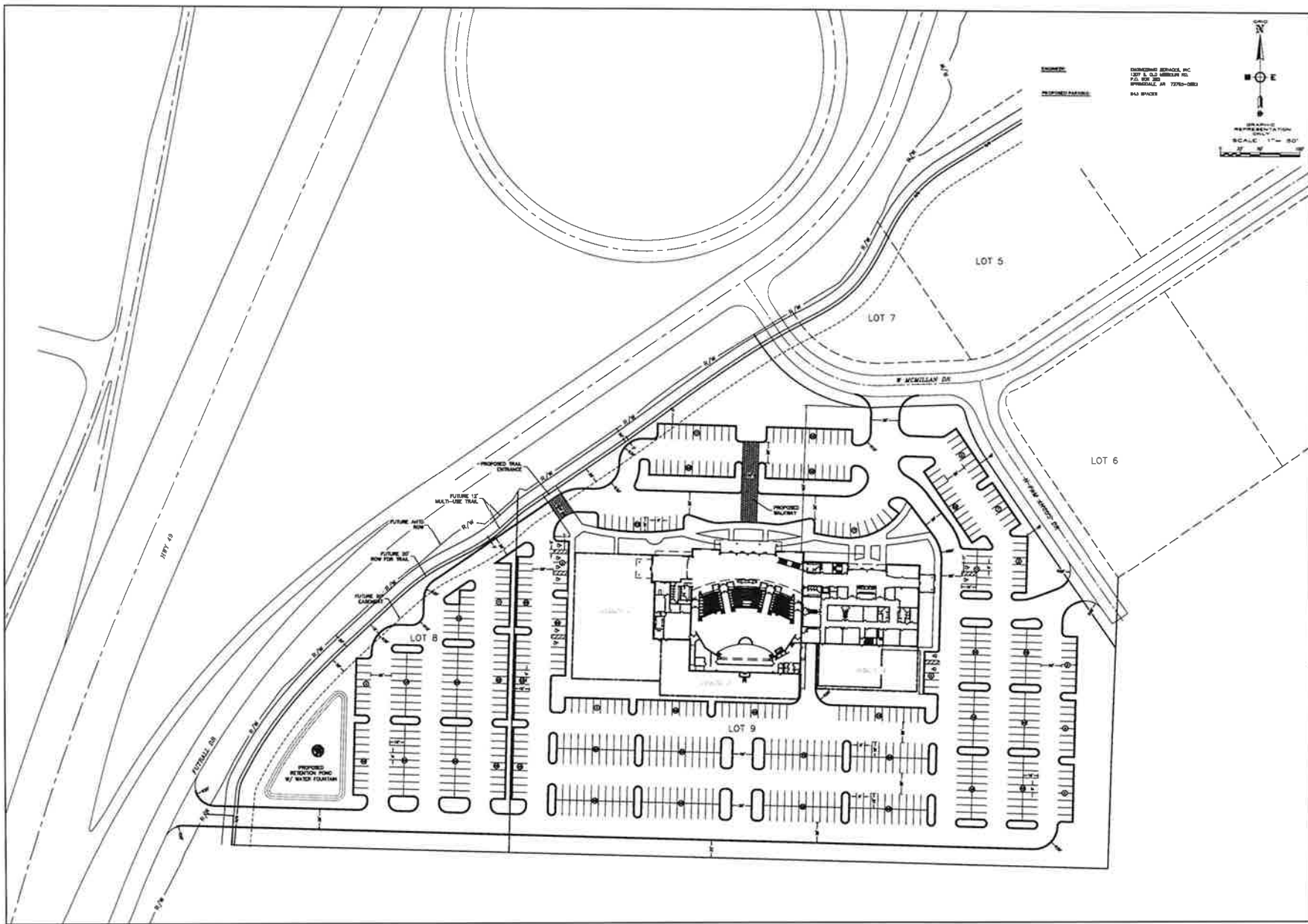


RIGHT



BACK





From: [Smith, Sondra](#)
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: Alan Long Email
Date: Monday, June 20, 2016 1:42:44 PM
Attachments: [ATT00001.htm](#)
[Public Meetings 062016.pdf](#)
[ATT00002.htm](#)

From: Longward4@gmail.com [mailto:longward4@gmail.com]
Sent: Sunday, June 19, 2016 7:59 AM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Fwd: Final Agenda Link & Public Calendar

Can you please let the council members know that I am requesting item C7 to be held as I will be unable to attend the council meeting this week.

Sincerely,

Alan T Long
City Council Member-Ward 4
City of Fayetteville, AR

Begin forwarded message:

From: CityClerk <cityclerk@fayetteville-ar.gov>
Date: June 17, 2016 at 8:17:02 AM CDT
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Final Agenda Link & Public Calendar

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, June 14, 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:****1. [2016-0293](#)**

INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS CERTIFIED MUNICIPAL CLERK PRESENTATION AND ARKANSAS CITY CLERKS, RECORDERS, AND TREASURERS ASSOCIATION CERTIFIED ARKANSAS MUNICIPAL CLERK PRESENTATION - SHERRI GARD, FORT SMITH CITY CLERK AND ACCRTA PRESIDENT

Attachments: [Sherri Gard, Fort Smith City Clerk Presentation](#)

Agenda Additions**A. Consent:****A. 1 [2015-0649](#)**

APPROVAL OF THE JUNE 7, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0171](#)**CDBG PROGRAM INCOME:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$7,375.00 REPRESENTING CDBG PROGRAM INCOME RECEIVED FROM A HOUSING PROGRAM LIEN PAYOFF PLAN, ENERGY EFFICIENCY REBATES FROM SOURCEGAS AND DONATIONS FROM CITIZENS AND LOCAL BUSINESSES

Attachments: [CDBG PROGRAM INCOME](#)
[BA_CDBG PROGRAM INCOME](#)

A. 3 [2016-0274](#)**ASSISTANCE TO FIREFIGHTERS GRANT (FEMA):**

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A 90/10 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$613,637.00 FOR THE PURCHASE OF A MOBILE TRAINING SIMULATOR SYSTEM FOR THE FIRE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT TO PROVIDE FOR MATCHING FUNDS IN THE AMOUNT OF \$61,363.00 AND A PROJECT CONTINGENCY IN THE AMOUNT OF \$27,000.00

Attachments: [ASSISTANCE TO FIREFIGHTERS GRANT \(FEMA\)](#)
 [BA ASSISTANCE TO FIREFIGHTERS GRANT \(FEMA\):](#)

A. 4 [2016-0277](#)**FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$23,435.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND FROM EOTECH FOR DEFECTIVE RIFLE OPTICS

Attachments: [FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND](#)
 [BA FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND](#)

A. 5 [2016-0285](#)**FAYETTEVILLE POLICE DEPARTMENT DONATIONS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$2,400.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT IN SUPPORT OF OFFICER RECOGNITION

Attachments: [SRP - Donations, Jun 2016](#)
 [BA - Donations, Jun 2016](#)

A. 6 [2016-0283](#)**GALLAGHER BENEFITS SERVICES:**

A RESOLUTION TO APPROVE THE ANNUAL RENEWAL CONTRACT WITH GALLAGHER BENEFITS SERVICES IN THE AMOUNT OF \$57,600.00 FOR THE PROVISION OF CITY EMPLOYEE BENEFITS BROKER SERVICES

Attachments: [Gallagher Benefit Services Contract Renewal Packet](#)

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](#)

At the May 17, 2016 City Council Meeting this item was moved to the June 21, 2016 meeting. 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 [2016-0248](#)**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

(LEFT ON FIRST READING)

Attachments: [FALLING WATERS APPEAL](#)

At the June 7, 2016 City Council Meeting this item was left on first reading until the June 21, 2016 City Council Meeting. At the May 17, 2016 this item was left on the first reading

C. New Business:**C.1** [2016-0290](#)**ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT:**

AN ORDINANCE TO AUTHORIZE MAYOR JORDAN TO SIGN A MEMBERSHIP AGREEMENT ALLOWING THE CITY OF SPRINGDALE TO BECOME A MEMBER OF ENERGY IMPROVEMENT DISTRICT NO. 1, AND TO AMEND § 33.381 **BOARD OF DIRECTORS, MEMBERSHIP, TERMS OF OFFICE** OF ARTICLE XXVI **ENERGY IMPROVEMENT DISTRICT NO. 1** TO PROVIDE FOR THE CITY OF SPRINGDALE'S REPRESENTATION ON THE BOARD OF DIRECTORS

Attachments: [ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT](#)

C.2 [2016-0287](#)**WAYFINDING SIGNS, POLES AND APPURTENANCES:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF WAYFINDING SIGNS, POLES AND APPURTENANCES FROM ARCHITECTURAL GRAPHICS, INC., IN AN AMOUNT NOT TO EXCEED \$122,930.98, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [WAYFINDING SIGNS, POLES AND APPURTENANCES](#)
 [BA WAYFINDING SIGNS, POLES AND APPURTENANCES](#)

C.3 [2016-0282](#)**RZN 16-5386 (NORTH OF 1110 N. FRONTAGE RD./LINDSEY PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5386 FOR APPROXIMATELY 6.40 ACRES LOCATED NORTH OF 1110 NORTH FRONTAGE ROAD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES

Attachments: [16-5386 CC reports](#)

C. 4 [2016-0281](#)**RZN 16-5425 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5425 FOR APPROXIMATELY 1.84 ACRES LOCATED ALONG THE NORTHWEST CORNER OF MILL AVENUE AND SOUTH STREET FROM R-O, RESIDENTIAL OFFICE, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRES TO DG, DOWNTOWN GENERAL

Attachments: [RZN 16-5425 \(NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN\)](#)

C. 5 [2016-0280](#)**VAC 16-5424 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN):**

AN ORDINANCE TO APPROVE VAC 16-5424 SUBMITTED BY ALLISON THURMOND-QUINLAN FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF MILL AVENUE AND SOUTH STREET TO VACATE STREET RIGHT-OF-WAY

Attachments: [VAC 16-5424 \(NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN\)](#)

C. 6 [2016-0225](#)**C-PZD 16-5408 (WEDINGTON & MARINONI DR/CROSS CHURCH):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5408 FOR APPROXIMATELY 24.60 ACRES AT WEDINGTON DRIVE AND MARINONI DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND UT, URBAN THOROUGHFARE TO C-PZD, COMMERCIAL PLANNED ZONING DISTRICT

Attachments: [C-PZD 16-5408: \(WEDINGTON & MARINONI DR/CROSS CHURCH\)](#)
[Exhibit C - RZN 16-5408 Updated PZD Booklet1](#)
[Exhibit D - RZN 16-5408 Updated Master Plan Drawings1](#)

C. 7 [2016-0292](#)**AMEND THE DEFINITION OF “SETBACK” IN § 151.01:**

AN ORDINANCE TO AMEND THE DEFINITION OF “SETBACK” IN § 151.01 OF THE UNIFIED DEVELOPMENT CODE TO ALLOW ARCHITECTURAL PROJECTIONS OF A BUILDING SUCH AS ITS EAVES TO SLIGHTLY PROTRUDE INTO A SETBACK UNDER CERTAIN CONDITIONS

Attachments: [Agenda Packet Definition of Setbacks](#)

D. City Council Agenda Session Presentations:**D. 1** [2016-0262](#)

AGENDA SESSION PRESENTATION - SARAH MCKENZIE, EXECUTIVE DIRECTOR OF THE OFFICE FOR EDUCATION POLICY AT THE UNIVERSITY OF ARKANSAS, WILL PRESENT STATISTICS THAT COMPARE THE CITY OF FAYETTEVILLE’S PUBLIC SCHOOL STUDENT DEMOGRAPHICS AND PERFORMANCE TO THE NORTHWEST ARKANSAS REGION AND TO THE BENCHMARK CITIES CITED IN FAYETTEVILLE FIRST, THE CITY’S ECONOMIC DEVELOPMENT STRATEGIC PLAN. DR. MCKENZIE WILL ALSO TALK ABOUT THE POTENTIAL ECONOMIC IMPACTS OF PUBLIC SCHOOLS IN THE AREAS OF ECONOMIC GROWTH AND COMPETITIVENESS.

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: 2016-0293

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: 1.

INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS CERTIFIED MUNICIPAL CLERK
PRESENTATION AND ARKANSAS CITY CLERKS, RECORDERS, AND TREASURERS
ASSOCIATION CERTIFIED ARKANSAS MUNICIPAL CLERK PRESENTATION - SHERRI
GARD, FORT SMITH CITY CLERK AND ACCRTA PRESIDENT

Smith, Sondra

From: Johnson, Kimberly
Sent: Tuesday, June 07, 2016 10:37 AM
To: Smith, Sondra; Branson, Lisa
Subject: Sherri Gard - June 21, 2016 City Council Meeting

Sondra and Lisa,

Sherri Gard will be attending our June 21, 2016 City Council meeting to present my CMC Certificate. She will also do my CAMC if it is given to Sondra at the Municipal League Conference.

Thank you! ☺

Office of the City Clerk Treasurer

Kim Johnson, BSE
Senior Clerk Codifier
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
kjohnson@fayetteville-ar.gov
[Website](#) | [Twitter](#) | [YouTube](#)





City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0649

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 1

APPROVAL OF THE JUNE 7, 2016 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0171

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

CDBG PROGRAM INCOME:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$7,375.00 REPRESENTING CDBG PROGRAM INCOME RECEIVED FROM A HOUSING PROGRAM LIEN PAYOFF PLAN, ENERGY EFFICIENCY REBATES FROM SOURCEGAS AND DONATIONS FROM CITIZENS AND LOCAL BUSINESSES

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 total amount of \$7,375.00 representing CDBG program income received from a housing program lien payoff plan in the amount of \$3,500.00, energy efficiency rebates from SourceGas in the amount of \$1,200.00, and donations from citizens and local businesses in the amount of \$2,675.00

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

City of Fayetteville Staff Review Form

2016-0171

Legistar File ID

6/21/2016

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

Yolanda Fields

6/3/2016

Community Resources /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Budget Adjustment recognizing outreach donations in the amount of \$2675 and CDBG program income totalling \$4700

Budget Impact:

See Below

2180 - CDBG

Account Number

Fund

See Below

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 7,375.00

Remaining Budget \$ 7,375.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: 2180.4945.5390.01 32003.1 \$2675
2180.4940.5315.00 \$4700



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 21, 2016

TO: Mayor and City Council

THRU: Jeremy Pate, Development Services Director

FROM: Yolanda Fields, Community Resources Director

DATE: June 3, 2016

SUBJECT: Approval of Budget Adjustment for the Community Resources Division

RECOMMENDATION:

Staff recommends approval of a budget adjustment to recognize and budget donations and CDBG program income received.

BACKGROUND:

Community Resources would like to recognize program income from a lien payoff plan and energy efficiency rebates from SourceGas, as well as donations from citizens and local businesses.

DISCUSSION:

In July 2015, an agreement was reached with the owners of 1747 N. Oakland Ave. to pay the CDBG program \$11,737.58 in installments due to the terms of the lien being violated. The payments started in July 2015, and payments from Jul – Oct have already been recognized. Now, payments from Nov 2015 – May 2016 need to be recognized. In addition, two \$600 rebates from SourceGas were received from work done at 3295 Old Farmington Rd. and 433 Washington Ave. The total PI being recognized is \$4,700.

In December 2015, donations from several holiday campaigns were received totaling \$2,149. In 2016, so far, there has been \$526.16 in donations received. All donations received total \$2,675.

BUDGET/STAFF IMPACT:

Increase Housing Contract Services by \$4,700
Increase Community Outreach Projects by \$2,675

Attachments:

Budget Adjustment

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

Budget Year	Division: Community Resources	Adjustment Number
2016	Dept.: Development Services	
	Requestor: Cherrell Lee	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approval of a Budget Adjustment recognizing donations in the amount of \$526 (FY 2016) and \$2149 (FY 2015) and CDBG program income totalling \$4,700 (\$1600 from FY 2015 / \$3100 from FY 2016).

RESOLUTION/ORDINANCE	COUNCIL DATE:	6/21/2016
	LEGISTAR FILE ID#:	2016-0171
	<i>Kevin Springer</i> 5/27/2016 3:35 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		7,375	7,375				v.20160125
	<u>Increase / (Decrease)</u>		<u>Project.Sub#</u>				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
2180.0918.4809.00	-	526	32003	1	RE	Donations	
2180.4945.5390.01	2,675	-	32003	1	EX	Community Outreach Projs	
2180.0918.4999.97	-	3,749			RE	Use of Prior Fund Balance	
2180.0918.4910.00	-	3,100			RE	CDBG Program Income	
2180.4940.5315.00	4,700	-			EX	Contract Services	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0274

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

ASSISTANCE TO FIREFIGHTERS GRANT (FEMA):

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A 90/10 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$613,637.00 FOR THE PURCHASE OF A MOBILE TRAINING SIMULATOR SYSTEM FOR THE FIRE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT TO PROVIDE FOR MATCHING FUNDS IN THE AMOUNT OF \$61,363.00 AND A PROJECT CONTINGENCY IN THE AMOUNT OF \$27,000.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the acceptance of a 90/10 Assistance to Firefighters Grant from the Federal Emergency Management Agency in the amount of \$613,637.00 for the purchase of a Mobile Training Simulator System for the Fire Department.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, to provide for matching funds in the amount of \$61,363.00 and a project contingency in the amount of \$27,000.00.

City of Fayetteville Staff Review Form

2016-0274

Legistar File ID

6/21/2016

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

David Dayringer

5/24/2016

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution authorizing acceptance of an Assistance To Firefighter's Grant from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in the amount of \$613,637.00, and approving a budget adjustment to the Fire-FEMA Grant Training Simulator(31603.1) project which utilizes Impact Fee Funding for the 10% grant match (\$61,363) and 4% contingency funds (\$27,000) to allow total funding of \$702,000 for the Mobile Training Simulator System per AFG Grant Guidelines

Budget Impact:

2230.8004.5801.00

Special Grants

Account Number

Fund

31603.1

Fire-FEMA Grant Training Simulator

Project Number

Project Title

Budgeted Item? No

Current Budget

Funds Obligated

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

\$ 675,000.00

Budget Adjustment Attached? Yes

Budget Adjustment

\$ 702,000.00

Remaining Budget

\$ 27,000.00

Must Attach Completed Budget Adjustment:

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 21, 2016

TO: Mayor and City Council

FROM: David Dayringer, Fire Chief

DATE: May 24, 2016

SUBJECT: Approval of a resolution authorizing acceptance of an Assistance To Firefighters Grant from The Department of Homeland Security's Federal Emergency Management Agency (FEMA) in the amount of \$613,637.00, and approving a budget adjustment.

RECOMMENDATION:

Approval of a resolution authorizing acceptance of an Assistance To Firefighters Grant from The Department of Homeland Security in the amount of \$613,637.00, and approving a budget adjustment. The Fire Department would like to utilize the revenue from this grant and the additional funding of \$88,363 from Impact Fee Revenue to complete the purchase of a mobile training simulator system and for approval of a contingency of 4%.

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.

The Fire Department submitted an application for the AFG grant program to request funding for a mobile fire training simulator. The requested simulator will provide firefighters live fire training as well as ventilation, forcible entry, standpipe, sprinkler, rappelling, confined space, and self-contained breathing apparatus (SCBA) skills.

DISCUSSION:

We will use the grant to purchase and install a mobile fire training simulator system for utilization by the Fayetteville Fire Department and other surrounding County departments thereby improving firefighter health, safety, and ground tactics on technical rescue situations at fire scenes and positively impacting the skill level at emergency responses for a multi-county population.

BUDGET/STAFF IMPACT:

Approving a budget adjustment to the Fire-FEMA Grant Training Simulator (31603.1) project which utilizes Impact Fee Funds for the 10% grant match (\$61,363) and 4% contingency funds (\$27,000) to allow total funding of \$702,000 for the Mobile Training Simulator System per AFG Grant Guidelines.

ATTACHMENTS:

Grant Award Letter and Documents, Budget Adjustment

Award Package

U.S. Department of Homeland Security
Washington, D.C. 20472



FEMA

Mr. David Dayringer
City of Fayetteville Fire Department
303 W Center St
Fayetteville, Arkansas 72701-5201

Re: Award No.EMW-2015-FO-04026

Dear Mr. Dayringer:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2015 Assistance to Firefighters Grant has been approved in the amount of \$613,637.00. As a condition of this award, you are required to contribute a cost match in the amount of \$61,363.00 of non-Federal funds, or 10 percent of the Federal contribution of \$613,637.00.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the Assistance to Firefighters Grant Programs' e-grant system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo
- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2015 Assistance to Firefighters Grant Notice of Funding Opportunity.

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Prior to requesting Federal funds, all recipients are required to register in the System for Award Management (SAM.gov). As the recipient, you must register and maintain current information in SAM.gov until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that the recipient review and update the information annually after the initial registration, and more frequently for changes in your information. There is no charge to register in SAM.gov. Your registration must be completed on-line at <https://www.sam.gov/portal/public/SAM/>. It is your entity's responsibility to have a valid DUNS number at the time of registration.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please go to <https://portal.fema.gov> to accept or decline your award. This will take you to the Assistance to Firefighters eGrants system. Enter your User Name and Password as requested on the login screen. Your User Name and Password are the same as those used to complete the application on-line.

Once you are in the system, the Status page will be the first screen you see. On the right side of the Status screen, you will see a column entitled Action. In this column, please select the View Award Package from the drop down menu. Click Go to view your award package and indicate your acceptance or declination of award. PLEASE NOTE: your period of performance has begun. If you wish to accept your grant, you should do so immediately. When you have finished, we recommend printing your award package for your records.

Step 2: If you accept your award, you will see a link on the left side of the screen that says "Update 1199A" in the Action column. Click this link. This link will take you to the SF-1199A, Direct Deposit Sign-up Form. Please

complete the SF-1199A on-line if you have not done so already. When you have finished, you must submit the form electronically. Then, using the Print 1199A Button, print a copy and take it to your bank to have the bottom portion completed. Make sure your application number is on the form. After your bank has filled out their portion of the form, you must fax a copy of the form to FEMA's SF-1199 Processing Staff at 301-998-8699. You should keep the original form in your grant files. After the faxed version of your SF 1199A has been reviewed you will receive an email indicating the form is approved. Once approved you will be able to request payments online. If you have any questions or concerns regarding your 1199A, or the process to request your funds, please call (866) 274-0960.

Sincerely,



Brian E. Kamoie
Assistant Administrator for Grant Programs

Summary Award Memo

**SUMMARY OF ASSISTANCE ACTION
ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM
Application**

INSTRUMENT: GRANT
AGREEMENT NUMBER: EMW-2015-FO-04026
GRANTEE: City of Fayetteville Fire Department
DUNS NUMBER: 883381550
AMOUNT: \$675,000.00, Operations and Safety

Project Description

The purpose of the Assistance to Firefighters Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant program's purpose and worthy of award. The projects approved for funding are indicated by the budget or negotiation comments below. The recipient shall perform the work described in the grant application for the recipient's approved project or projects as itemized in the request details section of the application and further described in the grant application narrative. The content of the approved portions of the application - along with any documents submitted with the recipient's application - are incorporated by reference into the terms of the recipient's award. The recipient may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval, via amendment request, from FEMA.

Period of Performance

16-MAY-16 to 15-MAY-17

Amount Awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this grant (including Federal share plus recipient match):

Personnel:	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$675,000.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect Charges	\$0.00

State Taxes	\$0.00
Total	\$675,000.00

NEGOTIATION COMMENTS IF APPLICABLE (max 8000 characters)

Any questions pertaining to your award package, please contact your GPD Grants Management Specialist Francisco Bernal at Francisco.Bernal2.dhs.gov.

FEMA Officials

Program Officer: The Program Specialist is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. If you have any programmatic questions regarding your grant, please call the AFG Help Desk at 866-274-0960 to be directed to a program specialist.

Grants Assistance Officer: The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. The Officer conducts the final business review of all grant awards and permits the obligation of federal funds. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a Grants Management Specialist.

Grants Operations POC: The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this grant award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

ADDITIONAL REQUIREMENTS (IF APPLICABLE) (max 8000 characters)

Any questions pertaining to your award package, please contact your GPD Grants Management Specialist Francisco Bernal at Francisco.Bernal2.dhs.gov.

Agreement Articles



FEMA

U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES

ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - Operations and Safety

GRANTEE: City of Fayetteville Fire Department

PROGRAM: Operations and Safety

AGREEMENT NUMBER: EMW-2015-FO-04026

AMENDMENT NUMBER:

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Article XLI	Environmental Planning and Historic Preservation Screening

I. **Assurances, Administrative Requirements and Cost Principles**

Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances – Non-Construction Programs. Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions.

The administrative requirements and cost principles that apply to DHS award recipients originate from:

2 C.F.R. Part 200, Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards, as adopted by DHS at 2 C.F.R. Part 3002.

II. **Acknowledgement of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other

documents describing projects or programs funded in whole or in part with Federal funds.

III. **Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

IV. **Age Discrimination Act of 1975**

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

V. **Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101–12213).

VI. **Best Practices for Collection and Use of Personally Identifiable Information (PII)**

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) respectively.

VII. **Title VI of the Civil Rights Act of 1964**

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at [6 C.F.R. Part 21](#) and [44 C.F.R. Part 7](#).

VIII. **Civil Rights Act of 1968**

All recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 *et seq.*), as implemented by the Department of Housing and Urban Development at [24 C.F.R. Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see [24 C.F.R. § 100.201](#)).

IX. **Copyright**

All recipients must affix the applicable copyright notices of [17 U.S.C. §§ 401 or 402](#)

and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

X. **Debarment and Suspension**

All recipients must comply with Executive Orders [12549](#) and [12689](#), which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

XI. **Drug-Free Workplace Regulations**

All recipients must comply with the *Drug-Free Workplace Act of 1988* ([41 U.S.C. § 701 et seq.](#)), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at [2 C.F.R. Part 3001](#).

XII. **Duplication of Benefits**

Any cost allocable to a particular Federal award provided for in [2 C.F.R. Part 200, Subpart E](#) may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

XIII. **Energy Policy and Conservation Act**

All recipients must comply with the requirements of [42 U.S.C. § 6201](#) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

XIV. **Reporting Subawards and Executive Compensation**

a. **Reporting of first-tier subawards.**

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <https://www.sam.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. *Applicability and what to report.* Unless you are exempt as provided in

paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards,

and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. *Entity* means all of the following, as defined in 2 CFR part 25:

- i. A Governmental organization, which is a State, local government, or Indian tribe;
- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus.*
- ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting

purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

XV. False Claims Act and Program Fraud Civil Remedies

All recipients must comply with the requirements of 31 U.S.C. §3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

XVI. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.

XVII. Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

XVIII. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. §2225.

XIX. Limited English Proficiency (Civil Rights Act of 1964, Title VI)

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

XX. Lobbying Prohibitions

All recipients must comply with 31 U.S.C. §1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

XXI. Non-supplanting Requirement

All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

XXII. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. § 401.14.

XXIII. Procurement of Recovered Materials

All recipients must comply with section 6002 of the Solid Waste Disposal Act, as

amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

XXIV. Contract Provisions for Non-federal Entity Contracts under Federal Awards

a. Contracts for more than the simplified acquisition threshold set at \$150,000.

All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by 41 U.S.C. §1908, must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

b. Contracts in excess of \$10,000.

All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

XXV. SAFECOM

All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

XXVI. Terrorist Financing E.O. 13224

All recipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

XXVII. Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex,

be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. Implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

XXVIII. Trafficking Victims Protection Act of 2000

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. § 7104). This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. Full text of the award term is located at 2 CFR § 175.15.

XXIX. Rehabilitation Act of 1973

All recipients of must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

XXX. USA Patriot Act of 2001

All recipients must comply with requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act)*, which amends 18 U.S.C. §§ 175–175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

XXXI. Use of DHS Seal, Logo and Flags

All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

XXXII. Whistleblower Protection Act

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

XXXIII. DHS Specific Acknowledgements and Assurances

All recipients must acknowledge and agree—and require any

sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

XXXIV. System of Award Management and Universal Identifier Requirements

A. Requirement for System of Award Management

Unless exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier

If authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

C. Definitions

For purposes of this award term:

1. *System of Award Management(SAM)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).
2. *Unique entity identifier* means the identifier required for SAM registration to uniquely identify business entities.
3. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. *Subaward*:
 - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
 - c. A subaward may be provided through any legal agreement, including an agreement that you consider a

contract.

5. *Subrecipient* means an entity that:

- a. Receives a subaward from you under this award;
and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

XXXV. Animal Welfare Act of 1966

All recipients of financial assistance will comply with the requirements of the Animal Welfare Act, as amended (7 U.S.C. §2131 et seq.), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the Guide for the Care and Use of Laboratory Animals and comply with the Public Health Service Policy and Government Principles Regarding the Care and Use of Animals.

XXXVI. Protection of Human Subjects

All recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part 46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. For purposes of 45 CFR Part 46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.

XXXVII. Incorporation by Reference of Notice of Funding Opportunity

The Notice of Funding Opportunity for this program is hereby incorporated into your award agreement by reference. By accepting this award, the recipient agrees that all allocations and use of funds under this grant will be in accordance with the requirements contained in the Notice of Funding Opportunity.

XXXVIII. Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be

notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. If you have questions about these procedures, please contact the AFG Help Desk at 1-866-274-0960, or send an email to firegrants@dhs.gov.

XXXIX. Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. For awards with an approved budget greater than \$150,000, you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

XL. Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

XLI. Environmental Planning and Historic Preservation Screening

AFG funded activities (Modification to Facility or Equipment) that may require an EHP review, involving the installation or requiring renovations to facilities, including but not limited to air compressor/fill station/cascade system (Fixed) for filling SCBA, air improvement systems, alarm systems, antennas, gear dryer, generators (fixed), permanently mounted signs, renovations to facilities, sprinklers, vehicle exhaust systems (fixed) or washer/extractors are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process.

FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders.

To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to our Department of Homeland Security/Federal Emergency Management Agency-website at: <https://www.fema.gov/library/viewRecord.do?id=6906>

In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds.

FEDERAL EMERGENCY MANAGEMENT AGENCY
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT

1a. AGREEMENT NO. EMW-2015-FO-04026	2. AMENDMENT NO. 0	3. RECIPIENT NO. 71-6018462	4. TYPE OF ACTION AWARD	5. CONTROL NO. WX02311N2016T
6. RECIPIENT NAME AND ADDRESS City of Fayetteville Fire Department 303 W Center St Fayetteville Arkansas, 72701-5201	7. ISSUING OFFICE AND ADDRESS Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 POC: Rosalie Vega	8. PAYMENT OFFICE AND ADDRESS FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472		
9. NAME OF RECIPIENT PROJECT OFFICER David Dayringer	PHONE NO. 4795758365	10. NAME OF PROJECT COORDINATOR Catherine Patterson	PHONE NO. 1-866-274-0960	
11. EFFECTIVE DATE OF THIS ACTION 16-MAY-16	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:16-MAY-16 To:15-MAY-17 Budget Period From:01-OCT-15 To:30-SEP-16	

15. DESCRIPTION OF ACTION
a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXXX-XXXX-XXXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON-FEDERAL COMMITMENT
AFG	97.044	2016-F5-C111-P4310000-4101-D	\$0.00	\$613,637.00	\$613,637.00	\$61,363.00
TOTALS			\$0.00	\$613,637.00	\$613,637.00	\$61,363.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.
N/A

16a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

Assistance to Firefighters Grant recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title) N/A	DATE N/A
18. FEMA SIGNATORY OFFICIAL (Name and Title) Rosalie Vega	DATE 29-APR-16

Go Back

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

Budget Year	Division: Fire	Adjustment Number
2016	Dept.: Fire	
	Requestor: Granville Wynn	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approving a budget adjustment to the Fire-FEMA Grant Training Simulator(31603.1) project which utilizes Impact Fee Funds for the 10% grant match (\$61,363) and 4% contingency funds (\$27,000) to allow total funding of \$702,000 for the Mobile Training Simulator System per AFG Grant Guidelines.

RESOLUTION/ORDINANCE	COUNCIL DATE:	6/21/2016
	LEGISTAR FILE ID#:	2016-0274
	<i>Barbara Fell</i>	
	6/1/2016 2:49 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	790,363	790,363						v.20160125
	Increase / (Decrease)		Project.Sub#					
Account Number	Expense	Revenue	Project	Sub	AT	Account Name		
2300.9300.7602.28	88,363	-	57039	1601	EX	**N/A		
2300.0930.4999.99		88,363			RE	Use of Fund Balance		
2230.0923.6602.28	-	88,363	31603	1	RE	**N/A		
2230.0923.4309.00		613,637	31603	1	RE	Federal Grants - Capital		
2230.8004.5801.00	702,000	-	31603	1	EX	**Fixed Assets		
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						
	-	-						



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0277

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$23,435.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND FROM EOTECH FOR DEFECTIVE RIFLE OPTICS

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 total amount of \$23,435.00 recognizing revenue associated with federal and state law enforcement forfeitures and a refund from EOTech for defective rifle optics.

City of Fayetteville Staff Review Form

2016-0270

Legistar File ID

6/21/2016

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

Greg Tabor

5/24/2016

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a budget adjustment in the amount of \$23,435 to recognize revenue associated with federal and state law enforcement forfeitures, a refund from Eotech on rifle optics and increase corresponding expense budgets.

Budget Impact:

1010.0001.4504.00 1010.0001.4308.02

1010.0001.4996.00

General

Account Number

Fund

33045 / 33046

LE Forfeitures

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 23,435.00

Remaining Budget \$ 23,435.00

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 21, 2016

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police

A handwritten signature in black ink, appearing to be "GT", written over the name "Greg Tabor".

DATE: May 24, 2016

SUBJECT: Budget Adjustment to Recognize Law Enforcement Forfeitures and Revenue

RECOMMENDATION:

Staff recommends approval of a budget adjustment in the amount of \$23,435 to recognize revenue associated with federal and state law enforcement forfeitures, a refund from Eotech on rifle optics, and increase corresponding expense budgets.

BACKGROUND:

The Fayetteville Police Department receives forfeitures as a result of civil proceedings concerning cash or property seized during a criminal investigation. Most of the forfeitures we have received in the past are a direct result from the efforts of the officers we assign to the 4th Judicial District Drug Task Force (4th DTF), the local office of the Federal Drug Enforcement Agency (DEA), and the Internal Revenue Service (IRS) Financial Crimes Task Force. By statute, federal and state forfeitures are to be spent for law enforcement purposes only. All purchases utilizing these funds must follow the City of Fayetteville Purchasing Policy.

DISCUSSION:

Funds within this budget adjustment consist of Department of Justice funds which are drug related federal forfeitures and State Asset Forfeiture funds which are drug related state forfeitures, and a refund from Eotech on defective rifle optics. The requested budget adjustment will recognize the following forfeitures and proceeds through April 2016: \$4,006 from the Department of Justice; \$11,460 from State Asset Forfeitures; and \$7,969 from Eotech refund on defective rifle optics.

BUDGET/STAFF IMPACT:

Our expense budget will increase equal to the revenue received through April 2016. There is no staffing impact related to this budget adjustment.

Attachments:

Budget Adjustment

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

Budget Year	Division: Police	Adjustment Number
2016	Dept.: Police	
	Requestor: W. Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Recognize revenue associated with federal and state law enforcement forfeitures in additon to refund from Eotech on rifle optics and increase corresponding expense budgets.

RESOLUTION/ORDINANCE	COUNCIL DATE:	6/21/2016
	LEGISTAR FILE ID#:	2016-0277
	<i>Barbara Fell</i>	
	5/24/2016 9:03 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	23,435	23,435					v.20160125
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name	
	Expense	Revenue	Project	Sub			
1010.0001.4504.00	-	4,006	33046	1	RE	Federal Forfeitures	
1010.2920.5802.00	4,006	-	33046	1	EX	Vehicles And Equipment	
1010.0001.4308.02	-	11,460	33045	1	RE	Police Law Enforcement Trust	
1010.2920.5802.00	11,460	-	33045	1	EX	Vehicles And Equipment	
1010.0001.4996.00	-	7,969			RE	Miscellaneous Revenue - Police Departme	
1010.2900.5210.00	7,969	-			EX	Minor Equipment	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0285

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

FAYETTEVILLE POLICE DEPARTMENT DONATIONS:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$2,400.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT IN SUPPORT OF OFFICER RECOGNITION

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 total amount of \$2,400.00 recognizing donation revenue to the Fayetteville Police Department in support of officer recognition.

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

City of Fayetteville Staff Review Form

2016-0285

Legistar File ID

6/21/2016

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

Greg Tabor

6/2/2016

Police /
Police Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

Approval of a budget adjustment in the amount of \$2,400 for the acceptance of various donations received by the Fayetteville Police Department in support of officer recognition.

Budget Impact:

1010.2920.5329.00

General

Account Number

Fund

33044.6

Police Donations

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 2,400.00

Remaining Budget \$ 2,400.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 21, 2016

TO: Mayor and City Council
FROM: Greg Tabor, Chief of Police 
DATE: June 2, 2016
SUBJECT: Recognize Various Donations to Fayetteville Police Department

RECOMMENDATION:

Staff recommends approval of the attached budget adjustment in the amount of \$2,400 for the acceptance of various donations received by the Fayetteville Police Department in support of officer recognition. If you should have any questions regarding these donations, please contact me at extension 587-3500.

BACKGROUND:

Periodically, businesses, organization and/or citizens of Fayetteville will make monetary donations to the Police Department to recognize our personnel.

DISCUSSION:

In late 2015 and early 2016, the Police Department received donations totaling \$2,400. The donations were deposited into the City's General fund and are tracked through the City's Project Accounting System to insure that the donors intended purpose is met. All purchases utilizing these funds must follow the City of Fayetteville Purchasing Policy.

BUDGET/STAFF IMPACT:

The budget impact will consist of an increase in expense budgets equal to the Police Department Donations received. There is no impact on staffing related to this agenda item.

Attachments:

- Budget Adjustment
- Copies of FPD Donations

ROBERT K. WHITE
ATTORNEY (RET)
PH. 479-409-3493
P.O. BOX 1964
FAYETTEVILLE, AR 72702

81-161/829

6264

DATE 12/21/15

DELUXE DELUXE COMBINATION
SPECIALTY BLUE HIGH SECURITY



PAY TO
THE ORDER OF

Fyv Police Dept / Awards \$ 50 -
50/100 DOLLARS

Heat
Reactive
Ink

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



MEMBER FDIC

MEMO

Donation

Robert K. White

⑆08 290 16 19⑆ 6 264 800 22030⑆

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

22901

CROWNE GROUP LLC

519 W DICKSON ST.
FAYETTEVILLE, AR 72701

DATE

12/11/15

81-161-829

PAY
TO THE
ORDER OF

City of Fayetteville Police Dept \$ 150.00
One Hundred Fifty and no/100 DOLLARS

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
THE BANK OF FAYETTEVILLE



FOR

GEORGE'S Maj. Lounge
AWARD'S COMMITTEE

BC

⑆02 290 1⑆

⑆08 290 16 19⑆

70053782⑆

VAN & COMPANY LLC

2907 WESTON PL
FAYETTEVILLE, AR 72703

02530

2481

81-700/829

DATE

12/21/15

PAY
TO THE
ORDER OF

Fayetteville Police Department \$ 300.00
Three hundred DOLLARS



Chambers Bank

FOR

Donation Award Comm. He. [Signature]

⑆00 248 1⑆

⑆08 290 7008⑆

⑆06 17⑆ 175⑆ 5⑆

DATE

5813

11/30/2015

Pierce Properties Mgmt, Inc
630 N. Leverett Ave #11
Fayetteville, AR 72701

Bank of Arkansas
3500 N College
Fayetteville, AR 72703

NET AMOUNT

PAY ONE HUNDRED DOLLARS **\$100.00**

TO THE ORDER OF

Fayetteville Police Department
100 West Rock St
Fayetteville, AR 72701

Signature

Cash Promptly, Not Valid After 120 Days

⑈005813⑈ ⑆082901392⑆8090212487⑈

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT.

THERMOCHROMIC INK SECURE MARK ON BACK, CHANGES COLOR WITH HEAT.



P.O. BOX 2020
SPRINGDALE, ARKANSAS 72765-2020

Void after 90 Days

CHECK NO. 1005514237

DATE
12/01/2015

JP Morgan Chase Bank NA
Syracuse, NY 13206
Controlled Disb. Acct.
50-937 / 213

CHECK AMOUNT

\$**1,000.00*

PAY *** ONE THOUSAND USD and 00/100***

TO THE ORDER OF
FAYETTEVILLE POLICE DEPT
P.O. Box 1988
FAYETTEVILLE AR 72702

Treasurer

⑈1005514237⑈ ⑆021309379⑆ 601873961⑈



E-Z Mart Stores, Inc.
602 Falvey Ave.
P.O. Box 1426
Texarkana, TX 75504-1426

Wells Fargo Bank Ohio, N.A.
OH

56-382
412

12/14/15

1277283

DATE

CHECK NUMBER

PAY EXACTLY THIS AMOUNT	AMOUNT
Five Hundred Dollars	****500.00

VOID IF NOT CASHED IN 90 DAYS

E-Z MART STORES, INC.

TO THE
ORDER
OF

FAYETTEVILLE POLICE DEPARTMENT
AWARDS COMMITTEE
100 W ROCK STREET SUITE A
FAYETTEVILLE, AR 72701-6191

⑈ 1277283⑈ ⑆041203824⑆ 9600064065⑈

TIRAXTOR, LLC
1673 N COLLEGE AVE
FAYETTEVILLE, AR 72703-1919

1464

81-147/829
61

12-30-15 DATE

PAY TO THE ORDER OF Fay. Police Dept \$ 100.00
One Hundred and 00/100 DOLLARS



BEAR STATE
BANK

Voice Line 24
1-888-2LINE24 (Toll Free)

FOR Awards Ban.

[Signature]

⑆08 290 1473⑆ 10000 14926⑈ 1464

GINGSUMRONG VENTURES, INC.

THEP THAI RESTAURANT
1525 S SCHOOL AVE.
FAYETTEVILLE, AR 72701
PH. (479) 443-0029

3668

81-87/829

03/14/16
date

FYPD

\$ 200.00

Pay to the order of

Two Hundred

dollars



Security Features
Included.
Details on Back.

ARVEST[®]
BANK

arvest.com

Signature

for PD Branch

⑈003668⑈ ⑆082900872⑆ 0021427549⑈

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

Budget Year	Division: Police	Adjustment Number
2016	Dept.: Police	
	Requestor: W. Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Acceptance of various donations received by the Fayetteville Police Department in support of officer recognition.

	COUNCIL DATE:	6/21/2016
	LEGISTAR FILE ID#:	2016-0285
	<i>Barbara Fell</i>	
	6/1/2016 3:22 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

RESOLUTION/ORDINANCE

TOTAL	2,400	2,400						v.20160125
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name		
	Expense	Revenue	Project	Sub				
1010.0001.4808.02	-	300	33044	6	RE	Donations - Police Department		
1010.0001.4999.97	-	2,100			RE	Use of Prior Fund Balance		
1010.2920.5329.00	2,400	-	33044	6	EX	Employee Recognition		
	-	-						
	-	-						
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	-	-						
	-	-						



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0283

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

GALLAGHER BENEFITS SERVICES:

A RESOLUTION TO APPROVE THE ANNUAL RENEWAL CONTRACT WITH GALLAGHER BENEFITS SERVICES IN THE AMOUNT OF \$57,600.00 FOR THE PROVISION OF CITY EMPLOYEE BENEFITS BROKER SERVICES

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 annual renewal contract with Gallagher Benefits Services in the amount of \$57,600.00 for the provision of employee benefits broker services.

City of Fayetteville Staff Review Form

2016-0283

Legistar File ID

6/21/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Brenda Reed

5/31/2016

Human Resources /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve the 2016 annual renewal of the City's contract with Gallagher Benefit Services, Inc. for benefit broker services effective July 1, 2016. Gallagher Benefit Services provides brokerage services, legislative compliance support and brings benefit administration technology solutions to the City. Gallagher advises City staff in regard to federal regulations pertaining to benefit administration, including health care reform requirements under the Affordable Care Act.

Budget Impact:

1010.1220.5314.00

General

Account Number

Fund

N/A

Employee Benefits/Services

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 203,566.00

Funds Obligated \$ 21,132.29

Current Balance \$ 182,433.71

Does item have a cost? Yes

Item Cost \$ 57,600.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 124,833.71

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF JUNE 21, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Brenda Reed, HR Director

DATE: May 31, 2016

SUBJECT: Approval of the 2016 Annual Renewal with Gallagher Benefits Services, Inc. for Benefit Brokerage Services

RECOMMENDATION:

Staff recommends Council approve the City's annual renewal of its contract with Gallagher Benefit Services effective July 1, 2016.

BACKGROUND:

The City's original contract was approved in 2012.

DISCUSSION:

Gallagher Benefit Services provides brokerage services, legislative compliance support and benefit management technology solutions to the City. Gallagher advises City staff in regard to federal regulations pertaining to benefit administration, including health care reform requirements under the Affordable Care Act.

The Gallagher Benefit Services renewal contract price and terms of service remain unchanged from last year.

Through the Gallagher contract, the City has utilized the PlanSource benefits administration system since 2012. The approximate annual cost for utilizing the benefits administration system is \$21,525. The City has utilized the PlanSource Affordable Care Act (ACA) measuring and reporting software tool since 2015. The approximate annual cost for the ACA tool is \$2,634.

Through the 2016 Gallagher Benefit Services contract, the City will utilize the American Fidelity AFEnroll benefits administration system and the American Fidelity WorxTime ACA measuring and reporting software tool at no cost to the City.

The American Fidelity benefits administration system and ACA tool will replace PlanSource's benefits administration and ACA services.

BUDGET/STAFF IMPACT:

Funds are budgeted each year in the Human Resources program to cover the cost of this contract.

CONSULTING AGREEMENT
Annual Renewal
June, 2016

This Consulting Agreement (this "Agreement") is made by and between Gallagher Benefit Services, Inc., a Delaware corporation ("GBS"), and City of Fayetteville, Arkansas (the "Client").

The Client wishes to enter into a consulting relationship with GBS with the terms and conditions set forth in this Agreement, and GBS is willing to accept such a consulting relationship.

In consideration of and in reliance upon the previous paragraph and the terms and conditions contained in this Agreement, the Client and GBS agree as follows:

1. *Engagement*

The Client engages GBS as an employee benefits consultant as stated in this Agreement and GBS accepts this engagement. During the time that GBS is performing services for the Client under this Agreement, and for all purposes outlined in this document, GBS' status will be that of an independent contractor of the Client.

2. *Term and Termination*

The Effective Date of this Agreement is July 1, **2016**. The term of GBS' engagement under this Agreement (the "Consulting Period") will begin as of the Effective Date and will remain in effect for two (2) years from the Effective Date, subject to mutually agreed upon annual renewal by both parties. Either party may terminate this Agreement by giving the other party at least thirty (30) days written notice of its intent to terminate. In the event such termination is effective during the Consulting Period, Client shall be responsible to GBS for any services performed prior to the date of termination and GBS shall be responsible to Company to continue to provide services until the date of termination of this Agreement.

3. *Services*

GBS will provide employee benefits management consulting services to the Client and consult with its employees, representatives, agents and contractors as to such matters as more fully described in Exhibit A attached to this Agreement and incorporated herein. GBS will perform other services as the Client and GBS mutually agree in writing.

4. *Compensation*

Subject to any changes as may be mutually agreed by the parties in writing and signed by their authorized representatives, GBS will receive, as compensation for its services under this Agreement, fees in the amount of \$ 57,600 per year, which amount will be billed in equal installments of \$4,800 and paid on a monthly basis.

GBS further agrees to fully disclose to Client, in writing, any business relations with or commissions it receives or plans on receiving from any of Client's current or prospective insurance carriers or other vendors. GBS will do so prior to making any recommendations to Client concerning Client doing or continuing doing business with such a carrier or vendor, so that Client will be apprised of any potential conflict of interest

For additional information regarding GBS compensation, please see our revenue disclosure policy and schedule set forth in Exhibit B.

In the event an insurance company cancels or refuses to renew an insurance coverage that had been placed by GBS, on behalf of Client, GBS will use its best efforts to obtain appropriate replacement coverage from another insurance company.

5. Performance and Scope

(a) GBS Not a Fiduciary Under ERISA. To the extent that one or more of the Client's employee benefit plans are subject to the Employee Retirement Income Security Act, as amended (ERISA) and in spite of any other provision of this Agreement to the contrary, the parties agree and acknowledge that:

(i) GBS' services under this Agreement are not intended in any way to impose on GBS or any of its affiliates a fiduciary status under the Employee Retirement Income Security Act of 1974, as amended ("ERISA") ; and

(ii) this Agreement does not provide GBS, and the Client will not cause or permit GBS to assume, without prior written consent of GBS, any:

(A) discretionary authority or discretionary control respecting management of any "employee benefit plan" within the meaning of Section 3(3) of ERISA (an "ERISA Plan"),

(B) authority or control respecting management or disposition of the assets of any ERISA Plan, or

(C) discretionary authority or discretionary responsibility in the administration of any ERISA Plan.

(b) Reliance. In the performance of its duties, GBS may rely upon, and will have no obligation to independently verify the accuracy, completeness, or authenticity of, any written instructions or information provided to GBS by the Client or its designated representatives and reasonably believed by GBS to be genuine and authorized by the Client.

(c) No Practice of Law. GBS will not be obligated to perform, and the Client will not request performance of, any services which may constitute unauthorized practice of law. The Client will be solely responsible for obtaining any legal advice, review or opinion as may be necessary to ensure that its own conduct and operations, including the engagement of GBS under the scope and terms as provided herein, conform in all respects with applicable State and Federal laws and regulations (including ERISA, the Internal Revenue Code, State and securities laws and implementing regulations) and, to the extent that the Client has foreign operations, any applicable foreign laws and regulations.

(d) Subcontractors. GBS may cause another person or entity, as a subcontractor of GBS, to provide some or all of the services required to be performed by GBS hereunder: provided, that GBS shall remain responsible for all acts and omissions of any such subcontractors (each of which shall be bound by GBS' obligations under this Agreement). GBS shall seek prior written approval from Client for any subcontractors providing substantive consulting, professional or managerial services. Prior written approval shall not be required for clerical, office, secretarial, IT back-up, administrative or similar support services.

(e) Conflict of Interest. GBS' engagement under this Agreement will not prevent it from taking similar engagements with other clients who may be competitors of the Client. GBS will, nevertheless, exercise care and diligence to prevent any actions or conditions which could result in a conflict with Client's best interest.

(f) Acknowledgements. In connection with GBS' services under this Agreement, Client agrees that:

(i) Although GBS will apply its professional judgment to access those insurance companies it believes are best suited to insure the Client's risks, there can be no assurance that the insurance companies GBS has accessed are the only or are the best suited ones to insure the Client's risks.

(ii) Any compensation of the types described above and disclosed to it does not constitute a conflict of interest and the Client expressly waives any claims alleging any such conflict of interest.

(iii) The final decision to choose any insurance company has been made by the Client in its sole and absolute discretion. The Client understands and agrees that GBS does not take risk, and that GBS does not guarantee the financial solvency or security of any insurance company.

(iv) The compensation payable to GBS is solely for the services set forth under this Agreement, including Exhibit A. Any additional administrative, claims representative or other services (collectively, "Additional Services") will be governed by the terms of a separate agreement covering the Additional Services.

(v) The Client is responsible for immediate payment of GBS' fees (if applicable) and payment of premiums for all insurance placed by GBS on Client's behalf. If any amount is not paid in full when due, including premium payments to insurance companies, that nonpayment will constitute a material breach of this Agreement that will allow GBS to immediately terminate this Agreement, at its option, with notice to the Client |

6. *Confidentiality*

(a) Client Information. GBS recognizes that certain confidential information may be furnished by the Client to GBS in connection with its services pursuant to this Agreement ("Confidential Information"). GBS agrees that it will disclose Confidential Information only to those who, in GBS' reasonable determination, have a need to know such information. Confidential Information will not include information that (i) is in the possession of GBS prior to its receipt of such information from the Client, (ii) is or becomes publicly available other than as a result of a breach of this Agreement by GBS, or (iii) is or can be independently acquired or developed by GBS without violating any of its obligations under this Agreement. However, disclosure by GBS of any Confidential Information pursuant to the terms of a valid and effective subpoena or order issued by a court of competent jurisdiction, judicial or administrative agency or by a legislative body or committee will not constitute a violation of this Agreement, (provided that GBS immediately notifies Client in writing upon GBS' receipt of any such subpoena or order).

(b) HIPAA Privacy. In spite of Sections 6(a) above, GBS and the Client will each comply with any prohibitions, restrictions, limitations, conditions, or other requirements to the extent they apply to them directly or indirectly pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and its implementing regulation concerning privacy of individually identifiable health information as set forth in 45 CFR Parts 160-164, as amended from time to time. Where required, the Client, as a representative of the health plans and GBS will enter into a separate Business Associate Agreement.

(c) Use of Names; Public Announcements. No party will use, in any commercial manner, the names, logos, trademarks or other intellectual property of the other party without its prior written consent. Except as may be required by law, no party will issue any press releases or make any public

announcements of any kind regarding the relationship between the parties without the other party's prior consent.

7. *Indemnification Rights and Limitation of Liability*

Limitation of Liability. Notwithstanding any other term or provision of this Agreement, neither party shall be liable to the other for any exemplary, special indirect, incidental, consequential or punitive damages (including but not limited to lost profits) which may result from the other party's action or its failure to perform any term or condition of this Agreement or whether such liability is based upon tort, strict liability, breach of warranties, failure of essential purpose or otherwise and if advised of the possibility of such damages. This provision applies to the fullest extent permitted by applicable law.

8. *Notices*

Any notices, requests and other communications pursuant to this Agreement will be in writing and will be deemed to have been duly given, if delivered in person or by courier, telegraphed, or by facsimile transmission (provided that the sender received electronic confirmation of receipt by recipient) or sent by express, registered or certified mail, postage prepaid, addressed as follows:

If to the Client: City of Fayetteville, Arkansas
 ATTN: Brenda Reed
 113 W. Mountain
 Fayetteville, AR, 72701
 (Fax:) (479) 718-7698 _____)

If to GBS: Gallagher Benefit Services, Inc.
 300 S. Jefferson, Suite 600-N
 Springfield, MO 65806
 Attention: Jacob Salinas
 (Fax: 417-881-8719)

Either party may, by written notice to the other, change the address to which notices to such party are to be delivered or mailed.

9. *Miscellaneous*

(a) Severability. The various provisions and subprovisions of this Agreement are severable and if any provision or subprovision or part thereof is held to be unenforceable by any court of competent jurisdiction, then such enforceability will not affect the validity or enforceability of the remaining provisions or subprovisions or parts thereof in this Agreement.

(b) Entire Agreement; Amendment. This Agreement, including all exhibits hereto, constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, whether oral or written, between the parties regarding the subject matter hereof. This Agreement may be modified or amended only by a written instrument executed by both parties.

(c) Governing Law; Rule of Construction. This Agreement will be construed, interpreted and enforced in accordance with the laws of the State of Arkansas without giving effect to the choice of law principles thereof or any canon, custom or rule of law requiring construction against the drafter.

(d) Jurisdiction and Venue. The parties agree that in the event of any legal dispute the governing jurisdiction and venue will be Washington County Circuit Court in Fayetteville, Arkansas for state court actions or the United States District Court, Western District, Arkansas, in Fayetteville, Arkansas for federal court actions.

(e) Successors. This Agreement shall be binding upon and shall inure to the benefit of all assigns, transferees and successors in the interest of the parties hereto.

(f) Counterparts. This Agreement may be executed by the parties in several counterparts, each of which shall be deemed to be an original copy.

(g) Survival of Provisions. Sections 2, 4, 6 and 7 will survive the termination of this Agreement.

[The remainder of this page intentionally left blank. The parties' signatures appear on the following page.]

IN WITNESS WHEREOF, the parties hereto have caused this Consulting Agreement to be duly executed on the date first written above.

City of Fayetteville, Arkansas

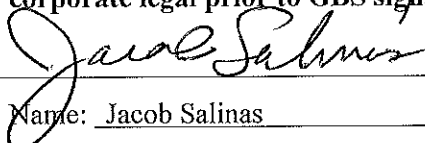
By: _____

Name: Lioneld Jordan

Title: Mayor

GALLAGHER BENEFIT SERVICES, INC.

- Branch Managers (Area Presidents) are the preferred signers on consulting or fee agreements, however, our current policy allows for producers who are Area AVPs to sign for GBS as well.
- Any modifications must be approved AJG corporate legal prior to GBS signature.

By: 

Name: Jacob Salinas

Title: Area Vice President

EXHIBIT A

SCOPE OF SERVICES

Subject to any changes and additions as may be mutually agreed by the parties in writing, availability and delivery of data from the insurance carrier and other third party vendors, GBS will provide the following services:

CONSULTING SERVICES PROVIDED ON AN "AS NEEDED" BASIS

☐ **RENEWAL ANALYSIS**

- Review and evaluate carrier projections
- Prepare "shadow" renewal projection
- Create financial modeling reports using proprietary Apex software
- Coordinate carrier negotiations
- Create employee contribution modeling reports
- Review identified benchmarks of projected plan costs
- Develop "working" rates for Company analysis and approval
- Assist with budget projections
- Provide renewal alternatives with cost impact of benefit plan changes

☐ **PERIODIC PLAN FINANCIAL REPORTS** (frequency to be mutually agreed upon):

- Summary of plan costs
- Analysis of actual vs. budget
- Employee contributions
- Large claims tracking
- Identification of costs for specific line of coverage
- Comparison of plan costs to aggregate stop-loss projections, if applicable
- Utilization review
- Comparison to prior claim period
- Plan trends

☐ **ANNUAL FINANCIAL REPORTS (End of Year Accounting):**

- Comparison of current costs to renewal costs
- Future plan costs projections
- Executive summary of program expenses
- Comparison of current costs to renewal costs
- Future plan costs projections
- Dollars saved by contract negotiation
- Percent of benefit dollars paid by employee
- Claims by size
- Physician visit details
- Benefits paid by type of service
- Plan funding/budget comparison
- Fixed expense comparison

☐ **LEGISLATIVE AND CORPORATE COMPLIANCE SUPPORT**

- Provide legislative updates, including Technical Bulletins and Directions newsletters
- Evaluate plan design to assist with compliance with state and federal regulations
- Review benefit plan documents, including summary plan descriptions, contracts, employee summaries, and policies/procedures
- Conduct periodic seminars on regulatory issues
 - Assist with the review and evaluation of COBRA and HIPAA compliance procedures
- Provide general information and guidance to assist with compliance with ERISA, FMLA, USERRA, Medicare Part D and other Federal legislation that directly affects the administration of plan benefits
- Provide template or sample compliance notices, certificates of creditable coverage and enrollment forms as reasonably requested by Company

☐ **CARRIER MARKETING AND NEGOTIATIONS, AS DIRECTED BY CLIENT**

- Work with Company to develop a strategy to identify goals, analyze program costs and review both current and alternative funding arrangements
- Manage the renewal process with the current carrier to control costs
- Implement carrier renewal strategies with Company
- Develop timeline covering every aspect from RFP preparation to the delivery of employee communications
- Provide analysis of employee disruption report and preparation of geo-access report
- Provide analysis of discounts offered by various carriers by using CPT codes and carrier pricing data
- Manage RFP development that tailors the RFP to the desires, needs and financial directions provided by Company
- Explore alternative funding solutions
- Evaluate vendor responses to track variations in coverage and costs as they are identified
- Conduct finalist interviews to investigate and document intangibles such as personalities, service orientation and responsiveness
- Draft renewal analysis report, based on renewal negotiation, covers program and claims cost projections as well as complete information on benefit designs
- Facilitate decision process by coordinating close collaboration and discussions among the GBS team and Company

☐ **DAY TO DAY ADMINISTRATIVE SERVICES**

☐ **EMPLOYEE EDUCATION PROGRAMS**

- Facilitate focus groups
- Monthly benefit communication directed to employees
- Educational meetings on coverage and trends

☐ **COMMUNICATION MATERIALS**

- Assist with the drafting and distribution of Open Enrollment-New Member Orientation summary information and any other communications pertaining to the health and welfare program
- Provide annual open enrollment guidance and employee meeting materials
- Assist with marketing and oversight of Customized Enrollment Materials (if elected)

- Assist with participant wellness initiatives, as directed by Company

BENEFIT ADMINISTRATION ASSESSMENT

- Periodic evaluation of internal plan enrollment and benefit termination processes
- Review, coordinate and implement Company agreed upon plan “best practices” to help limit plan liability and increase participant satisfaction
- Help identify opportunities for streamlining and improving administration procedures

☐ BENEFITS ADMINISTRATION SOFTWARE:

- Gallagher agrees to enter into an Agreement with PlanSource/Connect2MyBenefits software vendor to provide Client with benefits software services.
- Gallagher agrees to continue using PlanSource/Connect2MyBenefits through the end of the plan year, December 31, 2016. The Client will continue to reimburse Gallagher \$2.45 Per Employee per Month through December 31, 2016.
- At a date to be determined later, the Client will begin to utilize American Fidelity and the AFEnroll System at no additional cost

Additional terms and details concerning the AFEnroll software as agreed upon are referenced in attached Appendix “C”.

☐ MARKET BENCHMARKING STUDIES:

- Local Area Surveys
- Industry Surveys

☐ Benefit Plan Design (or Redesign)

- Help Company identify business and HR objectives that impact benefits
- Review with Company possible benefit strategies to meet their objectives
- Help Company evaluate/review current scope of benefits package – e.g., types & levels of coverage
- Work with Company to develop funding and contribution strategies
- Assist with budget projections for design alternatives

EXHIBIT B
COMPENSATION DISCLOSURE STATEMENT

What follows is the disclosure of actual fees and/or commissions related to the Company's Group Health Plan(s) and any relationships, or agreements GBS has with the insurance Company involved in this transaction. GBS as agent of record will receive the following initial and renewal sale commissions expressed as percentage of gross premium payments, or fees as agreed up by

Line of Coverage	Insurance Company	Effective Date	Commission ¹ / Supplemental Compensation ²	Direct Fees ³	Wholesaler, MGU, or Intermediary	Owned by AJG/GBS
Consulting Agreement	Gallagher Benefit Services	7/1/2016	N/A	\$57,600	N/A	N/A

¹ Commissions include all commissions/fees paid to GBS that are attributable to a contract or policy between a plan and an insurance Company, or insurance service. This includes indirect fees that are paid to GBS paid by a third party, and includes, among other things, the payment of "finders' fees" or other fees to GBS for a transaction or service involving the plan.

² Gallagher companies may receive supplemental compensation referred to in a variety of terms and definitions, such as contingent commissions, additional commissions and supplemental commission.

³ Direct Fees include compensation to GBS paid for directly by the plan sponsor.

⁴ Which allows an exemption from a prohibited transaction under Section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA).

⁵ In making these disclosures, no position is taken, nor is one to be inferred, regarding the use of assets of a plan subject to ERISA to purchase such insurance.

It should also be noted that:

- **GBS** is not an affiliate of the insurer whose Contract is recommended. This means the insurer whose contract is recommended does not directly or indirectly have the power to exercise a controlling influence over the management of policies of **GBS**.
- **GBS'** ability to recommend other insurance contracts is not limited by an agreement with the Insurance Carrier.
- **GBS** is effecting the transaction for the Plan(s) in the ordinary course of GBS business.
- The transaction set forth is at least as favorable to the Plan(s) as an arm's length transaction with an unrelated party.
- **GBS** is not a trustee of the Plan(s) and is neither the Plan Administrator of the Plan(s), a fiduciary of the Plan(s), nor an employer which has employees in the Plan(s).

For Employers and Plan Sponsors Subject to ERISA: This Disclosure Statement is being given to the Client (1) to make sure Client knows about GBS' and GBS' affiliates income before purchasing the insurance product and (2) for plans subject to ERISA, to comply with the disclosure, acknowledgement and approval requirement of Prohibited Transaction Class Exemption No. 84-24, which protects both Client and GBS. Disclosure must be made to an independent plan fiduciary for the ERISA Plan(s) and Client acknowledges and confirms that this is a reasonable transaction in the best interest of the participants in the ERISA Plan(s).

For more information on Gallagher's compensation arrangements, please visit www.ajg.com/compensation. In the event a client wishes to register a formal complaint regarding compensation Gallagher receives, please send an e-mail to Compensation_Complaints@ajg.com or send a letter to: AVC Compliance Officer, c/o Internal Audit Department, Arthur J. Gallagher & Co., Two Pierce Place, Itasca, IL 60143.

APPENDIX C

American Fidelity AFEnroll Benefits Platform

GBS agrees to enter into an agreement with American Fidelity for AFEnroll benefits software platform to be built and serviced on an ongoing basis for Client, as follows:

- Client will be billed at a rate of \$0.00 per Employee per Month for its employees classified as Active, Statutory Insured, and COBRA. The current number are approximately 685 Active employees, 20 Statutory Insured, and 8 COBRA. This shall constitute the entire amount(s) billed to Client and includes, but is not limited to, American Fidelity providing implementation, building the platform for Client, training, ongoing customer service (provided directly to Client's authorized representatives, without the necessity of default communications occurring only with or through GBS), four electronic Standard Format (Excel) feeds to Client's carriers/vendors, troubleshooting, use of the software, annual programming, administrative logins, employee logins, and the services referenced in this Appendix.
- Client shall receive at least 60 days' written notice from GBS prior to any proposed price changes for American Fidelity services or changes in American Fidelity scope of services, including American Fidelity terminating its services to Client.
- Client shall provide GBS with at least 60 days' written notice prior to any proposed changes in Client's utilization of American Fidelity services, including Client terminating its use of American Fidelity benefits software.
- American Fidelity shall:
 - Provide Employee Education and Communication prior to annual Open Enrollment
 - Conduct Group Meetings prior to Open Enrollment
 - Facilitate One-on-One Benefit Reviews with each employee during Open Enrollment
 - Perpetual Onboarding with New Employees for enrollment of benefit plan options
 - Provide Health Flexible Spending Account & Dependent Day Care support and enrollment and no additional cost to the Client
 - Provide the Client ACA 6055/6056 Tracking and Reporting services at no additional cost through WorxTime, a preferred vendor partner
- Make AFEnroll site available to HR throughout the plan year that includes:
 - Provide HR access to real-time online administrative service features
 - Provide HR access to online reporting functions.
 - Provide links to electronic EOI questionnaires where required by carriers for life or disability coverage requests.
 - Send recurring eligibility data feed to 3rd party carrier systems
 - Send recurring deduction codes to Client's payroll system (if requested).
 - Create 834 data interfaces – Configuration of carrier export file based on carrier requirements and ability to accept data

- Create data feeds in American Fidelity Standard Format
- Custom create non-834 data interfaces
- Conduct Annual Renewal Configurations (for each new carrier or change in data feed requirements at renewal).
- Provide Standard Feed formats (Excel).



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0057

Agenda Date: 6/21/2016

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

(LEFT ON SECOND READING)

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

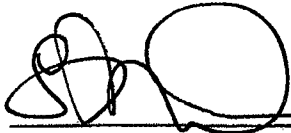
FOR: Council Meeting of February 16, 2016

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
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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

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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
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- (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
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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

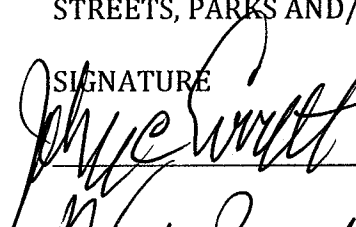
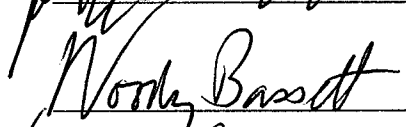
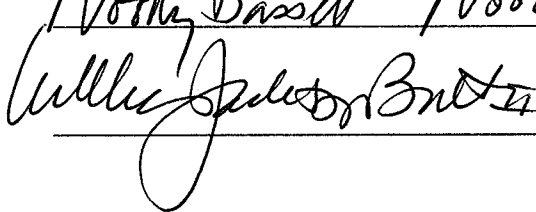
2-16-14

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.

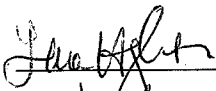
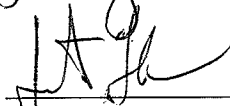
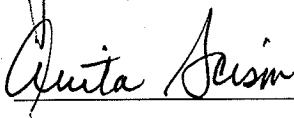
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	JOHN C. EVERETT	YES _____ NO ☒
	Noosy Bassett	YES ☒ NO _____
	Willie Jackson Brister	YES ☒ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

Mail or deliver to Major Event Ordinance; 3572 S School Suite A; Fayetteville, AR 72701
Or drop off at The Depot, 548 W. Dickson.

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.

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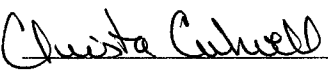
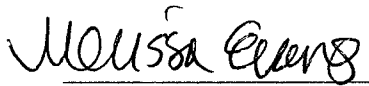
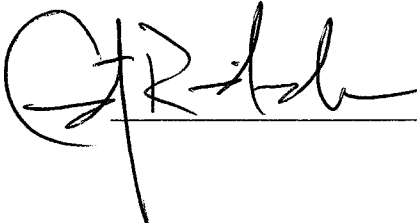
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	LARA HIGHTOWER	YES ☒ NO ☐
	JUSTIN FLETCHER	YES ☒ NO ☐
	ANITA SCISM	YES ☒ NO ☐
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____

Mail or deliver to Major Event Ordinance; 3572 S School Suite A; Fayetteville, AR 72701
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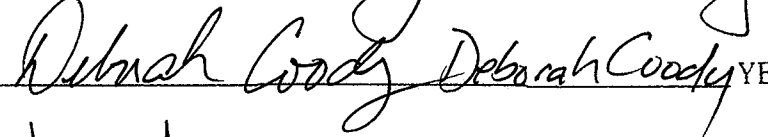
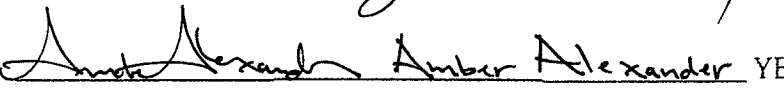
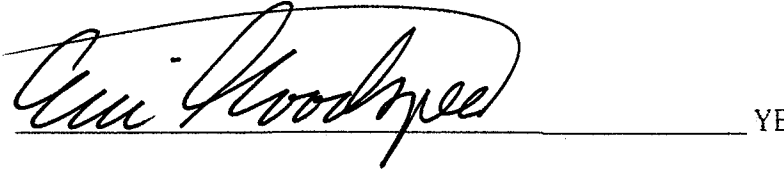
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	Stacey Park	YES ☒	NO ☐
	BRET PARK	YES ☒	NO ☐
	Christa Culwell	YES ☐	NO ☒
	Melissa Evans	YES ☒	NO ☐
	Sarah Voorhees	YES ☐	NO ☒
	Alan Ostner	YES ☒	NO ☐
	Curt Richardson	YES ☒	NO ☐

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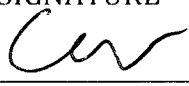
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Dan Coody	YES ☒ NO ☐
	Deborah Coody	YES ☒ NO ☐
	Amber Alexander	YES ☒ NO ☐
	Tim Woodspeed	YES ☒ NO ☐
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

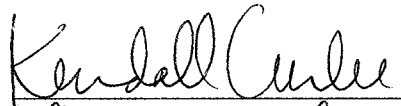
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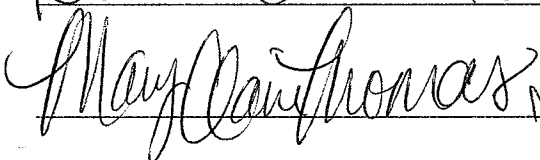
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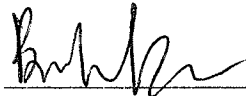
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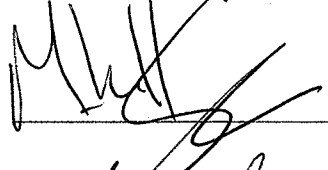
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	Charmi Gooden	YES ☒	NO ☐

	Kendall Curlee	YES ☒	NO ☐
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	MARY CLAIRE THOMAS	YES ☒	NO ☐
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	Brooke Bullock	YES ☒	NO ☐
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	Rachel Murray	YES ☒	NO ☐
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	Mitchell Simpson	YES ☒	NO ☐
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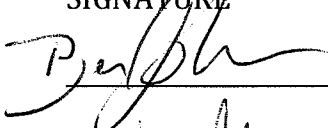
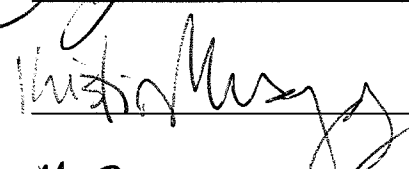
	Jonathan Holder	YES ☒	NO ☐
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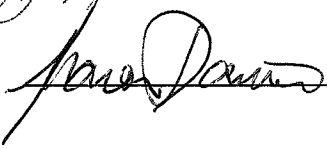
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	Ben Johnson	YES ☒	NO ☐
	Kristin Musgnug	YES ☒	NO ☐
	MARK THOMAS	YES ☒	NO ☐
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____

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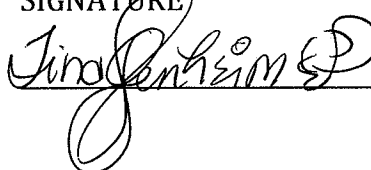
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Joseph Hutton	YES ☒ NO ☐
	Sharon Dawson	YES ☒ NO ☐
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____

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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>	<u>YES</u> NO <u>✓</u> *
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

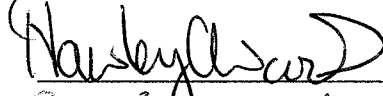
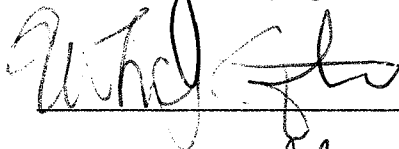
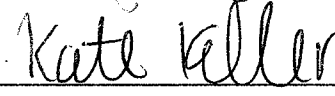
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* own commercial property in downtown Fayetteville at 116 W. Spring.

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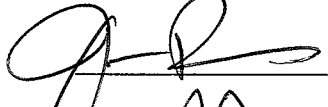
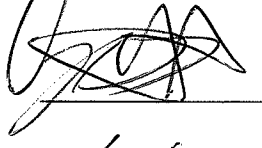
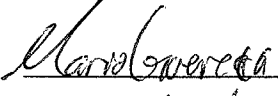
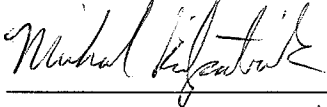
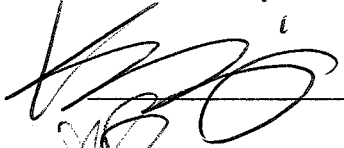
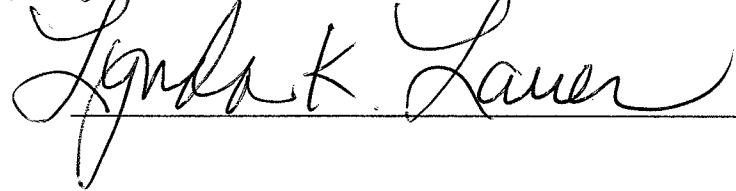
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	N. Alan Hill	YES ☒	NO ☐
	Hawley Woods	YES ☒	NO ☐
	Whitney Johnson	YES ☒	NO ☐
	Kate Keller	YES ☒	NO ☐
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____

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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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<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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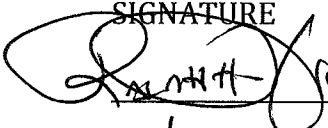
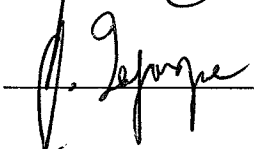
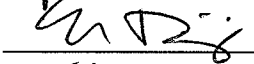
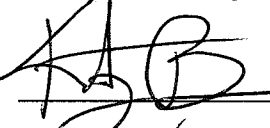
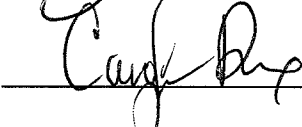
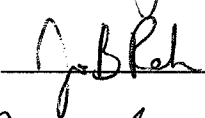
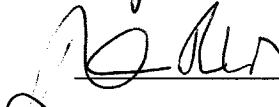
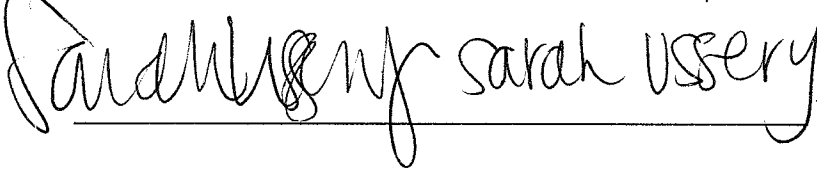
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>George P. Paulson</u>	<u>George P. Paulson</u>	YES ☒ NO ☐
<u>Kathleen W. Paulson</u>	<u>Kathleen W. Paulson</u>	YES ☒ NO ☐
<u>Terry G. Hunt</u>	<u>TERRY G. HUNT</u>	YES ☒ NO ☐
<u>Renee Hunt</u>	<u>Mary Renée Hunt</u>	YES ☒ NO ☐
<u>TOM TERMINELLA</u>		YES ☒ 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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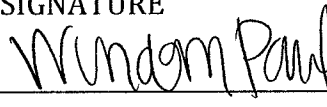
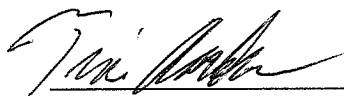
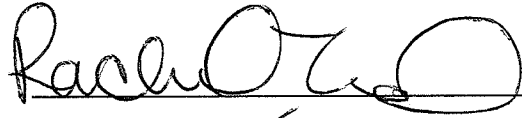
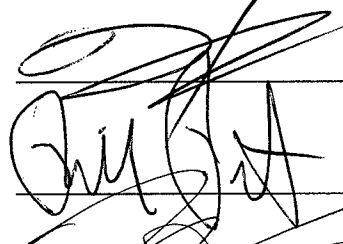
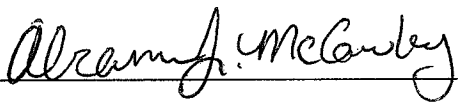
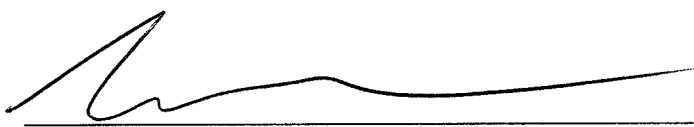
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	BALOH H. NESSON	YES ☒ NO ☐
	Jackson Lafargue	YES ☒ NO ☐
	SAGE BULLIG	YES ☒ NO ☐
	Kathy Brick	YES ☒ NO ☐
	Carolyn Dux	YES ☒ NO ☐
	John B Robinson	YES ☒ NO ☐
	Royal McClayon	YES ☒ NO ☐
	sarah ussery	YES ☒ NO ☐

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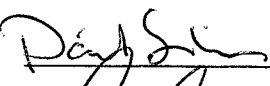
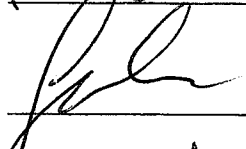
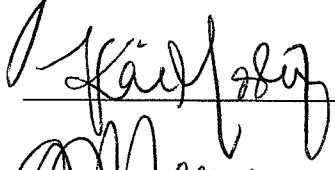
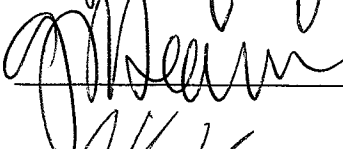
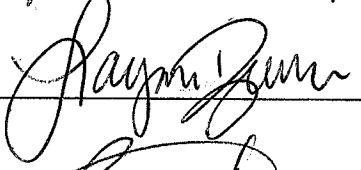
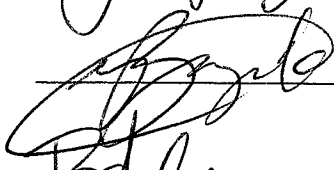
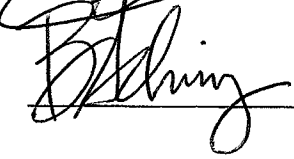
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Windom Paul	YES ☒ NO ☐
	Travis Anderson	YES ☒ NO ☐
		YES ☒ NO ☐
	Bill Putman	YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☒ NO ☐

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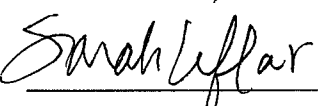
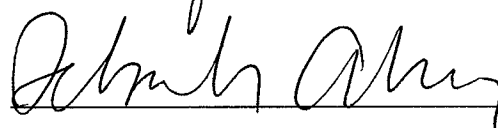
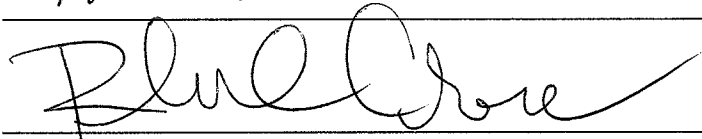
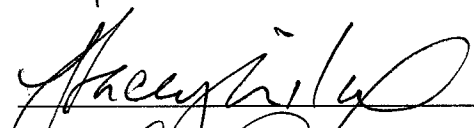
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	David Silva	YES ☒ NO ☐
	John Springer	YES ☒ NO ☐
	Kai Masley	YES ☒ NO ☐
	GREG HERMAN	YES ☒ NO ☐
	Aaron Kelzer	YES ☒ NO ☐
	Jaymi Bowman	YES ☒ NO ☐
	ECEHAN BAYRAK	YES ☒ NO ☐
	BETH SCHWEIGER	YES ☒ NO ☐

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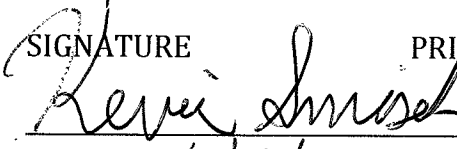
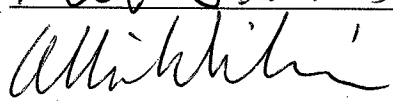
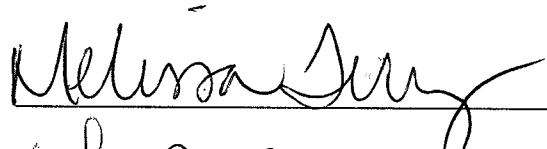
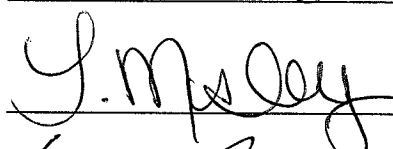
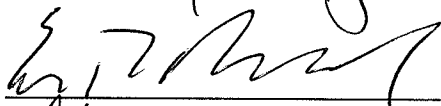
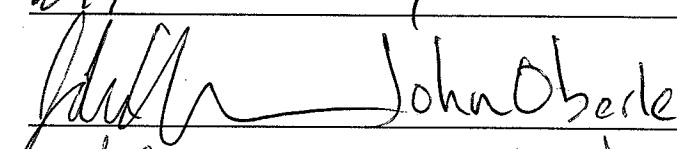
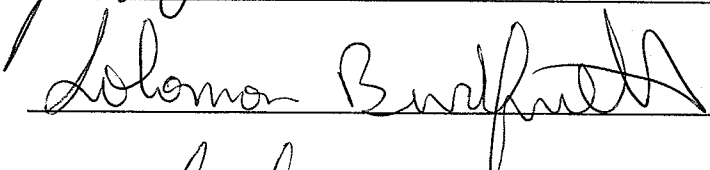
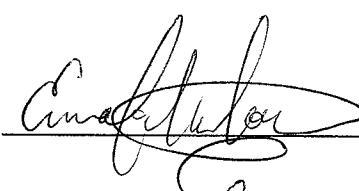
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	Nick Shoups	YES ☒	NO ☐
	SARAH LEFFLAR	YES ☒	NO ☐
	Deborah Ahring	YES ☒	NO ☐
	JILL ANTIES	YES ☒	NO ☐
	Phil Crow	YES ☒	NO ☐
	Tracy Hily	YES ☒	NO ☐
	[unclear]	YES ☒	NO ☐
	P Mikkelsen	YES ☒	NO ☐

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	Kevin Smisek	YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☒ NO ☐
	John Oberle	YES ☒ NO ☐
	Solomon Burdette	YES ☒ NO ☐
	EMMA FULLERTON	YES ☒ NO ☐

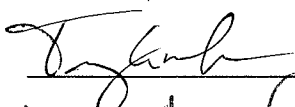
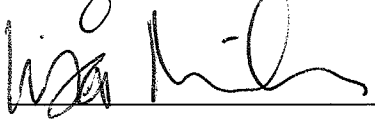
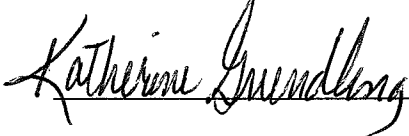
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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Ganna Smith	YES ☒ NO ☐
	Ed NETHERLAND	YES ☒ NO ☐
	Robin Deunir	YES ☒ NO ☐
	Tammy D. GRAHAM	YES ☐ NO ☒
	LISA Miller	YES ☐ NO ☒
	Anna Warsham	YES ☒ NO ☐
	Jimmy Asher	YES ☐ NO ☒
	Katherine Guendling	YES ☒ NO ☐

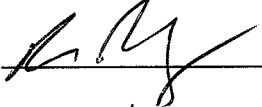
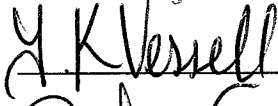
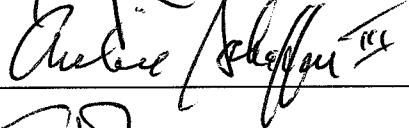
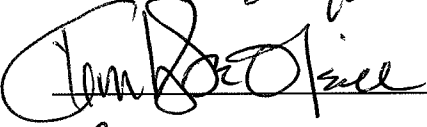
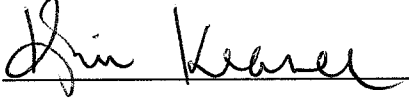
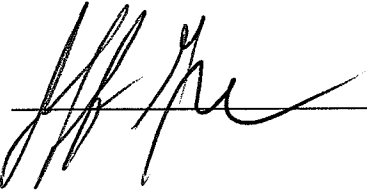
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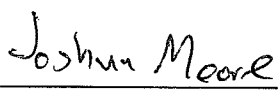
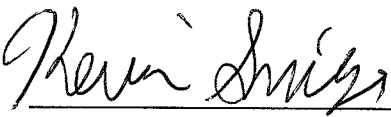
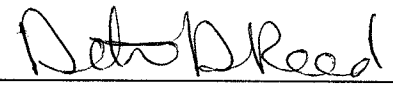
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Drew Rodgers	YES ☒ NO ☐
	Tara Vessell	YES ☒ NO ☐
	ARCHIE SCHAFFER II	YES ☒ NO ☐
	ARCHIE SCHAFFER II	YES ☒ NO ☐
	Kim Leslie Owens	YES ☒ NO ☐
	Kim Leslie Owens	YES ☒ NO ☐
	Jeff Glover	YES ☒ NO ☐
	Jeff Glover	YES ☒ NO ☐

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	RALPH H. NESSON	YES ☒ NO ☐
	JOSHUA MOORE	YES ☒ NO ☐
	LESLIE TABOR	YES ☒ NO ☐
	MATT PARNELL	YES ☒ NO ☐
	KEVIN SMISEK	YES ☒ NO ☐
	COLE LEUTENBERGA	YES ☒ NO ☐
	RENEE BENNETT	YES ☒ NO ☐
	DETRA D REED	YES ☒ NO ☐

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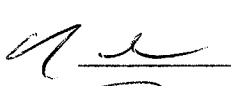
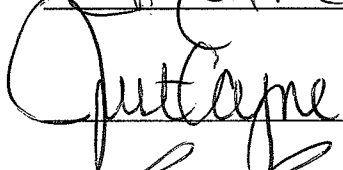
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SIGNATURE

PRINTED NAME

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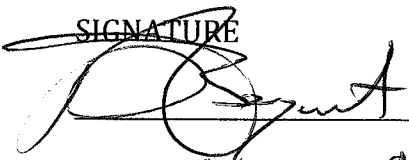
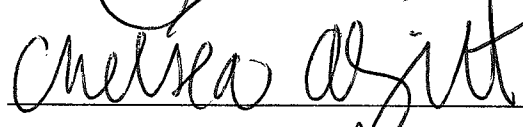
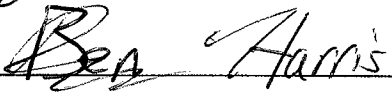
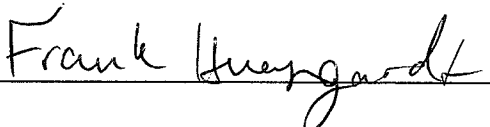
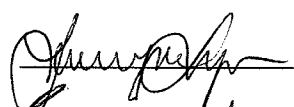
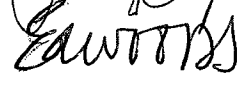
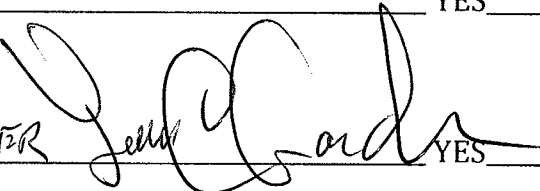
	Gina Bengaist	YES ☒	NO ☐
	Lee Nagel	YES ☒	NO ☐
	Sarah Wendell	YES ☒	NO ☐
	[unclear]	YES ☒	NO ☐
	Patricia C. Mitchell	YES ☒	NO ☐
	Justin Cayne	YES ☒	NO ☐
	[unclear]	YES ☐	NO ☒
	Bruce Bond	YES ☒	NO ☐

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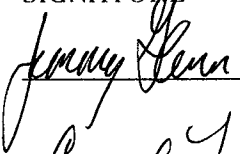
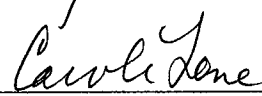
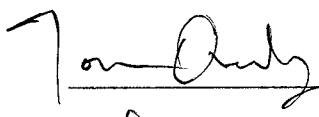
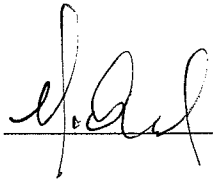
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	RT Berquist	YES ☒ NO ☐
	Chelsea Azitt	YES ☒ NO ☒
	Shannon Harris	YES ☐ NO ☐
	Ben Harris	YES ☒ NO ☐
	Frank Huerigard	YES ☒ NO ☐
	Tamara Lora	YES ☐ NO ☒
	Elizabeth Woods	YES ☒ NO ☐
	JAMES C GARNER	YES ☐ NO ☒

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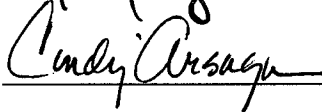
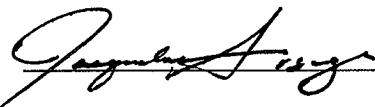
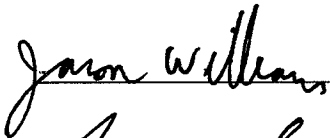
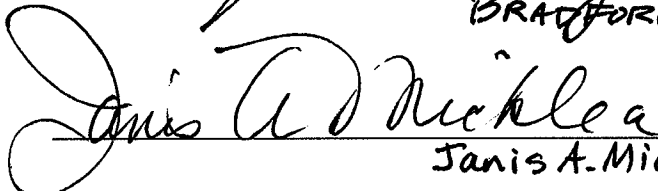
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Jimmy Glenn	YES ☒ NO ☐
	Carole Lane	YES ☒ NO ☐
	Tom Orvby	YES ☒ NO ☐
	Michael Cockran	YES ☒ NO ☐
	DEA SELF	YES ☒ NO ☐
	MATTHEW CROUCHT	YES ☒ NO ☐
	K. EPPERSON	YES ☒ NO ☐

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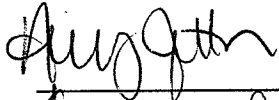
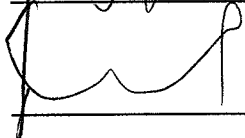
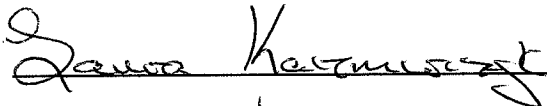
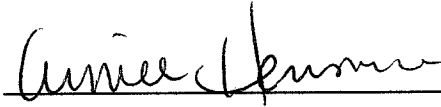
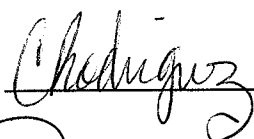
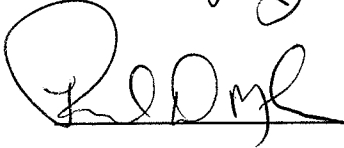
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	AVA ARSAGA	YES ☒ NO ☐
	Cindy Arsaga	YES ☒ NO ☐
	Jacqueline Arsaga	YES ☒ NO ☐
	JASON WILLIAMS	YES ☒ NO ☐
	BRADFORD L. KEYS	YES ☒ NO ☐
	JANIS A. MICKLEA	YES ☐ NO ☒
	GRETA P. AUENDOLF	YES ☒ NO ☐

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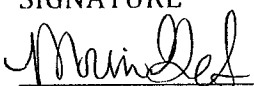
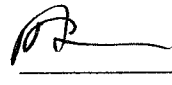
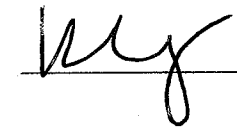
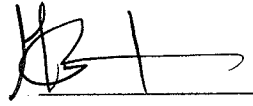
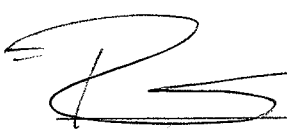
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	K. MARKELL	YES ☒ NO ☐
	Amy Jelton	YES ☒ NO ☐
	BRADLEY EDWARDS	YES ☒ NO ☐
	D. Jones	YES ☒ NO ☐
	Laura Karmus	YES ☒ NO ☒
	Arnee Henson	YES ☒ NO ☐
	Carrie Rodriguez	YES ☒ NO ☐
	Richard Mhoon	YES ☒ NO ☐

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	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 ☐

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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 ☒

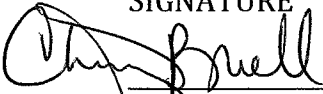
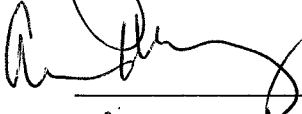
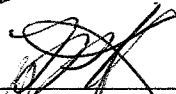
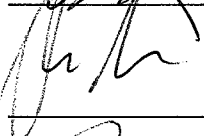
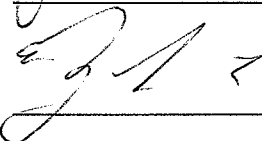
work in Fayetteville

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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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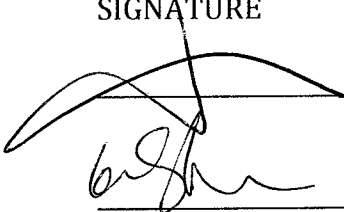
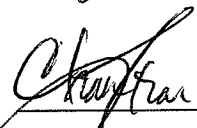
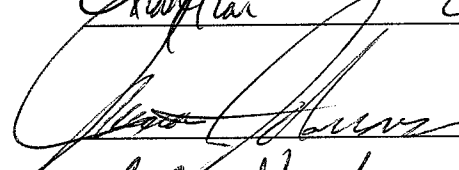
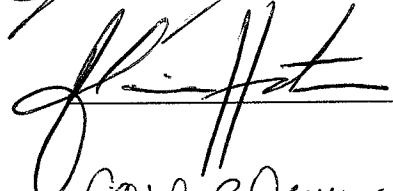
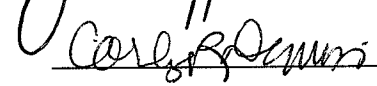
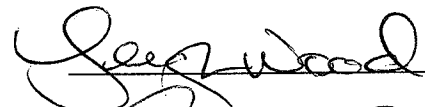
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Cleek</u>	<u>Claire Luchking</u>	YES ☒ NO ☐
<u>W. H. L. J. L.</u>	<u>W. A. Schuss</u>	YES ☐ NO ☒
<u>Art Hobson</u>	<u>Art Hobson</u>	YES ☒ NO ☐
<u>Robert A. Lewis</u>	<u>Robert A. Lewis</u>	YES ☒ NO ☐
<u>James Alexander</u>	<u>James Alexander</u>	YES ☐ 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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	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

GREG SHER

YES ☒

NO

Lowmy

KARLOWAY

YES ☒

NO

April

APRIL WILSON

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 ☒

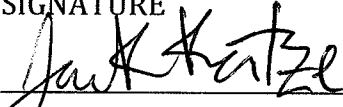
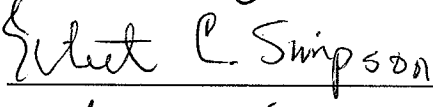
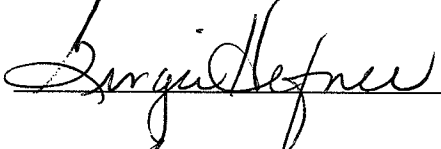
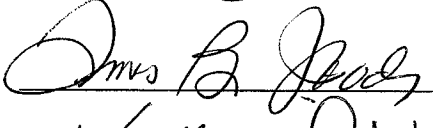
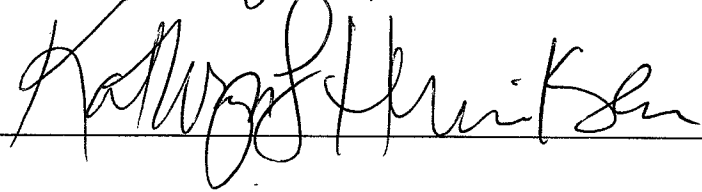
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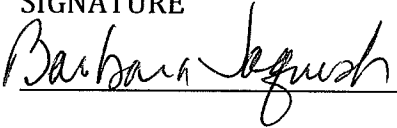
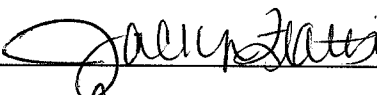
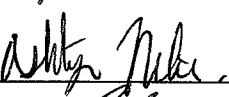
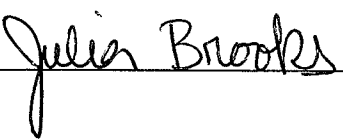
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Jack Katze	YES ☒ NO ☐
	Jennifer Braden	YES ☒ NO ☐
	Ethel C. Simpson	YES ☒ NO ☐
	Lorgine Hefner	YES ☒ NO ☐
	April Reed	YES ☒ NO ☐
	Amanda Grell	YES ☒ NO ☐
	Mrs B. Leeds	YES ☒ NO ☐
	Kathryn Hunkeler	YES ☒ NO ☐

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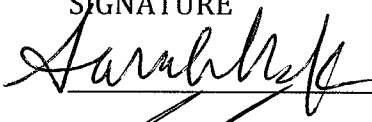
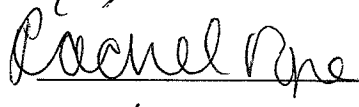
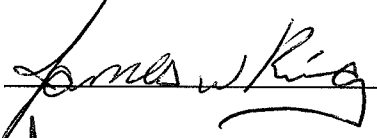
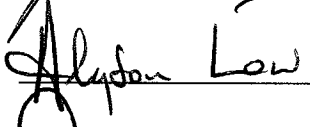
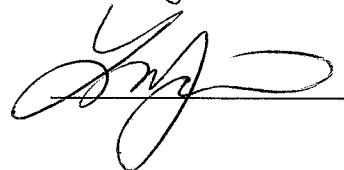
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Barbara Jaguish	YES ☒ NO ☐
	Jacklyn Fratesi	YES ☒ NO ☐
	Stuart Lane	YES ☒ NO ☐
	JOSEPH ENZBY	YES ☒ NO ☐
		YES ☒ NO ☐
	ASHTON NILSER	YES ☒ NO ☐
	Shawn Corder	YES ☒ NO ☐
	Julia Brooks	YES ☒ NO ☐

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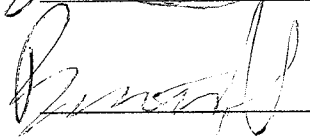
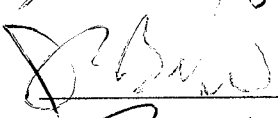
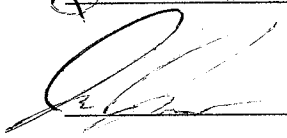
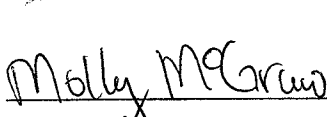
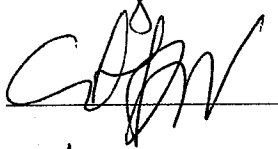
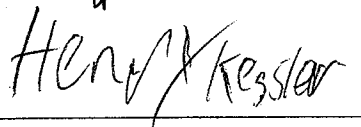
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Sarah McKenna	YES ☒ NO ☐
	David M. Martin	YES ☒ NO ☐
	Rachel Pope	YES ☒ NO ☐
	James King	YES ☒ NO ☐
	Alyson Low	YES ☒ NO ☐
	Justin Lee	YES ☒ NO ☐
	Abby Richards	YES ☒ NO ☐
	Lindsay Wilson	YES ☒ NO ☐

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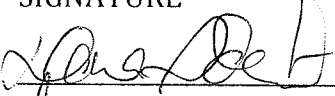
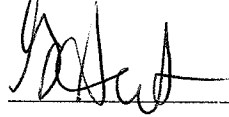
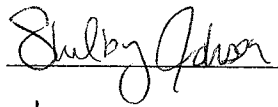
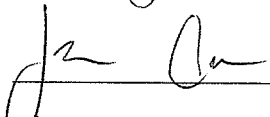
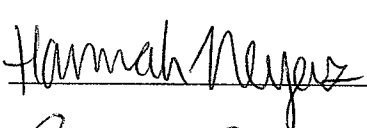
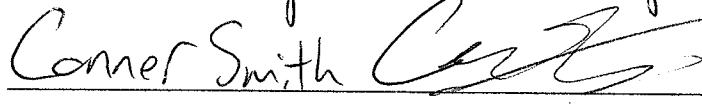
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	James Signorini	YES ☒ NO ☐
	Abigail Southard	YES ☒ NO ☐
	BARRETT LARSON	YES ☒ NO ☐
	John Betew	YES ☒ NO ☐
	Johnathan Jarmon	YES ☒ NO ☐
	Molly McGraw	YES ☒ NO ☐
	Crystal Johnson	YES ☒ NO ☐
	Henry Kessler	YES ☒ NO ☐

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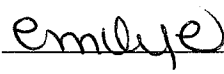
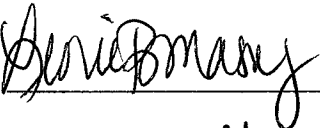
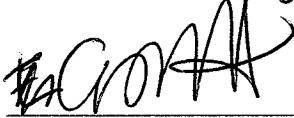
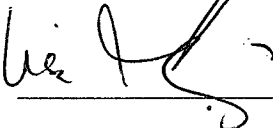
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	DANA IDLET	YES ☒ NO ☐
	Gabrielle Idlet	YES ☐ NO ☒
	SHELBY JOHNSON	YES ☒ NO ☐
	Jackson Cellers	YES ☒ NO ☐
	Sarah Hagopian	YES ☒ NO ☐
	Hannah Neyens	YES ☒ NO ☐
	Comer Smith	YES ☒ NO ☐
	Brittany Paul	YES ☒ NO ☐

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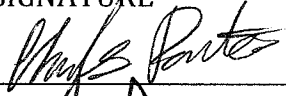
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	emily errin	YES ☒ NO ☐
	Chase Swift	YES ☒ NO ☐
	Leslie Massey	YES ☒ NO ☐
	Eszter Takacs	YES ☒ NO ☐
	Pamish Guy	YES ☒ NO ☐
	Lisa Marsulis	YES ☒ NO ☐
	Mehak Gupta	YES ☒ NO ☐

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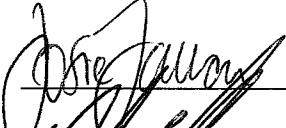
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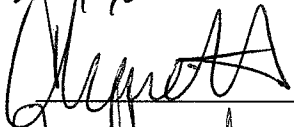
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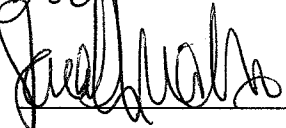
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Chuck Partain	YES ☒ NO ☐

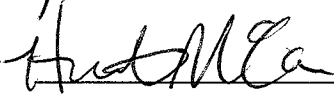
	Susannah Farrar	YES ☒ NO ☐
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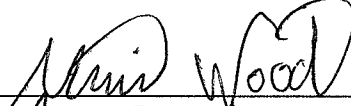
	Josie Farrar	YES ☒ NO ☐
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	Michael Thomas	YES ☒ NO ☐
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	Chandler Martin	YES ☒ NO ☐
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	Sarah Nichols	YES ☒ NO ☐
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	HUNTER McCALISTER	YES ☒ NO ☐
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	MARIAN WOOD	YES ☒ NO ☐
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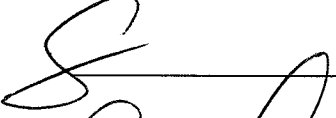
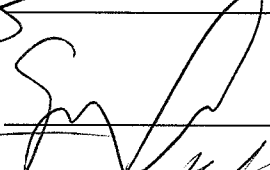
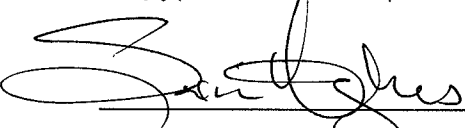
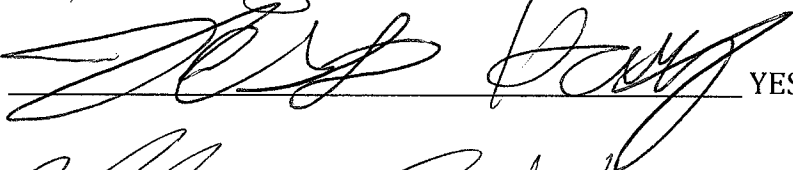
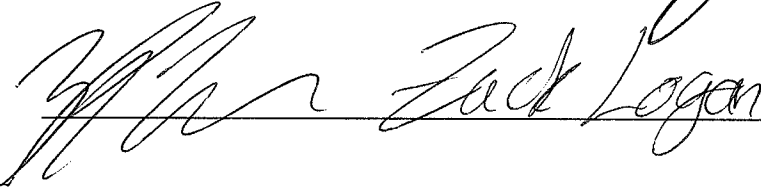
	Jon Braschler	X (yes)
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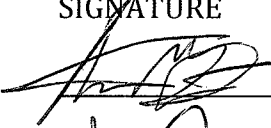
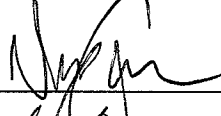
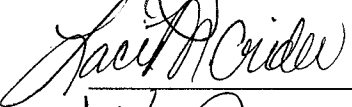
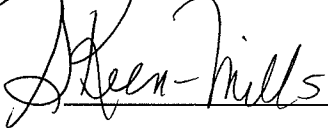
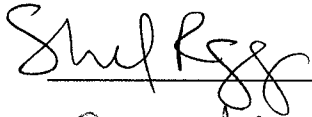
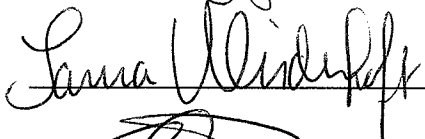
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Susan Robinson	YES ☒ NO ☐
	Casey Harris	YES ☒ NO ☐
	Samantha Hersey	YES ☒ NO ☐
	Al W. Meel	YES ☒ NO ☐
	William Oliver	YES ☒ NO ☐
	Sakitt Highers	YES ☒ NO ☐
	[unclear]	YES ☒ NO ☐
	Zack Logan	YES ☒ NO ☐

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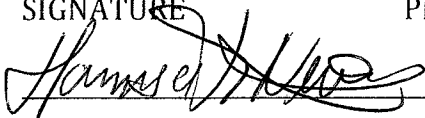
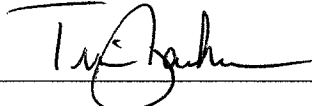
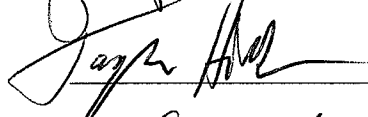
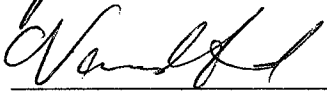
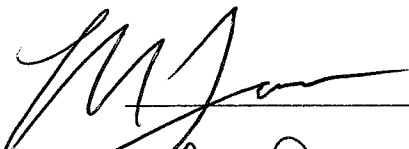
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Anos McDaniel	YES ☒ NO ☐
	Nicholas Clare	YES ☒ NO ☐
	Lacie M. Crider	YES ☒ NO ☐
	Sharla P. Koon-Mills	YES ☒ NO ☐
	Shelby Riggs	YES ☒ NO ☐
	Laura Weidenhof	YES ☒ NO ☐
	Joe A. Roberts	YES ☒ NO ☐
	Greg Holmes	YES ☒ NO ☐

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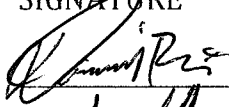
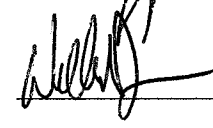
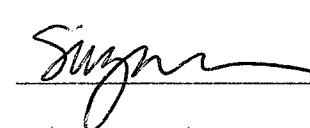
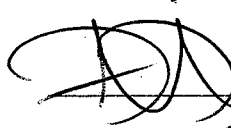
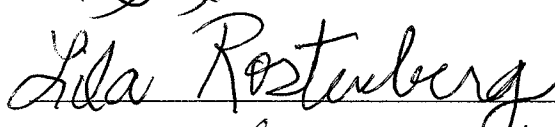
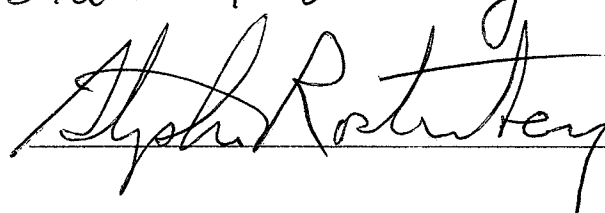
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	^{Newmark} Hamsa Kurthy	YES ☒ NO ☐
Tim PARKER		YES ☒ NO ☐
	Sofia Baygari	YES ☒ NO ☐
	Taylor Hicks	YES ☒ NO ☐
	Vanessa Hubbard	YES ☒ NO ☐
	Madison Jones	YES ☒ NO ☐
	Stena Green	YES ☒ NO ☐
	Monica Van Wille	YES ☒ NO ☐

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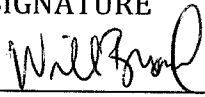
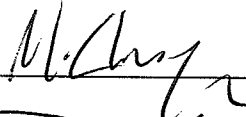
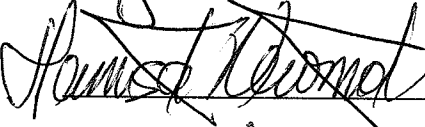
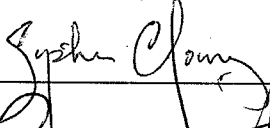
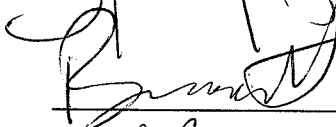
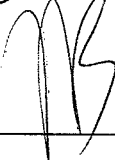
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Daniel Brezinski	YES ☒ NO ☐
	Adam Lettingwell	YES ☒ NO ☐
	William Schreckhise	YES ☒ NO ☐
	Suzannah Schreck	YES ☒ NO ☐
	JARED WIERMAN	YES ☒ NO ☐
	Lila Rostenberg	YES ☒ NO ☐
	Lila Rostenberg	YES ☒ NO ☐
	Lila Rostenberg	YES ☒ NO ☐

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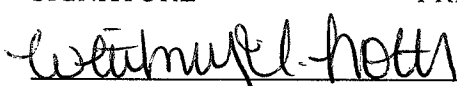
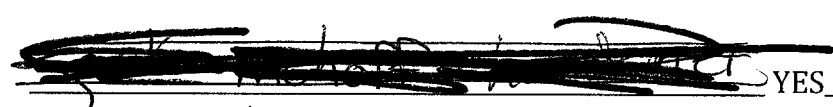
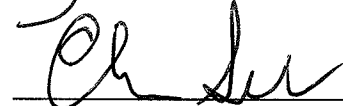
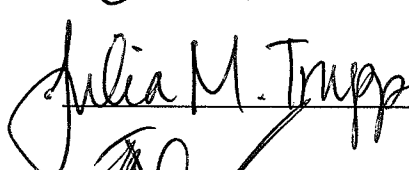
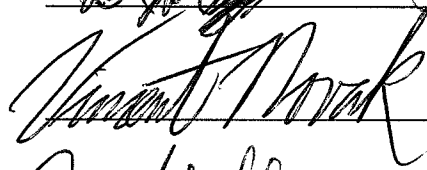
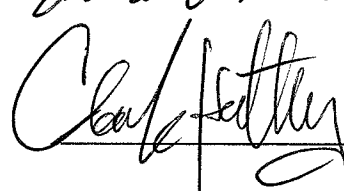
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Will Brand	YES ☒ NO ☐
	M. Clary Wilson	YES ☒ NO ☐
	Robin Starr	YES ☒ NO ☐
	S. John O'Berksi	YES ☒ NO ☐
	Hansokun Hanast	YES ☒ NO ☐
	Stephen Clowney	YES ☒ NO ☐
	Barrett Larson	YES ☒ NO ☐
	Nathan Baickey	YES ☒ NO ☐

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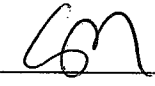
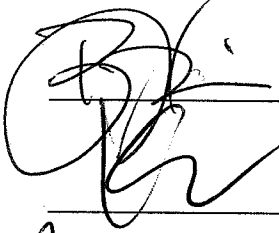
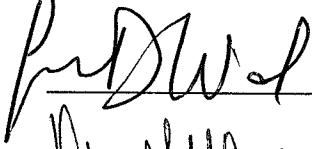
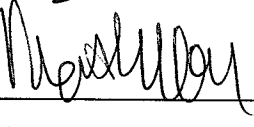
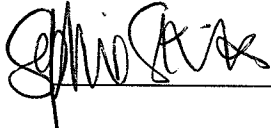
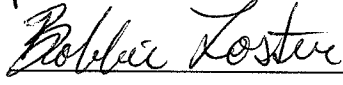
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	WHITNEY INDLE	YES ☒ NO ☐
	Ernest Arambel	YES ☒ NO ☐
		YES ☒ NO ☐
	Chris Selby	YES ☒ NO ☐
	JULIAM. TRUPP	YES ☒ NO ☐
	James B. Schlechte	YES ☒ NO ☐
	Vincent Novak	YES ☒ NO ☐
	CLARK HATTEY	YES ☒ NO ☐

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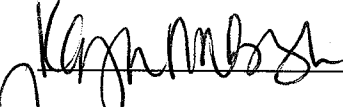
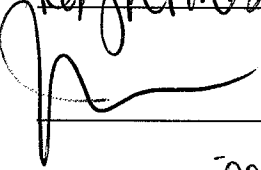
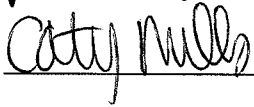
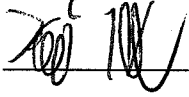
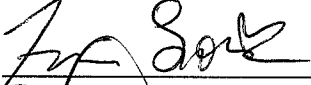
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Sadie McDonald	YES ☒ NO ☐
	William Harris	YES ☒ NO ☐
	Kale Osle	YES ☒ NO ☐
	TERRA WOOD	YES ☒ NO ☐
	Marty Marshall Lane	YES ☒ NO ☐
	Sophie Skinner	YES ☒ NO ☐
	Bobbie Foster	YES ☒ NO ☐
	Caroline Wilbourn	YES ☒ NO ☐

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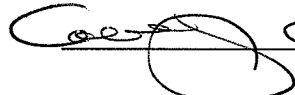
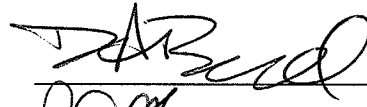
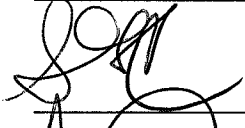
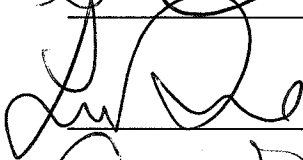
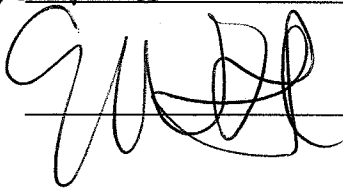
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Kayla Norbush	YES ☒ NO ☐
	Jennifer Howell	YES ☒ NO ☐
	Caty Mills	YES ☒ NO ☐
	Kaia Hato	YES ☒ NO ☐
	Travis Lorton	YES ☒ NO ☐
	Sam Childress	YES ☒ NO ☐
	Kelly Miller-lee	YES ☐ NO ☒ Springdale
	Olivia West	YES ☒ NO ☐

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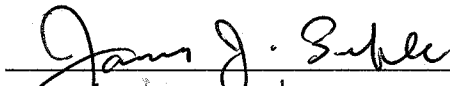
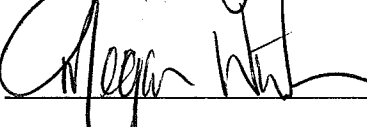
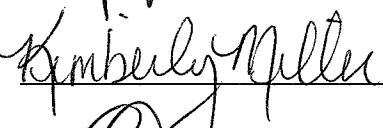
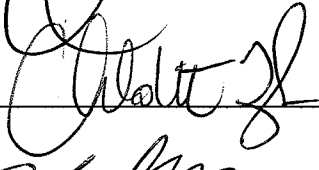
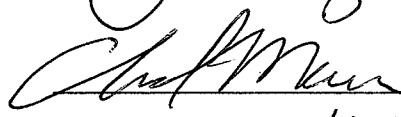
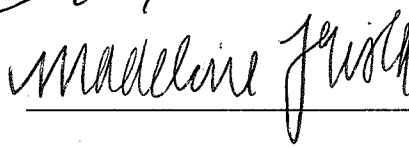
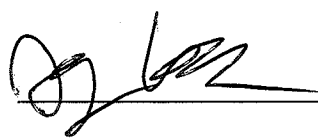
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Abel Soster	YES ☒ NO ☐
	Courtney Healy	YES ☒ NO ☐
	Elliott E. Tobin	YES ☒ NO ☐
	Douglas A. Behr	YES ☒ NO ☐
	Sharon Graye-Jandern	YES ☒ NO ☐
	Lauren Daniels	YES ☒ NO ☐
	Erin Wright	YES ☒ NO ☐
	Kirsten Erickson	YES ☒ NO ☐

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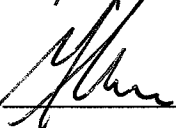
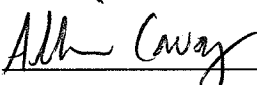
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	James J. Subler	YES ☒ NO ☐
	Megan Wanchula	YES ☒ NO ☐
	Kimberly Miller	YES ☒ NO ☐
	Nicolas McLeod	YES ☒ NO ☐
	Charlotte Taylor	YES ☒ NO ☐
	CHAD MARTIN	YES ☒ NO ☐
	Madeline Thola	YES ☒ NO ☐
	James J. Hass	YES ☒ NO ☐

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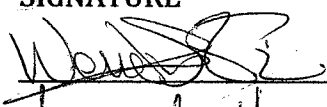
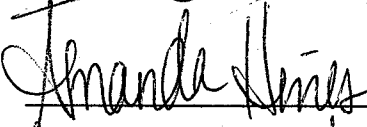
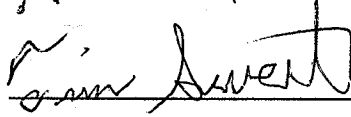
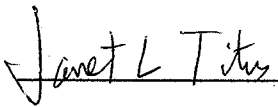
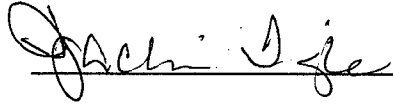
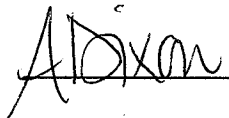
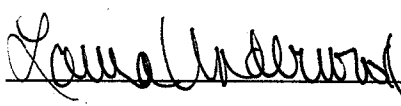
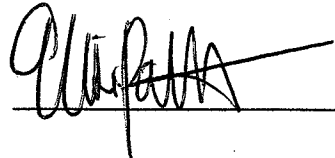
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	Carl E. Haldeman	YES ☒ NO ☐
	Taylor Smith	YES ☒ NO ☐
	Mike Milburn	YES ☒ NO ☐
	Brandon Flammang	YES ☒ NO ☐
	Lindsay Albright	YES ☒ NO ☐
	Emily Pullman	YES ☒ NO ☐
	Allison Cavazos	YES ☒ NO ☐
	Sarah Adams	YES ☒ NO ☐

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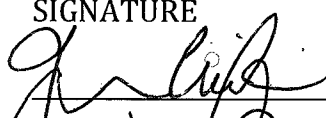
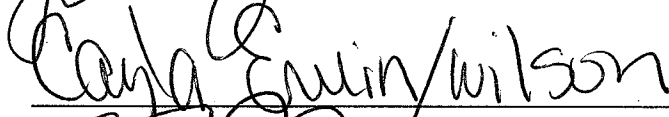
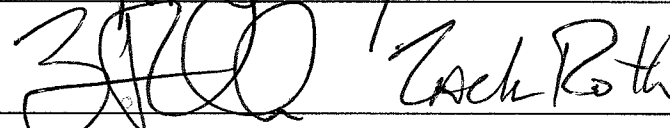
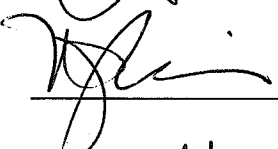
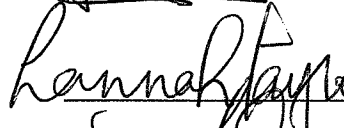
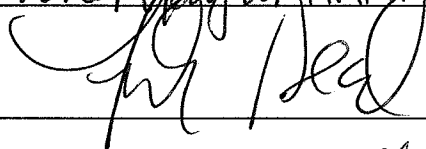
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Wendy Finn	YES ☒ NO ☐
	Amanda Hines	YES ☒ NO ☐
	Tim Sweet	YES ☐ NO ☒
	Janet Titus	YES ☒ NO ☐
	JACK TIGHE	YES ☒ NO ☐
	Amanda Dixon	YES ☒ NO ☐
	Laura Underwood	YES ☐ NO ☒
	Elie Patterson	YES ☒ NO ☐

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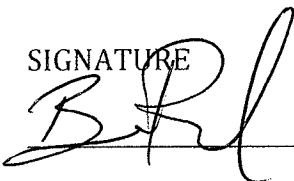
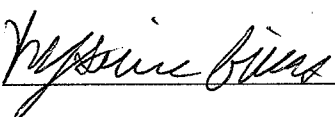
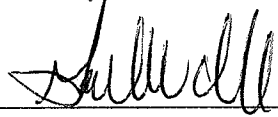
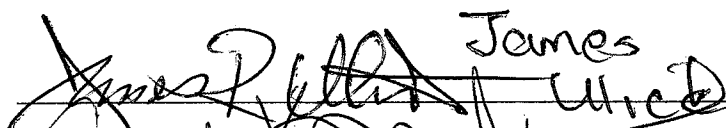
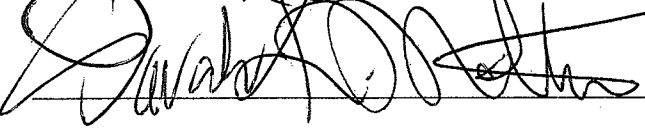
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Grace Crifasi	YES ☒ NO ☐
	Carla Ewing/Wilson	YES ☒ NO ☐
	Zach Roth	YES ☒ NO ☐
	R. Josette Cline	YES ☒ NO ☐
	Ransom Murray	YES ☒ NO ☐
	HANNAH TAYLOR	YES ☒ NO ☐
	MEREDITH HENDRICKS	YES ☒ NO ☐
	Meredith Hendricks	YES ☒ NO ☐

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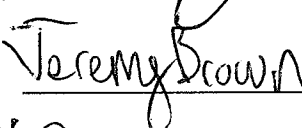
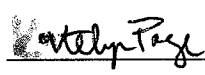
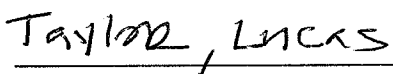
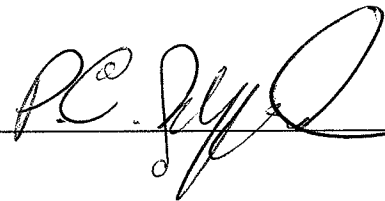
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	Ben Poeschl	YES ☒ NO ☐
	Devin Gamache	YES ☒ NO ☐
	Krystina Crites	YES ☒ NO ☐
	[unclear]	YES ☒ NO ☐
	Gabrielle Isaac	YES ☒ NO ☐
	James [unclear]	YES ☒ NO ☐
	[unclear]	YES ☒ NO ☐
	Moshe [unclear]	YES ☒ NO ☐

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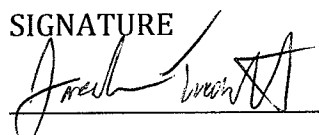
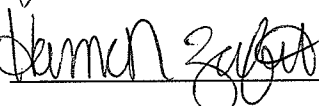
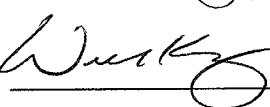
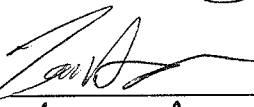
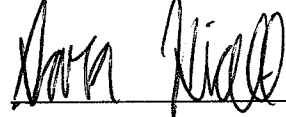
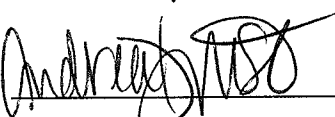
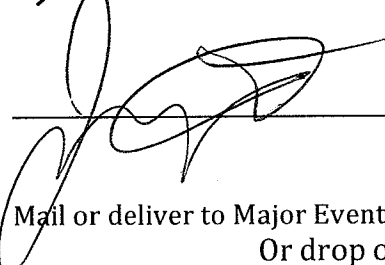
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Marlo Gohla	YES ☒ NO ☐
	Mike C. Kelley	YES ☒ NO ☐
	Jeremy Brown	YES ☒ NO ☐
	Brittany Cusamnek	YES ☒ NO ☐
	Rebekah Schneider	YES ☒ NO ☐
	Katelyn Page	YES ☒ NO ☐
	Lucas Taylor	YES ☒ NO ☐
	Philip C. Shepherd	YES ☒ NO ☐

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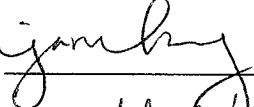
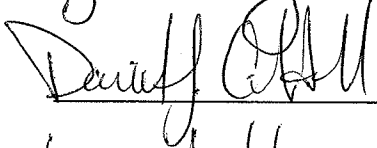
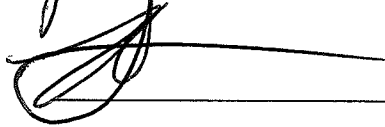
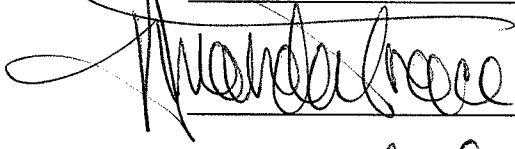
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Jacob Troutt	YES ☒ NO ☐
	Hannah Zolter	YES ☒ NO ☐
	William King	YES ☒ NO ☐
	Zane Adams	YES ☒ NO ☐
	Sara Hiatt	YES ☒ NO ☐
	Andrea Wise	YES ☒ NO ☐
	Sam King	YES ☒ NO ☐
	Joseph Largent	YES ☒ NO ☐

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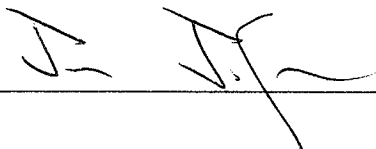
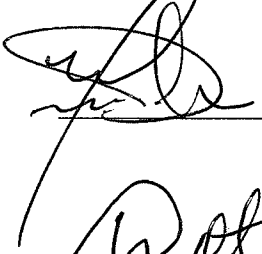
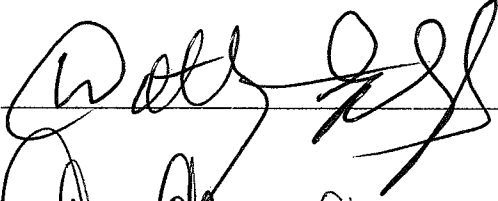
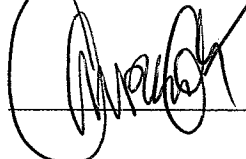
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	JANE KANG	YES ☒ NO ☐
	Daniel Caldwell	YES ☒ NO ☐
	KAT HATT	YES ☒ NO ☐
	Jane Howard	YES ☒ NO ☐
	Brent Miller	YES ☒ NO ☐
	Emily Catclark	YES ☒ NO ☐
	Amanda Treece	YES ☒ NO ☐
	Karen McSpadden	YES ☒ NO ☐

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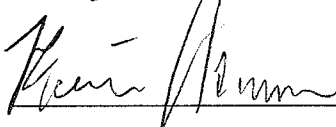
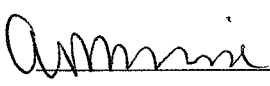
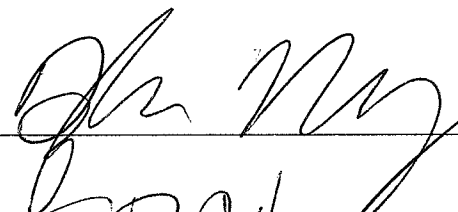
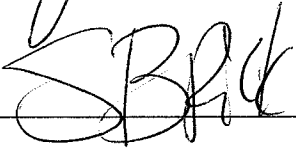
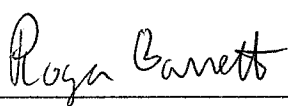
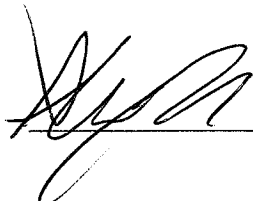
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Paula Ellington	YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☐ NO ☒
	Sharon Ann Wilcox	YES ☒ NO ☐
	Fiona Davidson	YES ☒ NO ☐
		YES ☒ NO ☐
	Christina	YES ☒ NO ☐

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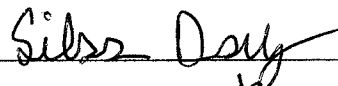
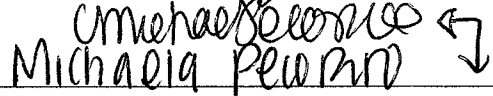
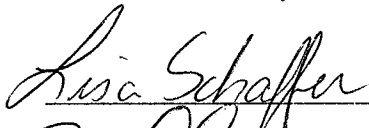
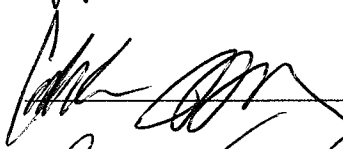
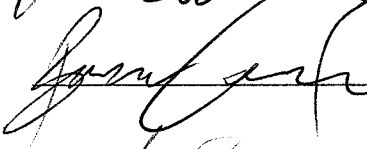
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Whitney Dwyer	YES ☒ NO ☐
	Kourtney Hooten	YES ☒ NO ☐
	Ashlea Milburn	YES ☒ NO ☐
	Savannah Brick	YES ☒ NO ☐
	Savannah Brick	YES ☒ NO ☐
	ROGER BARRETT	YES ☒ NO ☐
	Alex Burlison	YES ☒ NO ☐

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	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 ☐

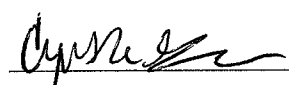
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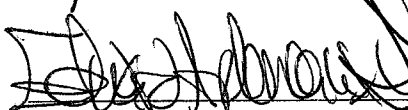
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	Crystal Bardin	YES ☒ NO ☐

	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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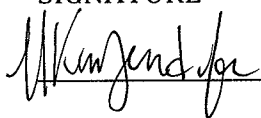
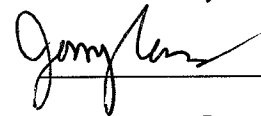
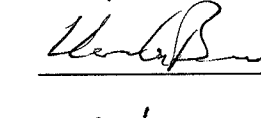
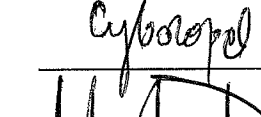
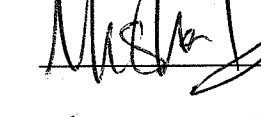
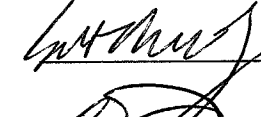
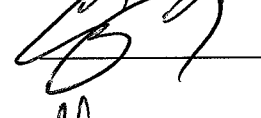
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Alison Wolf</u>	<u>Alison Wolf</u>	YES ☒ NO ☐
<u>Dana Mulhollan</u>	<u>Dana Mulhollan</u>	YES ☒ NO ☐
<u>Emily Kartz</u>	<u>Emily Kartz</u>	YES ☒ NO ☐
<u>Kelly Mulhollan</u>	<u>Kelly Mulhollan</u>	YES ☒ NO ☐
<u>Deborah Keazer</u>	<u>Deborah Keazer</u>	YES ☒ 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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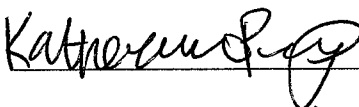
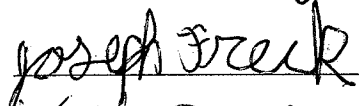
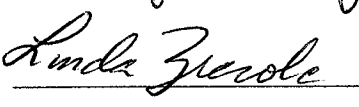
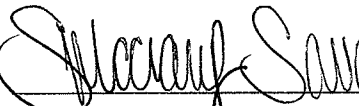
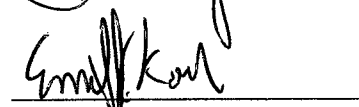
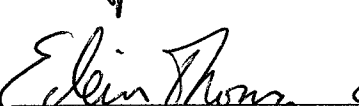
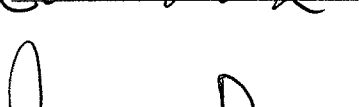
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Maria Korzendorfer	YES ☒ NO ☐
	Jessy Lang	YES ☒ NO ☐
	Clarke Buehling	YES ☒ NO ☐
	SUVOCAREV KOCANA	YES ☒ NO ☐
	MISHA DYER	YES ☒ NO ☐
	Seth Kong	YES ☒ NO ☐
	Cynthia VanBiber	YES ☒ NO ☐
	Michele Helton	YES ☐ NO ☒

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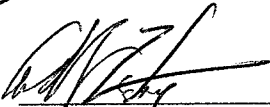
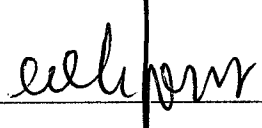
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Katherine Pickap	YES ☒ NO ☐
	Joseph Freck	YES ☒ NO ☐
	KELLY STUCKEY	YES ☒ NO ☐
	Linda Zeecola	YES ☐ NO ☒
	Savannah McCrary	YES ☐ NO ☒
	Emil J Koch	YES ☒ NO ☐
	Eileen Thomas	YES ☒ NO ☐
	Jorgin Rippe	YES ☒ NO ☐

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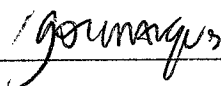
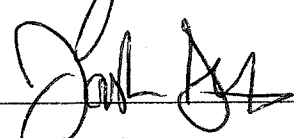
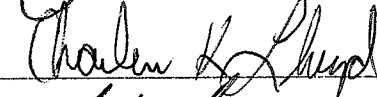
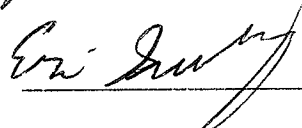
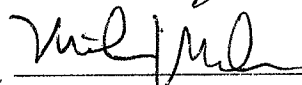
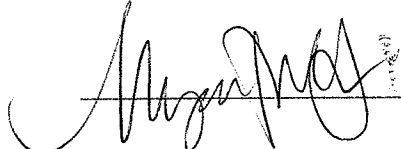
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Kathleen Biggs	YES ☒ NO ☐
	MARK CAIN	YES ☒ NO ☐
	CALEB CAIN	YES ☒ NO ☐
	Hannah Jones	YES ☐ NO ☒
	Antonio Carpenter	YES ☒ NO ☐
	Eleanor Jones	YES ☐ NO ☒
	Samantha Blackburn	YES ☒ NO ☐
	MARTY SHUTTER	YES ☒ NO ☐

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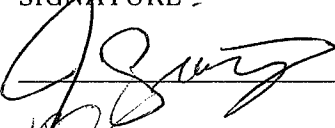
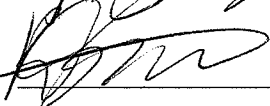
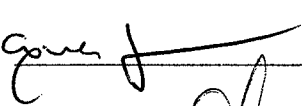
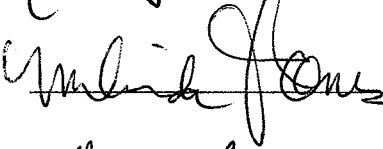
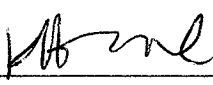
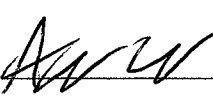
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	Iga Marques	YES ☒ NO ☐
	Amy Gillham	YES ☒ NO ☐
	Josh Stovall	YES ☒ NO ☐
	Charlene K. Lloyd	YES ☒ NO ☐
	Luke Knox	YES ☒ NO ☐
	Eric Saulsbury	YES ☒ NO ☐
	Mike Malone	YES ☒ NO ☐
	Megan Hurley	YES ☒ NO ☐

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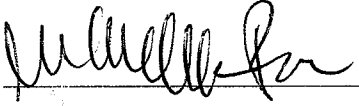
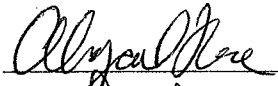
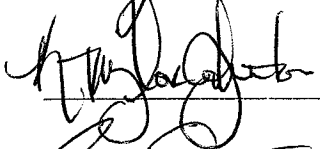
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Joseph Sims	YES ☒ NO ☐
	Samantha Sigmon	YES ☒ NO ☐
	Lukas Taylor	YES ☐ NO ☒
	Brooke Baker	YES ☒ NO ☐
	Gregory Shorman	YES ☒ NO ☐
	Melinda Jones	YES ☒ NO ☐
	Kelly Hammond	YES ☒ NO ☐
	Andrew Crowe	YES ☒ NO ☐

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	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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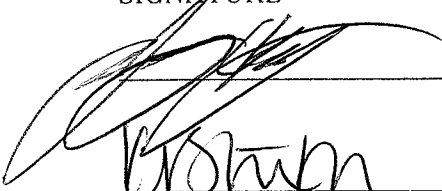
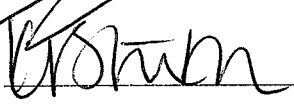
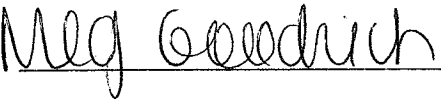
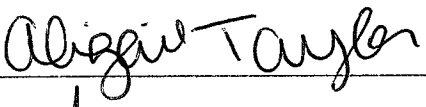
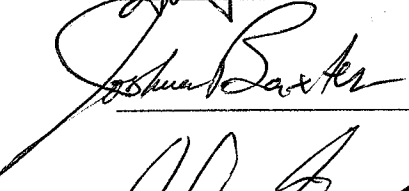
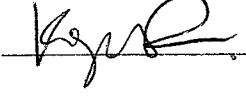
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u><i>J. Dylan Stewart</i></u>	<u>J. Dylan Stewart</u>	YES <u>X</u> NO <u> </u>
<u><i>minam Daniel</i></u>	<u>minam Daniel</u>	YES <u>X</u> NO <u> </u>
<u><i>George Becker</i></u>	<u>George Becker</u>	YES <u>✓</u> NO <u> </u>
<u><i>MICAH SMITH</i></u>	<u>MICAH SMITH</u>	YES <u>✓</u> NO <u> </u>
<u><i>Rebecca Call</i></u>	<u>Rebecca Call</u>	YES <u>X</u> NO <u> </u>
<u><i>James Cohen</i></u>	<u>James Cohen</u>	YES <u>X</u> NO <u> </u>
<u><i>Alison Nae</i></u>	<u>Alison Nae</u>	YES <u>X</u> NO <u> </u>
<u><i>RAMEY MOORE</i></u>	<u>RAMEY MOORE</u>	YES <u>X</u> NO <u> </u>

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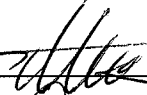
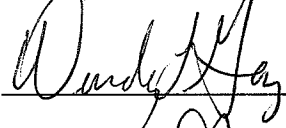
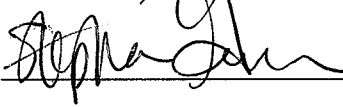
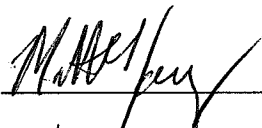
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	Jimmy Key	YES ☒ NO ☐
	KIRSTEN BAUER	YES ☒ NO ☐
	Meg Goodrich	YES ☒ NO ☐
	Abigail Taylor	YES ☒ NO ☐
	Andrew Miner	YES ☐ NO ☒
	JOSHUA BAXTER	YES ☒ NO ☐
	A.J. Douglas	YES ☒ NO ☐
	Kagan P. Puy-Reyes	YES ☒ NO ☐

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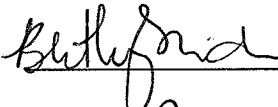
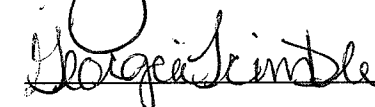
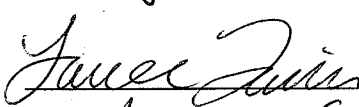
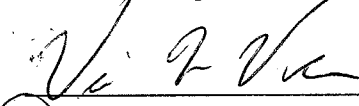
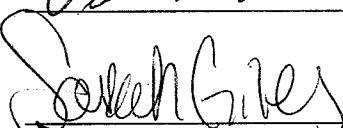
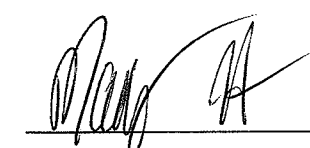
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	Brandon Leal	YES ☒ NO ☐
	TIM WALKER	YES ☒ NO ☐
	WENDY GAY	YES ☒ NO ☐
	Stephanie Garman	YES ☒ NO ☐
	Aislinn Beaumont	YES ☒ NO ☐
	Matthew Garrett Young	YES ☒ NO ☐
	Bethie Stephanie Lauricchio	YES ☒ NO ☐
	GRANT ADAMS	YES ☒ NO ☐

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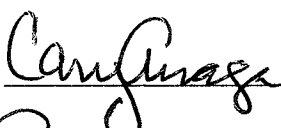
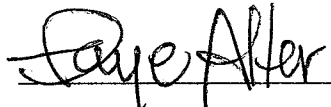
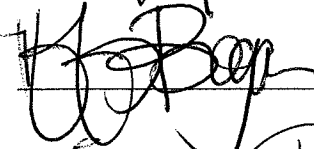
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	Bentley Snider	YES ☒ NO ☐
	Bryn Bagwell	YES ☒ NO ☐
	George Trimble	YES ☒ NO ☐
	Lance Lanier	YES ☒ NO ☐
	Victoria Vek	YES ☒ NO ☐
	Sarah Givens	YES ☒ NO ☐
	Adam Driver	YES ☒ NO ☐
	Molly Hatcher	YES ☒ NO ☐

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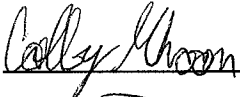
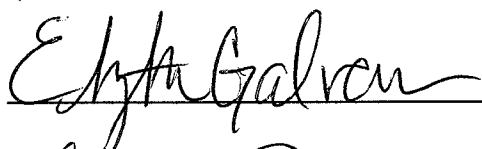
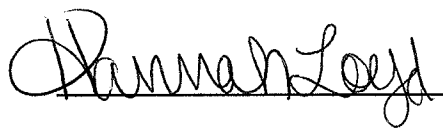
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Jess Harp	YES ☒ NO ☐
	Lanee Mille	YES ☒ NO ☐
	CARY Arsaga	YES ☐ NO ☐
	Paula Matthews	YES ☒ NO ☐
	Michele Harrington	YES ☒ NO ☐
	FAYE ALTER	YES ☐ NO ☒ County
	Tiffany Bogan	YES ☒ NO ☐
	ERIC T Noyd	YES ☒ NO ☐

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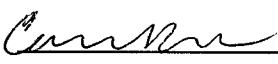
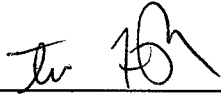
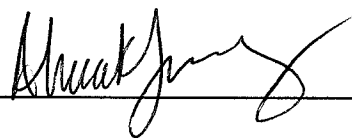
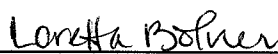
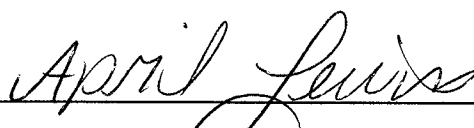
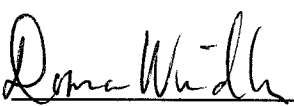
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u></u>	<u>Coby Mhoon</u>	YES ☒ NO ☐
<u></u>	<u>Marcie MacLean</u>	YES ☒ NO ☐
<u></u>	<u>Alondra Guerrero</u>	YES ☒ NO ☐
<u></u>		YES ☒ NO ☐
<u></u>		YES ☒ NO ☐
<u></u>	<u>Erika Kellner</u>	YES ☒ NO ☐
<u></u>	<u>Geneva Harrington</u>	YES ☒ NO ☐
<u></u>	<u>Hannah Loyd</u>	YES ☒ NO ☐

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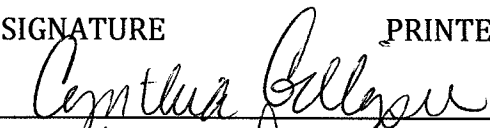
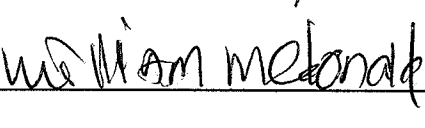
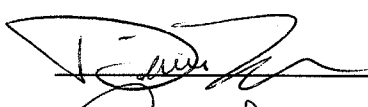
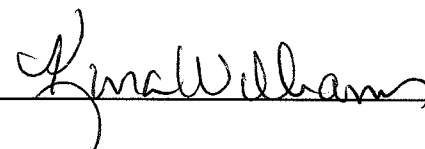
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Christopher Johnson	YES ☒ NO ☐
	Carmen Taymore	YES ☒ NO ☐
	Ted Fish	YES ☐ NO ☒
		YES ☒ NO ☐
	Loretta Bolner	YES ☐ NO ☒
	April Lewis	YES ☐ NO ☒
	Amanda Farts	YES ☐ NO ☒
	Donna Windler	YES ☒ NO ☐

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
		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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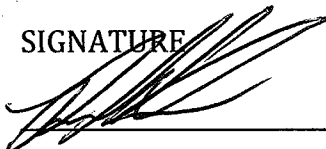
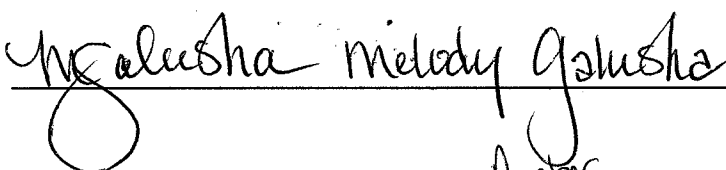
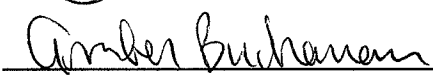
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Cecil Traphagan</u>	<u>CTRAFHAGAN</u>	YES ☒ NO ☐
<u>999 Frazier</u>	<u>Elizabeth Frazier Gandy</u>	YES ☒ NO ☐
<u>Joseph Abu</u>	<u>Lorehid Benz</u>	YES ☒ NO ☐
<u>Katelyn Porter</u>	<u>Katelyn Morton</u>	YES ☐ NO ☒
<u>Sheryl Butler</u>	<u>Sheryl Grotewald</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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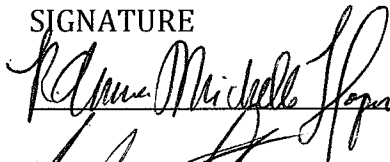
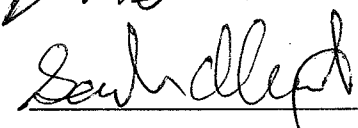
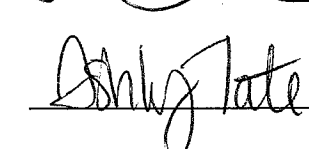
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	Rachel Hetzendorfer	YES ☒ NO ☐
	Cherie Flournoy	YES ☐ NO ☒
	Maggie Mullican	YES ☒ NO ☐
	Marsha Chriss	YES ☒ NO ☐
	Kara Welch	YES ☒ NO ☐
	Melody Galsus	YES ☒ NO ☐
	Amber Buchanan	YES ☒ NO ☐

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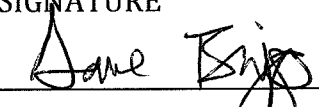
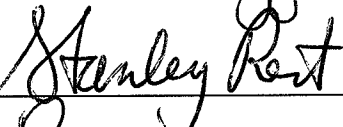
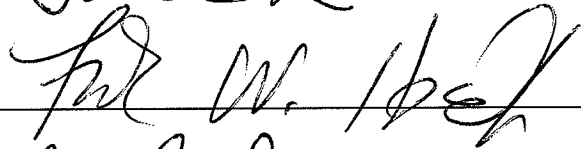
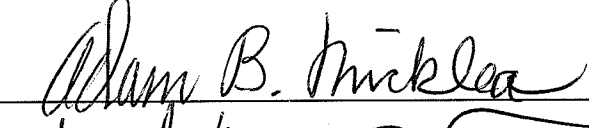
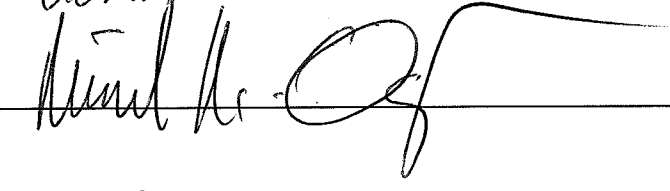
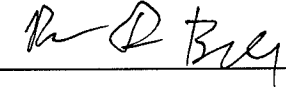
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	R. Anne-Michelle Hopwood	YES ☒ NO ☐
	Josh Stanley	YES ☒ NO ☐
	Sarah Alexander	YES ☒ NO ☐
	Shauntae Treant	YES ☒ NO ☐
	Steve Glean	YES ☒ NO ☐
	ASHLY Tate	YES ☒ NO ☐
		YES ☐ NO ☐
		YES ☐ NO ☐

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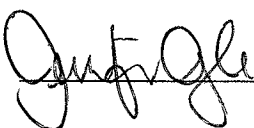
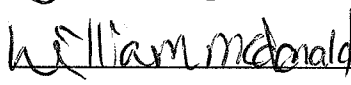
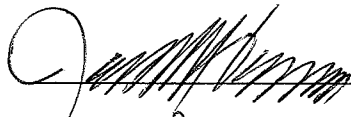
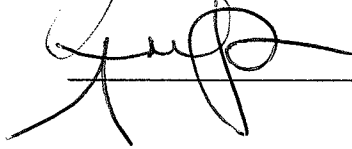
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	DAVE BRIGGS	YES _____	NO ☒
	Stanley Rest	YES ☒	NO _____
	Bruce L. Welsh	YES _____	NO ☒
	Paul W. Bell	YES ☒	NO _____
	Michael Hill	YES _____	NO ☒
	Adam B. Nickless	YES _____	NO ☒
	David R. O'Connell	YES _____	NO ☒
	Braden T. Bull	YES ☒	NO _____

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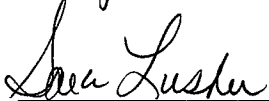
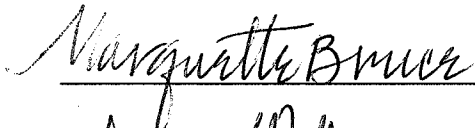
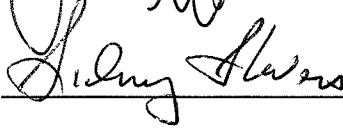
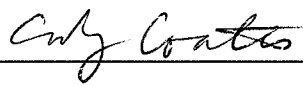
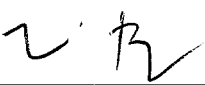
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	Tascha Farris	YES ☒ NO ☐
	Frank Williams	YES ☒ NO ☐
	EDWARD DOWNIE	YES ☒ NO ☐
	JENNIFER OGLE	YES ☐ NO ☒
	William McDonald	YES ☒ NO ☐
	JAMES HORAN	YES ☒ NO ☐
	Aimee Papariz	YES ☒ NO ☐
	Brad Andersen	YES ☒ NO ☐

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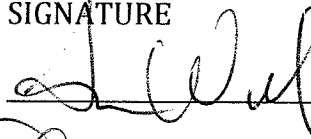
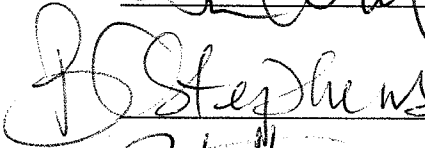
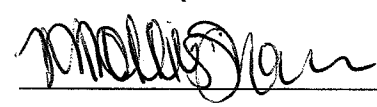
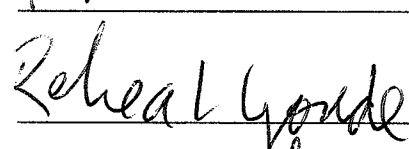
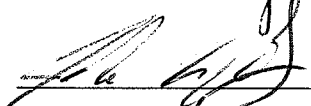
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	Sidney Hall Elkins	YES ☐ NO ☒
	SARA LUSTER	YES ☐ NO ☒
	Andrew Dilatosh	YES ☒ NO ☐
	Marguerite Bruce	YES ☒ NO ☐
	Jackson Wells	YES ☐ NO ☒
	Sidney Stevens	YES ☒ NO ☐
	Andy Coates	YES ☒ NO ☐
	LACIE BRAY	YES ☒ NO ☐

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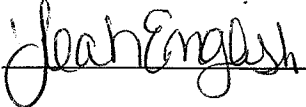
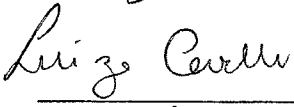
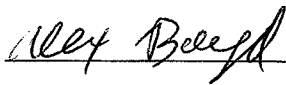
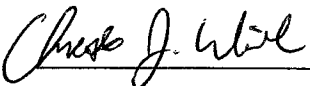
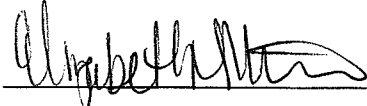
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Sara Wilson	YES ☒ NO ☐
	Brittany Stephenson	YES ☒ NO ☐
	Peter J Hartman	YES ☒ NO ☐
	Mollie Slavin	YES ☒ NO ☐
	Keith Bern	YES ☒ NO ☐
	Reheal Youde	YES ☐ NO ☒
	Josh Carter	YES ☒ NO ☐
	William H. Little	YES ☒ NO ☐

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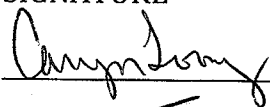
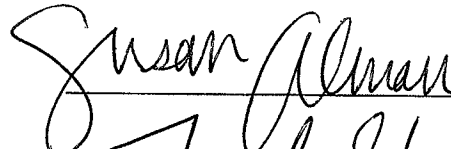
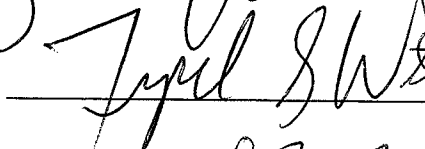
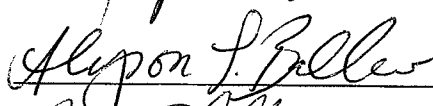
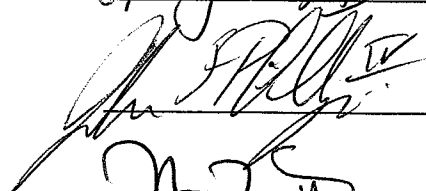
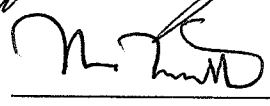
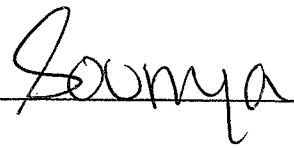
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Leah English	YES ☒ NO ☐
	E.W. Jaust	YES ☒ NO ☐
	LUIZA CARVALHO	YES ☒ NO ☐
	KEVIN HACKLER	YES ☒ NO ☐
	Alex Boyd	YES ☒ NO ☐
	Christine J. Wilson	YES ☒ NO ☐
	Dylan DeWitt	YES ☒ NO ☐
	Elizabeth Miller	YES ☒ NO ☐

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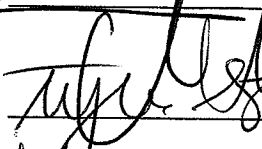
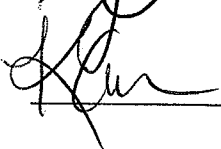
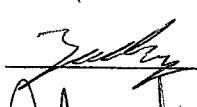
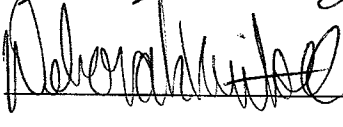
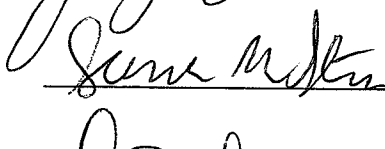
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Canyon Looney	YES ☒ NO ☐
	Austin Eubanks	YES ☒ NO ☐
	Susan Alman	YES ☒ NO ☐
	Tyrel J. Weston	YES ☒ NO ☐
	Alyson Baller	YES ☒ NO ☐
	John F. Phillips IV	YES ☒ NO ☐
	Tim LaTorrette	YES ☒ NO ☐
	Soumya Chigurupati	YES ☒ NO ☐

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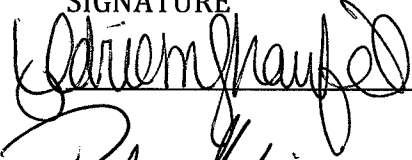
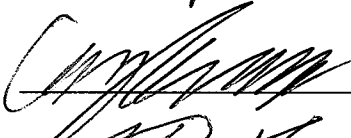
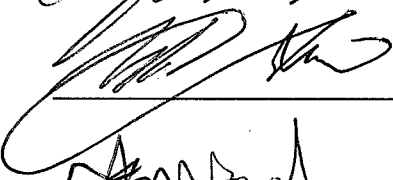
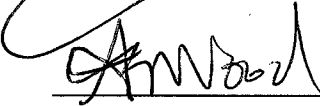
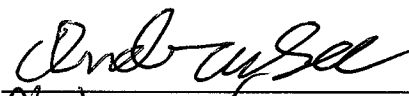
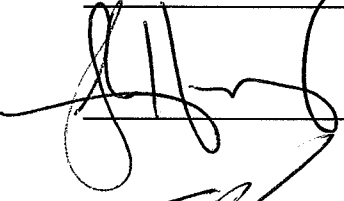
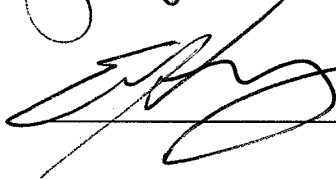
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Emma Hempstead	YES ☒ NO ☐
	Tyler Stolt	YES ☒ NO ☐
	Kathryn Cario	YES ☒ NO ☐
	Zach Hoffman	YES ☒ NO ☐
	Deborah Kintzel	YES ☒ NO ☐
	James Stogton	YES ☒ NO ☐
	Sarah M. Stanley	YES ☒ NO ☐
	Kimberly Dike	YES ☒ NO ☐

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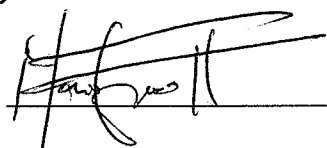
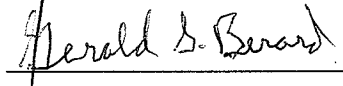
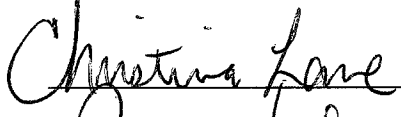
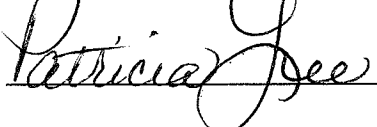
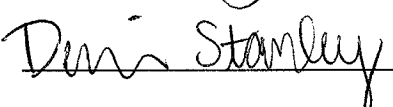
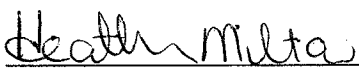
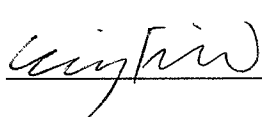
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Adrienne Shaunfield	YES ☒ NO ☐
	Rob Shaunfield	YES ☒ NO ☐
	Cong Emerson	YES ☒ NO ☐
	Adam Garner	YES ☒ NO ☐
	Audrey Best	YES ☒ NO ☐
	Andrew Lee	YES ☒ NO ☐
	S. Hunt	YES ☒ NO ☐
	ERIC HENRY	YES ☒ NO ☐

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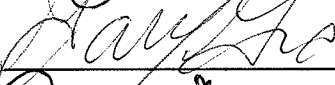
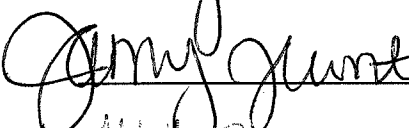
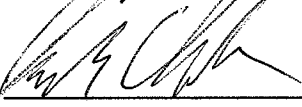
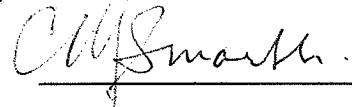
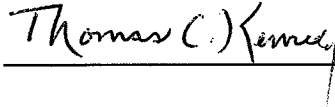
SIGNATURE.	PRINTED NAME	FAYETTEVILLE RESIDENT
	Katie Nichol	YES ☒ NO ☐
	Maria Guenard	YES ☒ NO ☐
	Gerry Berard	YES ☒ NO ☐
	Christina Lane	YES ☒ NO ☐
	Patricia Lee	YES ☒ NO ☐
	Devin Stanley	YES ☒ NO ☐
	Heather Milton	YES ☒ NO ☐
	Emily Field	YES ☒ NO ☐

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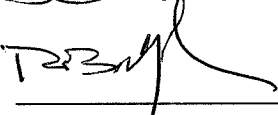
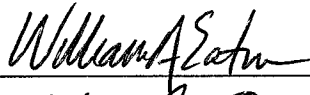
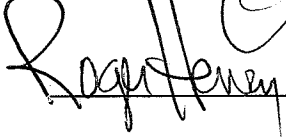
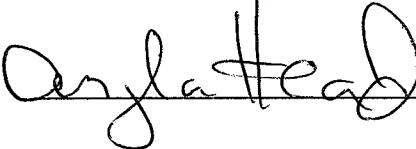
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Amy Field	YES ☒ NO ☐
	GARY GRAY	YES ☒ NO ☐
	CASSANDRA DOMINICK	YES ☒ NO ☐
	Jany Hunter	YES ☒ NO ☐
	Michael Ferrara	YES ☐ NO ☒
	Joseph Chesla	YES ☒ NO ☐
	C. M. SMART	YES ☒ NO ☐
	Thomas C. Kennedy	YES ☒ NO ☐

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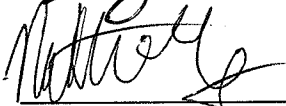
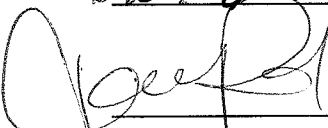
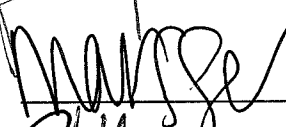
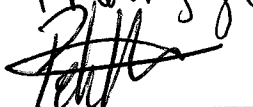
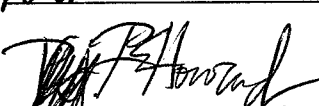
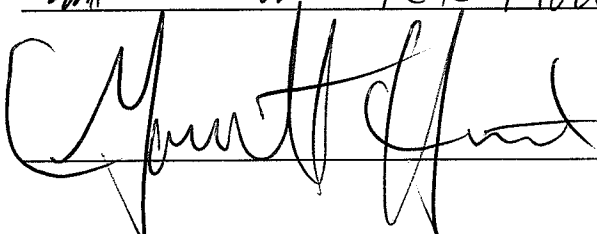
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	William A. Quinn	YES ☒ NO ☐
	ROBERT BILLINGSLEY	YES ☒ NO ☐
	Alan D. Vick	YES ☒ NO ☐
	William Eaton	YES ☒ NO ☐
	MIKE RICKARD	YES ☒ NO ☒
	Patrick Cahway	YES ☒ NO ☐
	ROGER HENRY	YES ☒ NO ☐
	ANGELA HEAD	YES ☒ NO ☐

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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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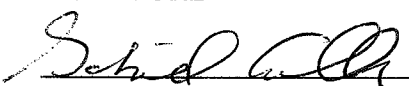
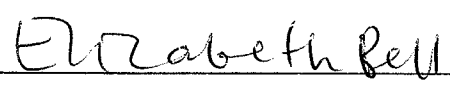
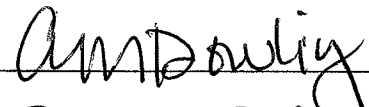
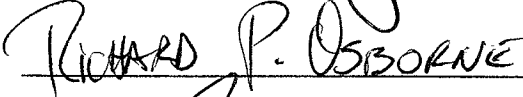
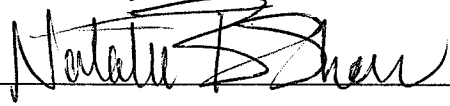
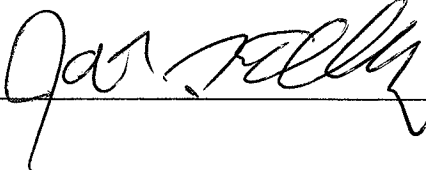
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Ann Greenwood</u>	<u>Ann Greenwood</u>	YES <u>X</u> NO <u> </u>
<u>Linda Flores</u>	<u>Linda Flores</u>	YES <u>✓</u> NO <u> </u>
<u>Rehanna Deborah Champagne</u>	<u>Rehanna Deborah Champagne</u>	YES <u>✓</u> NO <u> </u>
<u>Elizabeth Harriss</u>	<u>Elizabeth 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 ☐
	[illegible]	YES ☒ NO ☐
	Natalie [illegible]	YES ☒ NO ☐
	Jan Kelly	YES ☒ NO ☐

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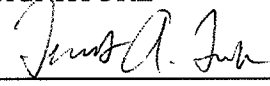
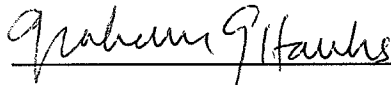
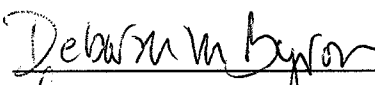
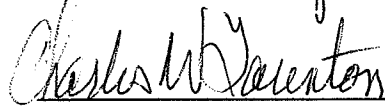
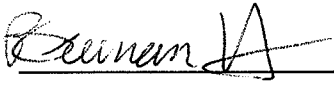
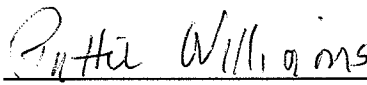
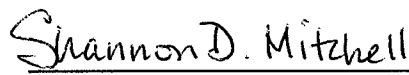
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Grant Hall</u>	<u>Grant Hall</u>	YES ☒ NO ☐
<u>Briana Kordsmeier</u>	<u>Briana Kordsmeier</u>	YES ☒ NO ☐
<u>William Taylor</u>	<u>William TAYLOR</u>	YES ☒ NO ☐
<u>Freddy Dominguez</u>	<u>Freddy DOMINGUEZ</u>	YES ☒ NO ☐
<u>Betty Weber</u>	<u>Betty Weber</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 Brecheers</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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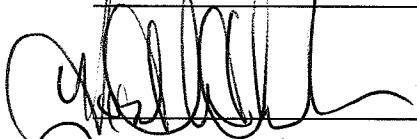
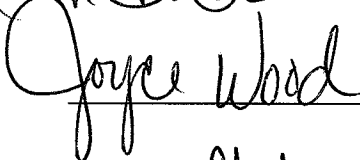
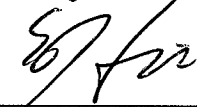
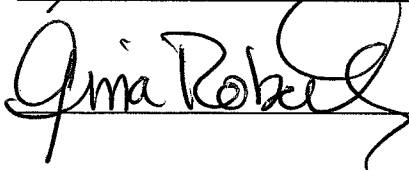
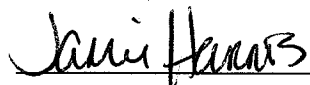
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Brian Hertzog</u>	<u>Brian Hertzog</u>	YES <u>X</u> NO _____
<u>Alyson Reaves</u>	<u>Alyson Reaves</u>	YES _____ NO <u>X</u>
<u>Betony Maringer</u>	<u>Betony Wearley-Maringer</u>	YES _____ NO <u>X</u>
<u>LEILANI LAW</u>	<u>LEILANI LAW</u>	YES <u>✓</u> NO _____
<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>Kyle Scott</u>	<u>Kyle Scott</u>	YES _____ NO <u>X</u>

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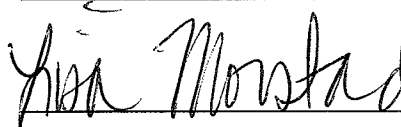
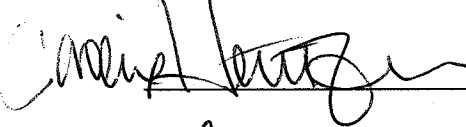
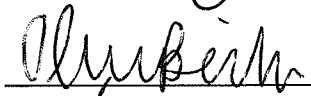
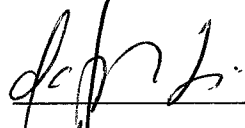
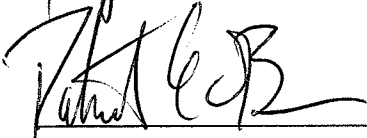
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Daniel Ferris	YES ☒ NO ☐
	Dave Proctor	YES ☒ NO ☐
	Heather Wilson	YES ☒ NO ☐
	Joyce Wood	YES ☒ NO ☐
	Nick	YES ☒ NO ☐
	Eric Holle	YES ☐ NO ☒
	Gina Robel	YES ☐ NO ☒
	Jamie Harris	YES ☒ NO ☐

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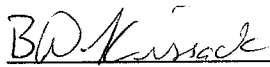
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Matthew Sheppard	YES ☒ NO ☐
	LISA MORSTAD	YES ☒ NO ☐
	Bill Birnie	YES ☒ NO ☐
	Nicole Shipley	YES ☒ NO ☐
	Caroline Heitzman	YES ☒ NO ☐
	Olivia Becker	YES ☒ NO ☐
	Ian Sheu	YES ☒ NO ☐
	Patrick O'Brien	YES ☒ NO ☐

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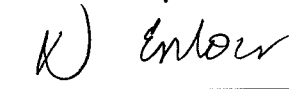
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	Brandon Lissack	YES ☒ NO ☐

	Michelle Hunter	YES ☒ NO ☐
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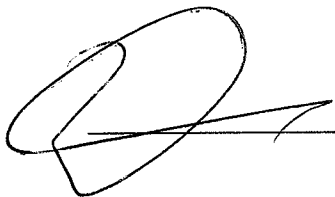
	Terri Ann Howard	YES ☒ NO ☐
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	Elliott E. Tobin	YES ☒ NO ☐
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	David Enlow	YES ☒ NO ☐
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	Nancy Buckley	YES ☒ NO ☐
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	Elizabeth Stripling	YES ☒ NO ☐
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	Zachary Enlow	YES ☒ NO ☐
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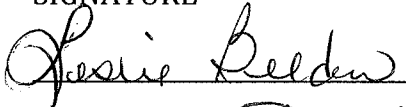
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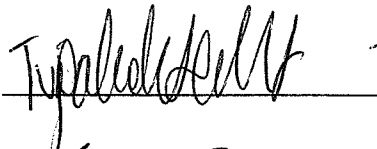
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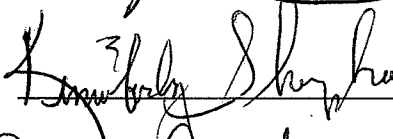
 Leslie Beben YES ☒ NO ☐

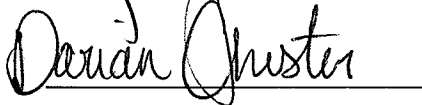
 Marla Steele YES ☒ NO ☐

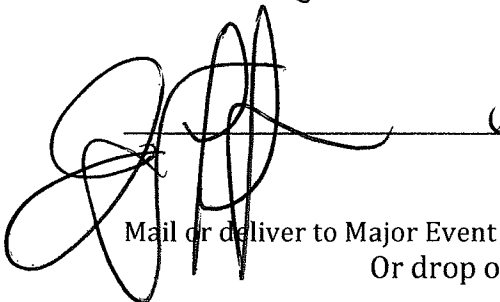
 Eva C. Madison YES ☒ NO ☐

 Tugue Utecht YES ☒ NO ☐

 Kagan D. Puy-Reddy YES ☒ NO ☐

 Kimberly Shepherd YES ☒ NO ☐

 Darian Chester YES ☒ NO ☐

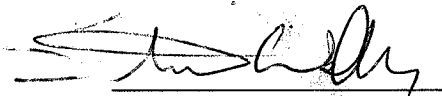
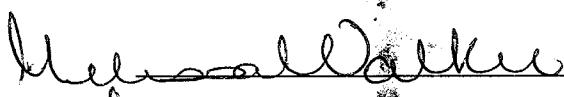
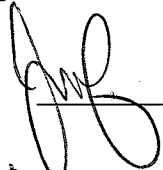
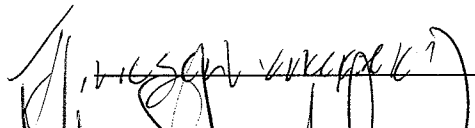
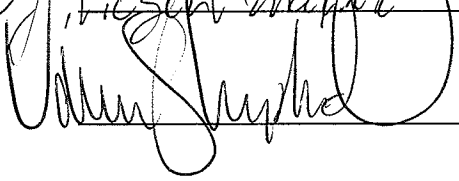
 Terrod Shaffer YES ☒ NO ☐

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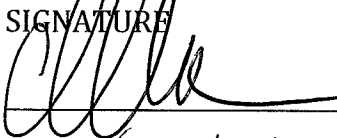
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	Constance Hensley Kral	YES ☒ NO ☐
	Stuart Walker	YES ☒ NO ☐
	Melissa Walker	YES ☒ NO ☐
	JIM GOZA	YES ☒ NO ☐
	Derek Dellinger	YES ☒ NO ☐
	INOGEN WAKEFIELD	YES ☒ NO ☐
	Valerie Shepherd	YES ☒ NO ☐
	John Beebe	YES ☒ NO ☐

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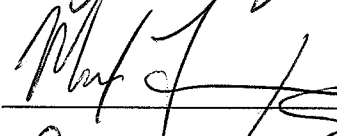
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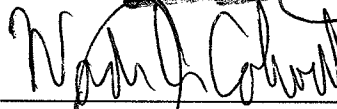
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	CHRIS DYE	YES ☒ NO ☐

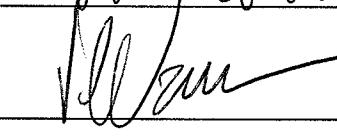
	Beth Stockdell	YES ☒ NO ☐
--	----------------	---

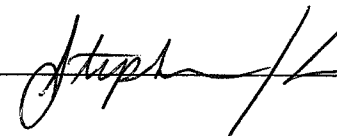
	Bryan Jones	YES ☒ NO ☐
---	-------------	---

	Max Fanning	YES ☒ NO ☐
---	-------------	---

		YES ☒ NO ☐
---	--	---

	Wade Colwell	YES ☒ NO ☐
---	--------------	---

	Van Leems	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.

*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:

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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.

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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

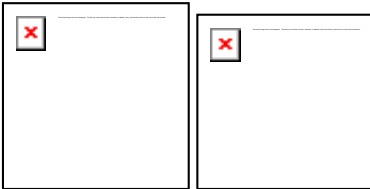
Categories: Forwarded

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



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



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

Fayetteville
ARKANSAS

www.fayetteville-ar.gov

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.

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: 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	☐ Fireworks **	☐ Temporary Electrical Service
☐ Alcoholic Beverages Sold	** See City Code 94.05	☐ Temporary Restrooms
☐ Carnival Rides	☐ Parade/March	☐ Tents ***
☐ Crowd Control Required	☐ Parking Lot/Spaces	☐ Vendor Booths ***
☐ Elevated Noise Levels *	Needed	☐ Vendor Food ***
* Section III Required	☐ Security Required	
☐ EMS Required	☐ Street Closings	

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 be 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

Proposed Event Permit Application Changes and New Items are noted in Green Text

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.

Permits containing **only** a Section I and a Section III permit must be submitted with the appropriate fee amount **21 days prior to the event date**.

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.

Permits containing **Section II and Section III permits must be submitted with the appropriate fee amount 45 days prior to the event date**.

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~~
parking@fayetteville-ar.gov

Direct questions and inquiries to:

Parking Management Office
479-575-8280
479-575-8250 (fax)
~~parking@ci.fayetteville.ar.us~~
parking@fayetteville-ar.gov

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

Notice of Proposed Closure (required if street segments or parking lots are to be closed for longer than 8 hours): As part of this application, the applicant shall present evidence that all property owners/managers and/or occupants along and within 300' of a proposed street or major parking lot closure for a special event have been notified.

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 (use City template) 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.

Street and Parking Lot Closure Signage: The City signage template (applicant to modify) must be frequently and conspicuously displayed 24 - 48 hours in advance of street closure or parking lot closure for a special event. Minimum display requirements are 4 signs per block per side of the street and 1 sign per 10 parking spaces for a parking lot. (For streets with parking meters and pay stations, the City strongly recommends that a Street Closure sign be placed on each parking meter and/or pay station along the street).

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 www.fayetteville-ar.gov



City of Fayetteville, Arkansas
Event Permit Application
Section I

Permits containing only a Section I and a Section III permit must be submitted with the appropriate fee amount 21 days prior to the event date.

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: _____

Is the Applicant a non-profit: Yes_____ No_____ If yes, 501(c)(3): _____

***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

☐ For Profit

☐ Public

☐ Private

☐ Concert

☐ Trade Show/Expo

☐ Wedding Ceremony

☐ Wedding Reception

☐ Meeting/Dinner

☐ Press Conference

☐ Auction

☐ Block Party

☐ Walk/Run Footrace

☐ Competition

☐ Parade

☐ Rally/Demonstration

☐ Festival

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	☐ Fireworks **	☐ Temporary Electrical Service
☐ Alcoholic Beverages Sold	** See City Code 94.05	☐ Temporary Restrooms
☐ Carnival Rides	☐ Parade/March	☐ Tents ***
☐ Crowd Control Required	☐ Parking Lot/Spaces Needed ****	☐ Vendor Booths ***
☐ Elevated Noise Levels *	☐ Security Required	☐ Vendor Food ***
* Section III Required	☐ Street Closings****	
☐ EMS Required		

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.

****Notice of Proposed Closure required if street segments or major parking lots are to be closed for longer than 8 hours.

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

Permits containing a Section II permit must be submitted with the appropriate fee amount 45 days prior to the event date.

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 **for more than 8 hours (Map and Notice of Proposed Closure Required):**

Notice of Proposed Closure (required if street segments or parking lots are to be closed for longer than 8 hours): As part of this application, the applicant shall present evidence that all property owners/managers and/or occupants along and within 300' of a proposed street or major parking lot closure for a special event have been notified.

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

NOTICE OF PROPOSED CLOSURE - NEW

Event organizers must issue a Notice of Proposed Closure to all property owners/managers and/or occupants along and within 300' of a proposed street or parking lot closure for a special event. Notice is required along all street segments or parking lots that are to be closed for longer than 8 hours.

Event Name:	Event Time/Date:
Event Contact:	

Check one box below:*			Property Owner/Manager or Occupant		Street Address
Agree	Disagree	Notified	Individual Name (or Business Name)	Signature	

Certification

I, _____ attest that the above notices were issued: _____
(print the name of the person delivering notices) (signature of person delivering notice)

*Applicants must make contact or leave a notice at all properties along and within 300' of a proposed street or parking lot closure. Check whether the each address agrees or disagrees with the closure. If the applicant was unable to make personal contact at an address then leave a closure notice at the property in a conspicuous location and check that the address was notified.

NEW

STREET/PARKING LOT CLOSED

**ALL VEHICLES MUST
VACATE
PARKING SPACES
BY (TIME & DATE)
For
(EVENT NAME)**

TOW INFORMATION
(If Applicable)

Map of Parking Locations at
www.fayetteville-ar.gov/parking

**EVENT PRODUCER CONTACT
INFORMATION (NAME/CELL #)**



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0248

Agenda Date: 6/21/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 2

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

(LEFT ON FIRST READING)

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-A, Residential Agriculture to RSF-2, Residential Single Family, 2 units per acre subject to the Bill of Assurance limiting the number of homes to 51.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

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

Falling Waters, LLC



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

2826 Joyce Blvd.
Fayetteville, AR 72703

Address

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.

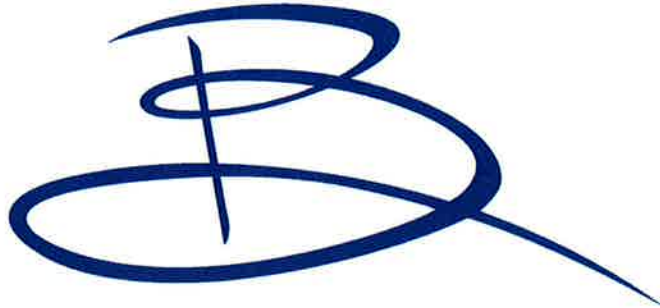


NOTARY PUBLIC

My Commission Expires:

10-10-18

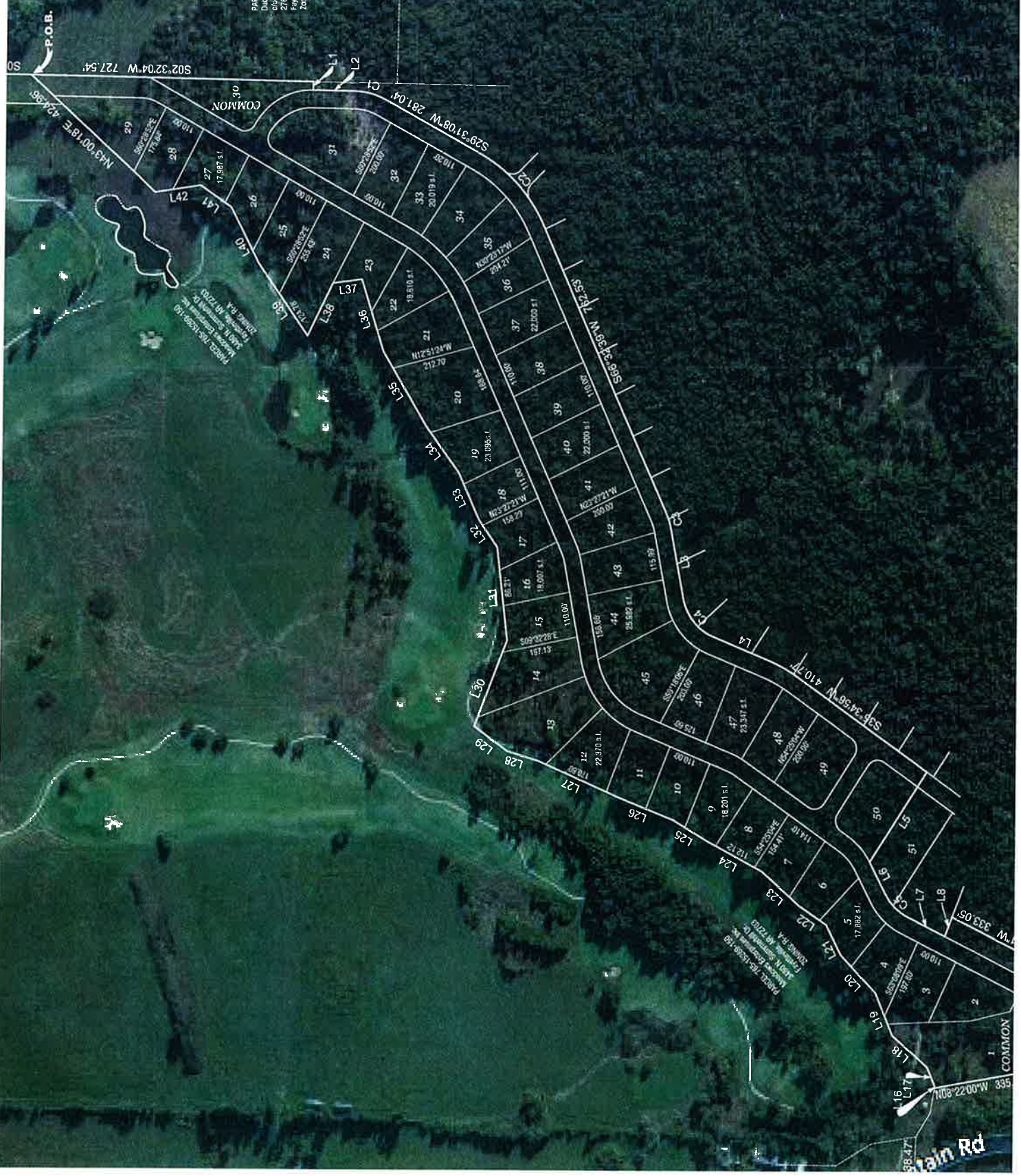




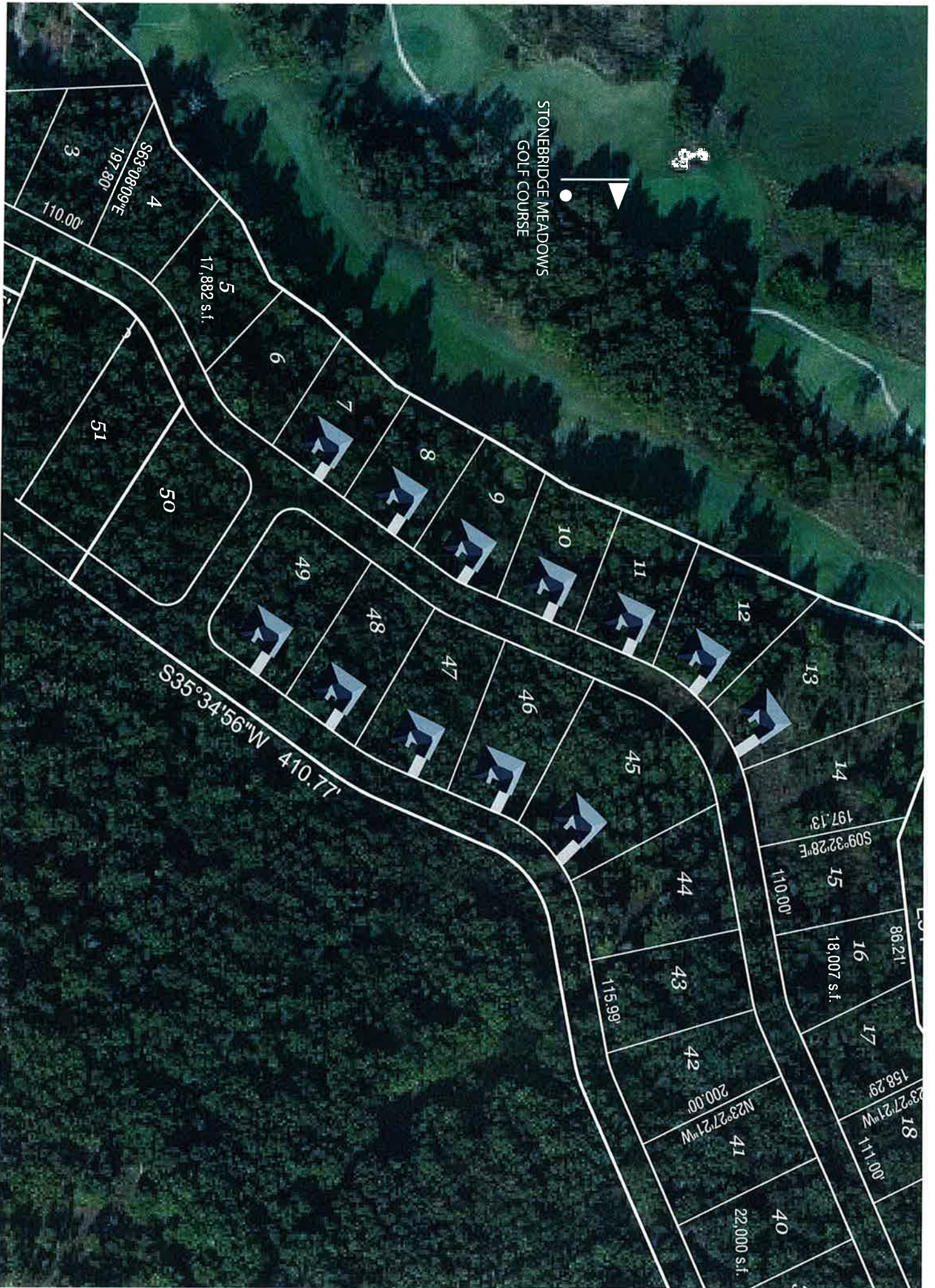
BUFFINGTON HOMES
OF ARKANSAS

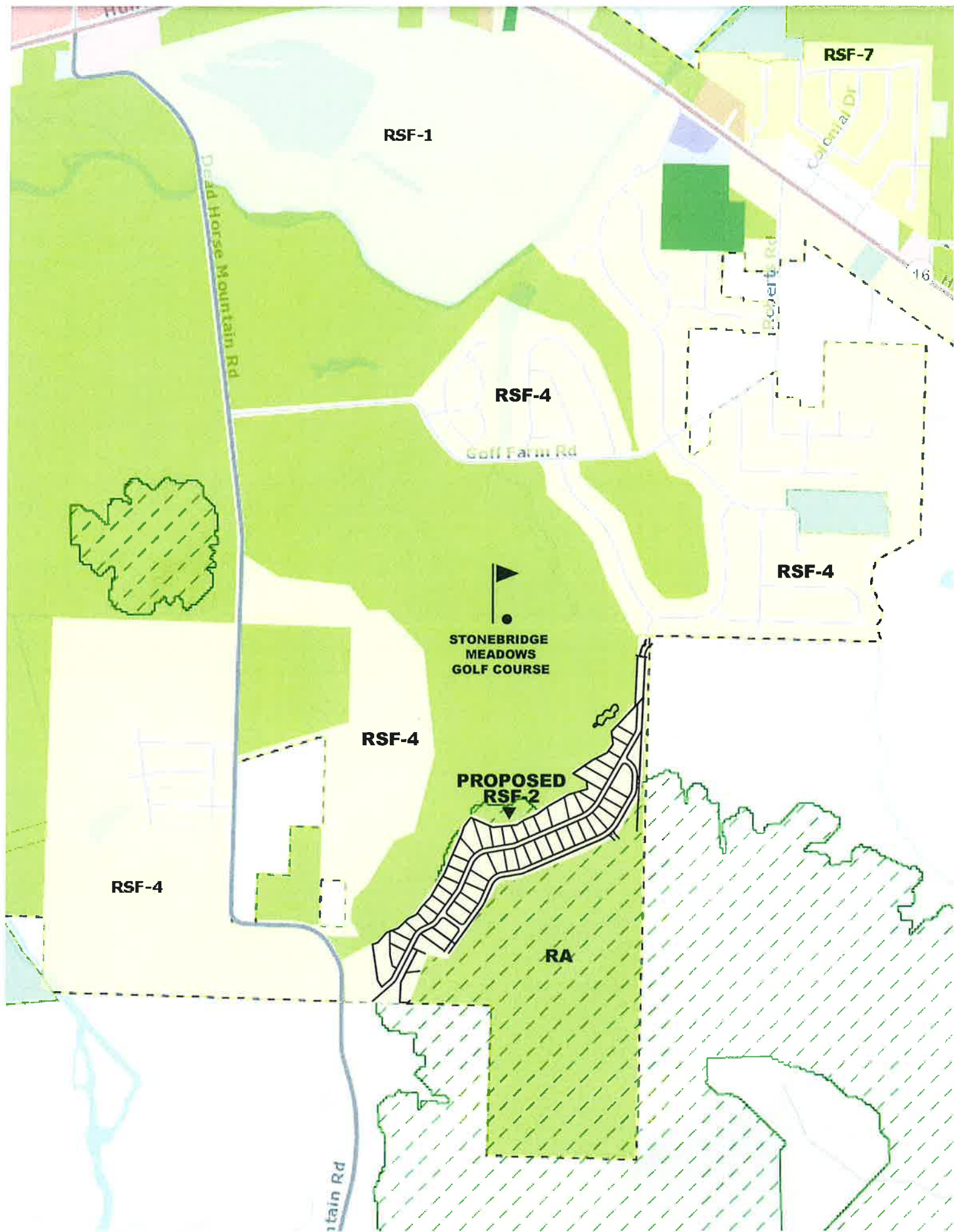
Details Make The Difference

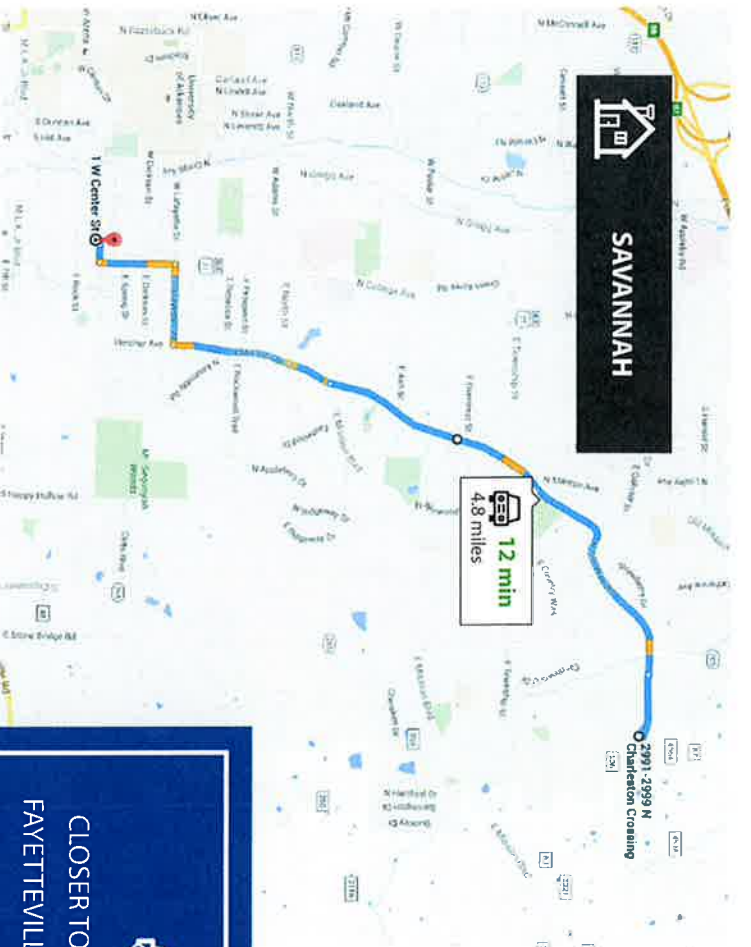
PARCEL 001-1022-000
500 N. Highway 100
2765 Rural Lane
Fayetteville, AR 72701
Zoning: Rural



STONEBRIDGE MEADOWS
GOLF COURSE



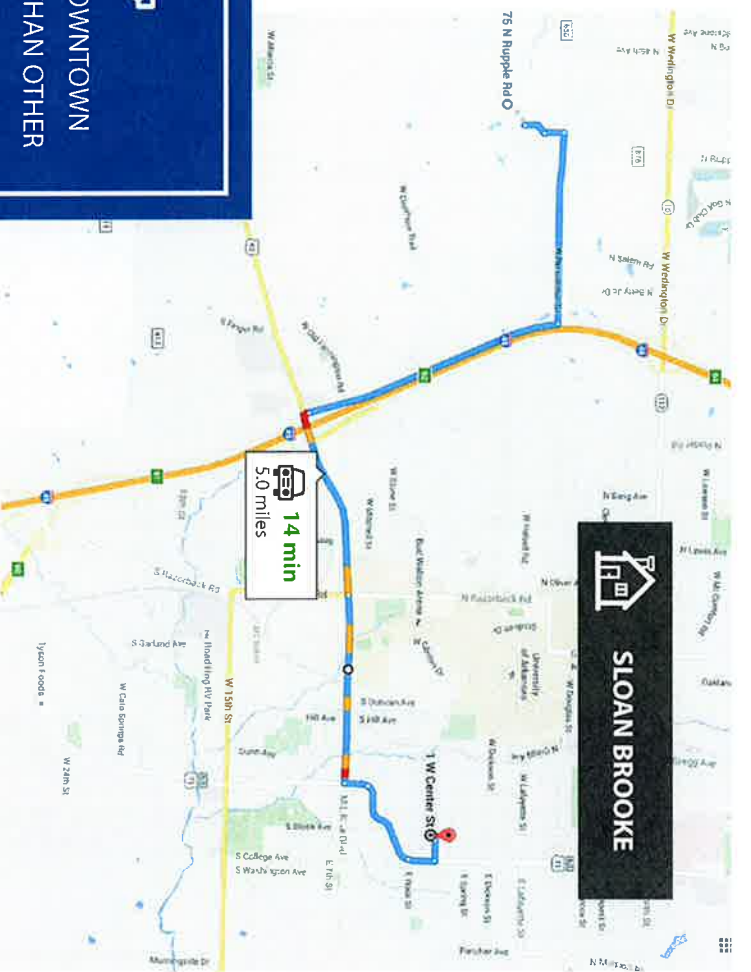




SAVANNAH

12 min
4.8 miles

2091-2099 N Clayton Crossing



SLOAN BROOKE

14 min
5.0 miles

2091-2099 N Clayton Crossing

CLOSER TO DOWNTOWN
FAYETTEVILLE THAN OTHER
NEIGHBORHOODS

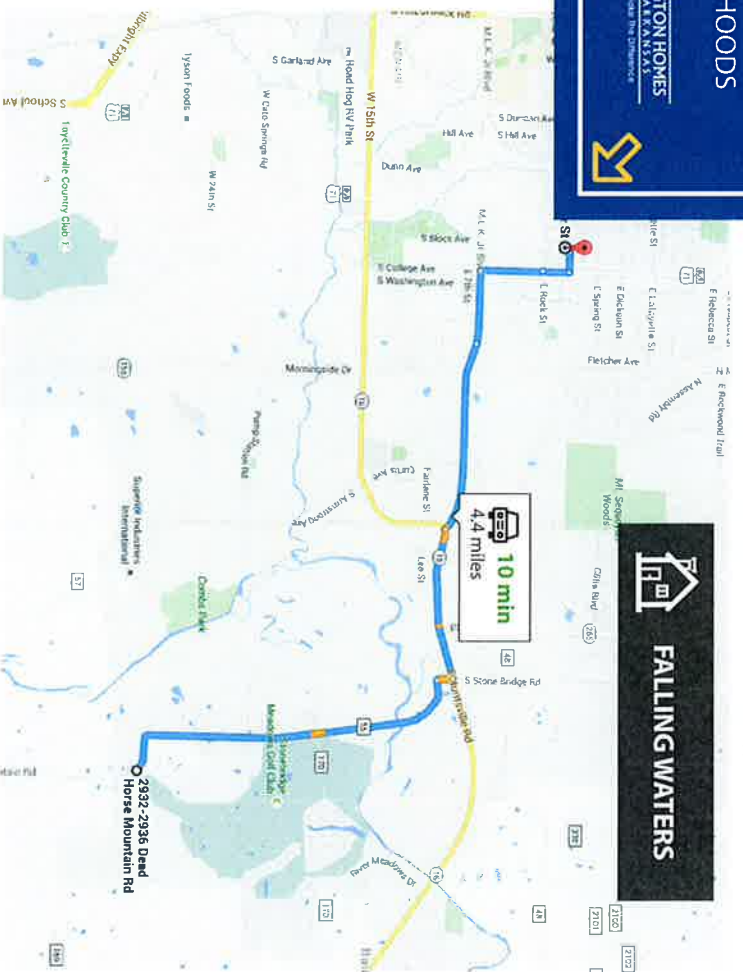


BUFFINGTON HOMES
OF ARKANSAS
DRIVING VALUE THE DISTANCE



RAZORBACK
GOLF COURSE

14 min
4.7 miles



FALLING WATERS

10 min
4.4 miles

2932-2936 Dead Horse Mountain Rd

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:

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:

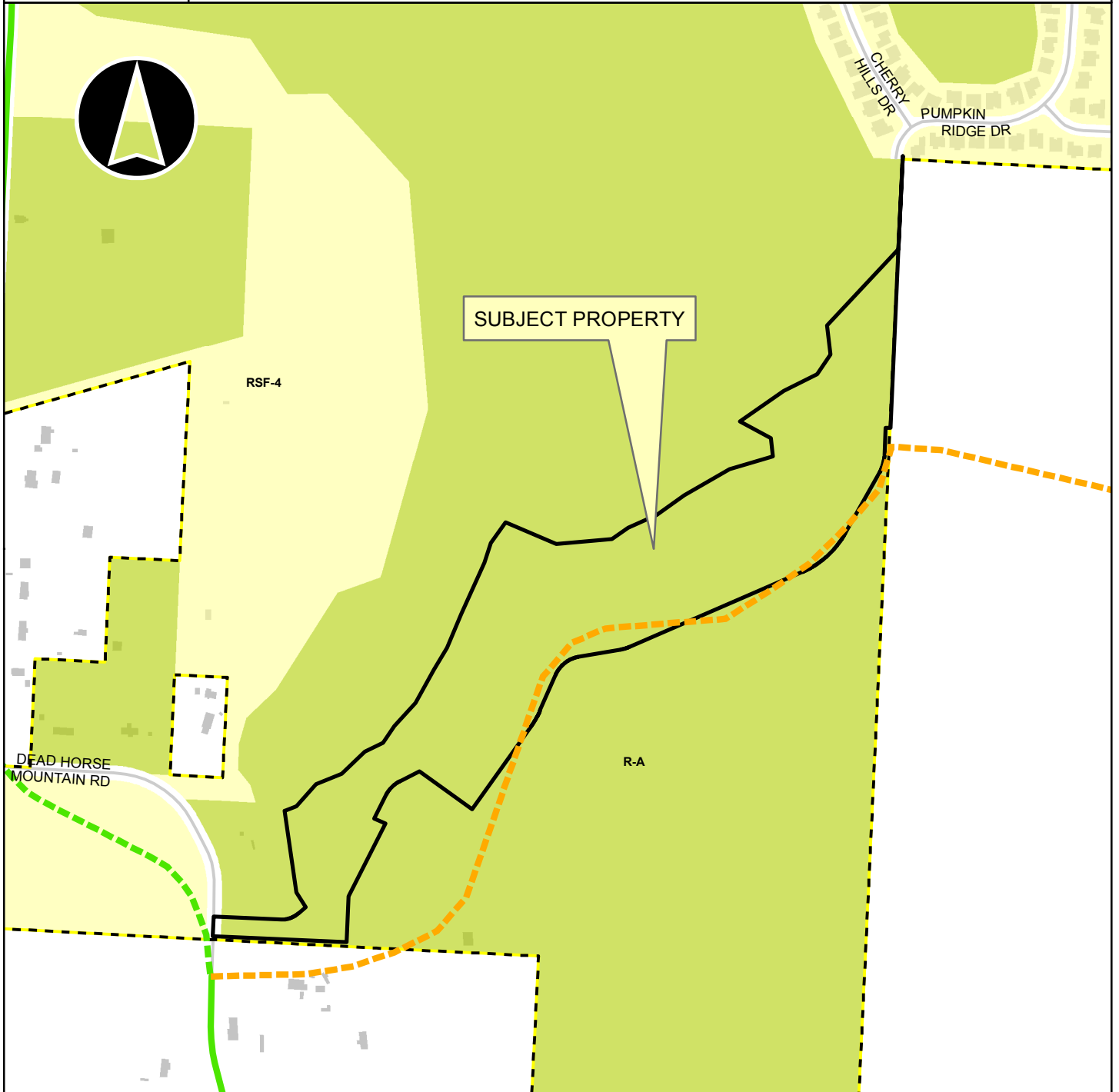
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

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

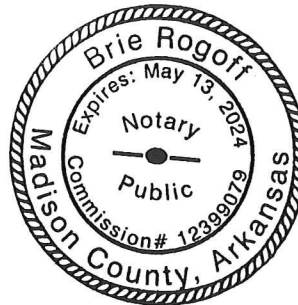
STATE OF ARKANSAS }
 }
COUNTY OF WASHINGTON } .ss

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
----------------	----------

(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

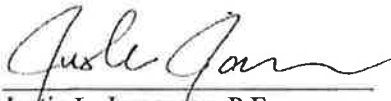
Re: Rezoning for Buffington Homes (Falling Waters)

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:

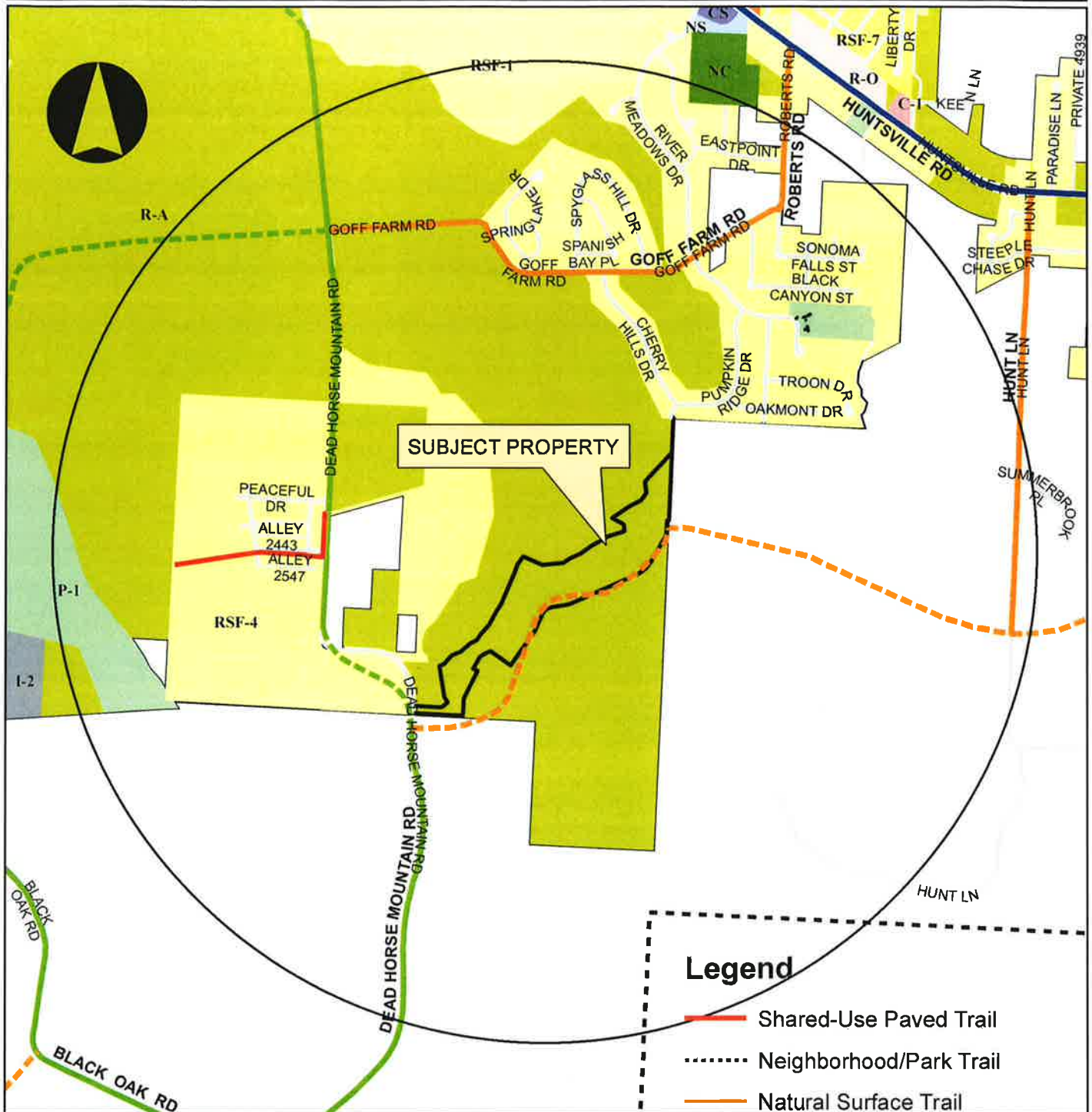
May 13 2024



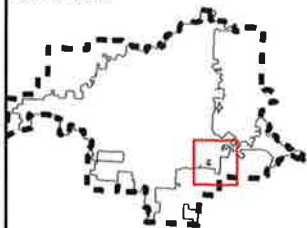
RZN 16-5385

One Mile View

FALLING WATERS



Overview



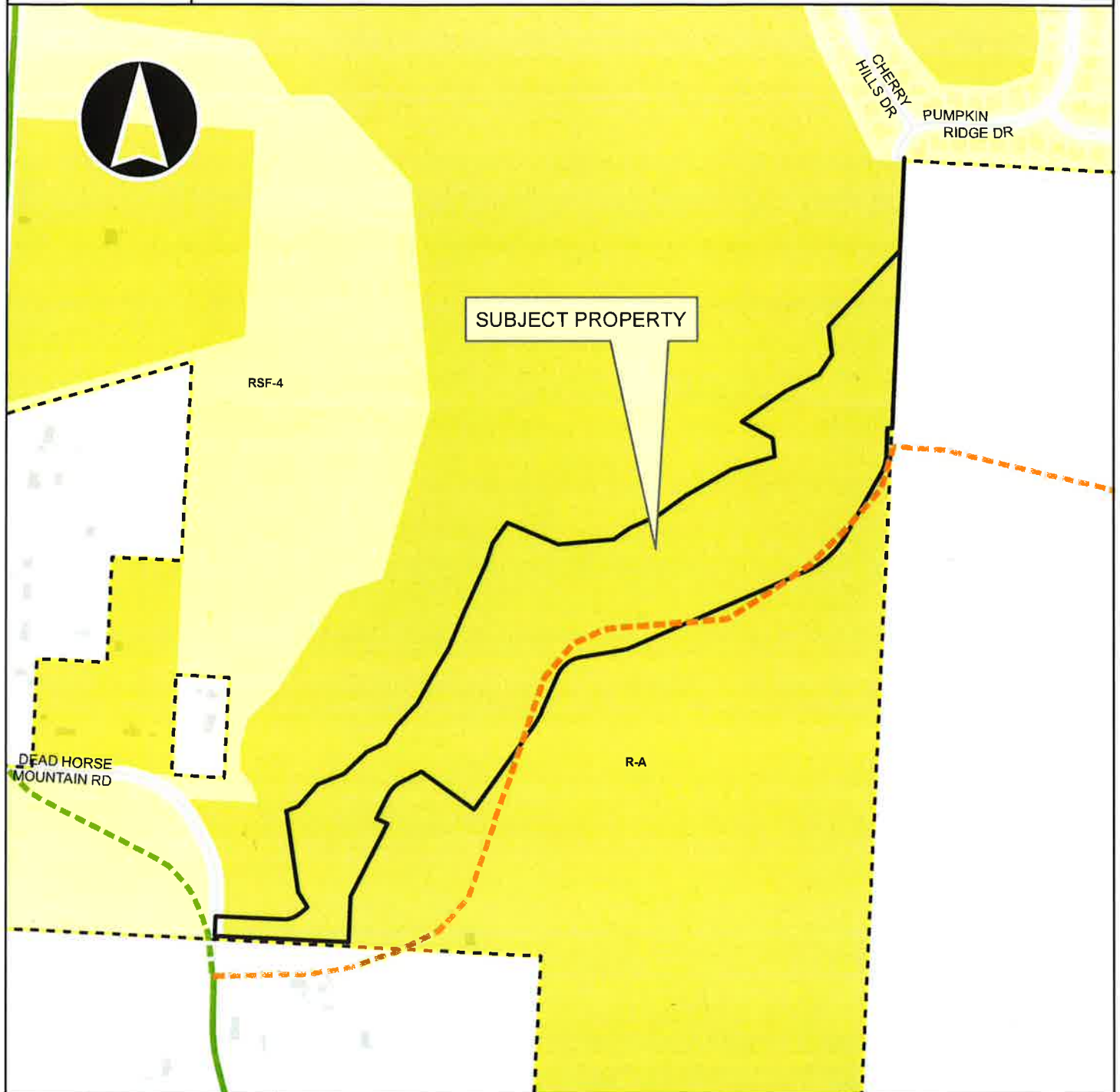
0 0.25 0.5 1 Miles

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

RZN 16-5385

Close Up View

FALLING WATERS

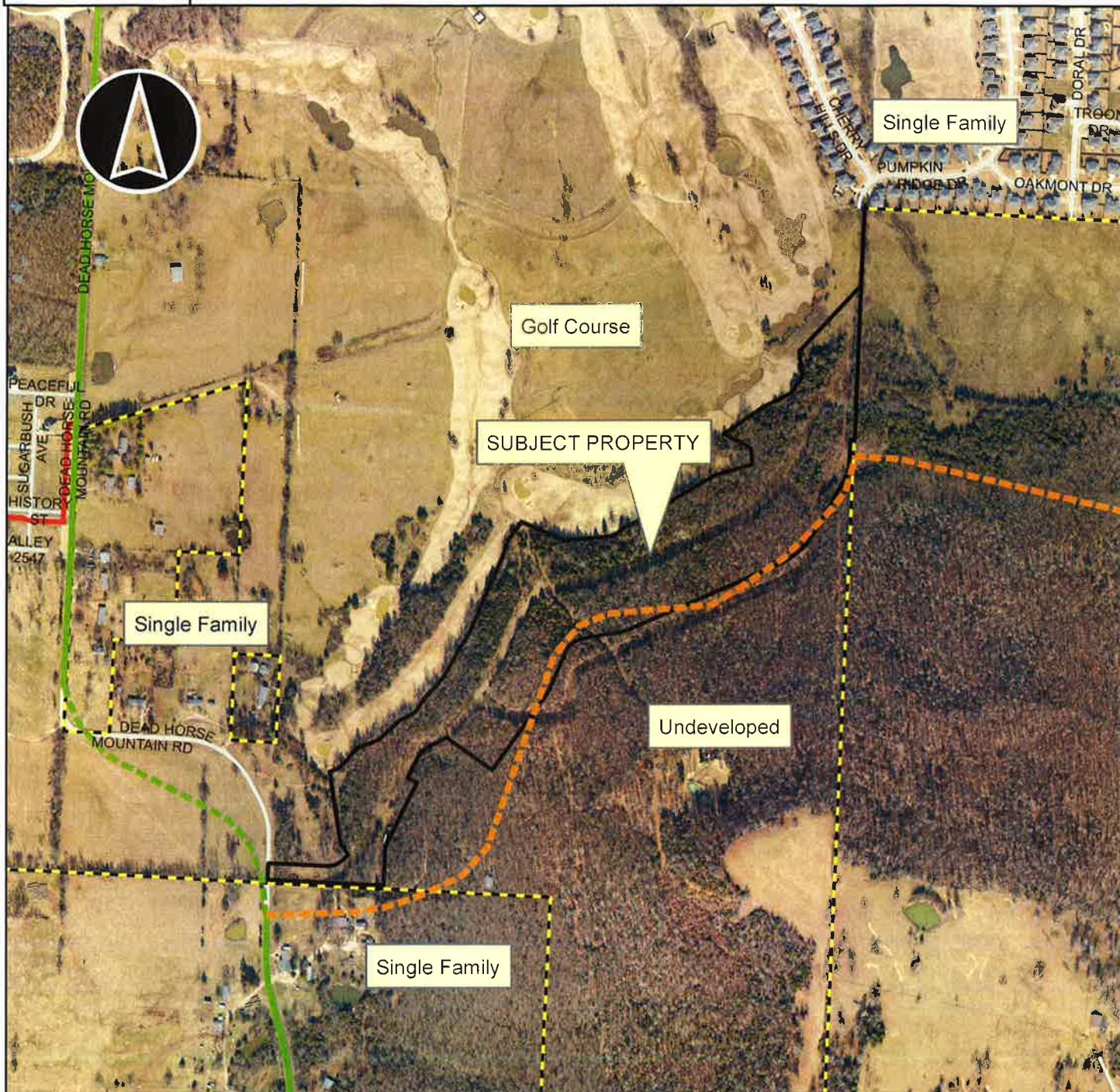


Legend

- 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

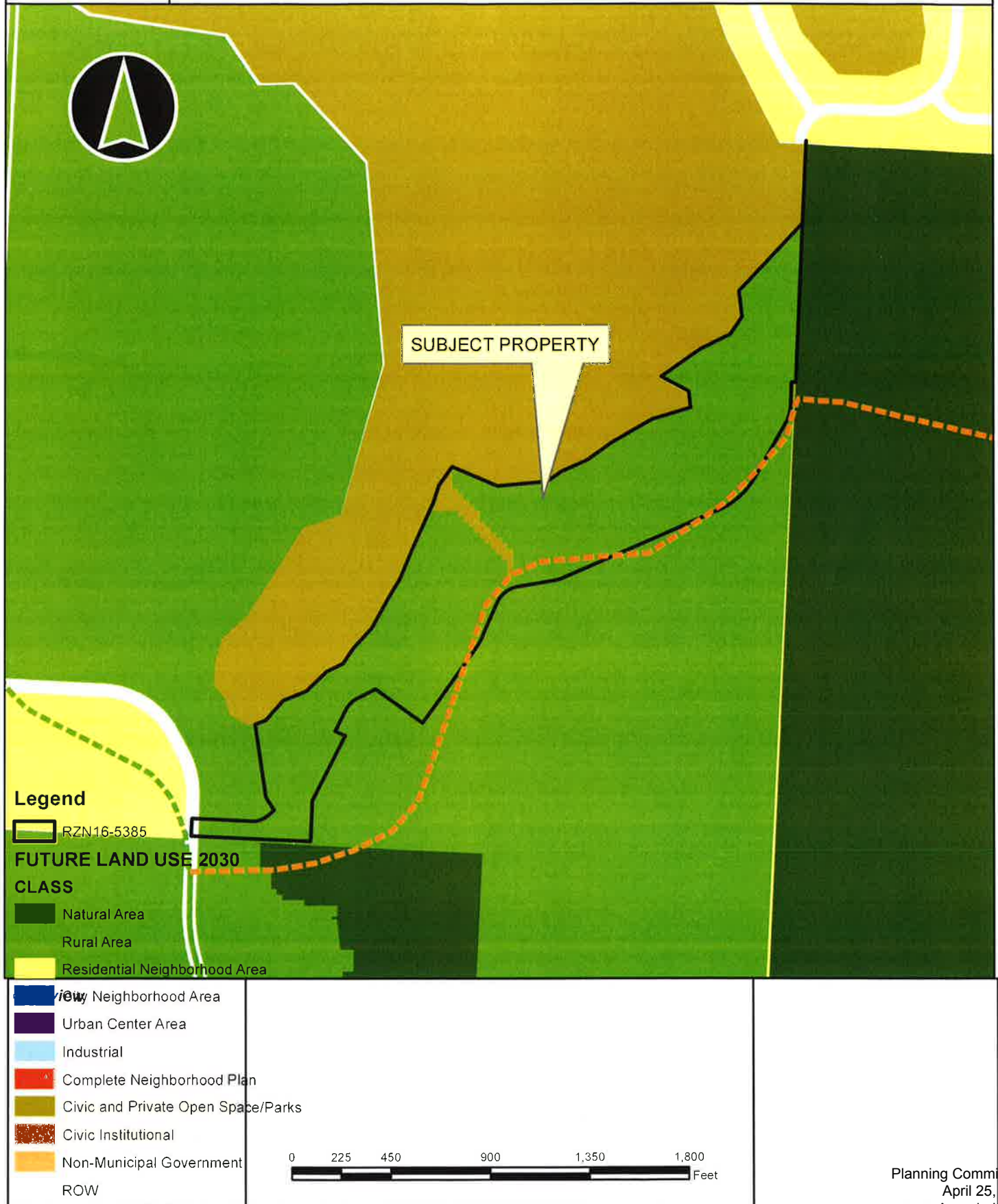
Fayetteville City Limits



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: 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](#)

Any tax advice contained in this communication is not intended to be used, and cannot be used, to avoid tax penalties.

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If the recipient or reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this e-mail communication in error, please notify us immediately by sending a reply e-mail message to the sender. Thank you.

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
Appian 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.

Any tax advice contained in this communication is not intended to be used, and cannot be used, to avoid tax penalties.
This e-mail message and any attachment thereto is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law.
If the recipient or reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this e-mail communication in error, please notify us immediately by sending a reply e-mail message to the sender. Thank you.

Hall Estill
75 North East Avenue
Suite 402
Fayetteville, Arkansas 72701
(479) 973-5200
www.hallestill.com

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 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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0290

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 1

ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT:

AN ORDINANCE TO AUTHORIZE MAYOR JORDAN TO SIGN A MEMBERSHIP AGREEMENT ALLOWING THE CITY OF SPRINGDALE TO BECOME A MEMBER OF ENERGY IMPROVEMENT DISTRICT NO. 1, AND TO AMEND § 33.381 **BOARD OF DIRECTORS, MEMBERSHIP, TERMS OF OFFICE** OF ARTICLE XXVI **ENERGY IMPROVEMENT DISTRICT NO. 1** TO PROVIDE FOR THE CITY OF SPRINGDALE'S REPRESENTATION ON THE BOARD OF DIRECTORS

WHEREAS, on October 15, 2013, pursuant to the authority granted by Arkansas Code Annotated § 8-15-101 *et seq.* (the "Property Assessed Clean Energy Act"), the City of Fayetteville created Energy Improvement District No. 1; and

WHEREAS, on December 16, 2015, pursuant to the requirements of Arkansas Code Annotated § 8-15-106, the Springdale City Council passed Ordinance No. 5001 authorizing the City of Springdale to join the District; and

WHEREAS, the approval of the Fayetteville City Council is required in order for the City of Springdale to join the District and the Fayetteville City Code must be updated to provide for Springdale's representation on the Board of Directors.

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 authorizes Mayor Jordan to sign a Membership Agreement allowing the City of Springdale to become a member of Energy Improvement District No. 1.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 33.381 **Board of Directors, Membership, Terms of Office** of ARTICLE XXVI **ENERGY IMPROVEMENT DISTRICT NO. 1** to the Code of Fayetteville, and enacts a replacement § 33.381 as follows:

33.381 Board of Directors, Membership, Terms of Office

(A) Until December 31, 2016, Energy Improvement District No. 1 shall be governed by a Board of Directors consisting of nine (9) members. All seven (7) City of Fayetteville appointees shall remain on the Board of Directors. The City of Springdale shall appoint two members. One City of Springdale

member shall be the Mayor of Springdale or the Mayor's designee. Should the Mayor designate a member, said member shall serve at the pleasure of the Mayor. The remaining City of Springdale member shall be a qualified elector of the District chosen by the Springdale City Council. The terms of these members shall expire on December 31, 2016.

(B) After December 31, 2016, membership shall be allocated as follows:

- (i) One (1) member shall be the Mayor of Fayetteville or the Mayor's designee. Should the Mayor designate a member, said member shall serve at the pleasure of the Mayor.
- (ii) One (1) member shall be the Mayor of Springdale or the Mayor's designee. Should the Mayor designate a member, said member shall serve at the pleasure of the Mayor.
- (iii) Four (4) of the remaining members shall be qualified electors of the District chosen by the Fayetteville City Council, each to serve a term of two (2) years.
- (iv) Three (3) of the remaining members shall be qualified electors of the District chosen by the Springdale City Council, each to serve a term of two (2) years.

(C) In making its Board appointments, the City Council shall give due consideration to candidates with connections to or relations with local utility companies, lending or bonding institutions and the advanced energy industry. City Council appointed members shall be subject to the term limit provisions of Section 33.329(B).

(D) Should additional governmental entities enter into an agreement with the City of Fayetteville for participation in and addition to Energy Improvement District No. 1, the composition and terms of members of the Board of Directors shall be as agreed between the City of Fayetteville, the City of Springdale and other participating and agreeing governmental entities.

City of Fayetteville Staff Review Form

2016-0290

Legistar File ID

6/21/2016

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

Peter Nierengarten

6/3/2016

Sustainability & Resilience /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends entering into a membership agreement with the City of Springdale, Arkansas for inclusion in Energy Improvement District No. 1.

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 # 5624

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 21, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Peter Nierengarten, Sustainability and Parking Director

DATE: June 3, 2016

SUBJECT: Property Assessed Clean Energy (PACE) Improvement District Membership Agreement with the City of Springdale

RECOMMENDATION:

Staff recommends entering into a membership agreement with the City of Springdale, Arkansas for inclusion in Energy Improvement District No. 1.

BACKGROUND:

Property Assessed Clean Energy (PACE) is a creative financing mechanism that allows property owners to borrow money for weatherization, energy efficiency, renewable energy or water conservation improvements to their property. The security of tying the repayment of loans to property tax assessments combined with low default rates allow PACE to offer very low and extremely attractive interest rates for these improvement loans. PACE is a completely voluntary program that enables private investment for the purpose of energy savings.

PACE enabling legislation was passed by the Arkansas Legislature in the 2013 session and signed by the Governor in April 2013. That legislation allows Cities, Counties or the State to create Energy Improvement Districts within the State of Arkansas. The Arkansas Legislature noted that Energy Improvement Districts would benefit Arkansas by:

- Creating jobs and stimulating the economy
- Generating significant economic development
- Protecting citizens from the rising cost of electricity and non-renewable fuels
- Providing citizens with options for financing improvements that are otherwise not available
- Providing a positive cash flow on energy improvements
- Increasing the value of real property
- Improving the state's air quality and conserving natural resources
- Promoting energy independence and security for the nation and state

On October 15, 2013, the Fayetteville City Council of passed Ordinance No. 5624, which created Energy Improvement District No. 1. pursuant to Ark. Code Ann. § 8-15-101 to manage PACE for the City of Fayetteville. In December 2014, the Energy Improvement District successful launched the [Arkansas Advanced Equity Energy](#) (A2E2) program to administer PACE for Fayetteville. In August 2015, the A2E2 and the Energy Improvement District

executed Arkansas' first PACE project, which included weatherization and energy efficiency improvement on a Fayetteville Office Building.

DISCUSSION:

Expansion of Energy Improvement District No. 1 to include Springdale will approximately double the population and incorporated area that will have access to PACE financing for property improvements. District expansion creates a much larger pool of eligible PACE properties, which ultimately makes the District stronger.

On December 16, 2015, the City Council of the City of Springdale passed Ordinance No. 5001, authorizing Springdale to participate in Property Assessed Clean Energy Improvement District No. 1. Since that time, the Fayetteville City Administration and the City Attorney's Office have been negotiating an agreement for the City of Springdale to join the Energy Improvement District. In the proposed Membership Agreement, the number of board positions on the Energy Improvement District will be expanded from 7 to 9 and at the end of 2016 the board will consist of 5 Fayetteville members and 4 Springdale members. The Chair and Vice-Chair positions will rotate annually between a Fayetteville and a Springdale member.

Expansion of Energy Improvement District No. 1 to include the City of Springdale, was discussed at the February 8th Energy Improvement District Board meeting and received unanimous support.

BUDGET/STAFF IMPACT:

Energy Improvement District No. 1 is legally and financially independent of the City of Fayetteville and the City of Springdale and there is no budget impact associated with continued support for an expansion of Energy Improvement District No. 1. Staff from Fayetteville and Springdale will jointly provide support to the Energy Improvement District board members.

Attachments:

Energy Improvement District No. 1 Membership Agreement

ENERGY IMPROVEMENT DISTRICT NO. 1

Membership Agreement

Purpose:

On October 15, 2013, the City Council of the City of Fayetteville passed Ordinance No. 5624, which created a "Property Assessed Energy Improvement District" pursuant to Ark. Code Ann. § 8-15-101. On December 16, 2015, the City Council of the City of Springdale passed Ordinance No. 5001, authorizing Springdale to participate in Property Assessed Energy Improvement District No. 1. This is the Membership Agreement between the City of Fayetteville and the City of Springdale.

Board of Directors, Membership, Terms of Office

- (A) Energy Improvement District No. 1 shall be governed by a Board of Directors (hereinafter "Board") consisting of nine (9) members.
- (B) Upon execution of this agreement and until December 31, 2016, the City of Springdale shall be allocated two members to join the existing seven-member Board
 - a. One member shall be the Mayor of Springdale or the Mayor's designee. Should the Mayor designate a member, said member shall serve at the pleasure of the Mayor.
 - b. One member shall be a qualified elector of the District chosen by the Springdale City Council.
 - c. The terms of these members shall expire December 31, 2016.
- (C) After December 31, 2016, membership shall be allocated as follows:
 - a. One member shall be the Mayor of Fayetteville or the Mayor's designee. Should the Mayor designate a member, said member shall serve at the pleasure of the Mayor.
 - b. One member shall be the Mayor of Springdale or the Mayor's designee. Should the Mayor designate a member, said member shall serve at the pleasure of the Mayor.
 - c. Four of the remaining members shall be qualified electors of the District chosen by the Fayetteville City Council, each to serve a term of two (2) years.
 - d. Three of the remaining members shall be qualified electors of the District chosen by the Springdale City Council, each to serve a term of two (2) years.
- (D) Should additional governmental entities enter into an agreement with the City of Fayetteville for participation in and addition to Energy Improvement District No. 1, the composition and terms of members of the Board of Directors shall be as agreed between the City of Fayetteville, the City of Springdale and other participating and agreeing governmental entities.
- (E) Any vacancy shall be filled in accordance with the respective Member's appointment procedures.

Board of Directors – Officers

- (A) The Board shall have a Chair and Vice Chair.
 - a. Officers shall be elected by majority vote of the board members present at the first meeting of each year.
 - b. Terms for officers shall be one year.
 - c. Beginning in 2017, the Chair shall be a City of Fayetteville member in odd years and a City of Springdale member in even years.
 - d. Beginning in 2017, the Vice-Chair shall be a City of Springdale member in odd years and a City of Fayetteville member in even years.
 - e. The Board of Directors shall have such powers, duties and responsibilities as set forth in Ark. Code Ann. § 8-15-101, *et seq.*

Staff Liaison

- (A) Each participating governmental entity in the District shall have a Staff Liaison to organize meetings and agendas and help parties from their respective jurisdictions apply for PACE loans.
 - a. The Sustainability & Resilience Department Director for the City of Fayetteville shall serve as the staff liaison for the City of Fayetteville.
 - b. The Director of Engineering or his/her designee shall serve as the staff liaison for the City of Springdale

Meetings

- (A) The Board shall meet at least one time per quarter.
- (B) Meeting times and locations shall be set by the Board's bylaws.

Legal and Financial Independence

In the operation of its business, Energy Improvement District No. 1 is legally and financially independent of the City of Fayetteville and City of Springdale. No debt entered into by the District shall ever be construed as an obligation of the City of Fayetteville or of any other governmental entity which may participate in the District.

APPROVED:

ATTEST:

CITY OF FAYETTEVILLE

By: _____
LIONELD JORDAN, Mayor

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

CITY OF SPRINGDALE

By: _____
DOUG SPROUSE, Mayor

By: _____
DENISE PEARCE, City Clerk



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0287

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

WAYFINDING SIGNS, POLES AND APPURTENANCES:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF WAYFINDING SIGNS, POLES AND APPURTENANCES FROM ARCHITECTURAL GRAPHICS, INC., IN AN AMOUNT NOT TO EXCEED \$122,930.98, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, on December 4, 2012, the City Council passed Resolution No. 231-12 and Resolution No. 232-12 approving the City's participation in a cooperative wayfinding program in Northwest Arkansas; and

WHEREAS, the original phases of the wayfinding sign program were competitively bid through the Northwest Arkansas Regional Planning Commission and Architectural Graphics, Inc. was awarded the contract for fabrication and installation of the signs throughout the region; and

WHEREAS, in order to remain consistent with existing, previously installed signs across the Northwest Arkansas area, including Fayetteville, the purchase of additional wayfinding signs, poles and appurtenances from Architectural Graphics, Inc. for the next phase of the wayfinding sign program is necessary.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is deemed not feasible or practical, and therefore waives the requirements of formal competitive bidding and authorizes the purchase of wayfinding signs, poles and appurtenances from Architectural Graphics, Inc., in an amount not to exceed \$122,930.98.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to the agenda packet.

City of Fayetteville Staff Review Form

2016-0287

Legistar File ID

6/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

6/1/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Waiving the requirements for formal competitive bidding for the purchase of wayfinding signs, poles and appurtenances not to exceed \$122,930.98 and approving the associated budget adjustment.

Budget Impact:

4470.9470.5212.00 and 2130.9132.5212.00

4470 Cap Improvement Const and 2130 Parking

Account Number

Fund

13013.0001 and 15003.0001

Regional Wayfinding Signage Program/Spring
Street Parking Deck Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 147,366.00

Funds Obligated \$ -

Current Balance \$ 147,366.00

Does item have a cost? Yes

Item Cost \$ 122,930.98

Budget Adjustment Attached? Yes

Budget Adjustment \$ 16,747.00

Remaining Budget \$ 41,182.02

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF JUNE 21, 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: June 1, 2016

SUBJECT: **Waiving the requirements for formal competitive bidding for the purchase of wayfinding signs, poles and appurtenances not to exceed \$122,930.98 and approving the associated budget adjustment.**

RECOMMENDATION:

Staff recommends waiving the requirements for formal competitive bidding for the purchase of wayfinding signs, poles and appurtenances not to exceed \$122,930.98 and approving the associated budget adjustment.

BACKGROUND:

In 2012 the City Council approved the City's participation in the Regional Wayfinding Program (resolution 231-12). Shortly thereafter the initial phases of the program were completed with signage installed throughout town. The City now desires to continue that program through the installation of additional signage.

DISCUSSION:

The original phases of the wayfinding sign program were competitively bid, and Architectural Graphics, Inc. (AGI) was awarded the contract for fabrication and installation of the signs throughout the region. In order to ensure the materials, including graphics, colors, pole styles, etc... match the existing signs it is recommended that they be produced by the same manufacturer as previous phases of the program. The warranty and quality control of the sign fabrication is also greatly enhanced by using the same contractor. Recently other municipalities had issues with materials produced by different manufacturers not matching the materials from the original program, which ultimately caused them to return to the original contractor after considerable expense.

BUDGET/STAFF IMPACT:

The City has received a quote for the production of the materials from AGI who completed the initial phases of the program. The total amount of materials is anticipated to cost up to \$122,930.98, however, there is potential for the number of signs to be reduced slightly based on the overall program budget and actual cost of installation. This will be known after the bid process for the installation of the signs and could reduce the total amount spent on materials.

Of the total materials amount, up to \$13,069.03 is anticipated to be funded by the parking budget and will cover the signs installed around the Spring Street Parking Deck. The remainder of the signs will be funded by the wayfinding program budget. However, it should be noted that two signs will be paid for by the University of Arkansas. These are signs 122 and 123 in the program; the total material cost for the U of A signage is anticipated to be \$13,938.25. The proposed budget adjustment recognizes the revenue from the U of A and includes both the materials and an estimate for installation. All numbers listed above include tax and are for the materials only. The installation for all signs is planned to be bid separately.

The wayfinding sign project was approved by the City Council as a CIP project, spanning the 2015-2016 budget years. Staff has saved significant funds by designing the wayfinding plan internally, thereby allowing more of the funds to be utilized on the signs themselves.

Attachments:

Budget Adjustment

Materials Quote

Message Schedule

Wayfinding Sign Map

Resolution 231-12

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: 6/1/2016	
							P.O Number:			
Vendor #: 25459			Vendor Name: Architectural Graphics Incorporated (AGI)				Mail ☒ YES ☐ NO		Legistar#: 2016-0287	
Address: 2655 International Parkway					FOB Point:		Taxable ☒ YES ☐ NO			
City: Virginia Beach			State: VA		Zip Code: 23452	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	Wayfinding Phase III	1	Lot	100,102.00	\$100,102.00	4470.9470.5212.00		13013.0001		
2	Wayfinding Phase III Parking	1	Lot	11,908.00	\$11,908.00	2130.9132.5212.00		15003.0001		
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>\$112,010.00</u>			
							Tax: <u>\$10,920.98</u>			
							Total: <u><u>\$122,930.98</u></u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										



Architectural Graphics, Inc.

2655 International Pkwy
P.O. Box 9175
Virginia Beach, VA 23450
(757)427-1900

Reference No.: **16892**

Date: **01-Jun-16**

Quotation

Job Ref: **Fayetteville, AR Wayfinding**

To: **City of Fayetteville**
125 W Mountain Street
Fayetteville, AR 72701

Estimated Delivery: **See Note 2**

From Receipt of approved
shop drawings

Salesman: **William Clark**

ATTN: Jeremy Pate
Phone: (479) 575-8265

Photo Number	Qty	Description	Unit Cost	Extension
100	0	VDIR.3- install only- did not quote	-	-
101	1	VDIR.3- new pole and third panel (material only)	5,286.00	5,286.00
103	1	VDIR.2- new panel (material only)	546.00	546.00
104	1	VDIR.2- new panel (material only)	546.00	546.00
118	0	VDIR.1- install only- did not quote	-	-
122	1	VDIR.3-ALT- NEW SIGN	6,350.00	6,350.00
123	1	VDIR.3-ALT- NEW SIGN	6,350.00	6,350.00
124	1	VDIR.3-ALT- NEW SIGN	6,350.00	6,350.00
125	1	VDIR.3-ALT- NEW SIGN	6,350.00	6,350.00
126	1	VDIR.3-ALT- NEW SIGN	6,350.00	6,350.00
228	0	VDIR.6- install only- did not quote	-	-
231	0	VDIR.5- install only- did not quote	-	-
232	0	VDIR.5- install only- did not quote	-	-
241	0	VDIR.6- NEW SIGN	-	-
242	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
243	0	VDIR.6- NEW SIGN	-	-
244	0	VDIR.6- NEW SIGN	-	-
245	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
246	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
247	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
248	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
249	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
250	0	VDIR.6- NEW SIGN	-	-
251	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
252	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
253	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
254	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
255	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
256	0	VDIR.6- NEW SIGN	-	-
257	1	VDIR.6- NEW SIGN	5,158.00	5,158.00
501	1	PDIR.2- 2 new vinyl arrows (material only)	39.00	39.00

**Architectural Graphics, Inc.**

2655 International Pkwy
P.O. Box 9175
Virginia Beach, VA 23450
(757)427-1900

Reference No.: **16892**Date: **01-Jun-16****Quotation**Job Ref: **Fayetteville, AR Wayfinding**

To: **City of Fayetteville**
125 W Mountain Street
Fayetteville, AR 72701

Estimated Delivery: **See Note 2**

From Receipt of approved shop drawings

Salesman: **William Clark**

ATTN: Jeremy Pate
Phone: (479) 575-8265

Photo Number	Qty	Description	Unit Cost	Extension
504	1	PDIR.2- 2 new vinyl arrows (material only)		
			39.00	39.00
300	1	PARK.1- NEW SIGN	5,166.00	5,166.00
301	1	PARK.1- NEW SIGN	5,166.00	5,166.00
302	1	PARK.2- NEW SIGN	394.00	394.00
303	1	PARK.2- NEW SIGN	394.00	394.00
304	1	PARK.2- NEW SIGN	394.00	394.00
305	1	PARK.2- NEW SIGN	394.00	394.00
				-
		Material		112,010.00
		Installation		-
		Delivery / Mobilization		-
		Permits Acquisition		-
		Engineering		included
		State AR 9.75% Tax		10,920.97
		Grand Total		122,930.97

Notes and Qualifications:

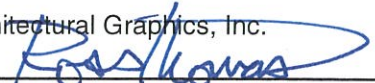
- 1 In the event taxes are required, and the rate and or amount shown is different than required, AGI will adjust accordingly on the invoice.
- 2 Final completion time will be negotiated at time of award of project.
- 3 AGI corporate policy requires 50% deposit and signed quotation with all orders to implement production.
- 4 Delivery of material is based on one trip to the job site with quantities as listed above. Additional pricing will be required should quantities change.
- 5 Material pricing based on quantities listed above. If quantities should change, additional pricing will be required.
- 6 AGI uses the finest materials and protective coatings on their brass, bronze, and copper products, but due to their inherent nature we are unable to offer any warranty.
- 7 AGI's quotation for this project is inclusive of all items listed only and does not include any such item that is not shown above. If for any reason AGI does not include pricing for those items not shown, client may request to have additional pricing to include those items into quotation.
- 8 Client responsible for accuracy of all messages.

Accepted By: _____

Title: _____

Date: _____

Architectural Graphics, Inc.

By: 

Ross Thomas, Assistant Estimator

Date: _____

6/1/2016

Terms and Conditions



Architectural Graphics, Inc.

2655 International Pkwy
P.O. Box 9175
Virginia Beach, VA 23450
(757)427-1900

Reference No.: **16892**

Date: **01-Jun-16**

Quotation

Job Ref: **Fayetteville, AR Wayfinding**

To: **City of Fayetteville**
125 W Mountain Street
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Estimated Delivery: **See Note 2**

From Receipt of approved
shop drawings

Salesman: **William Clark**

ATTN: Jeremy Pate
Phone: (479) 575-8265

Photo Number	Qty	Description	Unit Cost	Extension
-----------------	-----	-------------	-----------	-----------

PRICES: Prices quoted are subject to receipt of signed quotation no later than 30 days from date of quotation.

TERMS: All accounts shall be net 10 from invoice date with payment in full being made during this period. In the event timely payment is not made, a 1-1/2% service charge per month after 30 days on the unpaid balance will be levied, and appropriate collection procedures will be initiated. In the event that there is a default of payment of any amount due, and your account is placed in the hands of an agency or attorney for collection or legal action, you will be charged an additional fee equal to the cost of collection including agency and attorney fees and court costs incurred and permitted by law governing these transactions.

PROGRESS PAYMENT: In the event this project, due to circumstances beyond the seller's control, span a period of 60 days or more for 100% completion, buyer agrees to make progress payments in accordance with seller's monthly invoices. Such request for progress payment will be based in the value of signage either installed or stored at jobsite and invoiced on the first of each month. Buyer agrees to pay progress payments within 10 days after receipt of invoice.

RETAINAGE: If circumstances should arise prohibiting the seller to complete this project due to conditions beyond its control on the scheduled timely basis, the buyer shall withhold at its discretion a proportionate amount of funds equal to the signage to be completed. Under no circumstances will the buyer withhold payment over and above the value of the incompleted signage and will follow the payment terms as detailed above.

CANCELLATIONS: Orders based on this quotation cannot be cancelled or specifications changed without seller's consent and upon terms which will protect seller against all losses and liabilities incurred.

DELAYS: Seller shall not be liable for any default or delay caused by government directives, priorities, regulations, requests, orders or requisitions, or by embargoes, fires, strikes, work stoppages, accidents to machinery or equipment, delays of carriers or shortage of labor or material, or for any other cause whatsoever interfering with or impeding production or delivery of the products ordered.

Our promises of delivery are made in good faith, and we will do everything possible to fulfill them. However, if we are unable to meet a scheduled delivery date, we shall not be liable for additional transportation charges incurred by your request to use a faster means of transportation.

CLAIMS: Claims for defective goods must be made within (48) hours after installation or delivery, whichever occurs first. Seller will not accept backcharges or return of any goods without sellers written authority.

ARBITRATION AND LITIGATION: This Contract and Bill of Sale shall be deemed negotiated, made, and performed within the Commonwealth of Virginia and shall be enforceable solely within the jurisdiction of the Commonwealth of Virginia. Controversies arising under this Bill of Sale and Contract shall be determined either by binding arbitration within the Commonwealth of Virginia upon Terms and Conditions agreed upon by both parties to this Bill of Sale, or by litigation deemed properly brought either in the U.S. District Court for the eastern district of Virginia in Norfolk, Virginia, or in the Circuit Court of the City of Virginia Beach, Virginia.

Client Initials & Date _____ AGI Initials & Date RT 6/1/2016



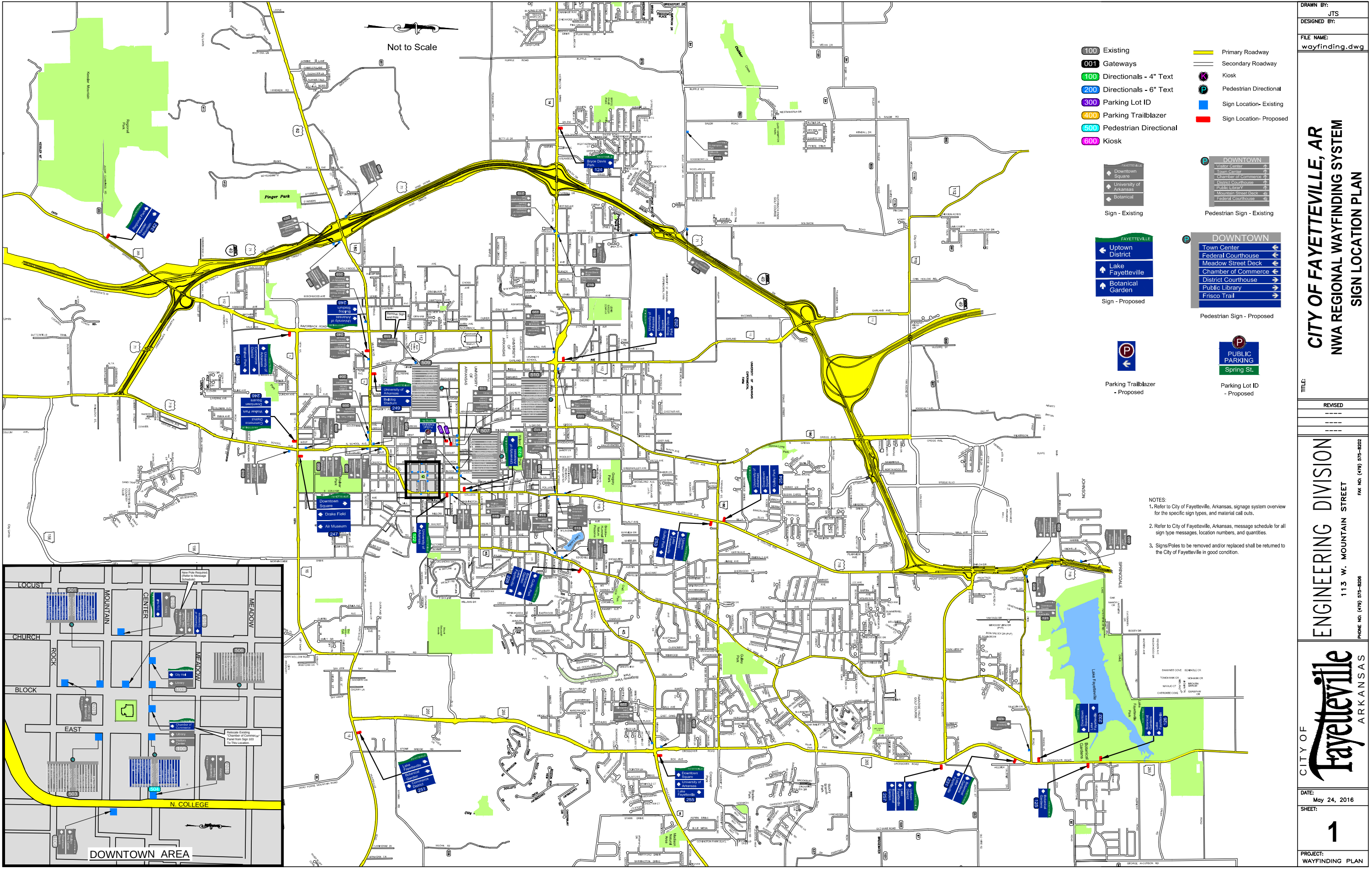
City of Fayetteville Wayfinding
Phase III Message Schedule
5/17/2016
 CIP: 13013
 Files to AGI for Pricing

Sign No.	Sign Type	Qty.	Sheet No.	Message	Location	Comments
100	VDIR.3	1		Fayetteville Chamber of Commerce Library Visitors Center	Westbound Center St between East and Block	Replace Chamber of Commerce panel with Chamber of Commerce panel from sign 103
101	VDIR.3	1		Fayetteville Fayetteville Dist. Court US District Courthouse Chamber of Commerce	Southbound Block between Center and Mountain	Replace pole and add 3rd message panel (Chamber of Commerce)
103	VDIR.2	1		Fayetteville City Hall Library	Westbound Center between Block and Church	Replace Chamber of Commerce Panel with City Hall
104	VDIR.2	1		Fayetteville City Hall Library	Southbound Church between Center and Mountain	Replace Chamber of Commerce Panel with City Hall
118	VDIR.1	1		Fayetteville Clinton House Museum	Corner Stadium and Virginia	Remove Sign and Pole, return to City
122	VDIR.3 ALT	1		Fayetteville Univ. of Arkansas Blank	Northbound College approaching Dickson	
123	VDIR.3 ALT	1		Fayetteville Univ. of Arkansas Blank	Southbound College approaching Dickson	
124	VDIR.3 ALT	1		Fayetteville Bryce Davis Park Blank	Westbound Wedington at Salem	
125	VDIR.3 ALT	1		Fayetteville Botanical Garden Blank	Northbound Crossover at Botanical Garden Entrance	8-10 feet ROW behind sidewalk according to GIS
126	VDIR.3 ALT	1		Fayetteville Botanical Garden Lake Fayetteville	Southbound Crossover at Botanical Garden Entrance	
Total 100 Series		10				

Sign No.	Sign Type	Qty.	Sheet No.	Message	Location	Comments
228	VDIR.6	1		← ↗ ↗ Fayetteville Gulley Park Botanical Garden Lake Fayetteville	Eastbound Mission approaching Old Wire Road	Sign and pole in storage, install only
231	VDIR.5	1		↑ ← Fayetteville Botanical Garden Lake Fayetteville	Northbound Crossover at Zion	Sign and pole in storage, install only. 6-8 feet ROW behind sidewalk
232	VDIR.5	1		↑ → Fayetteville Downtown Square Lake Fayetteville	Southbound Crossover at Zion	Sign and pole in storage, install only
242	VDIR.6	1		→ → Fayetteville Regional Park Kessler Mountain Blank	NW corner Cato Springs and Judge Cummings	Possible revision to VDIR.3ALT due to ditch
245	VDIR.6	1		↑ → → Fayetteville University of Arkansas Commerce District Walker Park	Northbound Razorback at 15th Street	
246	VDIR.6	1		↑ ↑ ← Fayetteville Commerce District Walker Park Downtown Square	Eastbound 15th Street at South School	
247	VDIR.6	1		→ ← ← Fayetteville Downtown Square Drake Field Air Museum	Westbound 15th Street at South School	Relocate Hwy 71B Sign to east side of parking lot drive
248	VDIR.6	1		← ← Fayetteville University of Arkansas Bulldog Stadium Blank	Eastbound MLK at Stadium	

249	VDIR.6	1	→ →	Fayetteville University of Arkansas Bulldog Stadium Blank	Westbound MLK at Stadium	
251	VDIR.6	1	→ → ↑	Fayetteville Lake Fayetteville Botanical Garden Commerce District	Westbound Huntsville at Crossover	
252	VDIR.6	1	↑ ← →	Fayetteville University of Arkansas Downtown Square Bryce Davis Park	Southbound Garland at Wedington/North	8-10 feet of ROW behind sidewalk according to GIS
253	VDIR.6	1	↑ ↑ →	Fayetteville Uptown District Lake Fayetteville Gulley Park	Northbound College at Township	App 7 feet ROW behind back of curb according to GIS
254	VDIR.6	1	↑ ↑ ←	Fayetteville University of Arkansas Downtown Square Gulley Park	Southbound College at Township	
255	VDIR.6	1	↑ ↑ →	Fayetteville Downtown Square University of Arkansas Lake Fayetteville	Westbound Mission at Crossover	
257	VDIR.6	1	← ↑ ↑	Fayetteville Uptown District Lake Fayetteville Botanical Garden	Northbound Crossover at Joyce	

501	PDIR.2	1		Downtown Multiple Messages	SW Corner Mountain and Block	Revise Chamber of Commerce Directional arrow (both sides point east), all others remain same
504	PDIR.2	1		Downtown Multiple Messages	NE Corner of East and Center	Revise Chamber of Commerce Directional arrow (both sides point south), all others remain same
Total 500 Series		2				
300	PARK.1	1		Spring St.	Spring Street Parking Deck	Located on Spring Street at entrance to deck
301	PARK.1	1		Spring St.	Spring Street Parking Deck	Located on School Street at entrance to deck
302	PARK.2	1	←	P	Corner of Dickson and School	Parking symbol with directional arrow To be installed by City
303	PARK.2	1	→	P	Corner of West and Spring	Parking symbol with directional arrow To be installed by City
304	PARK.2	1	←	P	Corner of Dickson and School	Parking symbol with directional arrow To be installed by City
305	PARK.2	1	→	P	Corner of West and Spring	Parking symbol with directional arrow To be installed by City
Total 300 Series		6				



RESOLUTION NO. 231-12

A RESOLUTION TO EXPRESS THE FAYETTEVILLE CITY COUNCIL'S
INTENT TO IMPLEMENT THE REGIONAL WAYFINDING PROGRAM

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

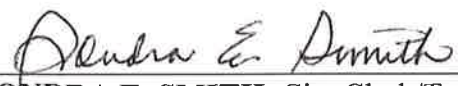
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to implement the Regional Wayfinding Program as discussed in the memo from Development Service Director Jeremy Pate and authorizes Mayor Jordan to sign the proposed Commitment Letter to the Northwest Arkansas Council (attached as Exhibit A).

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

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



Draft Commitment Letter to the NWA Council (using Fayetteville as a example)

Mike Malone
President and CEO NWA Council
4100 Corporate Center Drive, Suite 205
Springdale, AR 72762

Dear Mr. Malone:

I'm writing on behalf of the City of Fayetteville to express our commitment to the regional wayfinding system.

As you know, the Walton Family Foundation awarded a grant to the Northwest Arkansas Council, through the fiscal sponsorship of the Endeavor Foundation, in late 2011. According to the terms of the grant, the Foundation agreed to pay for the design of a regional wayfinding program, involving the cities of Fayetteville, Springdale, Lowell, Rogers, Siloam Springs, Eureka Springs, and Bella Vista. The Foundation also agreed to fund the fabrication and installation of signs for a pilot project, or stem of signage, to one destination per city. The funding for the pilot project for all seven cities is not to exceed \$350,000, and will not be released until the city provides a commitment to the grantee (NWA Council) that they will complete the remaining portion of the project within a five-year time frame. This letter is intended to provide this commitment.

Based on current cost estimates, the City of Fayetteville plans to fabricate and install the remaining portion of our city's wayfinding program at the same time as the pilot project. According to the terms of the grant, the expected installation of the pilot project is no later than July of 2013. The Northwest Arkansas Regional Planning Commission plans to submit a request for proposal on behalf of all the cities in January of 2013. The winning bid will be selected by the Regional Wayfinding Steering Committee, which contains representatives of all seven cities participating in the project as well as a representative from Northwest Arkansas Regional Planning. Fayetteville's expectation is that all of the signs planned for Fayetteville will be fabricated and installed at the same time and therefore will be completed by July of 2013. Should there be any unexpected delays, we will inform the Council promptly.

The City of Fayetteville and the Fayetteville Advertising and Promotion Commission will both contribute to the cost of the program.

Fayetteville's wayfinding program is detailed in "Exhibit A" that is attached to this document. Exhibit A indicates the pilot project signs as "Phase I", and the remainder of the signage as "Phase II".



The cost estimates for the City of Fayetteville are also attached as Exhibit B. MERJE Design, the designers hired to for the programing phase of the system, provided these estimates to the City of Fayetteville.

In the event that the selected bid comes in higher than the estimated costs, Fayetteville may need to reconsider installing the program at one time, and implement a phasing plan. If such circumstance occurs, Fayetteville commits to completing the wayfinding program as described in Exhibit A, by December 31, 2017, within the 5 year period described by the grant. We further agree to keep the Northwest Arkansas Council informed of any unexpected delays in the fabrication and installation of the project.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. D. Durr", is written over a horizontal line.

MB-1

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

12/4/2012

City Council Meeting Date
Agenda Items Only

Jeremy Pate
Submitted By

Development Services
Division

Development Services
Department

Action Required:

Approval of a Resolution to express the City of Fayetteville's commitment to implement the Regional Wayfinding Program, pursuant to a grant awarded to the Northwest Arkansas Council for this program.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

11-15-2012
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Nov 16, 2012
Date

Finance and Internal Services Director

November 19, 2012
Date

Received in City
Clerk's Office

Chief of Staff

11-19-12
Date

Received in
Mayor's Office

Mayor

11/20/12
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director *JP*

Date: November 15, 2012

Subject: Wayfinding Program Implementation – Commitment to the NWA Council

RECOMMENDATION

Staff recommends approval of a resolution to express the City's commitment to implement the Regional Wayfinding Program, pursuant to a grant award to the Northwest Arkansas Council for this program, and subject to the terms discussed herein.

BACKGROUND

In 2011 a grant was awarded to the Northwest Arkansas Council from the Walton Family Foundation to pay for the design of a regional wayfinding program involving the cities of Fayetteville, Springdale, Lowell, Rogers, Siloam Springs, Eureka Springs and Bella Vista. The grant also funds the fabrication and installation of signs for a pilot project to one destination per city. The funding for the pilot project for each city (not to exceed a total of \$350,000) is contingent upon each city providing certain commitments. Each city, in order to receive the benefit of the comprehensive design and pilot project installation, must:

- 1) Complete the designed wayfinding program (for each respective city) by December 31, 2017, or earlier
- 2) Participate in the surveys by the Northwest Arkansas Council to help gauge success of the program
- 3) Agree to comply with the maintenance plan for the wayfinding system

Completion of Program: The City agrees to complete the wayfinding program, identified in the attached Message Schedule and Sign Location Plans, no later than December 31, 2017.

City staff has been working, at the direction of the Mayor, to coordinate the City's efforts in this program through the NWA Council and all of the other participating cities for over a year. Over a series of iterations, a final design plan, standards for fabrication and installation, protocol for inclusion of new destinations in the future, and maintenance responsibilities have been developed, with each city's input. These documents are all attached. Based on current cost estimates, the City of Fayetteville, with the Mayor and Council's input, plans to have all of the wayfinding program fabricated and installed at the same time as the pilot project, rather than phase it over the next five years. The expected installation of the pilot project is no later than July 2013. If approved, the Northwest Arkansas Regional Planning Commission will submit a request for proposal on behalf of all the participating cities in January of 2013. The winning bid will be selected by the Regional Wayfinding Steering Committee, which contains representatives from all seven cities, as well as NWARPC. The City's expectation is that all of the signs planned for Fayetteville will be fabricated and installed at the same time and therefore completed by July 2013.

The City of Fayetteville and the Fayetteville Advertising and Promotion Commission will both contribute to funding the program. The final Wayfinding Program is detailed in the attached **Message Schedule**, and an illustrative plan entitled **Sign Location Plans**; these constitute the comprehensive plan to which the City commits. Cost estimates as the plan currently calls for are attached, provided by MERJE, the design team hired for the programming phase of the system. In total, the full program is estimated at approximately \$314,500, with 20% of that, or \$64,000 paid for by the Walton Family Foundation as the pilot project. Also attached are the Design Development drawings of the signs themselves (including one of each participating city, to show the collaborative design approach undertaken). In the event that the bid comes in higher than estimated costs, the City may need to reconsider installing the program at one time, and instead implement a phasing plan. If that occurs, Fayetteville remains committed to completing the wayfinding program as described in the Message Schedule and Sign Location Plans by December 31, 2017 at the latest.

Surveys: The City agrees to conduct surveys at locations selected in agreement with the NWA Council, designed to gauge the success of the wayfinding program.

Surveys will be provided by the NWA Council, with input solicited from each participating city. Three survey phases are anticipated – Pre-project, Early Success, and One-year Post Pilot Completion surveys. All of these surveys are designed to gauge the success of the provided grant, and will also provide data for each city's use in understanding the effectiveness of the cities' investment in this program.

Maintenance Agreement: The City agrees to adhere to the attached regional wayfinding maintenance agreement, entitled Management and Maintenance Strategy.

The participating cities worked with MERJE, the design team, to create an overall system oversight diagram, maintenance flow chart and short-term, long-term and system life span management and maintenance plans for the wayfinding program. The plan identifies issues to address such as vandalism, cleaning, life span of the color in the products, sign panels and fasteners, etc. The Transportation Department, who will be tasked with the physical maintenance of the wayfinding signs, will retain a copy of the maintenance plan for implementation.

DISCUSSION

City staff has been excited to work on this important regional project, another example – like the Razorback Greenway Trail – of leveraging public and private funds to accomplish common goals that unite the region.

BUDGET IMPACT

Approximately \$125,000 is currently estimated to be the City's portion of the total cost. Other funding sources include the A&P Commission and the grant for the pilot project. Final costs will be determined at the time of the bid, and the decision of whether to implement the program fully in one installation or phase it over time will be made based upon those factors and available funds.

RESOLUTION NO. _____

**A RESOLUTION TO EXPRESS THE FAYETTEVILLE CITY COUNCIL'S
INTENT TO IMPLEMENT THE REGIONAL WAYFINDING PROGRAM**

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to implement the Regional Wayfinding Program as discussed in the memo from Development Service Director Jeremy Pate and authorizes Mayor Jordan to sign the proposed Commitment Letter to the Northwest Arkansas Council (attached as Exhibit A).

PASSED and APPROVED this 14th day of December, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

NWA Regional Wayfinding Program

Message Schedule

City of Fayetteville, Arkansas
Wayfinding & Signage Program

NWA REGIONAL WAYFINDING SYSTEM

MESSAGE SCHEDULE

Third Submittal

23 July 2012

merJe

120 N. Church Street
Suite 208
West Chester, PA 19380
T 484.266.0648
www.merjedesign.com

ENVIRONMENTS & EXPERIENCES

SIGN COUNT SUMMARY

MERJE | ENVIRONMENTS AND EXPERIENCES
120 N. Church Street
Suite 208
West Chester, PA 19380
484.266.0648
www.merjedesign.com

Client: City of Fayetteville, Arkansas

Project: NW Arkansas
Regional Wayfinding and Signage Program

Project No.:

Submittal: Third

Date: 06/29/2012

Sign Type	Quantity	Description
VDIR.1	6	
VDIR.2	8	
VDIR.3	8	
VDIR.4	2	
VDIR.5	11	
VDIR.6	14	

SIGN MESSAGE SCHEDULE

MERJE | ENVIRONMENTS AND EXPERIENCES
 120 N. Church Street
 Suite 208
 West Chester, PA 19380
 484.266.0648
 www.merjedesign.com

Client: City of Fayetteville, Arkansas

Project: NW Arkansas
 Regional Wayfinding and Signage Program

Project No.:

Submittal: Third

Date: 06/29/2012

Phase	LocationNo.:	Sign Type:	Qty.:	Sheet No.:	Message:	Comments:
2	100	VDIR.3	1		FAYETTEVILLE < Visitors Center ^ Chamber of Commerce ^ Library	Locate a minimum 25 ft from intersection of Block Ave.
2	101	VDIR.2	1		FAYETTEVILLE < US District Courthouse ^ Fayetteville Dist Court	Locate a minimum 25 ft from intersection of Mountain St.
2	102	VDIR.1	1		FAYETTEVILLE > Fayetteville Dist Court	Locate a minimum 25 ft from intersection of Rock St.
2	103	VDIR.2	1		FAYETTEVILLE < Chamber of Commerce < Library	Locate a minimum 25 ft from intersection of Church Ave.
2	104	VDIR.2	1		FAYETTEVILLE < Chamber of Commerce > Library	Locate a minimum 25 ft from intersection of Mountain Ave.
2	105	VDIR.2	1		FAYETTEVILLE > Downtown Square > Visitors Center	Locate a minimum 25 ft from intersection of Block Ave.

SIGN MESSAGE SCHEDULE

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 120 N. Church Street
 Suite 208
 West Chester, PA 19380
 484.266.0648
 www.merjedesign.com

Client: City of Fayetteville, Arkansas

Project: NW Arkansas
 Regional Wayfinding and Signage Program

Project No.:

Submittal: Third

Date: 06/29/2012

Phase	LocationNo.:	Sign Type:	Qty.:	Sheet No.:	Message:	Comments:
1	106	VDIR.3	1		FAYETTEVILLE < Downtown Square < Visitors Center ^ Walton Arts Center	25 mph zone (changes to VDIR.3) Locate 7 foot 6 inches south of pedestrian light post, aligned, prior to intersection of Center St. Note: remove existing TODS Visitor Info signs.
1	107	VDIR.3	1		FAYETTEVILLE > Downtown Square > Visitors Center > Library	25 mph zone (changes to VDIR.3) Locate 7 foot 6 inches north of pedestrian light post, aligned, prior to intersection of Center St. Note: remove existing TODS Visitor Info signs.
2	108	VDIR.3	1		FAYETTEVILLE < Dickson St District < Walton Arts Center ^ Botanical Garden	25 mph zone (changes to VDIR.3) Locate at least 100 ft south of intersection of Dickson St. Or approx. 50 ft from UA sign #201. (Recommend UA sign #201 to locate at least 50 ft from intersection of Dickson St.)
1	109	VDIR.3	1		FAYETTEVILLE > Dickson St District > Walton Arts Center ^ Downtown Square	25 mph zone (changes to VDIR.3) Locate 5 ft north of tree grate, aligned, prior to First Baptist Church parking lot entry. (Recommend UA sign #200 to locate at least 50 ft from intersection of Dickson St.)
2	110	VDIR.1	1		FAYETTEVILLE ^ Gary Hampton Park	Locate on right hand side of Porter Rd, just north of the Deane St intersection. Traffic heading north on Porter Rd will stop at intersection of Deane St. The sign must be positioned so as to be seen from that point.

SIGN MESSAGE SCHEDULE

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Date: 06/29/2012

Phase	LocationNo.:	Sign Type:	Qty.:	Sheet No.:	Message:	Comments:
2	111	VDIR.1	1		FAYETTEVILLE ^ Gary Hampton Park	Porter Rd changes into Mt Comfort Rd. Locate at least 50 ft from intersection of Shiloh Dr.
2	112	VDIR.3	1		FAYETTEVILLE > Dickson St District > Downtown Square ^ Botanical Garden	25 mph zone Locate at least 50 ft from intersection of (71) College Ave.
2	113	VDIR.3	1		FAYETTEVILLE < Downtown Square > Uptown District ^ University of Arkansas	25 mph zone Locate at least 50 ft from intersection of (71) College Ave. Note: Trim back trees at this location.
2	114	VDIR.2	1		FAYETTEVILLE < Botanical Garden < Lake Fayetteville	Locate approx. 100 ft from intersection of (45) Mission Blvd., on the property line.
2	115	VDIR.3	1		FAYETTEVILLE > Library ^ Downtown Square ^ Visitors Center	Locate a minimum 25 ft from intersection of School Ave.

SIGN MESSAGE SCHEDULE

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Submittal: Third

Date: 06/29/2012

Phase	LocationNo.:	Sign Type:	Qty.:	Sheet No.:	Message:	Comments:
2	116	VDIR.2	1		FAYETTEVILLE < Downtown Square ^ Walton Arts Center	Locate a minimum 25 ft from intersection of Block Ave.
2	117	VDIR.1	1		FAYETTEVILLE < Clinton House Museum	Locate a minimum 25 ft from intersection of Clinton/Stone St.
2	118	VDIR.1	1		FAYETTEVILLE ^ Clinton House Museum	Locate a minimum 25 ft from intersection of Stadium/Virginia Ave.
2	119	VDIR.2	1		FAYETTEVILLE > Gary Hampton Park > Holcomb Elementary	Replace existing sign location with Holcomb Elementary School message.
2	120	VDIR.2	1		FAYETTEVILLE < Botanical Garden > Downtown Square	Locate at least 200 ft from intersection of (265) Crossover Rd.
2	121	VDIR.1	1		FAYETTEVILLE > Lake Fayetteville	Locate at least 100 ft from intersection of (71) College Ave.

SIGN MESSAGE SCHEDULE

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Project No.:

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Phase	LocationNo.:	Sign Type:	Qty.:	Sheet No.:	Message:	Comments:
1	200	VDIR.5	1		FAYETTEVILLE < University of Arkansas < Downtown Square	Coordinate location with AHDT; can existing and new signs be consolidated into 1 location? Add green panel with "Farmington" - right arrow? If not to above, then: locate new sign on right side of roadway, 100 ft south of existing sign "West 62 Right Lane" with "Right Lane Must Turn Right" panel.
1	201	VDIR.5	1		FAYETTEVILLE < University of Arkansas < Downtown Square	Coordinate location with AHDT; can existing and new signs be consolidated into 1 location? Add green panel with "Farmington" - left arrow? Locate across Futrell Drive, aligned with center of exit roadway. Sign must face exit roadway.
1	202	VDIR.5	1		FAYETTEVILLE > University of Arkansas > Downtown Square	Locate sign 110 ft south from existing "South 540" and "North 540" sign cluster, located south of intersection of (MLK Jr Blvd) Main St.
1	203	VDIR.6	1		FAYETTEVILLE < University of Arkansas ^ Clinton House Museum ^ Downtown Square	Replace current "Clinton House Museum" TODS sign at Wendy's restaurant, only locate sign 5 feet from edge of property (TODS sign too close to driveway entry). (Recommend UA sign #403 to locate at the current "35 mph" sign location. Move "35 mph" sign to new location.)
1	204	VDIR.6	1		FAYETTEVILLE < Library < Visitors Center < Downtown Square	Replace existing TODS Visitor Info sign, only locate at least 3 feet after utility wood pole. (Sign locations 204 and 205 will be approx. 115 feet apart from each other.)

SIGN MESSAGE SCHEDULE

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Project No.:

Submittal: Third

Date: 06/29/2012

Phase	LocationNo.:	Sign Type:	Qty.:	Sheet No.:	Message:	Comments:
2	205	VDIR.5	1		FAYETTEVILLE > Walker Park > Air/Military Museums	Locate approximately 125 ft from intersection of (71) School Ave, at least 3 feet after 2nd utility wood pole.
1	206	VDIR.6	1		FAYETTEVILLE < University of Arkansas ^ Library ^ Downtown Square	Locate 200 ft from intersection of Martin Luther King Jr Blvd.
1	207	VDIR.6	1		FAYETTEVILLE < Library (Up Right arrow) Visitors Center (Up Right arrow) Downtown Square	Replace existing 35 mph sign location. Move 35 mph sign to new location.
2	208	VDIR.6	1		FAYETTEVILLE > University of Arkansas ^ Walker Park ^ Air/Military Museums	Locate at least 100 ft from intersection of Martin Luther King Jr Blvd.
2	209	VDIR.5	1		FAYETTEVILLE < Walker Park ^ Air/Military Museums	Locate at least 200 ft from intersection of 15th Street.

SIGN MESSAGE SCHEDULE

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Project: NW Arkansas
 Regional Wayfinding and Signage Program

Project No.:

Submittal: Third

Date: 06/29/2012

Phase	LocationNo.:	Sign Type:	Qty.:	Sheet No.:	Message:	Comments:
2	210	VDIR.6	1		FAYETTEVILLE > Walker Park ^ Downtown Square ^ University of Arkansas	Locate at least 100 ft from intersection of 15th Street.
2	215	VDIR.6	1		FAYETTEVILLE < Gary Hampton Park ^ University of Arkansas ^ Downtown Square	Locate at least 250 ft from intersection of Porter Rd.
2	216	VDIR.4	1		FAYETTEVILLE > Gary Hampton Park	Locate at least 100 ft from intersection of Porter Rd.
2	220	VDIR.6	1		FAYETTEVILLE > University of Arkansas ^ Downtown Square ^ Botanical Garden	Locate at least 300 ft from intersection of Garland Ave. Note: Sign locates on severe slope. One leg must be shorter than other. (UA sign #502 should be installed at least 200 ft from intersection of Garland Ave.)
2	221	VDIR.5	1		FAYETTEVILLE < University of Arkansas ^ Gary Hampton Park	Locate at least 200 ft from intersection of Garland Ave. (UA sign #107 should be installed at least 100 ft from intersection of Garland Ave.)

SIGN MESSAGE SCHEDULE

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 Regional Wayfinding and Signage Program

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Phase	LocationNo.:	Sign Type:	Qty.:	Sheet No.:	Message:	Comments:
2	223	VDIR.6	1		FAYETTEVILLE < University of Arkansas > Botanical Garden ^ Uptown District	Locate at least 200 ft from intersection of North St. Note: Short posts required for this location. Sign must be mounted above wall in grass area.
2	225	VDIR.6	1		FAYETTEVILLE > University of Arkansas ^ Dickson St District ^ Downtown Square	Replace existing sign. Locates approx. 125 ft from intersection of North St.
2	227	VDIR.5	1		FAYETTEVILLE > Downtown Square > University of Arkansas	Locate at least 100 ft from intersection of North St.
2	228	VDIR.6	1		FAYETTEVILLE < Gulley Park (Up Right Arrow) Botanical Garden (Up Right Arrow) Lake Fayetteville	Locate at least 100 ft from intersection of Old Wire Rd.
2	229	VDIR.5	1		FAYETTEVILLE < Botanical Garden < Lake Fayetteville	Locate at least 200 ft from intersection of (265) Crossover Rd.

SIGN MESSAGE SCHEDULE

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Project No.:

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Date: 06/29/2012

Phase	LocationNo.:	Sign Type:	Qty.:	Sheet No.:	Message:	Comments:
2	230	VDIR.5	1		FAYETTEVILLE > Downtown Square > University of Arkansas	Locate at least 100 ft from intersection of (45) Mission Blvd.
2	231	VDIR.5	1		FAYETTEVILLE < Lake Fayetteville ^ Botanical Garden	Locate at least 200 ft from intersection of Zion Rd.
2	232	VDIR.5	1		FAYETTEVILLE > Lake Fayetteville ^ Downtown Square	Locate at least 100 ft from intersection of Zion Rd.
2	235	VDIR.6	1		FAYETTEVILLE < Botanical Garden ^ Downtown Square ^ University of Arkansas	Locate at least 200 ft from intersection of Zion Rd.
2	236	VDIR.4	1		FAYETTEVILLE > Lake Fayetteville	Locate at least 100 ft from intersection Lakeview Rd.

SIGN MESSAGE SCHEDULE

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Project No.:

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Date: 06/29/2012

Phase	LocationNo.:	Sign Type:	Qty.:	Sheet No.:	Message:	Comments:
2	237	VDIR.6	1		FAYETTEVILLE < Lake Fayetteville ^ Botanical Garden ^ Downtown Square	Locate at least 200 ft from intersection Lakeview Rd.
1	240	VDIR.6	1		FAYETTEVILLE < Clinton House Museum ^ Visitors Center ^ Downtown Square	Locate at least 300 ft from intersection of Garland/Paris Ave. Or 100 feet from UA sign #404. (Recommend UA sign #404 to locate at least 200 ft from intersection of Garland/Paris Ave.)

PHASE 1: Sign Types

SIGN COUNT SUMMARY

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Project: NW Arkansas
Regional Wayfinding and Signage Program

Project No.:

Submittal: Third

Date: 06/29/2012

Sign Type	Quantity	Description
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VDIR.3	3	
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VDIR.5	3	
--------	---	--

VDIR.6	5	
--------	---	--

PHASE 2: Sign Types

SIGN COUNT SUMMARY

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Project: NW Arkansas
Regional Wayfinding and Signage Program

Project No.:

Submittal: Third

Date: 06/29/2012

Sign Type	Quantity	Description
VDIR.1	6	
VDIR.2	8	
VDIR.3	5	
VDIR.4	2	
VDIR.5	8	
VDIR.6	9	

NWA Regional Wayfinding Program

Sign Location Plans

City of Fayetteville, Arkansas

Wayfinding and Signage Program

NWA REGIONAL WAYFINDING SYSTEM

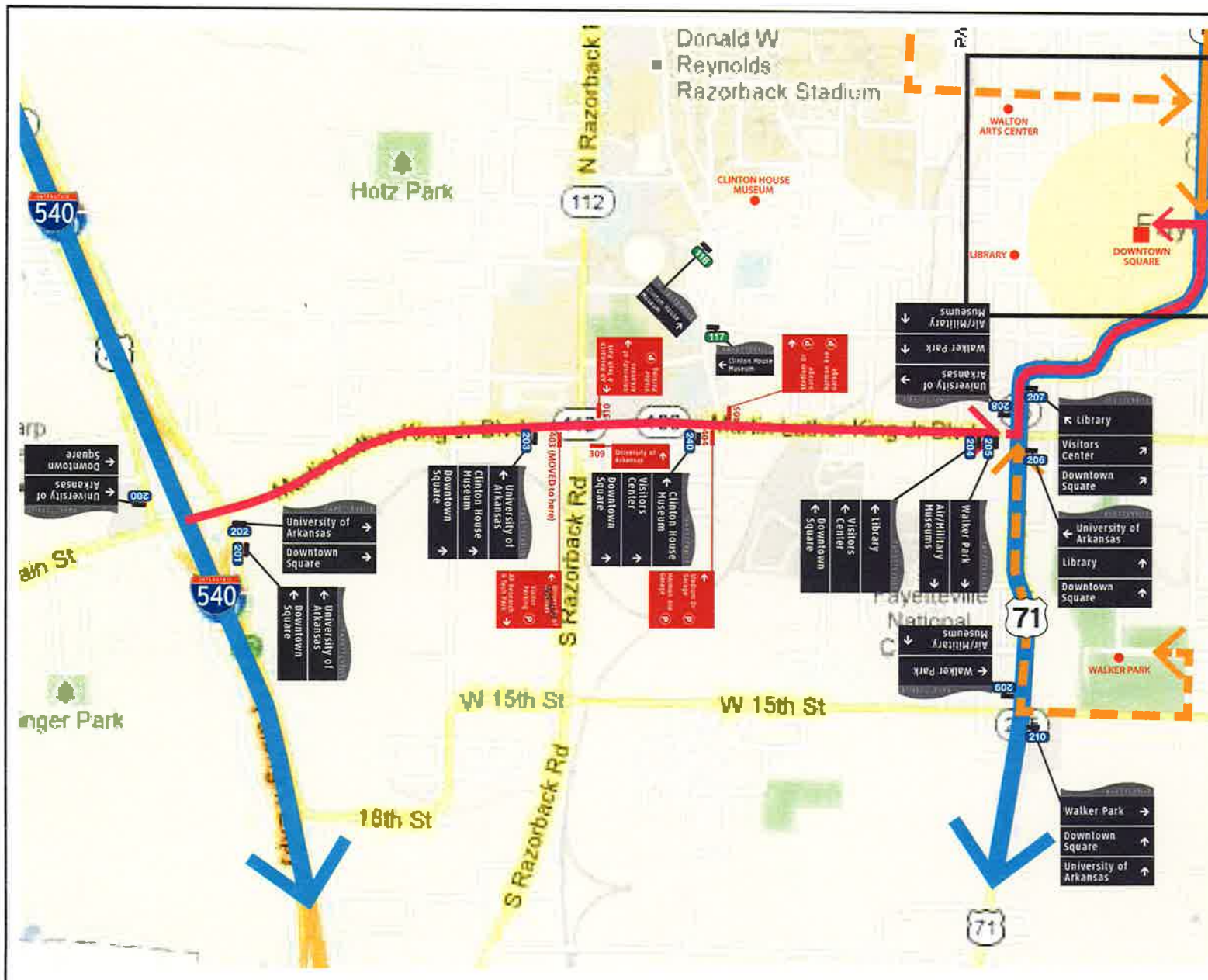
Third Submittal

SIGN LOCATION PLANS

23 July 2012

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ENVIRONMENTS & EXPERIENCES

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West Chester, PA 19380
T 484.266.0648
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SPECIFICATIONS

NOTE:
Refer to City of Fayetteville, Arkansas, signage system overview for the specific sign types, and material call outs.

Refer to City of Fayetteville, Arkansas, message schedule for all sign type messages, location numbers and quantities.

- 001** Gateways
- 100** Directionals - 4" Text
- 200** Directionals - 6" Text
- 300** Parking Lot ID
- 400** Parking Trailblazer
- 500** Pedestrian Directional
- 600** Kiosk

LEGEND

- High-Speed Roadway Access Route
- Primary Entry Route
- Secondary Entry Route
- Downtown Area
- Destination Location

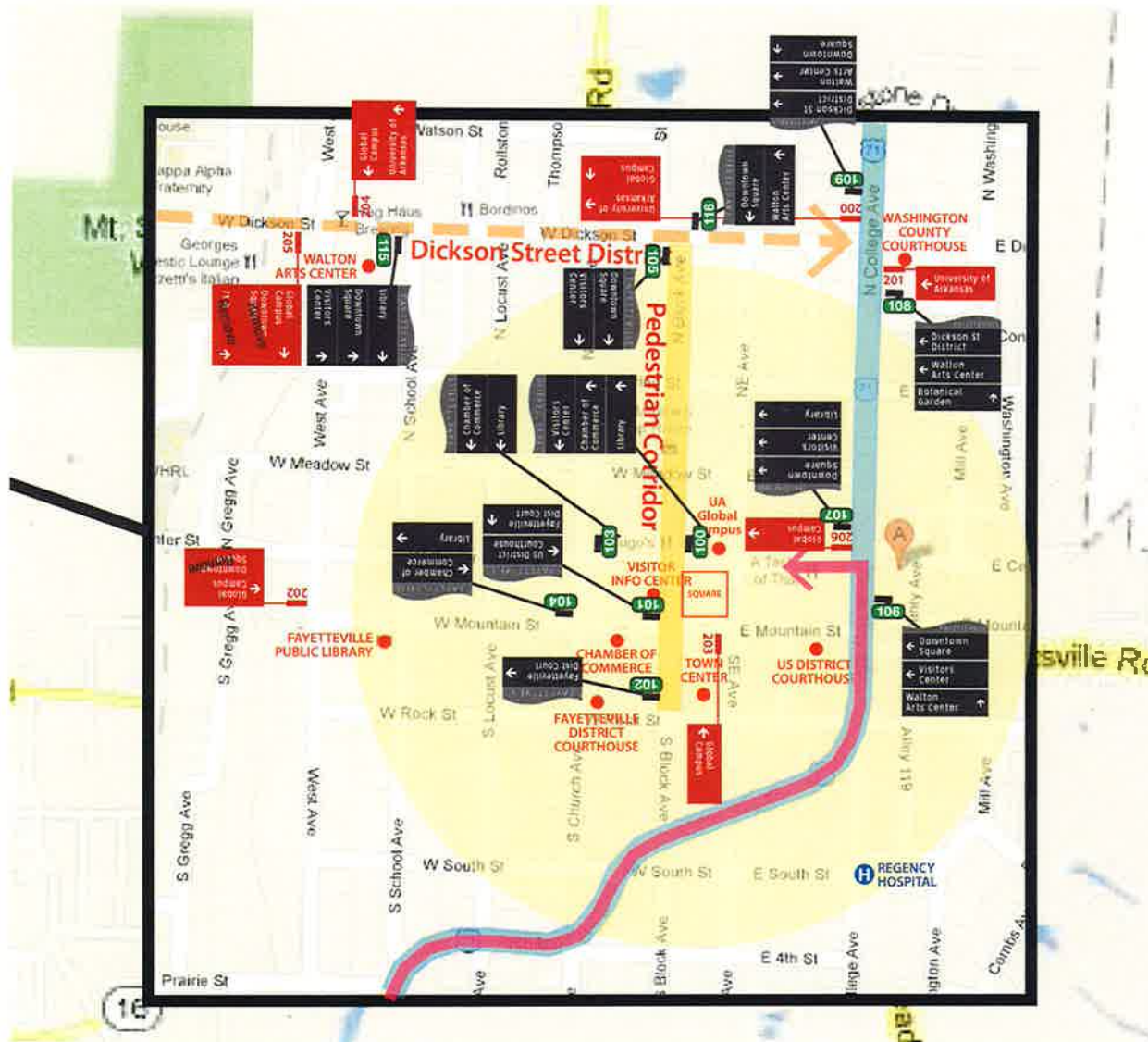
ENVIRONMENTS & EXPERIENCES

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www.merjdesign.com

SUBCONSULTANT

DATE	05/25/2015	CLIENT / PROJECT	City of Fayetteville, AR NWA Regional Wayfinding System
DRAWN BY	PR	PROJECT NO.	
These drawings are meant for DESIGN INTENT ONLY and are not for construction. Contractors shall verify and be responsible for all dimensions and quantities of the job. Contractor shall be familiar with the site and conditions in person. This office must be notified of any variations from the drawings and conditions shown on this drawing. Shop drawings and details must be submitted to this office for approval prior to proceeding with fabrication. All copy must be provided by client and legal requirements checked by legal department.		SHEET TITLE	Sign Location Plan
REVISIONS	07/23/2012	SHEET NO.	B.2



SPECIFICATIONS

NOTE:

Refer to City of Fayetteville, Arkansas, signage system overview for the specific sign types, and material call outs.

Refer to City of Fayetteville, Arkansas, message schedule for all sign type messages, location numbers and quantities.

- 001** Gateways
- 100** Directionals - 4" Text
- 200** Directionals - 6" Text
- 300** Parking Lot ID
- 400** Parking Trailblazer
- 500** Pedestrian Directional
- 600** Kiosk

LEGEND

- High-Speed Roadway Access Route
- Primary Entry Route
- Secondary Entry Route
- Downtown Area
- Destination Location

ENVIRONMENTS & EXPERIENCES

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info@merjesigns.com

SUBCONSULTANT

DATE	05/25/2015	CIENT / PROJECT	
DRAWN BY	PR	City of Fayetteville, AR NWA Regional Wayfinding System	
These drawings are meant for DESIGN INTENT ONLY and are not for construction. Contractor shall verify and be responsible for all dimensions and conditions of the job. Contractor shall be familiar with the site and conditions of the project. This office shall be notified of any variations from the dimensions and conditions shown on this drawing. Shop drawings and details must be submitted to this office for approval prior to proceeding with construction. All work shall be practiced by state and local requirements checked by legal department.		PROJECT NO.	
		SHEET TITLE	
		Sign Location Plan	
REVISIONS	07/23/2012	SHEET NO.	

B.3



SPECIFICATIONS
NOTE:
 Refer to City of Fayetteville, Arkansas, signage system overview for the specific sign types, and material call outs.
 Refer to City of Fayetteville, Arkansas, message schedule for all sign type messages, location numbers and quantities.

- 001** Gateways
- 100** Directionals - 4" Text
- 200** Directionals - 6" Text
- 300** Parking Lot ID
- 400** Parking Trailblazer
- 500** Pedestrian Directional
- 600** Kiosk

LEGEND

- High-Speed Roadway Access Route
- Primary Entry Route
- Secondary Entry Route
- Downtown Area
- Destination Location

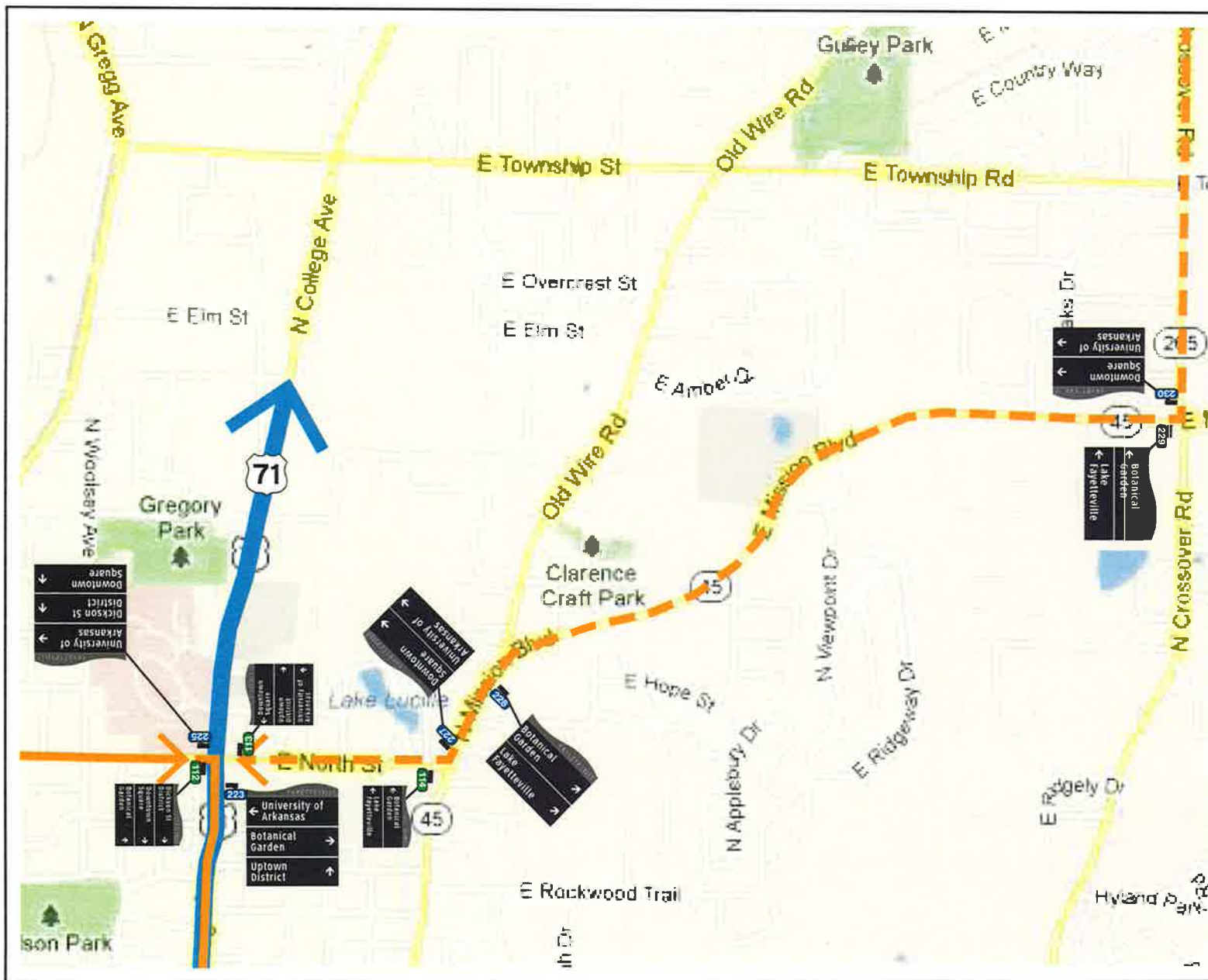
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SUBCONSULTANT
 DATE: 05/25/2015
 DRAWN BY: PR
 These drawings are meant for DISCUSS INTENT ONLY and are not for construction. Contractor shall verify and be responsible for all measurements and conditions at the job. Contractor shall be familiar with the site and conditions at project. This office must be notified of any variations from the dimensions and conditions shown on this drawing. Shop drawings and details must be submitted to this office for approval prior to proceeding with installation. All work shall be completed by, and legal requirements checked by, legal department.

CLIENT / PROJECT	City of Fayetteville, AR NWA Regional Wayfinding System
PROJECT NO.	
SHEET TITLE	Sign Location Plan
SHEET NO.	

REVISIONS	07/23/2012

B.4



SPECIFICATIONS		
NOTE: Refer to City of Fayetteville, Arkansas, signage system overview for the specific sign types, and material call outs. Refer to City of Fayetteville, Arkansas, message schedule for all sign type messages, location numbers and quantities.		
001	Gateways	
100	Directionals - 4" Text	
200	Directionals - 6" Text	
300	Parking Lot ID	
400	Parking Trailblazer	
500	Pedestrian Directional	
600	Kiosk	
LEGEND		
—	High-Speed Roadway Access Route	
—	Primary Entry Route	
—	Secondary Entry Route	
 	Downtown Area	
•	Destination Location	
ENVIRONMENTS & EXPERIENCES		
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SUBCONSULTANT		
DATE	05/25/2015	CLIENT / PROJECT
DRAWN BY	PR	City of Fayetteville, AR NWA Regional Wayfinding System
These drawings are meant for DESIGN INTENT ONLY and are not for construction. Contractor shall verify and be responsible for all dimensions and conditions of the job. Contractor shall be held liable for the site and conditions of projects. This office must be notified of any variations from the dimensions and conditions shown on this drawing. Shop drawings and details must be submitted to the office for approval prior to proceeding with fabrication. All copy shall be prepared by client and legal requirements checked by legal department.		PROJECT NO.
REVISIONS		SHEET TITLE
07/23/2012		Sign Location Plan
		SHEET NO.
		B.5



SPECIFICATIONS

NOTE:
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Refer to City of Fayetteville, Arkansas, message schedule for all sign type messages, location numbers and quantities.

- 001** Gateways
- 100** Directionals - 4" Text
- 200** Directionals - 6" Text
- 300** Parking Lot ID
- 400** Parking Trailblazer
- 500** Pedestrian Directional
- 600** Kiosk

LEGEND

- High-Speed Roadway Access Route
- Primary Entry Route
- Secondary Entry Route
- Downtown Area
- Destination Location

ENVIRONMENTS & EXPERIENCES

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SUBCONSULTANT

DATE	05/25/2015	CUSTOMER / PROJECT	City of Fayetteville, AR NWA Regional Wayfinding System
DRAWN BY	PR	PROJECT NO.	
These drawings are meant for DDRA INTENT ONLY and are not for construction. Contractors shall verify and be responsible for all dimensions and conditions on the job. Contractor shall be familiar with the site and conditions. It is the responsibility of the client to provide all necessary information. All drawings and details must be submitted to the office for approval prior to proceeding with fabrication. All copy shall be provided by client and legal requirements checked by legal department.		SHEET TITLE	Sign Location Plan
REVISIONS	07/23/2012	SHEET NO.	B.6

NWA Regional Wayfinding Program

**Management and Maintenance
Strategy**

DRAFT
For Discussion Purposes Only

NWA REGIONAL WAYFINDING PROGRAM

**MANAGEMENT AND MAINTENANCE
STRATEGY**

November 5, 2012

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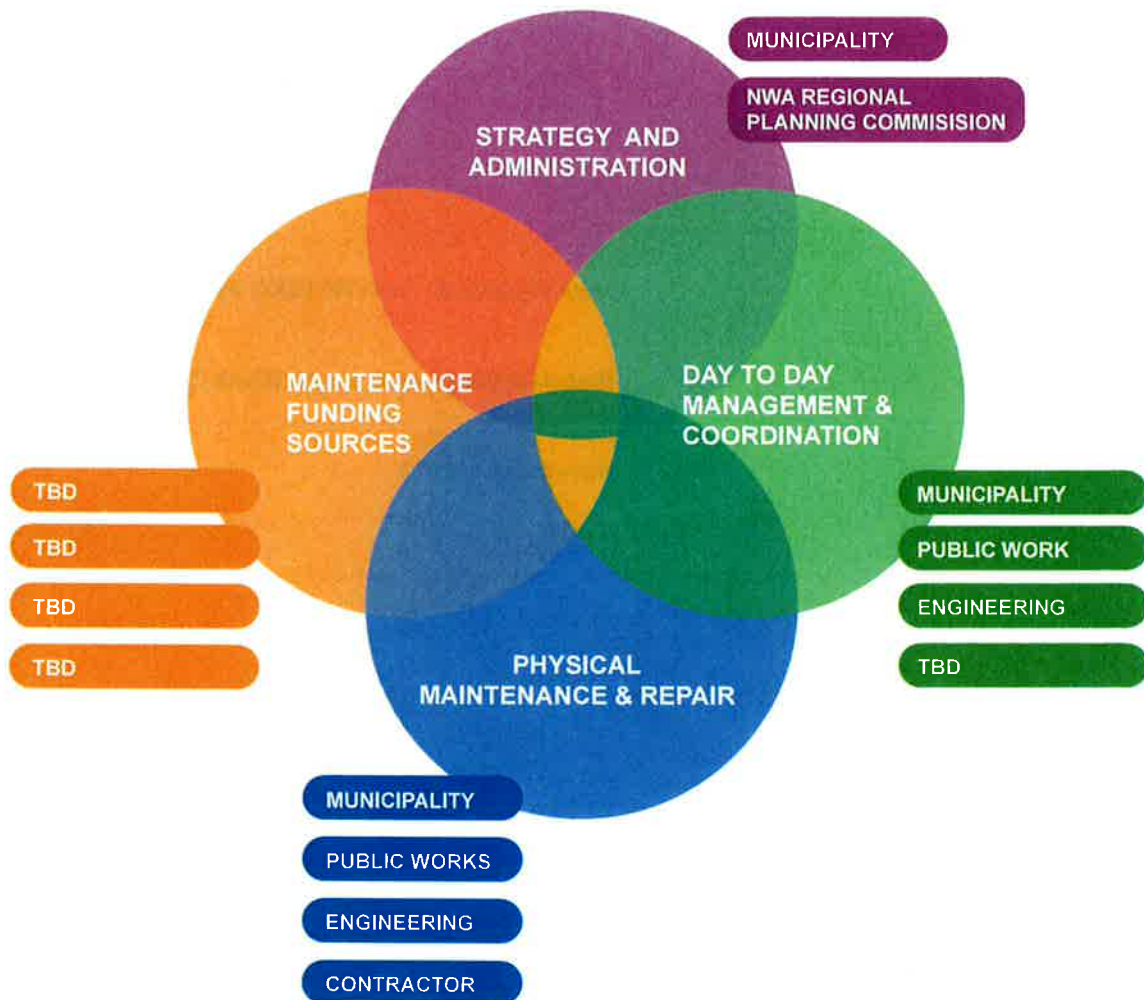
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ENVIRONMENTS & EXPERIENCES

NWA REGIONAL WAYFINDING PROGRAM OVERALL SYSTEM OVERSIGHT

DRAFT

For Discussion Purposes Only



MANAGEMENT & MAINTENANCE

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NWA Regional Wayfinding Program

NWA REGIONAL WAYFINDING PROGRAM MAINTENANCE FLOW CHART

DAY-TO-DAY MAINTENANCE PROCESS FOR REPAIR OR REPLACEMENT OF EXISTING SIGNS



City Public Works & Staff
Monitor Sign Program

WAYFINDING MANAGER:
Person appointed by the
municipality to be the main point
of contact for repairs and other
issues arising with the
wayfinding system

City: Quality Control
Contract: Fabrication and Installation

LONG TERM MAINTENANCE PROCESS FOR ADDITION, SUBTRACTION or ALTERATIONS TO THE SYSTEM (annual)



DESTINATION
Identifies Need

DESTINATION
Submit Request to
WAYFINDING MANAGER

Based On Program Criteria
NWA Regional
Planning Commission
Reviews Request

MANAGEMENT & MAINTENANCE

MANAGEMENT AND MAINTENANCE

SHORT TERM GENERAL MAINTENANCE (0 – 4 years)

- Planning and Design: Minor corrections and adjustments to help the system operate efficiently. This may include additional signs, or adjustments based on new circulation patterns.
- Physical Maintenance (Materials): Cleaning once a year and typical wear and tear repairs - new panels, tightening of fasteners, replacement parts due to vandalism or auto damage.
- Physical Maintenance (Locations): Relocation of problem sign locations.

LONG TERM GENERAL MAINTENANCE (5 – 9 years)

- Planning and Design: Additions and Deletions of Destinations/Messages and overall routing review, based on physical changes to the City.
- Physical Maintenance (Materials): Materials begin to fade, warranties expire and a more concentrated effort is required to maintain the system and its components. New panels, replacement parts, and sign replacement may be required.
- Physical Maintenance (Locations): Relocation may be necessary based on new routing or circulation.

SYSTEM LIFE SPAN (10 – 15+ years)

- Planning and Design: Complete review of the system and its effectiveness based on new destinations that may have opened or attractions which have closed. In addition new circulation/routing and construction projects may effect the system. Design elements may be reviewed for consistency with City identity and marketing initiatives.
- Physical Maintenance (Materials): Materials begin to reach their life span, full sign replacement may be necessary for some signs if they have not been maintained in the past.
- Physical Maintenance (Locations): Relocation may be necessary based on new routing or circulation.

MAINTENANCE GUIDELINE MATRIX

	0-4 Years	5-9 years	10-15+ years
Design and Planning	Design: General Evaluation of positive and negative aspects of the system. Planning: City In-house maintenance based on new request and circulation/destination updates..	Design: General Evaluation of positive and negative aspects of the system. Planning: Contract with a consultant to analyze major changes to the City and necessary system adjustments. 1 or 2 updates possible during this time period.	If the system has not been analyzed since implementation, a major updating is likely to be needed. Outside consultants will be required to review and inventory the system, as well as make suggested changes based on new circulation, destinations, etc.
Vandalism	Annual cleaning/repair. Stickers and graffiti are most common. Cleaning solvents and Goo-Gone are typical products utilized.	Parts replacements and full sign replacement as needed. Cleaning solvents and Goo-Gone are typical products utilized.	Parts replacements / full sign replacement as needed. Cleaning solvents and Goo-Gone are typical products utilized.
Cleaning Schedule	Annual Cleaning	Annual Cleaning	Annual Cleaning
Management / Administration	Weekly coordination transitioning to quarterly coordination between City and fabricator during year 1 and 2. Day-to-day monitoring of the system,	Annual coordination between City and fabricator. Day-to-day monitoring of the system, based on Public Works observations, safety	Annual coordination between City and fabricator. Day-to-day monitoring of the system, based on Public Works observations, safety

	based on Public Works observations, safety issues and citizens reports.	issues and citizens reports.	issues and citizens reports.
Breakaway Product: Transpo	<i>Maintenance Free - Covered under Warranty for 3 years.</i>	<i>Maintenance Free - consider general review as part of yearly inspection process.</i>	<i>Maintenance Free - consider general review as part of yearly inspection process.</i>
Reflectivity Life Span: 3M High Intensity Diamond Grade	<i>Covered under warranty for 5-7 years</i>	<i>Covered under warranty for 5-7 years.</i> Reflectivity may be effective beyond the warranty period. Individual signs may require sheeting to be replaced during this time period	Reflectivity becomes less effective. if not previously replaced. 10 – 15 years is the maximum lifespan.
Custom Color Life Span: 3M High Intensity Diamond Grade	<i>Covered under warranty for 3 years.</i> Color generally maintained beyond warranty period, depends on direction sign panel is facing.	Fading may begin depending on the direction sign panel is facing. Individual signs may require sheeting to be replaced during this time period	Fading occurs, if not previously replaced. 10 - 15 years is the maximum lifespan.
General Materials: Aluminum Sign Panels & Posts	<i>Specifications require 5 year fabricator warranty for workmanship.</i> General wear-and-tear maintenance required.	General wear-and-tear maintenance.	General wear-and-tear maintenance.
Painted Surfaces	<i>Covered under manufacturers warranty.</i> General maintenance and touch-up will be required.	Warranty expires. Typically color holds up beyond warranty period. Fading may begin depending on the direction sign panel is facing. Individual signs may require individual parts to be replaced during this time period	Fading occurs – based on direction sign panel is facing – 10 – 15 years is the maximum lifespan to expect.
Sign Panels / Fasteners	<i>Specifications require 5 year fabricator warranty for workmanship.</i> General repairs and replacement due to auto incidents or vandalism. Inspect welds and fasteners for connection integrity.	Quantity of repairs increases, if not maintained previously. Inspect welds and fasteners for connection integrity.	Consider full inventory of system and repairs based on consistency of maintenance and up-keep over the years.
Brackets/ Fins / Details	<i>Specifications require 5 year fabricator warranty.</i> General repairs and replacement of parts due to auto incidents or vandalism. Inspect welds and fasteners for connection integrity.	Quantity of repairs increases, if not maintained previously. Inspect welds and fasteners for connection integrity.	Consider full inventory of system and repairs based on consistency of maintenance and up-keep over the years.
Concrete Footers	<i>Maintenance free.</i> Inspect structural integrity – similar to any construction project.	<i>Maintenance free.</i> Inspect structural integrity – similar to any construction project.	<i>Maintenance free.</i> Inspect structural integrity – similar to any construction project.

NWA Regional Wayfinding Program

Cost Estimates

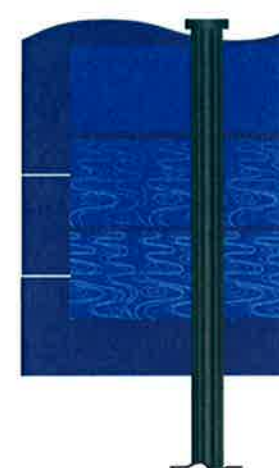
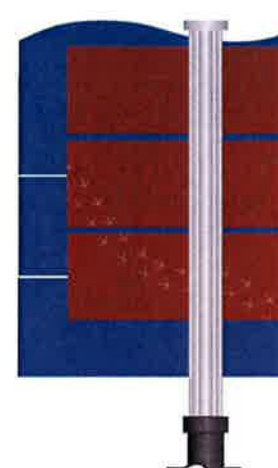
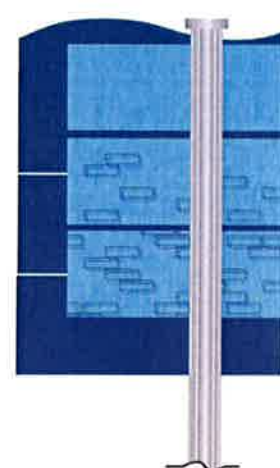
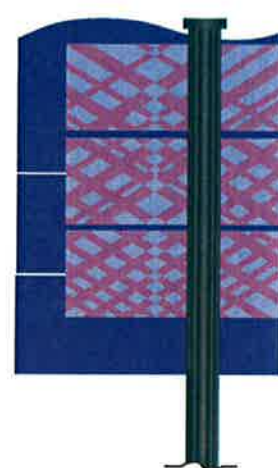
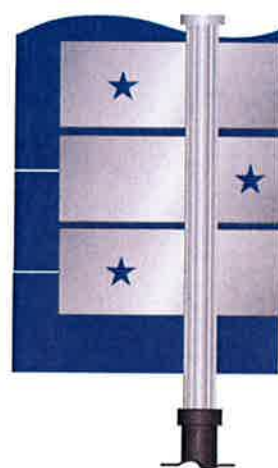
FAYETTEVILLE	QTY	UNIT PRICE	TOTAL	
FULL PROGRAM				
Vehicular Sign (6")	27	\$6,200	\$167,400	
Vehicular Sign (4")	22	\$4,800	\$105,600	
Kiosk	3	\$4,500	\$13,500	
Pedestrian Signs (estimate)	<u>10</u>	<u>\$2,800</u>	<u>\$28,000</u>	
TOTAL	62		\$314,500	
WALTON FOUNDATION				
Vehicular Sign (6")	8	\$6,200	\$49,600	
Vehicular Sign (4")	<u>3</u>	<u>\$4,800</u>	<u>\$14,400</u>	
WALTON FOUNDATION TOTAL	11		\$64,000	20%
MUNICIPALITY TOTAL	51		\$250,500	80%

NWA Regional Wayfinding Program

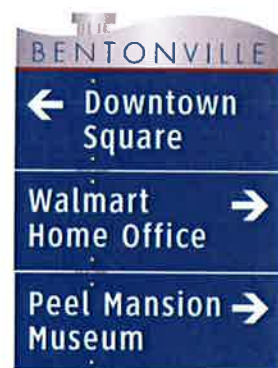
Design Development Drawings



Back View



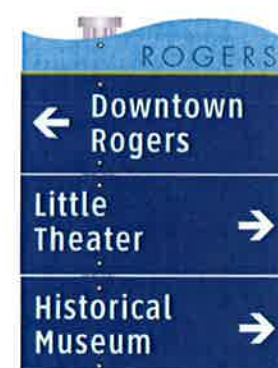
Bella Vista



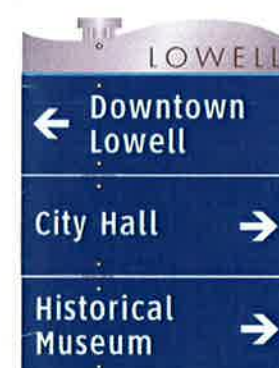
Bentonville



Eureka Springs



Rogers



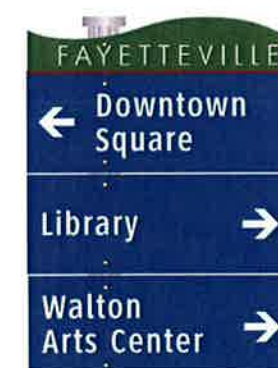
Lowell



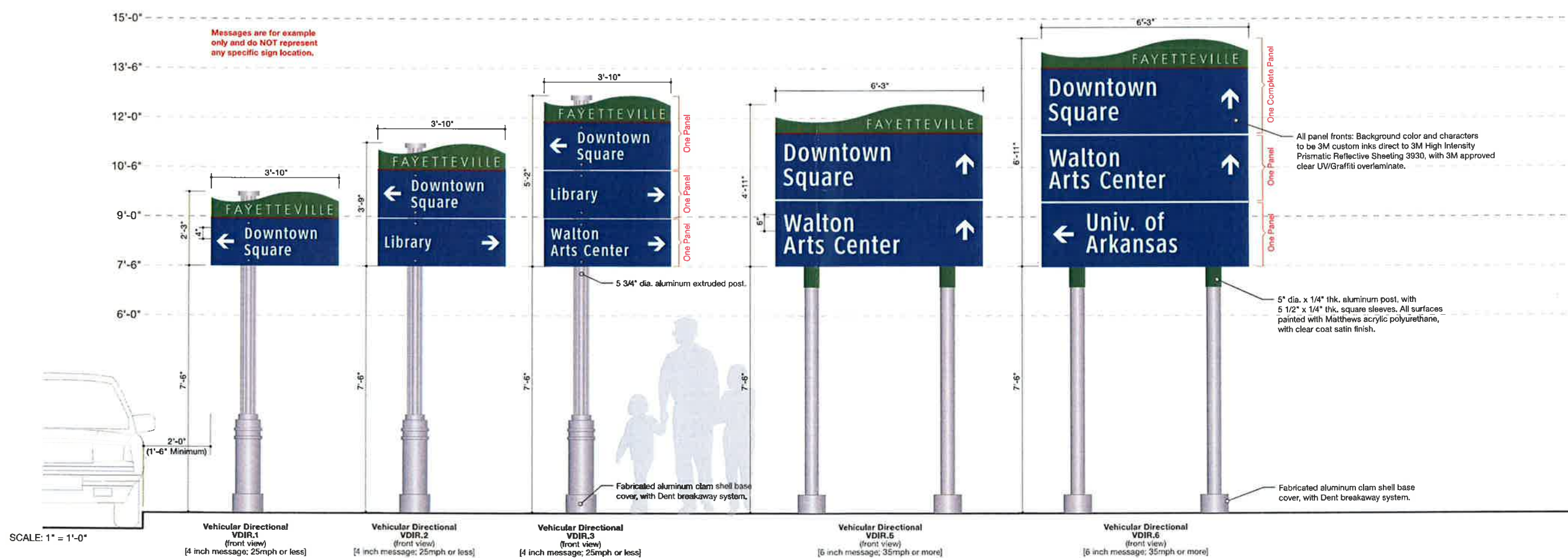
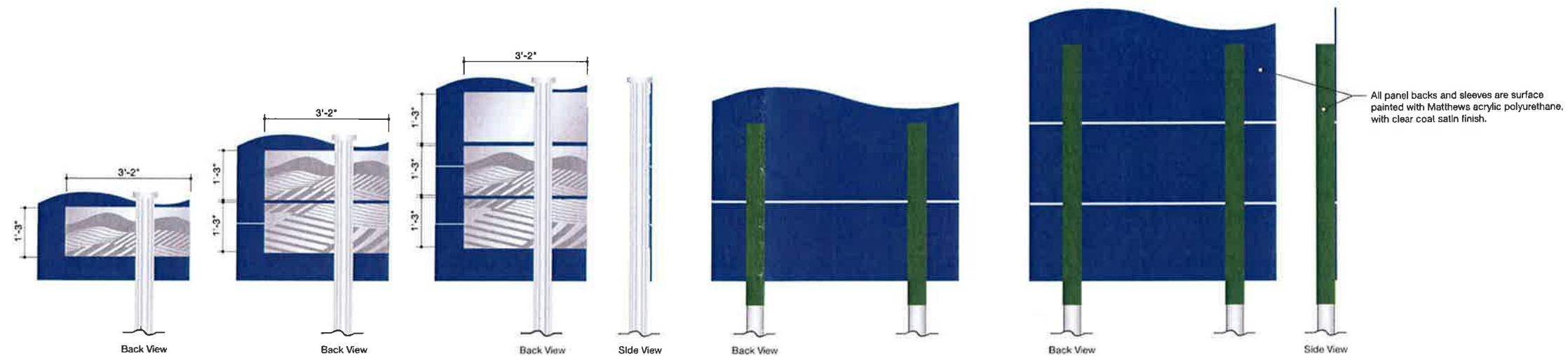
Springdale

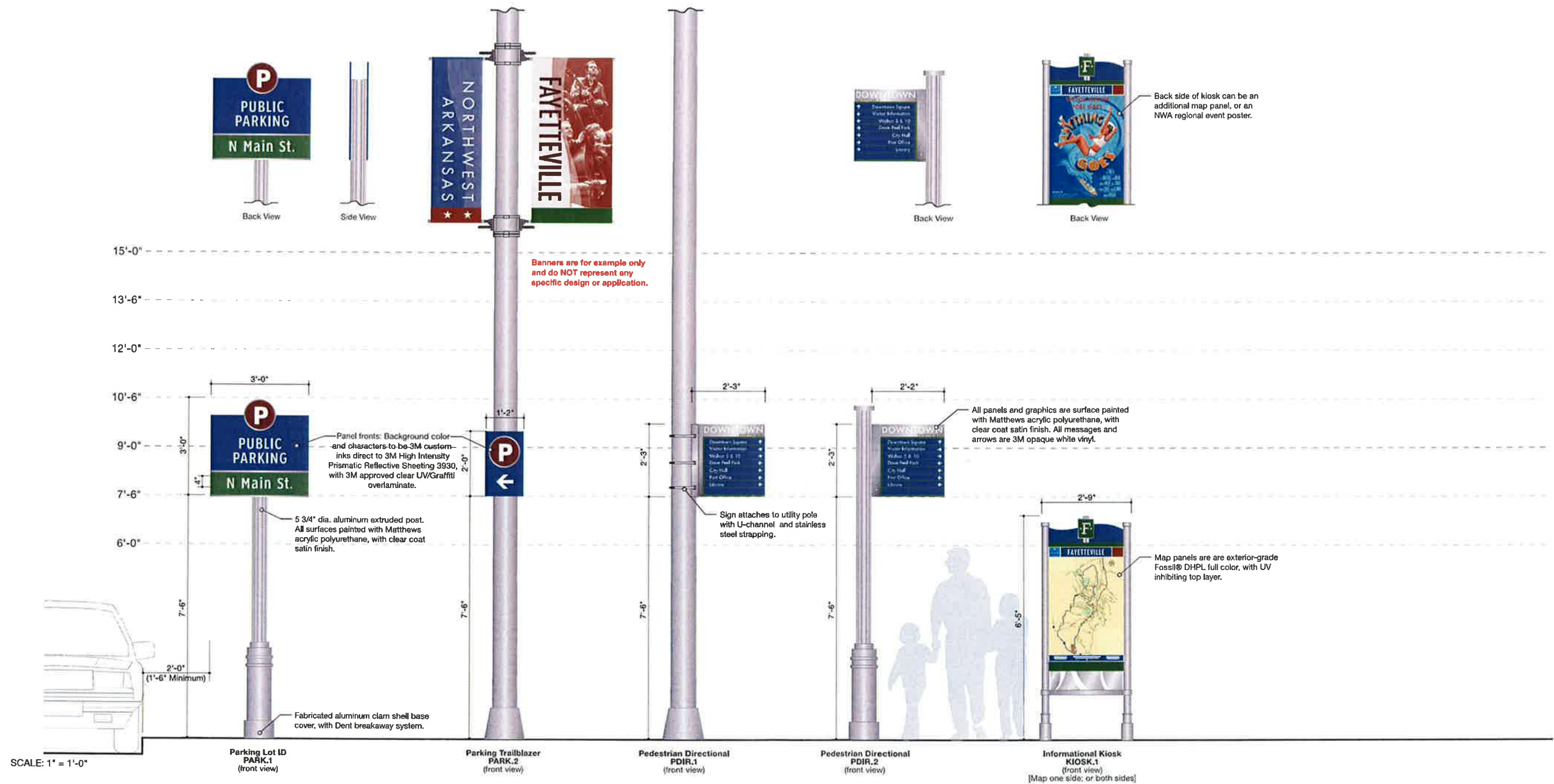


Siloam Springs



Fayetteville





Budget Year	Division: Engineering	Adjustment Number
2016	Dept.: Development Services	
	Requestor: Chris Brown	

Recognize revenue for the University of Arkansas's Wayfinding (Phase III) signage contribution based on the attached email from Jay Honeycutt. The actual contribution amount will be adjusted after the bid of the sign installation.

	COUNCIL DATE:	6/21/2016
	LEGISTAR FILE ID#:	2016-0287
	<i>Barbara Fell</i>	
	<i>6/3/2016 7:36 AM</i>	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0282

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

RZN 16-5386 (NORTH OF 1110 N. FRONTAGE RD./LINDSEY PROPERTIES):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5386 FOR APPROXIMATELY 6.40 ACRES LOCATED NORTH OF 1110 NORTH FRONTAGE ROAD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from C-1, Neighborhood Commercial to CS, Community Services.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2016-0282

Legistar File ID

6/21/2016

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

Jeremy Pate

5/27/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5386: Rezone (NORTH OF 1110 N. FRONTAGE RD./LINDSEY PROPERTIES, 135): Submitted by HUGH JARRETT for property NORTH OF 1110 N. FRONTAGE RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 6.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

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:

MEETING OF JUNE 21, 2016

TO: Mayor and City Council

FROM: Andrew Garner, City Planning Director

DATE: May 27, 2016

SUBJECT: RZN 16-5386: Rezone (NORTH OF 1110 N. FRONTAGE RD./LINDSEY PROPERTIES, 135): Submitted by HUGH JARRETT for property NORTH OF 1110 N. FRONTAGE RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 6.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the properties to CS, Community Services as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property contains 6.40 acres located on the east side of Frontage Road behind the Barnes and Noble Shopping Center. The property is zoned C-1, Neighborhood Commercial and is undeveloped and wooded.

Request: The request is to rezone the property to CS, Community Services. The applicant's request letter indicated the zoning is justified because of the need for multi-family housing and lack of potential for commercial development on this site.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of commercial, office, religious, and multi-family land uses to the north, south, east, and west. The site is located in between the back of a large shopping center and a multi-family development. The proposal of CS zoning would allow residential density and potential for commercial and mixed use in this transitional area between commercial and residential neighborhoods.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates the subject and surrounding properties as an Urban Center Area. One of the primary tenants of City Plan 2030 is for the City to make zoning decisions that help create complete neighborhoods. A complete neighborhood should provide a mix of uses and housing types where residents can live, work, and play all in the same neighborhood. This request fully meets this intent to help create a complete neighborhood.

Finally, Goal 1.d. in City Plan 2030 indicates that we are to "Promote densest development around logical future transit stops". The subject property is located within easy walking distance of stops along Ozark Regional Transit's Route 3 that travels along Frontage Road. This rezoning would allow increased density and allow non-residential goods and services in an area where existing and future transit stops are anticipated on a Collector Street connecting businesses and residents

in Uptown Fayetteville. Increased density in the realm of at least 8 units/acre is needed to make transit a viable long-term option.

DISCUSSION:

This item was discussed at the May 23, 2016 Planning Commission meeting where it was forwarded to the City Council with a recommendation for approval with a vote of 7-0-0.

BUDGET/STAFF IMPACT:

None

Attachments:

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

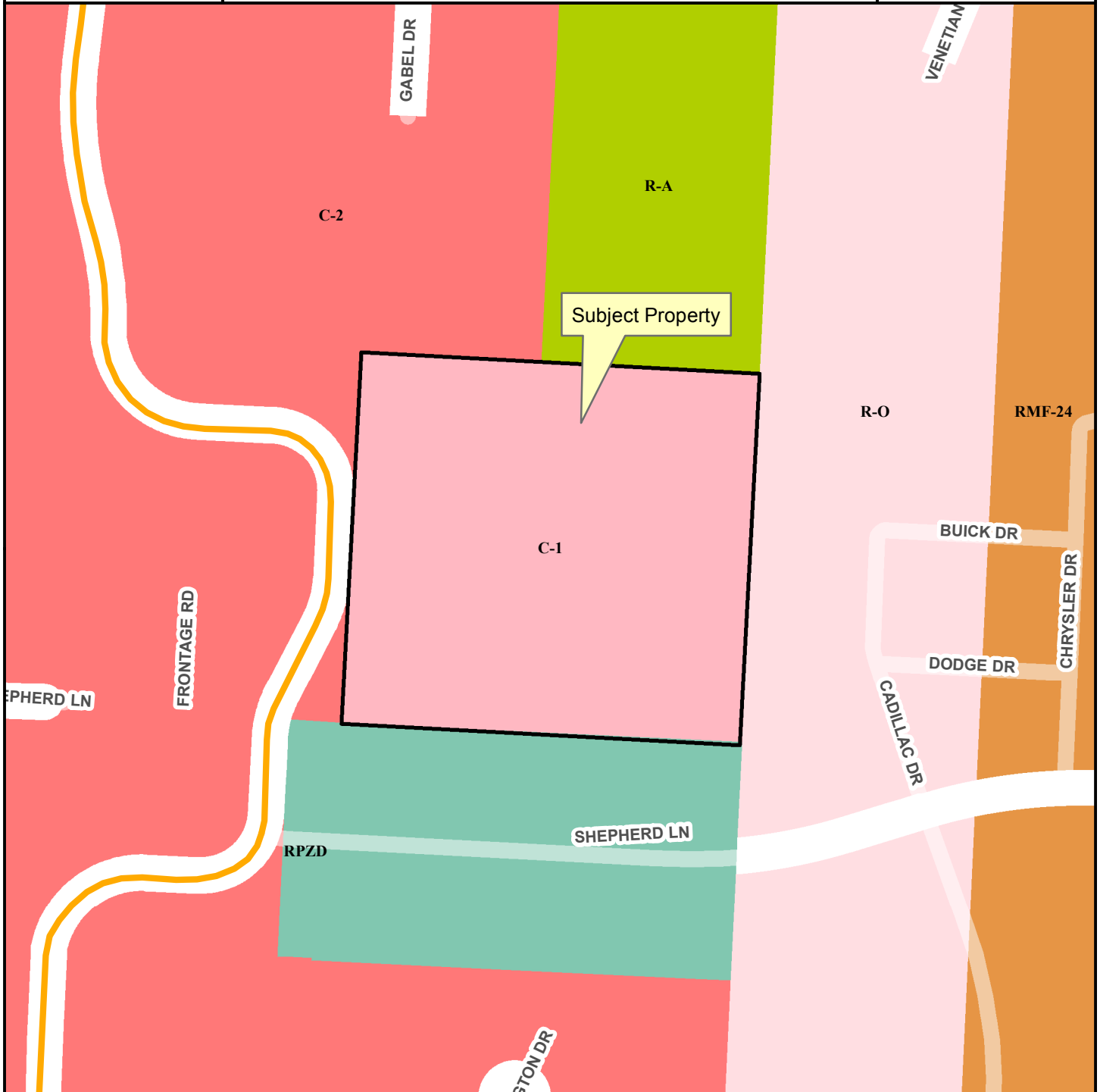
**16-5386
EXHIBIT 'A'**

RZN 16-5386

LINDSEY PROPERTIES

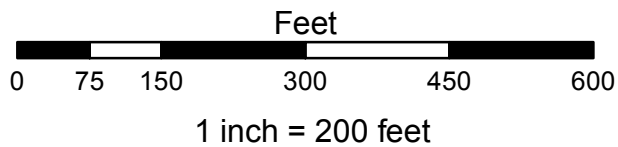


Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- Residential-Agricultural
- RMF-24
- Residential-Office
- C-1
- C-2
- Commercial, Industrial, Residential

16-5386
EXHIBIT 'B'

A part of the SE¼ of the SE¼ of Section 23, T-17-N, R-30-W, Washington County, Arkansas, and being more particularly described as follows, to-wit: Beginning at the NE corner of said 40 acre tract and running thence South 511 feet and 6 inches; thence West 547 feet and 6 inches; thence North 511 feet and 6 inches; thence East 547 feet and 6 inches to the place of beginning.

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:

5386

1345

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):

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

Name: J.E. LINDSEY FAMILY
LIMITED PARTNERSHIP

Name: _____

Address: 1200 E. JOYCE BLVD.
FAYETTEVILLE, AR 72703

Address: _____

E-mail: hugh.jarratt@lindseymanagement.com

E-mail: _____

Phone: (479) 521-6686

Phone: _____

Fax: _____

Fax: _____

Site Address / Location: FRONTAGE ROAD - BEHIND TOYS R US.

Current Zoning District: C-1

Requested Zoning District: C.S.

Assessor's Parcel Number(s) for subject property: 765-15591-000 6.4 AC

FINANCIAL INTERESTS

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

J.E. LINDSEY FAMILY LIMITED PARTNERSHIP

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): HYGA SARKATI, ATTORNEY AT LAW Date: 3/9/16

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.)*

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

Name (printed): S. EDGAR LINDSEY, INC. GENERAL PARTNER Address: _____
BY JAMES EARL "LIMBY" LINDSEY, JR.

Signature: _____

Date: 3/9/16 Phone: _____
()

Name (printed): _____ Address: _____

Signature: _____

Date: _____ Phone: _____
()

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

FROM: Andrew Garner, City Planning Director

MEETING DATE: May 23, 2016 Updated with Planning Commission results

SUBJECT: **RZN 16-5386: Rezone (NORTH OF 1110 N. FRONTAGE RD./LINDSEY PROPERTIES, 135):** Submitted by HUGH JARRETT for property NORTH OF 1110 N. FRONTAGE RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 6.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5386** with a recommendation for approval.

BACKGROUND:

The subject property contains 6.40 acres located on the east side of Frontage Road behind the Barnes and Noble Shopping Center. The property is zoned C-1, Neighborhood Commercial and is undeveloped and wooded. The surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Office; church	C-2, Thoroughfare Commercial; R-A, Residential Agricultural
South	Multi-family apartments	RMF-24, Residential Multi-Family 24 Units per Acre
East	Multi-family Residential	R-O, Residential Office
West	Commercial shopping center	C-2, Thoroughfare Commercial

Request: The request is to rezone the property to CS, Community Services. The applicant's request letter indicated the zoning is justified because of the need for housing and lack of potential for commercial development on this site.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Frontage Road, an improved Collector Street with curb/gutter and sidewalks. Any further street improvements would be determined at time of development.

Water: Public water is available to the site. A 16-inch water main crosses the east side of the parcel in a utility easement. A 2.25-inch water main stubs out to the parcel's southwest corner.

Sewer: Public sewer is available to the site. An 8-inch sewer main exists in the Frontage 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. No portions of this parcel lie within the HHOD.

Fire: The Fire Department did not express any concerns with the request.

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the property within the proposed rezone as **Urban Center Area**.*

***Urban Center Areas** contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking.*

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 zoning is compatible with the surrounding mixture of commercial, office, religious, and multi-family land uses to the north, south, east, and west. The site is located in between the back of a large shopping center and a multi-family development. The proposal of CS zoning would allow residential density and potential for commercial and mixed use in this transitional area between commercial and residential neighborhoods.~~

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates the subject and surrounding properties as an Urban Center Area. One of the primary tenants of City Plan 2030 is for the City to make zoning decisions that help create complete neighborhoods. A complete neighborhood should provide a mix of uses and housing types where residents can live, work, and play all in the same neighborhood. This request fully meets this intent to help create a complete neighborhood.

Finally, Goal 1.d. in City Plan 2030 indicates that we are to ***“Promote densest development around logical future transit stops”***. The subject property is located within easy walking distance of stops along Ozark Regional Transit’s Route 3 that travels along Frontage Road. This rezoning would allow increased density and allow non-residential goods and services in an area

where existing and future transit stops are anticipated on a Collector Street connecting businesses and residents in Uptown Fayetteville. Increased density in the realm of at least 8 units/acre is needed to make transit a viable long-term option.

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

Finding: The applicant has requested the zoning change indicating a need for residential housing. The proposed CS zoning would beneficially increase residential densities in the core of the city where the current C-1 zoning district only allows residential use as accessory to commercial. The CS zoning district requires development in a traditional development pattern with buildings that create an urban streetscape as opposed to a suburban development pattern with parking lots that dominate the street edge.

The property is located in a transitional area between a large shopping center and a multi-family development. In staff opinion, the development pattern and land use should reflect the option for a variety of residential or non-residential uses which is not permitted in the current C-1 zoning.

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

Finding: The site has access to Frontage Road an improved Collector Street. The proposed rezoning would likely increase traffic over the existing C-1 zoning because of the allowable mix of uses. However, given the location of this site in the core of the city along improved streets the increase would not be significant or undesirable.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from C-1 to CS would increase the potential population density. However, this is an infill site with access to public infrastructure and is in an area where increased density is appropriate and desired. Significant adverse impacts to public infrastructure should not result from this rezoning. The Police and Fire Departments have expressed no objections to the proposal.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Staff recommends forwarding RZN 16-5386 to the City Council with a recommendation for approval based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 23, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Hoskins</u>			
Second: <u>Hoffman</u>			
Vote: <u>7-0-0</u>	<u>Note: forwarded with a recommendation for approval.</u>		
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: _____	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.18 (C-1);161.19 (CS)
- Request letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	56 ft.*
-------------------------	---------

*Any building which exceeds the height of 20 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

WRITTEN DESCRIPTION OF REQUEST

1. Current Owner – J.E. Lindsey Family Limited Partnership.
2. Reason For Rezoning – There is a need for multi-family housing in the City of Fayetteville
3. Impact on Surrounding Properties – There should be no impact on the surrounding properties. Multi-family housing is on two sides, office and religious activities to the north, and the back service entrances to heavy commercial to the west.
4. All utilities are at the site.
5. This area is an infill location with completely built out infrastructure. This conforms with the City's land use plans.
6. This rezone is justified. There is a need for housing in the City of Fayetteville.
7. There will be no appreciable increase in traffic and there will be no danger caused by this request.
8. There will be no adverse increase in population density. There is a need for housing and this request places housing in the same area as services, jobs, and complete infrastructure.
9. There is a lack of visibility to develop the property as commercial. This property is below the crest of a hill and behind large box retail stores. The lack of visibility will hamper commercial development.

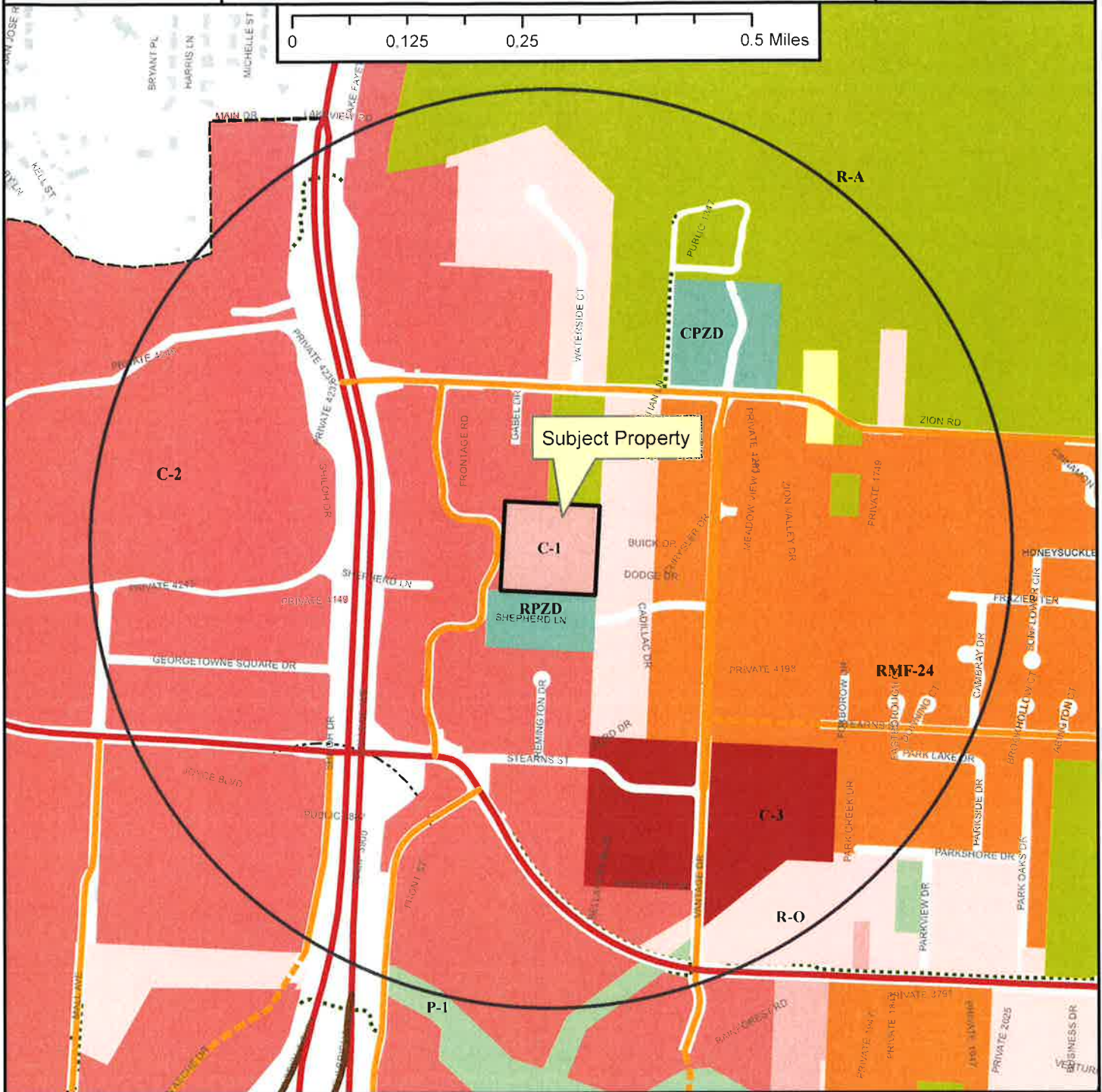
RZN 16-5386

One Mile View

LINDSEY PROPERTIES

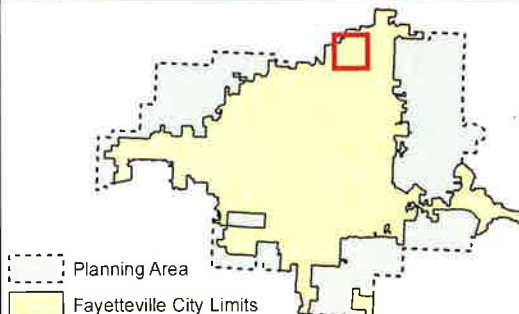


0 0.125 0.25 0.5 Miles



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Design Overlay District
- Building Footprint



- Planning Area
- Fayetteville City Limits

Zoning

RESIDENTIAL SINGLE-FAMILY

- RSF-5 Residential-Agricultural
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-10

RESIDENTIAL MULTI-FAMILY

- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL

- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION

- E-1 Commercial
- Residential Office

FORM BASED DISTRICTS

- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services

PLANNED ZONING DISTRICTS

- Neighborhood Conservation
- Commercial, Industrial, Residential

INSTITUTIONAL

- P-1

Planning Commission

May 23, 2016

Agenda Item 11

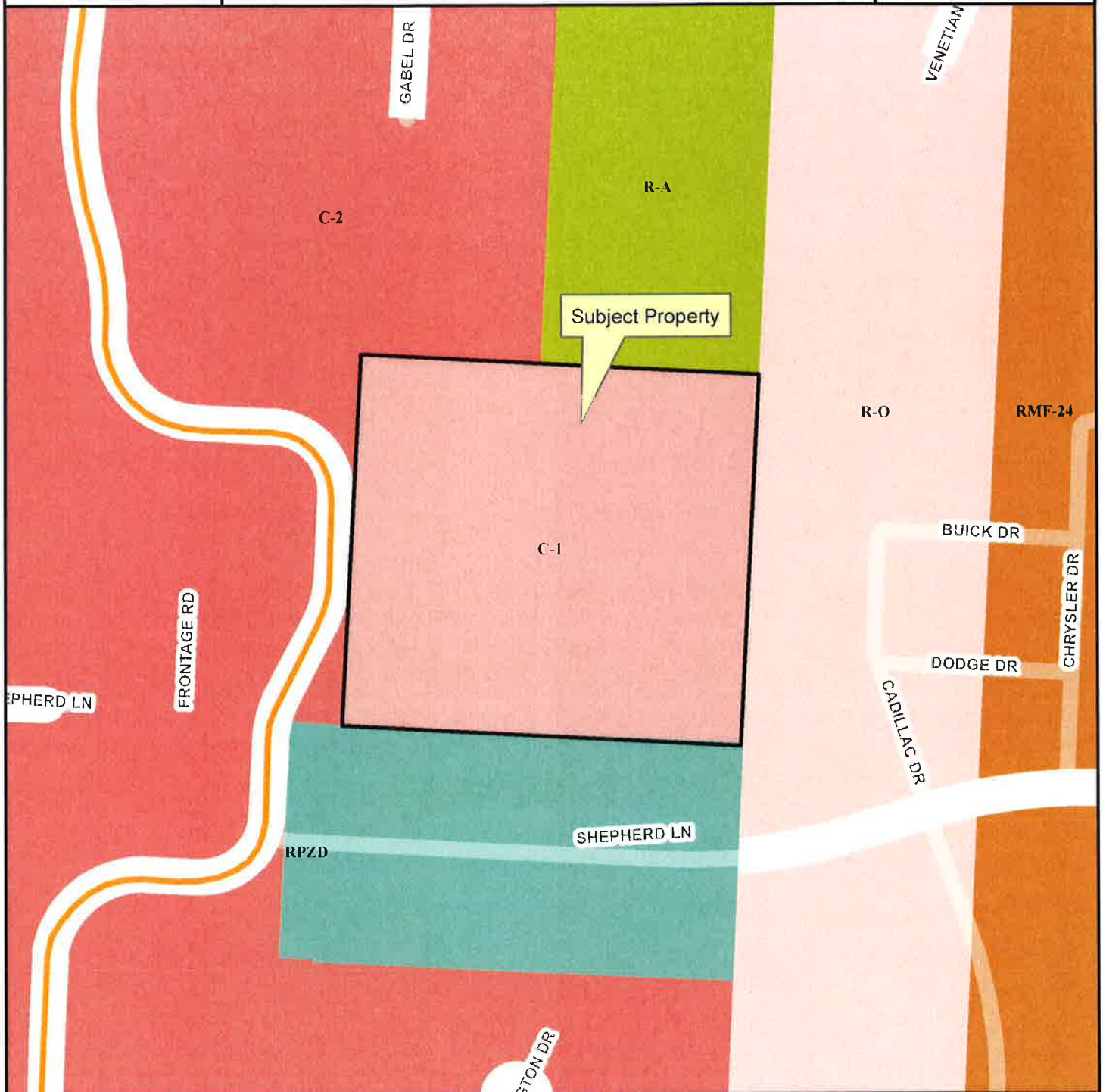
16-5386 Lindsey

Page 9 of 12

RZN 16-5386

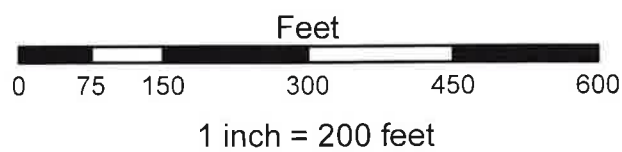
Close Up View

LINDSEY PROPERTIES



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- Residential-Agricultural
- RMF-24
- Residential-Office
- C-1
- C-2
- Commercial, Industrial, Residential

RZN 16-5386

Current Land Use

LINDSEY PROPERTIES



Legend

Streets Existing

MSP Class

— COLLECTOR

□ RZN16-5386

□ Planning Area

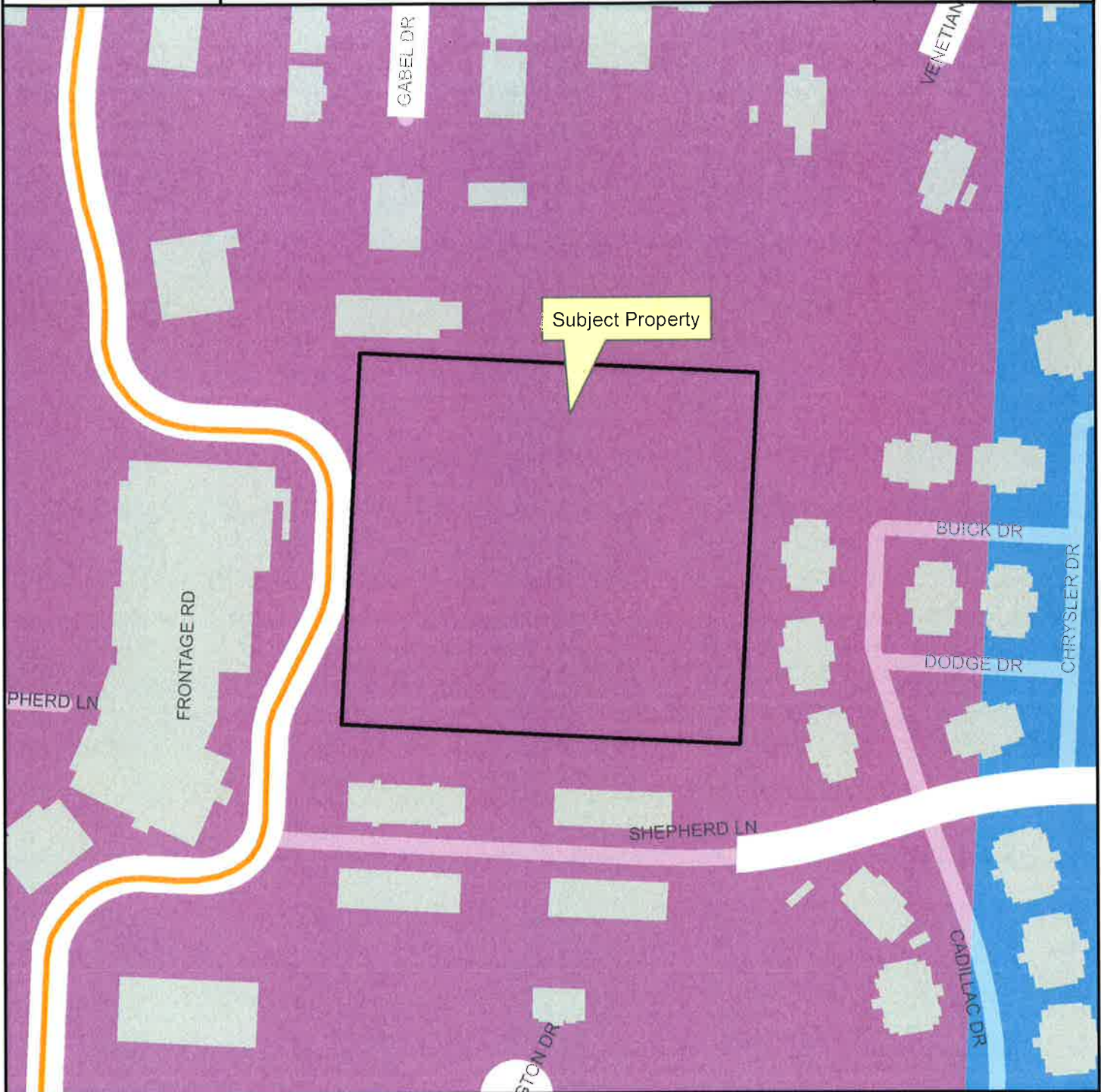
□ Fayetteville City Limits



RZN 16-5386

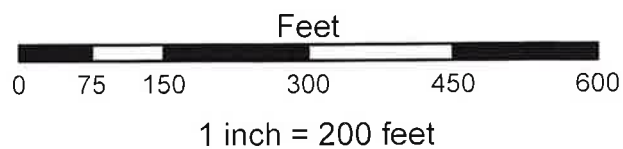
Future Land Use

LINDSEY PROPERTIES



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



FUTURE LAND USE 2030

- City Neighborhood Area
- Urban Center Area



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0281

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

RZN 16-5425 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5425 FOR APPROXIMATELY 1.84 ACRES LOCATED ALONG THE NORTHWEST CORNER OF MILL AVENUE AND SOUTH STREET FROM R-O, RESIDENTIAL OFFICE, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRES TO DG, DOWNTOWN GENERAL

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-O, Residential Office, and RMF-24, Residential Multi Family, 24 Units Per Acres to DG, Downtown General.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2016-0281

Legistar File ID

6/21/2016

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

Jeremy Pate

5/27/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5425: Rezone (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN, 524): Submitted by ALLISON THURMOND QUINLAN for property along the NW CORNER OF MILL AVE. & SOUTH ST. The property is zoned R-O, RESIDENTIAL OFFICE, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 1.84 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

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:

MEETING OF JUNE 21, 2016

TO: Mayor and City Council

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Current Planner

DATE: May 27, 2016

SUBJECT: RZN 16-5425: Rezone (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN, 524): Submitted by ALLISON THURMOND QUINLAN for property along the NW CORNER OF MILL AVE. & SOUTH ST. The property is zoned R-O, RESIDENTIAL OFFICE, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 1.84 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the properties to DG, Downtown General, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject properties totaling 1.30 acres are located at the northwest corner of Mill Ave. and South St. The site is partly split-zoned R-O, Residential Office and RMF-24, Residential Multi-family, 24 Units Per Acre. The property is currently developed with a 3,024 sq. ft. tri-plex constructed in 1968 and a 836 sq. ft. single-family home constructed in 1936. The applicant indicated the property has historically been a mixture of residential, commercial, and office uses with single-family homes, accessory structures, multi-family housing, and two small grocery stores occupying the site throughout its history.

Request: The request is to rezone the parcels (approximately 1.30 acres) from R-O and RMF-24 to DG, Downtown General, in order to fix arbitrary zoning and development issues in preparation for new development.

Public Comment:

- One neighbor has expressed approval for the rezone, but has concerns over increased density and traffic to the area.
- Another neighbor sent in an email in support of the rezoning, echoing the applicant's claim that the area has historically been mixed-use (see attached Planning Commission report).

Land Use Compatibility: The proposed zoning is consistent with the traditional development patterns to the west and south, Downtown and Walker Park respectively, where neighborhood plans are in effect. The immediately surrounding properties are mostly single and multi-family residences with various pockets of commercial activity. A rezoning to DG would allow the subject property to be redeveloped with higher densities and in a form-based pattern that fits development

in adjacent Downtown and Walker Park neighborhoods. The kind of uses permitted in DG, such as single-family, multi-family, eating places, offices, neighborhood shopping, etc., are compatible with current uses in the surrounding neighborhood.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) designation of the site as a Residential Neighborhood Area. The definition of a residential neighborhood area highlights particular characteristics of what this neighborhood should be, which is primarily residential with various housing types, highly connected system of gridded streets with compact blocks, and low-intensity non-residential uses. Furthermore, residential neighborhood areas call for traditional development patterns and buildings placed closer to the property line. DG calls for the very same things: mixture of dwelling types from single-family to apartments and live/work, a dynamic range of uses from residential and open space to low-intensity non-residential development and businesses, and build-to zones closer to the street for new development. The DG zoning district does encourage patterns of development that result in realizing these goals of City Plan 2030 and connect the definitions and City-wide aspirations between the proposed zoning and future land use.

DISCUSSION:

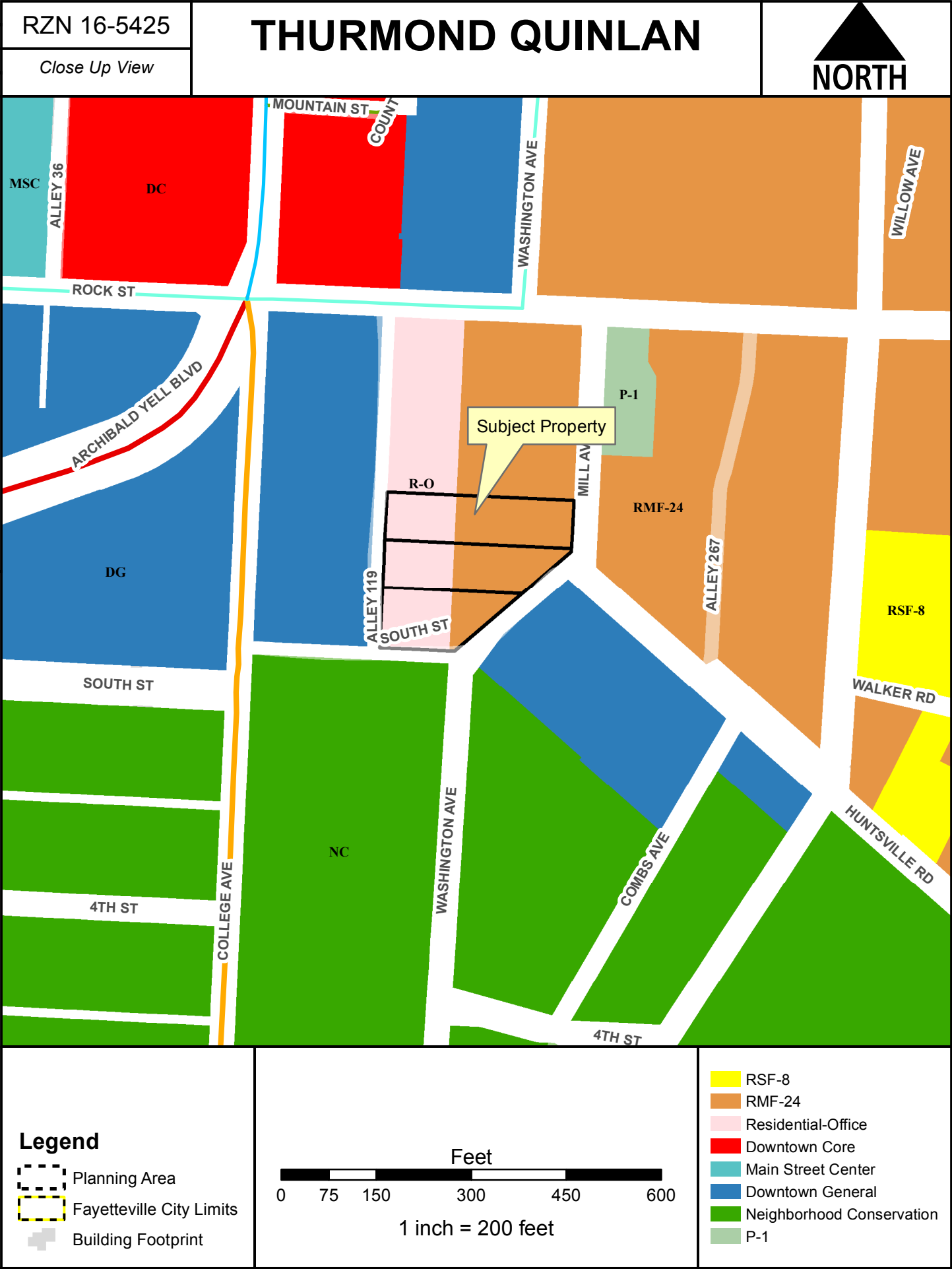
This item was discussed at the May 23, 2016 Planning Commission meeting where it was forwarded to the City Council with a recommendation for approval with a vote of 6-0-1 (Commissioner Quinlan recused; Commissioners Autry and Noble were absent). At that meeting, one member of the public spoke about the alley along the western property line of this site, indicating that the alley would need to be improved with development.

BUDGET/STAFF IMPACT:

None

Attachments:

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



16-5425

EXHIBIT 'B'

A part of Lots 9 and 10, Block 2 in Boles Addition to the City of Fayetteville, Washington County, Arkansas and being more particularly described as follows: Beginning at the NE corner of said Lot 9, said point being an "X" chiseled in a rock wall, thence S 88°58'23" W, along the North line of said Lot 9, 150.00 feet to a set iron pin, thence S 00°19'16" E 77.25 feet to a point which is 2.00 feet South of the South line of said Lot 9, thence N 88°52'46" E, parallel with the South line of said Lot 9, 125.11 feet to a set iron on the Northwesterly right of way of South Street, thence N 40°57'26" E along said right of way 37.72 feet to a set iron at the intersection with the West right of way of Mill Avenue, thence N 00°19'07" W along the West right of way of Mill Avenue 49.00 feet to the point of beginning.

AND

All of the West half of Lot 9, Block 2 in Boles Addition to the City of Fayetteville, Washington County, Arkansas, as designated upon the plat of said Addition, said lot being 75 feet North and South by 150 feet East and West.

AND

Part of Lot 10, Block 2 in Boles Addition to the City of Fayetteville, Washington County, Arkansas, as designated upon the plat of said Addition, being more particularly described as follows: Beginning at a point 114 1/2 feet East of the SW corner of said lot and running thence East 114 1/2 feet; thence North to the North line of said Lot 10, thence West 114 1/2 feet; thence South to the place of beginning.

AND

Part of Lot 10, Block 2 in Boles Addition to the City of Fayetteville, Washington County, Arkansas, as designated upon the plat of said Addition, described as beginning 50 feet East of the SW corner of said lot and running East 64 1/2 feet to the SW corner to lot conveyed by Edward N. Eads to Mable E. Weltick, thence North to the North line of said Lot 10, thence West 114 1/2 feet to the East side of an alley at the NW corner of said lot, thence South to the NW corner to lot sold to S. V. Norwood in Volume 444 at Page 106, thence East 50 feet, thence South 35 feet to the place of beginning.

AND

Lot 11, Block 2 in Boles Addition to the City of Fayetteville, Washington County, Arkansas as shown on Plat Record 4 at Page 13.

AND Also

Part of Lot 10, Block 2 in Boles Addition to the City of Fayetteville, Washington County, Arkansas, as designated upon the plat of said Addition, more particularly described as follows: Beginning at the SW corner of said Lot 10 and running thence East 50 feet; thence North 35 feet; thence West 50 feet; thence South 35 feet to the point of beginning.

Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

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: x Applicant Representative

Applicant (person making request):

Name: Allison Thurmond Quinlan

Address: 125 W Boles St

Fayetteville AR 72701

E-mail: atq@flintlocklab.com

Phone:

(479) 305-4807

() _____

Fax:

() _____

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

Name:

Address:

E-mail:

Phone:

() _____

() _____

Fax:

() _____

Site Address / Location: 236, 238, 240 E. South Street and 228 S Mill Ave, Fayetteville AR

Parcels 765-02975-000, 765-02974-000, 765-02977-000, 765-02979-000, 765-02978-000, and 765-02976-000

Current Zoning District: RO/RMF 24

Requested Zoning District: DG

Assessor's Parcel Number(s) for subject property: see above

FINANCIAL INTERESTS

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

Scott and Allison Quinlan will close on the adjacent properties on April 13, 2015 as Flintlock Development LLC.

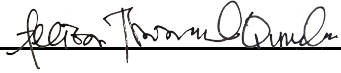
The adjacent property was previously owned by Mark Porter, who is selling it.

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): Allison Thurmond Quinlan

Date: 4/15/2016

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.)*

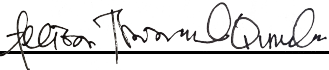
Property Owners of Record (attach additional info if necessary):

Name (printed): Allison Thurmond Quinlan

Address: 125 W Boles St

Fayetteville, AR 72701

Signature:



Date: 4/15/2016

(managing member of Flintlock Development LLC)

Phone:

(479-) 305-4807

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: Harry Davis, Planner

MEETING DATE: ~~May 23, 2016~~ **UPDATED WITH PC RESULTS**

SUBJECT: **RZN 16-5425: Rezone (NW Corner of Mill Ave & South St./Thurmond Quinlan, 524):** Submitted by ALLISON THURMOND QUINLAN for property at the NW CORNER OF MILL & SOUTH ST. The property is zoned partly R-O, RESIDENTIAL OFFICE and RMF-24, RESIDENTIAL MULTI-FAMILY, containing approximately 1.30 acres total. The request is to rezone the properties to DG, DOWNTOWN GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5425** with conditions of approval.

BACKGROUND:

The subject properties totaling 1.30 acres are located at the northwest corner of Mill Ave and South St. The parcel is partly zoned R-O and RMF-24. The property is currently developed with a 3,024 sq. ft. tri-plex constructed in 1968 and a 836 sq. ft. single-family home constructed in 1936.

The applicant claims the property has historically been a mixture of residential, commercial, and office uses with single-family homes, accessory structures, multi-family housing, and two small grocery stores occupying the site throughout its history.

Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction Site	from	Land Use	Zoning
North		Residential	RMF-24, Multi-family residential/R-O, Residential office
South		Residential/Commercial	DG, Downtown general/NC, Neighborhood conservation
East		Residential	RMF-24, Multi-family residential
West		Residential/Commercial	DG, Downtown general

Request: The request is to rezone the parcels (approximately 1.30 acres) from R-O and RMF-24 to DG, Downtown General, in order to fix arbitrary zoning and development issues in preparation for a cottage court and rowhouse development.

Public Comment: One neighbor has expressed approval for the rezone, but has concerns over increased density and traffic to the area.

Another neighbor sent in an email in support of the rezoning, echoing the applicant's claim that the area has historically been mixed-use (see attached).

INFRASTRUCTURE:

- Streets:** The subject parcels have access to South Street and Mill Avenue. Any further street improvements would be determined at time of development.
- Water:** Public water is available to the site. A 6" water main runs down all abutting street frontages to the property.
- Sewer:** Public sewer is available to the site. An 8" sewer main runs down Mill Ave. to the intersection of Huntsville Road with a manhole.
- Drainage:** Any additional improvements or requirements for drainage would be determined at time of development.
- Fire:** The Fire Department did not express any concerns with the request.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **Residential Neighborhood Area**.* These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** The proposed zoning is consistent with the form-based development to the west and south, Downtown and Walker Park respectively, where neighborhood plans are in effect. The immediately surrounding properties are mostly single and multi-family residences with various pockets of commercial activity. A rezoning to DG would allow the subject property to be redeveloped with higher densities and in a form-based pattern that fits development in adjacent Downtown and Walker Park neighborhoods. The kind of uses permitted in DG, such as single-family, multi-family, eating places, offices, neighborhood shopping, etc., are compatible with current uses in the surrounding neighborhood.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM). The definition of a residential neighborhood area

highlights particular characteristics of what this neighborhood should be, which is primarily residential with various housing types, highly connected system of gridded streets with compact blocks, and low-intensity non-residential uses. Furthermore, residential neighborhood areas call for traditional development patterns and buildings placed closer to the property line. DG calls for the very same things: mixture of dwelling types from single-family to apartments and live/work, a dynamic range of uses from residential and open space to low-intensity non-residential development and businesses, and build-to zones closer to the street for new development. The DG zoning district does encourage patterns of development that result in realizing these goals of City Plan 2030 and connect the definitions and City-wide aspirations between the proposed zoning and future land use.

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

Finding: The applicant has requested the zoning change in order to make reasonable development of the site. Current zoning has created an arbitrary line that creates administrative burden in meeting zoning requirements for two different zoning districts. Changing the zoning would both simplify the requirements, but also make it easier for the applicant to appropriately and practically develop the property with greater freedom allotted under DG.

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

Finding: The site has access to South Street and Mill Avenue, which are both considered Local Streets under the Master Street Plan. The DG zoning would allow residential and non-residential use by right, which may increase traffic compared to the existing use and zoning. The surrounding street system has adequate capacity to handle increased traffic, but there are valid concerns from the neighbors over the quality of South St. adjacent to the property and the affect new development would have on South St.'s quality and safety.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from R-O and RMF-24 to DG would allow a greater density, but the applicant does not currently have plans to increase density beyond the 24 units per acre currently enforced in the existing zoning. Development in DG is capped at four (4) stories and would have to include parking and adequate circulation for vehicles and people. It would be unreasonable to believe that a developer would fill the entire site with a multi-family building. There is no reason that DG would undesirably increase the load on public services more than what is already offered in the existing zones.

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 approval of RZN 16-5425 based on the findings discussed throughout this report with the condition that the rezone exhibit matches the vacation exhibit in VAC 16-5424 prior to the City Council meeting.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 23, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: HOFFMAN	QUINLAN RECUSED		
Second: BROWN	APPROVAL/FORWARD TO CITY COUNCIL		
Vote: 6-0-1			
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>June 21, 2016</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code sections 161.14, 161.17, & 161.25
- Request letter
- Rezone exhibit
- Public comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

(D) Bulk and area regulations.

(1) Lot width minimum.

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	40 ft.
Two-family	40 ft.
Three and more	75 ft.
Professional offices	100 ft.

(2) Lot area minimum.

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse:	
Individual lot	2,500 sq. ft.
Single-family	4,000 sq. ft.
Two-family	5,000 sq. ft.
Three or more	7,500 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) Land area per dwelling unit.

Manufactured Home	3,000 sq. ft.
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(E) Setback requirements.

Front	Side Other Uses	Side Single & Two Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	5 ft.	20 ft.	5 ft.

Gross reference(s) --Variances, Ch. 156.

(F) Building height regulations.

Building Height Maximum	30/45 ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back

greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) Building area. The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) Minimum buildable street frontage. 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.15 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) Purpose. The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) Density.

Units per acre	24 or less
----------------	------------

(D) Bulk and area regulations.

(1) Lot width minimum.

Manufactured home park	100 ft.
Lot within a	50 ft.

EXHIBIT "A"

Manufactured home park	
Single-family	35 ft.
Two-family	35 ft.
Three or more	70 ft.
Professional offices	100 ft.

(2) Lot area minimum.

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses:	
Individual lot	2,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	4,000 sq. ft.
Three or more	7,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) Land area per dwelling unit.

Manufactured home	3,000 sq. ft.
-------------------	---------------

(E) Setback requirements.

Front	Side Other Uses	Side Single & Two Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	5 ft.	20 ft.	5 ft.

Cross reference(s)-Variance, Ch. 156.

(F) Building height regulations.

Building Height Maximum	30/45/60ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of

an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.16 District RMF-40, Residential Multi-Family – Forty Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) Conditional uses.

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) Density.

Units per acre	40 or less
----------------	------------

(D) Bulk and area regulations.

(1) Lot width minimum.

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	30 ft.
Two-family	30 ft.

PLANNING COMMISSION MEMO

161.17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height	60 ft.
Maximum	

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5735 1-20-15)

PLANNING COMMISSION MEMO

161.25 Downtown General

(A) *Purpose.* *Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the *Downtown General* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density.* *None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
---------------------------	--------

(2) *Lot area minimum.* *None.*

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 50% of lot width.

(G) *Building height regulations.*

Building Maximum	Height	56 ft.
---------------------	--------	--------

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

PETITION TO CHANGE ZONING OF LOTS 9/10/11, BLOCK 2 IN BOLES ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We request that the zoning designation of Lots 9, 10, and 11 of Block 2 in Boles Addition to the City of Fayetteville (parcels 765-02975-000, 765-02974-000, 765-02977-000, 765-02979-000, 765-02978-000, and 765-02976-000) be changed from Residential Office and Residential Multifamily – 24 units/acre (split per the attached exhibits) to Downtown General. The owner of the properties as of April 13, 2016 is Flintlock Development, LLC – purchased from Mark Porter. Parcel 765-02976-000 is owned by the City of Fayetteville, but this Right of Way Parcel is concurrently being requested to be vacated. If approved, this petition for R.O.W vacation would cause ownership of that parcel to revert back to adjacent landowner Flintlock Development, LLC for development.

REASON FOR ZONING CHANGE REQUEST:

The zoning change request is being made to simplify development of the property. They are currently split between two zones somewhat arbitrarily down the middle (not following any of the existing parcel lines). The Downtown General zone runs north-south on all parcels across Alley 119 from the subject property, skips over this property, and begins again across E. South Street. The property has been historically a mix of residential, commercial, and office uses with single-family homes, accessory structures, multi-family housing, and two small groceries occupying the site during its history.

IMPACT ON NEIGHBORS:

The requested zoning change will minimally impact the surrounding properties in terms of land use, traffic, appearance, and signage. Both the existing zoning types assigned to the property allow similar densities and mixed uses as the requested DG zone, and indeed many of surrounding properties are themselves classified as Downtown General. For the purposes of Noise Control, the Downtown General district is still a residential zone. So many of the existing protections for neighboring properties will remain the same.

UTILITY AVAILABILITY:

Water and Sewer are available in adequate quantities adjacent to the site. An 8" sewer line runs south down Mill Ave, and becomes a 10" sewer line at a manhole in the intersection with Huntsville Road. A 6" water main runs down all abutting street frontages to the property.

CONSISTENT WITH LAND USE PLANS:

It is our opinion that the proposed zoning change is entirely consistent with both land use planning objectives, principles, and policies and is consistent with the history of the site and neighborhood. The rezoning will allow the property to be developed directly in line with the City's goals to "make appropriate infill...our highest priority," "make traditional town form the standard," and "create attainable housing."

The development plan for the site includes a small cottage court and rowhouses built with some ground levels flexible to be convertible to offices / small retail in the future. The homes will be small (all under 2000 SF) and attainable in price. They'll also be walkable to the square and the Farmer's Market. These development plans can be achieved by

right under the current RO and RMF-24 zoning, but are more suitably accomplished under the form based DG zoning code.

RE-ZONING NEEDED:

We are of the opinion that the proposed zoning is justified/needed for the reasonable development of the site. The somewhat arbitrary current zoning lines create undue administrative burden in meeting zoning requirements that vary only enough to be difficult (examples: side setback requirements of 10' in RO, side setbacks of 8' in RMF-24).

NO TRAFFIC IMPACT:

The proposed zoning change is not expected to increase traffic danger or congestion. The proposed zoning is not expected to alter the population density or increase the load on public services, as the existing zoning types allow equally high density development potential.

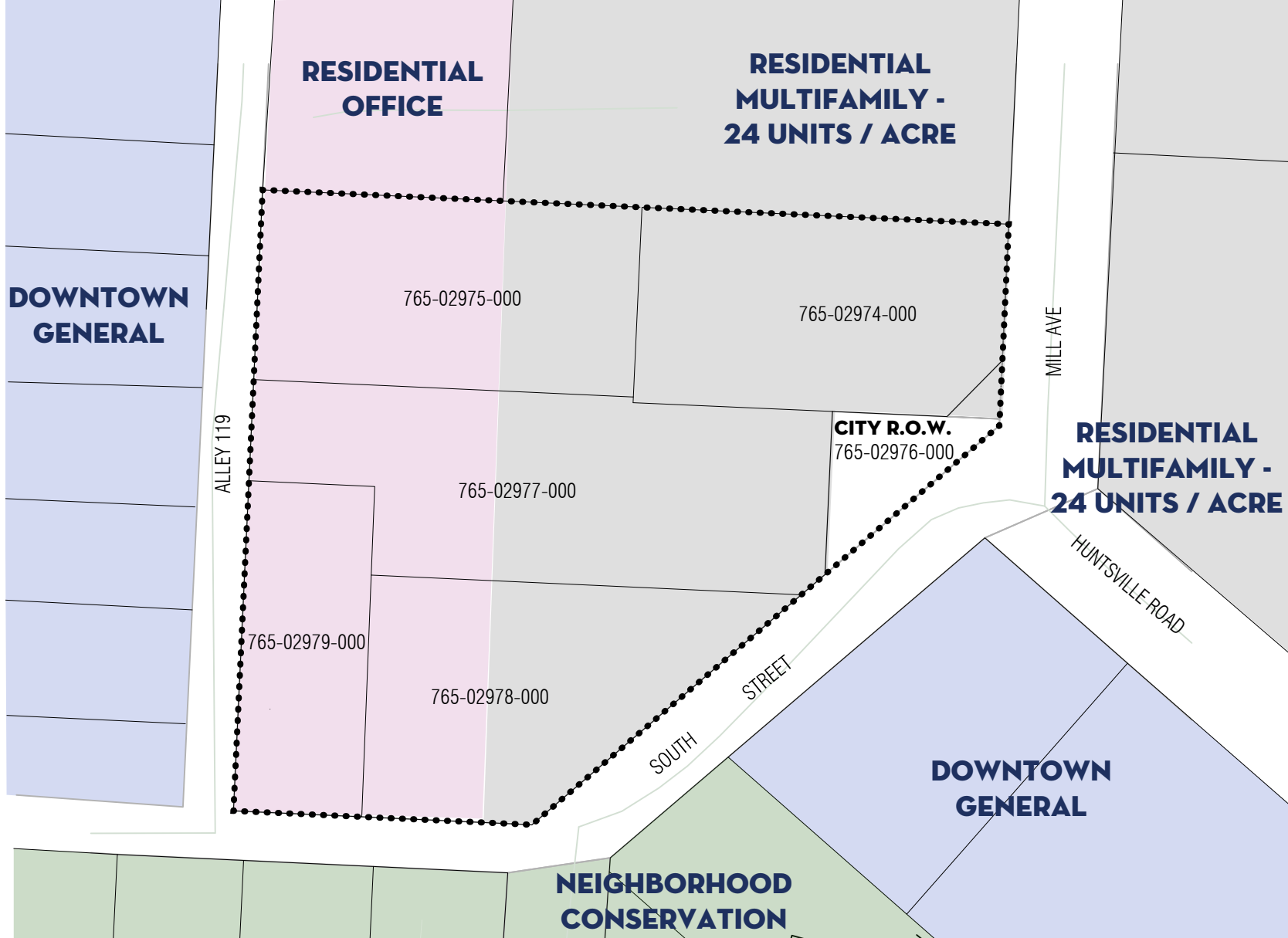
IMPRACTICALITY OF CURRENT ZONING:

The uses allowed under the current zoning classification are not significantly different than those under the request Downtown General classification. However, for reasonable and practical development and use of the properties, a consistent zoning classification is requested. These properties would most appropriately and practically be developed by simplifying the zoning of the neighborhood. For convenience, the purpose statements of the three zoning types in question are

Purpose. The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

Purpose. The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

Purpose. Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street / Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone



1 West Center Street
Fayetteville AR 72701
479 305 4807 main



SOUTH+MILL

Title:
EXISTING ZONING
(ZONING CHANGE
REQUEST)

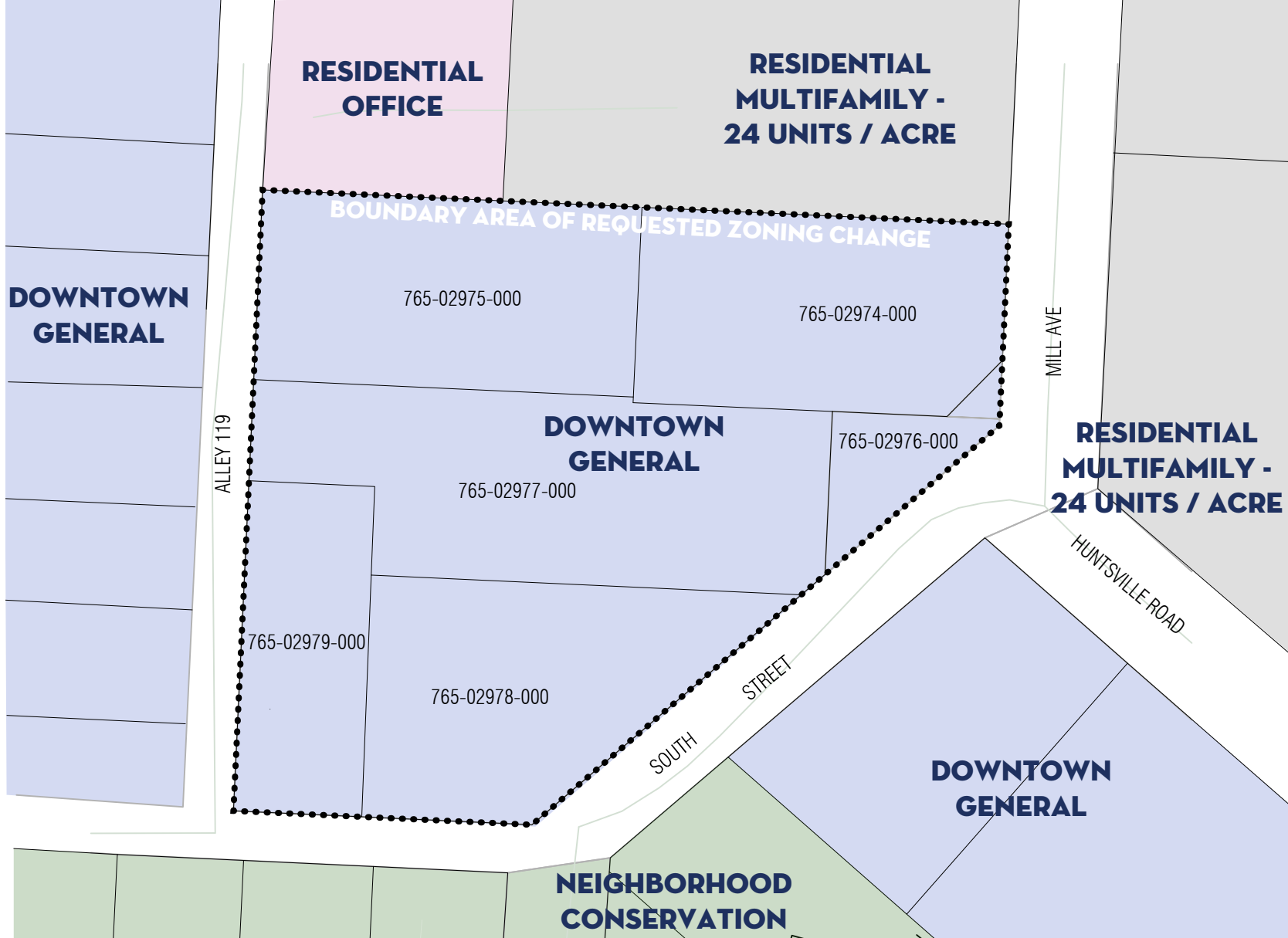
Scale: 1/4" = 1'-0"

Drawing No.

EX.3

Issue Date
MARCH 22, 2016

COPYRIGHT FLINTLOCK LTD CO. 2015



1 West Center Street
Fayetteville AR 72701
479 305 4807 main



SOUTH+MILL

Title:
PROPOSED ZONING
(ZONING CHANGE
REQUEST)

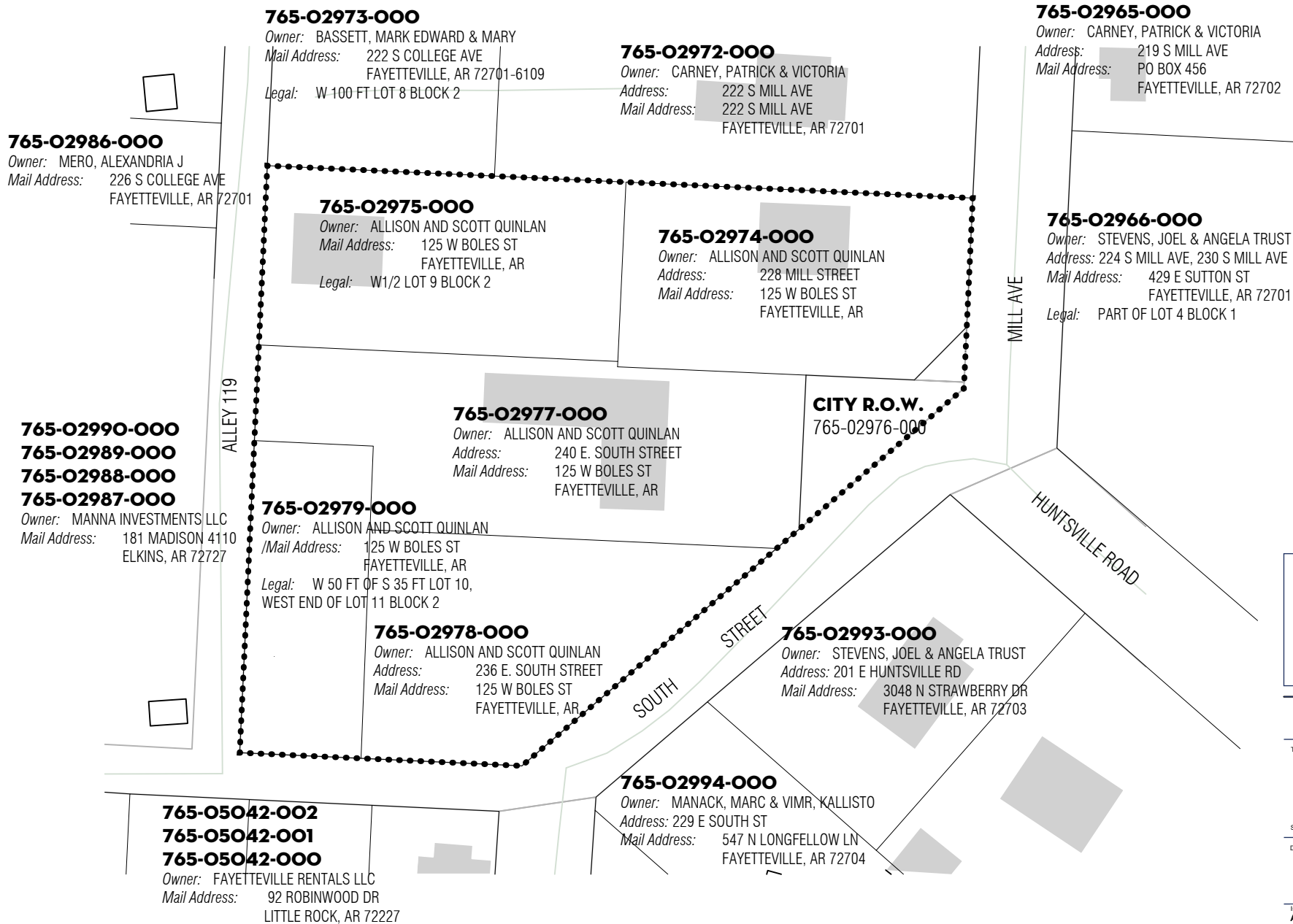
Scale: 1/4" = 1'-0"

Drawing No.

EX.4

Issue Date
MARCH 22, 2016

COPYRIGHT FLINTLOCK LTD CO. 2015



Davis, Harry

From: Planning
Sent: Tuesday, May 10, 2016 2:05 PM
To: Jerry
Subject: RE: Support for Re-zoning Request

Mr. Bailey,

Thank you for your email. Planning will include your email in the report to the Planning Commissioners for the May 23 agenda.

Regards,

Andy Harrison
Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov)
T 479.575.8267 | F 479.575.8202
[Website](#) |



From: Jerry [mailto:jdbailey@sbcglobal.net]
Sent: Monday, May 09, 2016 9:59 PM
To: Planning <planning@fayetteville-ar.gov>; citycouncil@matthewpetty.org; Gray, Adella <ward1_pos1@fayetteville-ar.gov>; Marsh, Sarah <ward1_pos2@fayetteville-ar.gov>
Subject: Support for Re-zoning Request

Planning, and council members,

Who do I contact regarding re-zoning requests? I'd like to voice my support for the rezoning request for the property at the intersection of Mill Ave, and South Street. Historically, the neighborhood has always been a mixed use zone. The street corner in question was once the home of a barbecue joint. Across the street is a motorcycle shop, and a block away, the building that now houses a massage business and water purifier company was once a gay bar. None of these businesses have had a negative impact on the neighborhood. The biggest eyesores in the neighborhood have always been the poorly kept residential yards, and lack of sidewalk upkeep by residential property owners.

I'm glad to see some interest in revitalizing this neglected area of the block.

--
Very Respectfully,

Jerry Bailey
Fayetteville, Arkansas



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0280

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

VAC 16-5424 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN):

AN ORDINANCE TO APPROVE VAC 16-5424 SUBMITTED BY ALLISON THURMOND-QUINLAN FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF MILL AVENUE AND SOUTH STREET TO VACATE STREET RIGHT-OF-WAY

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 street right of way is not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates portions of street right-of-way 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.

Section 3. This vacation approval is subject to the following conditions:

1. Any costs associated with relocation of or damage to utilities and new easement dedication shall be at the owner/developer's expense.
2. A utility easement shall remain where the existing gas line is the center line of the utility easement.

City of Fayetteville Staff Review Form

2016-0280

Legistar File ID

6/21/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

5/27/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 16-5424: Vacation (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN, 524): Submitted by ALLISON THURMOND QUINLAN for property along the NW CORNER OF MILL AVE. & SOUTH ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.05 acres. The request is to vacate a portion of a street right-of-way.

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 JUNE 21, 2016

TO: Mayor and City Council

THRU: Harry Davis, Planner

FROM: Andrew Garner, City Planning Director

DATE: June 21, 2016

SUBJECT: **VAC 16-5424: Vacation (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN, 524):** Submitted by ALLISON THURMOND QUINLAN for property along the NW CORNER OF MILL AVE. & SOUTH ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.05 acres. The request is to vacate a portion of a street right-of-way.

RECOMMENDATION:

Planning Department staff and the Planning Commission recommend approval of **VAC 16-5424** 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.
2. A utility easement to remain whereas the existing gas line is the center line of said utility easement.

BACKGROUND:

The property is located on the northwest corner of Mill & South St. The property is currently zoned as RMF-24, within City Right-of-way, and contains approximately 2,052.5 square feet. The applicant states the property in the 1920s and 1930s had a grocery store, but was later demolished and deeded to the City in 1946 for roadway widening.

The applicant proposes to vacate city right-of-way as depicted in Exhibit 'A' and described in Exhibit 'B' to allow for future development.

DISCUSSION:

On May 23, 2016 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-0-1 (Commissioner Quinlan recused; Commissioners Autry and Noble absent) as a consent agenda item.

BUDGET/STAFF IMPACT:

N/A

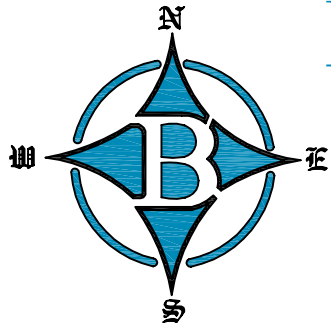
Attachments:

Exhibit A

Exhibit B

Application

Planning Commission Staff Report



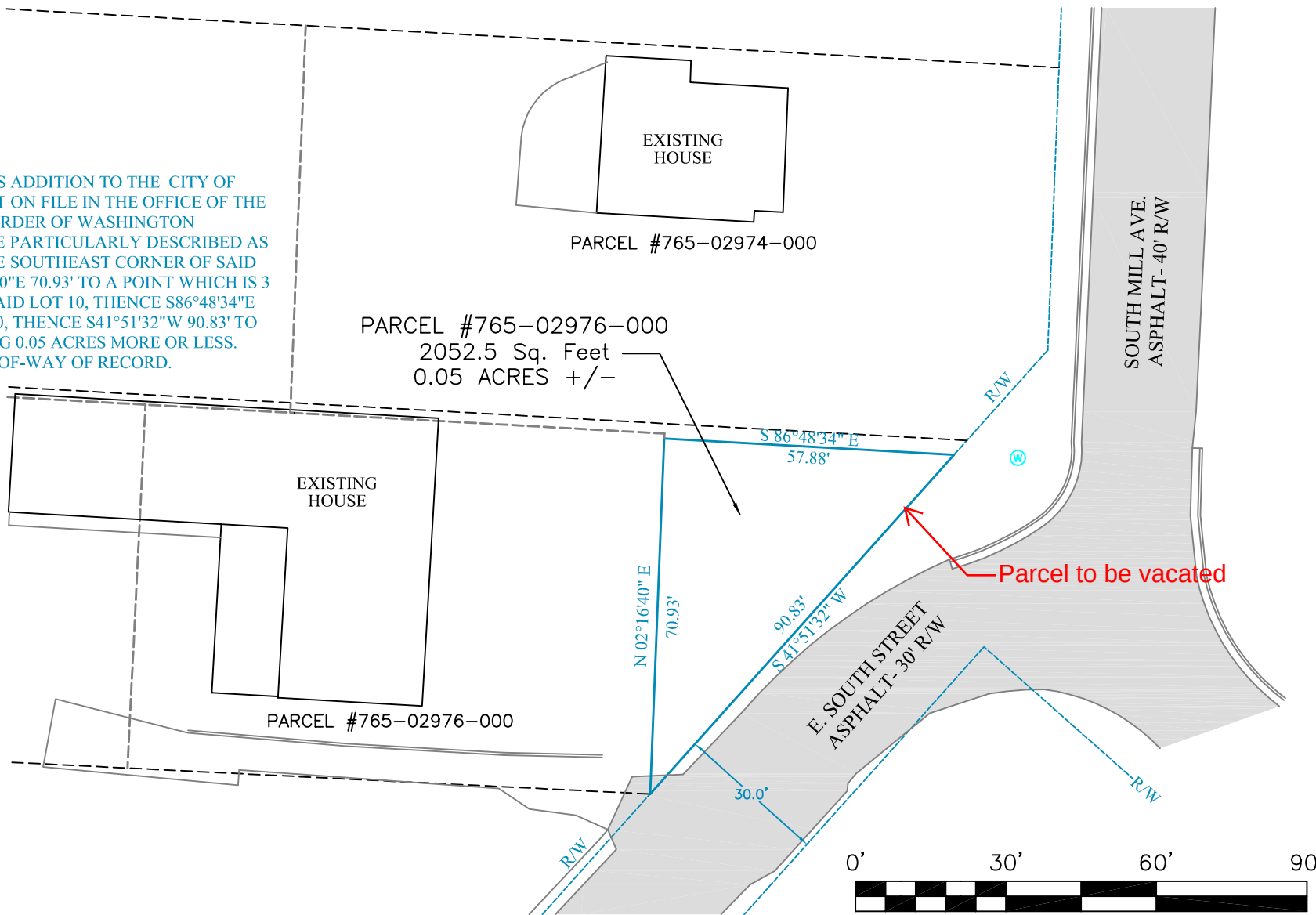
RIGHT-OF-WAY VACATION EXHIBIT

EXHIBIT 'A'

SURVEY DESCRIPTION

PARCEL #765-02976-000:

A PART OF LOT 10 IN BLOCK 2 IN BOLES ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 AND RUNNING THENCE N02°16'40"E 70.93' TO A POINT WHICH IS 3 FEET SOUTH OF THE NORTH LINE OF SAID LOT 10, THENCE S86°48'34"E 57.88' TO THE EAST LINE OF SAID LOT 10, THENCE S41°51'32"W 90.83' TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



Bates & Associates, Inc.
Engineers • Surveyors • Landscape Architects

7230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.9350 • Fax 479.521.9350

BATES & ASSOCIATES, INC. Copyright 2016
This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is protected by copyright. No one including the person(s) named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation for easements of record, encroachments, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the herein cited maps, furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

FOR USE AND BENEFIT OF:	
FLINTLOCK ARCHITECTURE	
ADDRESS: 228 S. MILL AVE. FAYETTEVILLE, ARKANSAS	
DATE: 4/11/16	SCALE: 1" = 30'
LOCATION: SEC. 15 T-16-N, R-30-W	SURVEYED: DT
	REVIEWED: DT

LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- BOUNDARY LINE
- RIGHT-OF-WAY
- PARCEL LINE
- EXISTING LOT LINE (PLATTED)
- SET WOOD STAKE

DRAWING# 16-077

16-5424
EXHIBIT 'B'

A part of Lot Ten (10) in Block Two (2) in Boles Addition to the City of Fayetteville, described as follows: Beginning at the South East corner of said lot as shown by the recorded plat of said addition, and running, thence North to a point which is three (3) feet South of the North line of said Lot 10; thence East to the East line of said lot; thence Southwesterly with the East line of said lot to the place of beginning.

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY	FEE: \$200.00
Date Application Submitted:	Sign Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Project Number:	PP#:
Public Hearing Date:	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: Allison Thurmond Quinlan

Address: 125 W Boles St
Fayetteville, AR 72701

Phone: (479) 305-4807

Email: atq@me.com

Fax: ()

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

Name: _____

Address: _____

Phone: ()

Email: _____

Fax: ()

Site Address / Location: Parcel 765-02976-000 at the intersection of Huntsville Road, South Street, and Mill St

Legal description of area to be vacated (attach separate sheet if necessary):

Deed attached

Current Zoning District: RMF-24

Assessors Parcel Number(s) for subject property: Parcel 765-02976-000

FINANCIAL INTERESTS

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

Scott and Allison Quinlan will close on the adjacent properties on April 13, 2015 as Flintlock Development LLC.

The adjacent property was previously owned by Mark Porter, who is selling it.

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): Allison Thurmond Quinlan

Date: 4/15/2016

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): Flintlock Development LLC

Address: 125 W Boles St

Fayetteville, AR 72701

Signature: 

Date: 4/15/2016

Phone: (479) 305-4807

Name (printed):

Address:

Signature:

Date:

Phone: ()

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.

- (9) Petition to vacate street right-of-way, alley, or easement (sample petition is attached).
- (10) For applications to vacate an access easement, alley or right-of-way only: Written consent is required from all adjacent property owners and is required to be submitted with the application (example form is attached).
- (11) Comments from all utility companies concerning the street right-of-way, alley, or easement to be vacated and its relationship to existing or planned utilities with recommendations as to what action should be taken (an example comment form is attached) is required at application submittal.
- (12) The applicant is responsible for meeting the public notification requirements for a Vacation listed on the Notification Requirements pages in this application.

Utility Representatives for a Vacation Request *

Name	Company	Telephone	Email
Jeff Hamilton	AT&T	442-1967	jh5430@att.com
Chad Hodge	Cox Communications	365-2402	Chad.Hodge@cox.com
John Le	AEP/SWEPCO	973-2426	ttle@aep.com
Scott Stokes	Source Gas	435-0229	Scott.Stokes@sourcegas.com
Wes Mahaffey Or Mike Phipps	Ozarks Electric	684-4649 684-4696	wmahaffey@ozarksecc.com mphipps@ozarksecc.com

City Divisions:

Mark Rogers	Water and Sewer	575-8392	mrogers@fayetteville-ar.gov
Maury Nelson	Solid Waste	575-8397	mnelson@fayetteville-ar.gov
Terry Gulley	Transportation	444-3491	tgulley@fayetteville-ar.gov

***Solid Waste & Transportation sign off is required only when a ROW, Alley, or Drainage Easement Vacation is being requested.**

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Harry Davis, Planner

MEETING DATE: ~~May 23, 2016~~ **UPDATED FOR PC RESULTS**

SUBJECT: **VAC 16-5424: Vacation (NW Corner of Mill & South St./Thurmond Quinlan, 524):** Submitted by ALLISON THURMOND QUINLAN for property located at NW CORNER OF MILL & SOUTH ST. The property is a CITY RIGHT-OF-WAY, and contains approximately 0.05 ac/2,052.5 sq ft. The request is to vacate a portion of the ROW.

RECOMMENDATION:

Staff recommends forwarding **VAC 16-5424** with conditions of approval.

BACKGROUND:

The property is located on the northwest corner of Mill & South St. The property is currently zoned as RMF-24, within City Right-of-way, and contains approximately 2,052.5 square feet. The applicant states the property in the 1920s and 1930s had a grocery store, but was later demolished and deeded to the City in 1946 for roadway widening.

The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Single-family Residential	RMF-24, Residential Multi-family
South	Single-family Residential	DG, Downtown General
East	Single-family Residential	RMF-24, Residential Multi-family
West	Single-family Residential	RMF-24, Residential Multi-family

Proposal: The applicant proposes vacation of a portion of ROW as described above and depicted in an exhibit provided by the applicant (comprising 2,052.5 square feet).

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

Cox Communications

AEP/SWEPCO

Black Hills Energy

AT&T

Ozarks Electric

Response

No objections with conditions

No objections

No objections with conditions

No objections

No objections

City of FayettevilleResponse

Water/Sewer

No objections

Transportation

No objections

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 16-5424 with the following conditions:**Conditions of Approval:**

1. Any relocation or damage to utilities of existing facilities shall be at the owner/developer's expense.
2. A utility easement to remain whereas the existing gas line is the center line of said utility easement.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 23, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: SELBY	QUINLAN ABSTAINED		
Second: BELDEN	APPROVED/FORWARDED AS PART OF CONSENT AGENDA TO CC		
Vote: 6-0-1			
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>June 21, 2016</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close Up Map

PETITION TO VACATE STREET RIGHT OF WAY

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

Flintlock Development, LLC requests that the City of Fayetteville abandon and vacate the street right of way described below and in the attached ALTA survey and exhibits. The Street Right of Way is a small triangular parcel numbered 765-02976-000 fronting E. South Street that is currently used for parking by the residents of 228 S. Mill Ave.

LEGAL DESCRIPTION

The legal description of the parcel is as follows:

Beginning at the South East corner of said lot as shown by the recorded plat of said addition, and running thence North to a point which is three (3) feet South of the North line of said Lot 10; thence East to the East line of said lot; thence Southwesterly with the East line of said lot to the place of beginning.

STREET RIGHT OF WAY HISTORY

The parcel had a small grocery store on it during the 1920s and 1930s. The concrete floor of the grocery store is still visible on site. The grocery store also appears on the 1930s Sanborn to have a small gas tank associated with it. We have checked that this tank is unregistered and unregulated, and have done due diligence to confirm it did not have any leakage or environmental issues associated with it.

The parcel was deeded to the city for the purpose of widening the road in 1949. The road has not been widened or changed in the intervening years, and City's Master Street Plans do not include any proposed changes to the adjacent streets. The public's interest and welfare would not be affected by the abandonment.

REASON FOR RIGHT OF WAY VACATION REQUEST

We request that parcel 765-02976-000 be vested in Flintlock Development, LLC (the abutting property owner) as provided by law, subject to existing utility easements as required. We request that this Street Right of Way be abandoned and vacated so that it may be developed along with the adjacent parcels into compact single family homes. The site will be developed in accordance with the city's 2030 Master Planning Goals of making infill and revitalization the highest priority, making traditional town form the standard, and creating opportunities for attainable housing.

Dated April 18, 2016



Allison Quinlan
Flintlock Development LLC Managing Member

PETITION TO VACATE A RIGHT OF WAY LOCATED IN PART OF LOT 10, BLOCK 2 IN BOLES ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the right of way hereinafter sought to be abandoned and vacated, lying in part of Lot 10, Block 2 in Boles Addition to the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right of way which is described as follows:

Beginning at the South East corner of said lot as shown by the recorded plat of said addition, and running thence North to a point which is three (3) feet South of the North line of said Lot 10; thence East to the East line of said lot; thence Southwesterly with the East line of said lot to the place of beginning.

That the abutting real estate affected by said abandonment of the right of way are: *E/2 LOT 9, N 2 FT E/2 LOT 10, BLOCK 2 (765-02974-000) and PT LOT 10 BLOCK 2 73/229/38/50/35/179 (765-02977-000) of the City of Fayetteville* used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described right-of-way.

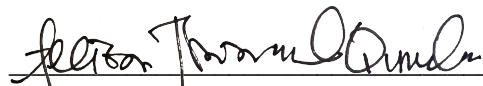
The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law. The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 22 day of March, 2016.

Allison Thurmond Quinlan

Printed Name



Signature

Printed Name

Signature

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 3/23/2016

UTILITY COMPANY: Ozarks

APPLICANT NAME: Allison Thurmond Quinlan APPLICANT PHONE: 479-305-4807

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 City-owned parcel no. 765-02976-000, located on E. South Street in south Fayetteville
at the intersection of E. South Street, Mill Ave, and Huntsville Road

☒ (**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.)

AEP territory

- ☐ No objections provided the following conditions are met:
-

Wesley Mahaffey
Signature of Utility Company Representative

Staking Tech. III
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 03/24/2016

UTILITY COMPANY: AT&T

APPLICANT NAME: Allison Thurmond Quinlan APPLICANT PHONE: 479-305-4807

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:

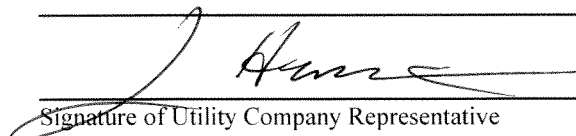
General location / Address City-owned parcel no. 765-02976-000, located on E. South Street in south Fayetteville
at the intersection of E. South Street, Mill Ave, and Huntsville Road

- ☒ (*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 of Utility Company Representative

MGR OSP PIng & Engrg Design

Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 4/5/2016

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Allison Thurmond Quinlan APPLICANT PHONE: 479-305-4807

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 City-owned parcel no. 765-02976-000, located on E. South Street in south Fayetteville at the intersection of E. South Street, Mill Ave, and Huntsville Road

☒ (**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 relocations of our existing facilities will be at the owners/developers expense.



Signature of Utility Company Representative

Construction and Planning Manager

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 3-24-2016

UTILITY COMPANY: City of Fayetteville

APPLICANT NAME: Allison Thurmond Quinlan APPLICANT PHONE: 479-305-4807

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:

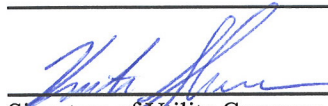
General location / Address City-owned parcel no. 765-02976-000, located on E. South Street in south Fayetteville
at the intersection of E. South Street, Mill Ave, and Huntsville Road

☒ (*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 of Utility Company Representative

Keith Shreve, Assistant Transportation Manager
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 4/7/2016

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Allison Thurmond Quinlan APPLICANT PHONE: 479-305-4807

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 City-owned parcel no. 765-02976-000, located on E. South Street in south Fayetteville at the intersection of E. South Street, Mill Ave, and Huntsville Road

☒ (*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 of Utility Company Representative

WES OPERATIONS MANAGER
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 3-22-16

UTILITY COMPANY: OZARKS ELECTRIC CO-OP

APPLICANT NAME: Allison Thurmond Quinlan APPLICANT PHONE: 479-305-4807

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 City-owned parcel no. 765-02976-000, located on E. South Street in south Fayetteville
at the intersection of E. South Street, Mill Ave, and Huntsville Road

☒ (*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:

Mike Phipps
Signature of Utility Company Representative

System Staking Tech
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 04/08/2016

UTILITY COMPANY: Black Hills Energy

APPLICANT NAME: Allison Thurmond Quinlan APPLICANT PHONE: 479-305-4807

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 City-owned parcel no. 765-02976-000, located on E. South Street in south Fayetteville
at the intersection of E. South Street, Mill Ave, and Huntsville Road

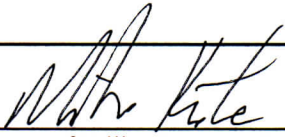
☒ (**ATTACH legal description and graphic representation of what is being vacated-SURVEY**)

UTILITY COMPANY COMMENTS:

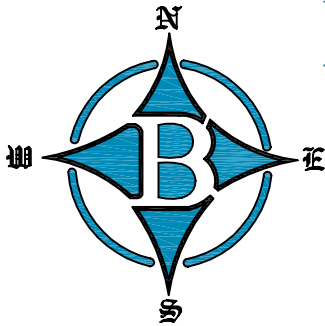
- ☐ No objections to the vacation(s) described above, and no comments.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

A UE to remain whereas the existing gas line is the center line
of said UE

- ☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

Supervisor - Gas Operations
Title

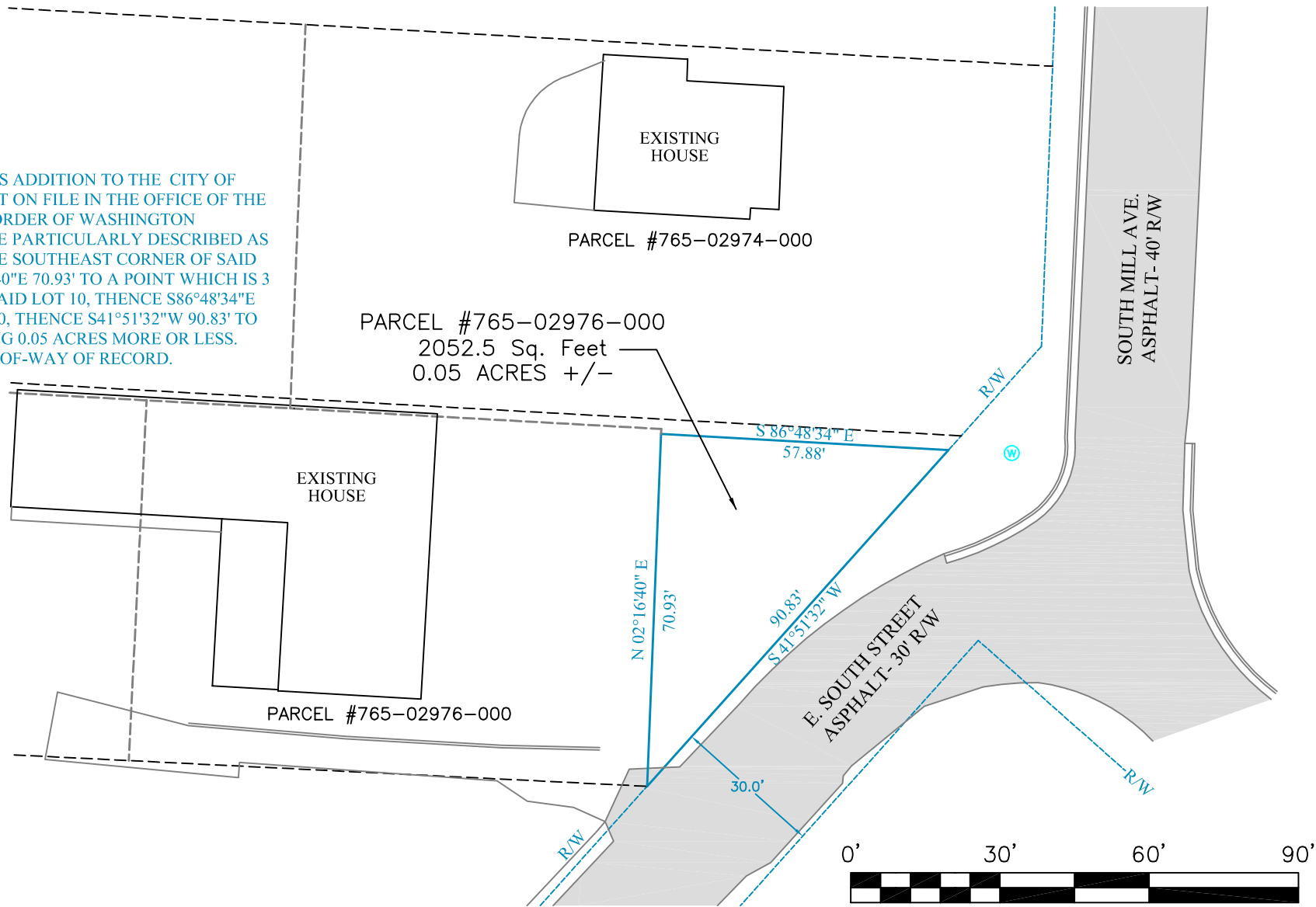


RIGHT-OF-WAY VACATION EXHIBIT

SURVEY DESCRIPTION

PARCEL #765-02976-000:

A PART OF LOT 10 IN BLOCK 2 IN BOLES ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 AND RUNNING THENCE N02°16'40"E 70.93' TO A POINT WHICH IS 3 FEET SOUTH OF THE NORTH LINE OF SAID LOT 10, THENCE S86°48'34"E 57.88' TO THE EAST LINE OF SAID LOT 10, THENCE S41°51'32"W 90.83' TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



Bates & Associates, Inc.
Engineers • Surveyors • Landscape Architects

7230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.9350 • Fax 479.521.9350

BATES & ASSOCIATES, INC. Copyright 2016

This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is protected by copyright. No one including the person(s) named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation for easements of record, encroachments, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the herein cited maps, furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

FOR USE AND BENEFIT OF:

FLINTLOCK ARCHITECTURE

ADDRESS:

228 S. MILL AVE.
FAYETTEVILLE, ARKANSAS

DATE: 4/11/16

LOCATION: SEC. 15

T-16-N, R-30-W

SCALE: 1" = 30'

SURVEYED: DT

REVIEWED: DT

LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

BOUNDARY LINE

RIGHT-OF-WAY

PARCEL LINE

EXISTING LOT LINE (PLATTED)

Δ SET WOOD STAKE



GRAPHIC SCALE (IN FEET)
1 Inch = 30ft.

DRAWING# 16-077



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0225

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 6

C-PZD 16-5408 (WEDINGTON & MARINONI DR/CROSS CHURCH):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5408 FOR APPROXIMATELY 24.60 ACRES AT WEDINGTON DRIVE AND MARIONI DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND UT, URBAN THOROUGHFARE TO C-PZD, COMMERCIAL PLANNED ZONING DISTRICT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from C-2, Thoroughfare Commercial and UT, Urban Thoroughfare to C-PZD, Commercial Planned Zoning District, as shown in the PZD booklet (Exhibit C) and the Master Plan Drawings (Exhibit D) also attached to the Planning Department's Agenda Memo.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2016-0225

Legistar File ID

6/21/2016

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

Jeremy Pate

5/27/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

C-PZD 16-5408: Commercial Planned Zoning District (WEDINGTON & MARINONI DR/CROSS CHURCH, 441):
Submitted by ESI ENGINEERING, INC. for properties located at WEDINGTON & MARINONI DR. The properties are
zoned C-2, THOROUGHFARE COMMERCIAL and UT, URBAN THOROUGHFARE and contains approximately 24.60
acres. The request is to rezone the property to C-PZD, Commercial Planned Zoning District.

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:

MEETING OF JUNE 21, 2016

TO: Mayor, Fayetteville City Council

THRE: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: June 21, 2016

SUBJECT: **C-PZD 16-5408: Commercial Planned Zoning District (WEDINGTON & MARINONI DR/CROSS CHURCH, 441):** Submitted by ENGINEERING SERVICES, INC. for properties located at WEDINGTON & MARINONI DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and UT, URBAN THOROUGHFARE and contain approximately 24.60 acres. The request is to rezone the property to C-PZD, COMMERCIAL PLANNED ZONING DISTRICT.

RECOMMENDATION:

The Planning Commission and staff recommend denial of an ordinance to rezone the properties to C-PZD, Commercial Planned Zoning District as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property contains 24.60 acres located south and west of the intersection of Wedington and Marinoni Drives. Although the property is not currently developed above grade, infrastructure is already in place, including roads, sanitary sewer, and water. The property is currently zoned C-2, Thoroughfare Commercial and UT, Urban Thoroughfare. In 2002 the property was developed and subdivided into nine commercial lots with all aforementioned public infrastructure installed, though no further construction has occurred since. Additionally, planned improvements by the Arkansas Highway and Transportation Department (AHTD) will realign Futrell Drive and access to Interstate 49 adjacent to the site.

Land Use Compatibility: The uses proposed in this project are somewhat compatible with those of the surrounding area. Thoroughfare commercial and multi-family housing to the north are of similar land use intensity to those proposed, but without the substantial areas of surface parking. The commercial strip layout of this C-PZD does match some other commercial developments along Wedington Drive, but not in the immediate proximity. Additionally, the adjacency of the subject property to the interchange works to transition the lower intensity commercial and residential uses to the north and east to the more intensive development associated with a highway interchange.

Compatibility is not so certain however, with the adjacent undeveloped properties zoned RSF-4, Residential Single-Family – 4 Units per Acre. If developed to the single-family residential requirements this may not transition well to the surface parking-intensive development proposed

with the C-PZD. While the applicant has proposed a larger rear setback for when a property is contiguous with a single-family residential district, this does not preclude the construction of surface parking within the setback.

On a large undeveloped site like this, primary components of compatibility, perhaps as important as land use intensity, are building typology and site design. The building types proposed throughout this C-PZD share few, if any similarities to adjacent uses or those anticipated in adjacent undeveloped land. Large areas of surface parking are not desired with land designated as City Neighborhood Areas immediately to the east. Parking lots will be located along both sides of McMillan Drive and will surround each of the proposed buildings on at least three sides. This will create a site design where buildings are further apart and further away from the street than the traditional development patterns anticipated to the south and east. The City Council's adopted land use policy for rezoning property expressly discourages the development pattern that is proposed in this C-PZD request.

Land Use Plan Analysis: The proposed zoning is largely incompatible with the Future Land Use Map (FLUM) designation of Urban Center Areas. As an area classified as Urban Center Area by City Plan 2030, the subject properties are expected to align with many, if not all of the guidelines set forth. While the proposed C-PZD does address some guiding policies, like the provision of retail space and services to facilitate Fayetteville achieving its market potential, it falls short of many others. As proposed, the C-PZD does not strive to develop in a traditional town form or enhance and accommodate alternative modes of transportation. Parking arrangements are more in-line with those found in urban sprawl development, with little opportunity or need for maximizing the possibility of sharing the large and impervious surface parking areas. Staff contends that there are many viable site design options available that can achieve the objectives of the proposed C-PZD while maintaining the land uses desired by the applicant.

The density, development pattern, and building type, with small, medium and large commercial buildings, is marginally compatible with the surrounding uses. The proposed C-PZD provides a transition from the small commercial businesses and single family neighborhoods to the north and east to the intersection of I-49/540 and Wedington. Staff finds that a church within this neighborhood could provide a service and gathering place for the immediate and surrounding neighborhood, generating activity and a variety of users at different times of the day, which may complement adjacent shopping and residential areas as this area build out.

DISCUSSION:

On May 23, 2016 the Planning Commission denied the applicant's request for a rezoning to C-PZD on the subject properties. Commissioners Belden, Hoffman, and Quinlan questioned the appropriateness of the applicant's rezoning request, citing concerns about the layout, large areas of surface parking, and the likelihood that the proposed land uses could be readily developed under the existing UT zoning district requirements. A motion by Commissioner Hoffman to deny the proposal carried with a vote of 7-0-0. (Commissioners Autry and Noble were not present).

BUDGET/STAFF IMPACT:

N/A

Attachments:

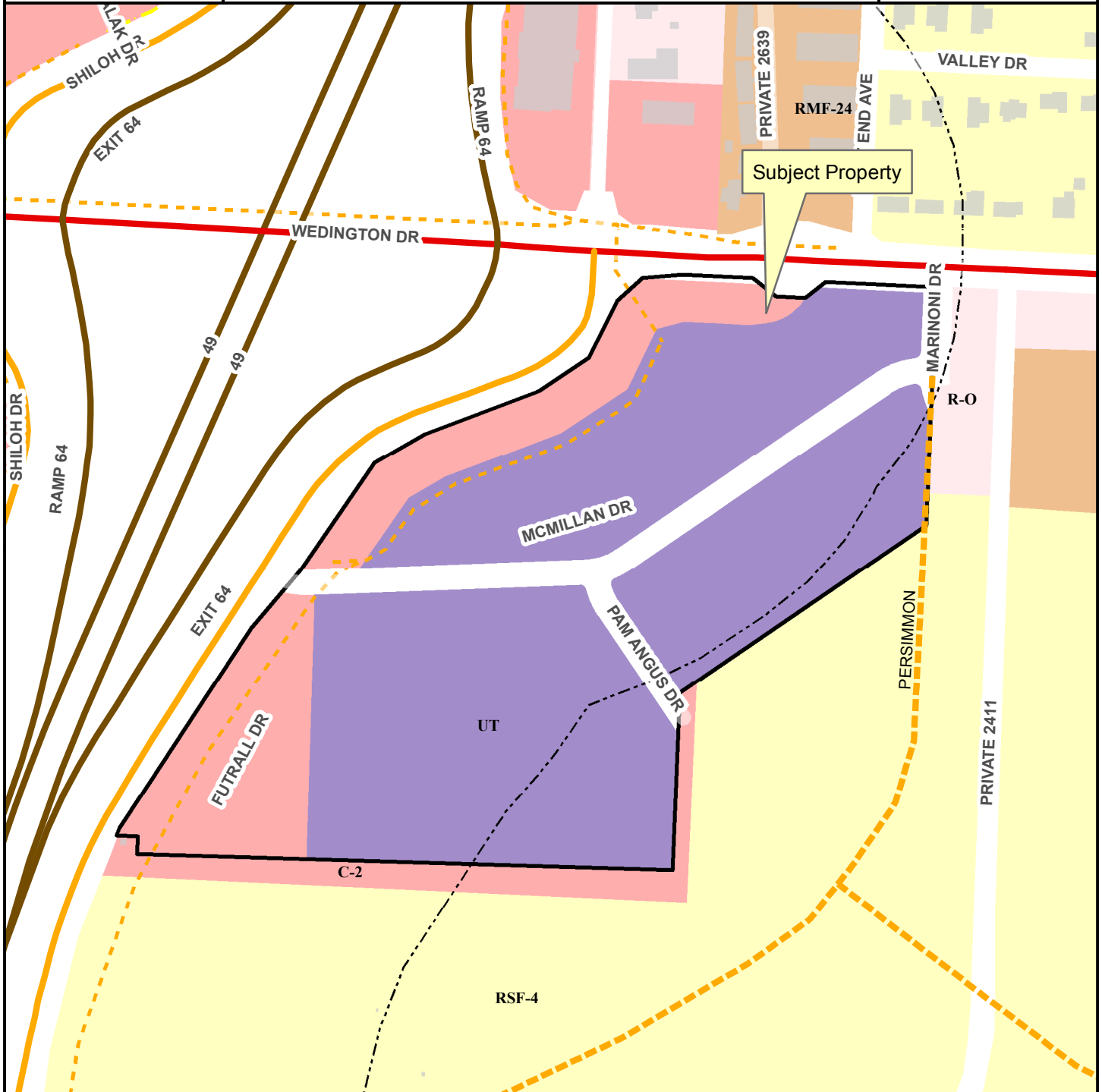
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

16-5408
EXHIBIT 'A'

CPZD 16-5408

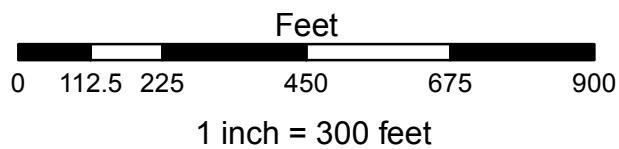
Close Up View

CROSS CHURCH



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Building Footprint



Zoning

- RSF-4
- RMF-24
- RO
- C-2
- UT

16-5408
EXHIBIT 'B'

LEGAL DESCRIPTION FOR McMILLAN ESTATES PLANNED ZONING DISTRICT

PZD LEGAL DESCRIPTION:

MCMILLAN ESTATES SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON THE PLAT FILED FOR RECORD IN PLAT BOOK 23 AT PAGE 33, RECORDS OF WASHINGTON COUNTY, ARKANSAS,

LESS AND EXCEPT LOT NUMBER 8, MCMILLAN ESTATES SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON THE PLAT FILED FOR RECORD IN PLAT BOOK 23 AT PAGE 33, RECORDS OF WASHINGTON COUNTY, ARKANSAS.

CITY OF FAYETTEVILLE, AR

PLANNED ZONING DISTRICT

FOR STAFF USE ONLY

Date Application Submitted: _____
Date Accepted as Complete: _____
Project Number: _____
Public Hearing Date: _____

5408

FEE: \$525 - \$1,125
SIGN FEE: \$5.00 per sign
Tech Plat Resubmittal FEE: \$200/resubmittal

S-T-R: _____
PP#: _____
Zone: _____

441

PLEASE CONSULT WITH STAFF PRIOR TO SUBMITTING AN APPLICATION, TO CONFIRM THE APPROVAL YOU ARE SEEKING IS IN THE CORRECT PROCESS.

A Planned Zoning District application is processed with a recommendation from the Planning Commission to City Council, much like a standard rezoning review process. The City Council decides on the requested zoning and land use, not development approval.

A development application (Preliminary Plat, Large Scale Development, etc.) may be concurrently processed with a Planned Zoning District application. The development application will be decided on by the Planning Commission and any approval will be conditional upon the City Council's zoning decision.

Instructions:

Please fill out this form completely, supplying all necessary information and documentation to support your request. **It is highly recommended the applicant conduct a meeting with nearby neighborhoods to discuss the proposed zoning prior to application submittal. Your application will not be placed on the applicable agenda until all necessary information is furnished.**

Application:

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

Applicant (person making request):

Name- Cross Church, Inc.

Address - 1709 Johnson Road
Springdale, AR 72762

E-mail: _____

Phone -
(479) 751-4523
()

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

Name- Engineering Services, Inc.
Attn: Daniel Lazenby

Address - 1207 S. Old Missouri Rd.
P.O. Box 282
Springdale, AR 72765-0282

E-mail: dlazenby@engineeringservices.com

Phone -
(479) 751-8733
()

Current Zoning District: UT (Urban Thoroughfare) and C-2 (Thoroughfare Commercial)

Requested Zoning District: ☐ Residential PZD ☒ Commercial PZD ☐ Industrial PZD

Total Acreage: ±25 Acres

Number of Dwelling Units (Density): 0 units n/a units/acre
Total non-residential square feet (Intensity): 192,500 square feet 7,825 square feet/acre
0 % Residential Floor Area
100 % Commercial Floor Area
0 % Industrial Floor Area Industrial

765-22526-000, 765-22527-000, 765-22528-000,
765-22529-000, 765-22530-000, 765-22531-000,
Assessor's Parcel Number(s) for subject property: 765-22532-000, 765-22534-000, & 765-22535-000

Date of Pre-application meeting with City staff: MARCH 3, 2016

FINANCIAL INTERESTS: The following entities and / or people have financial interest in this project: Name(s)(printed): Cross Church, Inc., 49 & Wedington, LLC, and Fay CS, LLC

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): Cross Church, Inc.

Date: 4-13-2016

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.)

Owners (attach additional info if necessary):

Name (printed): Cross Church, Inc.

Name (printed): 49 & Wedington, LLC

Signature: [Signature]

Signature: [Signature]

Date: 4-13-2016

Date: 4-12-16

Address: 1709 Johnson Road
Springdale, AR 72762

Address: 2002 S. 48th Street, Suite A
Springdale, AR 72762

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jonathan Curth, Senior Planner

MEETING: May 23, 2016 (Updated with Planning Commission Results)

SUBJECT: **C-PZD 16-5408: Commercial Planned Zoning District (WEDINGTON & MARINONI DR/CROSS CHURCH, 441):** Submitted by ESI ENGINEERING, INC. for properties located at WEDINGTON & MARINONI DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and UT, URBAN THOROUGHFARE and contains approximately 24.60 acres. The request is to rezone the property to C-PZD, Commercial Planned Zoning District.

RECOMMENDATION:

Planning staff recommends denial of **C-PZD 16-5408**.

BACKGROUND:

Property and background: The subject property contains 24.60 acres located south and west of the intersection of Wedington and Marinoni Drives. Although the property is not currently developed above grade, infrastructure is already in place, including roads, sanitary sewer, and water. The property is currently zoned C-2, Thoroughfare Commercial and UT, Urban Thoroughfare. In 2002 the property was developed and subdivided into nine commercial lots with all aforementioned public infrastructure installed. Additionally, planned improvements by the Arkansas Highway and Transportation Department (AHTD) will realign Futrall Drive and access to Interstate 49 (*see attachment*). Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Commercial; Multi-family; Single-family	C-2, Thoroughfare Commercial; RMF-24, Residential Multi-Family, Twenty-four Units Per Acre; and RSF-4, Residential Single-Family, Four Units per Acre
South	Undeveloped/Wooded	RSF-4, Residential Single Family Four Units per Acre
East	Undeveloped; Church	R-O, Residential Office RSF-4, Residential Single-Family, Four Units per Acre
West	Interstate 49	n/a

Proposal: The applicant requests a rezone from C-2, Thoroughfare Commercial and UT, Urban Thoroughfare to a C-PZD, Commercial Planned Zoning District, to allow development of the existing subdivision to accommodate a church and other commercial uses. The church would occupy Lots 8 and 9, while a fitness center is proposed for Lots 1, 3, and 5, a hotel for Lots 4 and

6, and restaurant on lot 1. The layout of the proposed Commercial Planned Zoning District is typical of suburban, commercial development, with buildings set back and parking located between the structures and the street.

INFRASTRUCTURE:

Streets and Rights-of-Way:

This site is served by the short stub out of the Collector street Marinoni Drive, which provides direct connection to Wedington Drive, a Principal Arterial street. The City's Master Street Plan identifies Marinoni Drive for extension to the southwest, ultimately crossing I-49 with an overpass to connect with Persimmon Street. The site is served by Futrall Drive to the west, which also directly connects to Wedington Drive. Futrall is to be realigned following work by AHTD on the I-49 and Wedington interchange.

All the on-site streets, including MacMillan and Pam Angus Drives are built to City standard and have been dedicated as public right-of-way.

Water:

Public water is accessible to the site. An 8-inch water main exists in the Wedington Drive, Marinoni Drive, McMillan Drive, and Pam Angus Drive rights-of-way.

Sewer:

Public sanitary sewer is available to the site. An 8-inch sanitary sewer main runs from Wedington Drive to Marinoni Drive, and from there along McMillan Drive. Additionally, a 10-inch sanitary sewer main adjoins the southern property boundary.

Drainage:

Stormwater management was approved for the site during its original platting, and no changes are proposed to the existing detention facilities as a part of the C-PZD. Improvements for drainage will need to be reviewed at the time of individual development submission. Although the property is not affected by the 100-year floodplain, it is subject to the City's Streamside Protection Zone, which affects portions of Lots 1, 3, 5, and 7-9.

Fire:

The development will be protected by Engine 2 located at 708 N. Garland. It is 1.9 miles from the station with an anticipated response time of 3.5 minutes to the beginning of the development. No adverse impact to response times or service is anticipated by this development.

Police:

The Police Department has not expressed any concerns with this request.

Trails:

As identified in the Fayetteville Active Transportation Plan, and due to the future realignment of Futrall Drive associated with the AHTD improvements to the I-49 and Wedington interchange, a shared use path shall be located along the east side of the proposed rerouted Futrall Drive with sufficient green space separation from the road. Per the Trails Coordinator, the construction of the section of this shared use paved trail from Wedington Drive southward to the south property line of this project shall be included according to City standards along with the dedication of a multi-use trail easement (*see attachment*).

Public Comment: Notification was delivered to property owners within 100 feet of the project boundary and one public notice sign was posted on the property. Staff has received no public comment.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Map designates the property as an **Urban Center Area**.*

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although Urban Center Areas recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

Urban Center Guiding Policies:

- a. Encourage mixed-use development to allow for shared parking and day and night utilization of available parking.*
- b. Encourage intensive mixed-use development within one-quarter mile of public transit routes.*
- c. Provide enough retail business and service space to enable Fayetteville to realize its full potential as a regional market.*
- d. Encourage continuing improvements and expansion of regional shopping and entertainment attractions.*
- e. Require that large commercial sites be designed and landscaped in a manner that preserves the aesthetic character of their surroundings.*
- f. Direct new regional development into designated regional commercial centers.*
- g. Approve new regional commercial development as Planned Zoning Districts (e.g. shopping centers, business parks, medical parks, industrial parks and mixed-use developments) or complete neighborhood plans in order to assure the overall integration of design and use.*
- h. Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.*
- i. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.*
- j. Utilize the Master Street Plan and incorporate bike lanes, parkways, and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.*
- k. Utilize open space by providing pocket parks and community green space, creating connectivity of natural areas across the community.*
- l. Encourage the integration of clean tech industrial uses with residential and commercial uses.*

Recommendation:

Planning staff recommends denial of **C-PZD 16-5408**.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 23, 2016</u>	☐ Tabled	☐ Forwarded	☒ Denied
Motion: Hoffman	Second: Quinlan	Vote: 7-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date:	☐ Approved	☐ Denied	

Required Findings for Rezoning Request

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Staff finds portions of the application to be in compliance with the land use planning objectives established by the City Council in City Plan 2030, but there are some aspects of the application that may conflict with these policies. The application for this rezoning to a C-PZD was submitted consistent with the format required by ordinance and the PZD application. The applicant interacted with City staff throughout the application process, and has been made aware of concerns regarding some aspects of the PZD.

Among these concerns are the many inconsistencies with the guiding policies of City Plan 2030. As an area classified as Urban Center Area by City Plan 2030, the subject properties are expected to align with many, if not all of the guidelines set forth. While the proposed C-PZD does address some guiding policies, like the provision of retail space and services to facilitate Fayetteville achieving its market potential, it falls short of many others. As proposed, the C-PZD does not strive to develop in a traditional town form or enhance and accommodate alternative modes of transportation. Parking arrangements are more in-line with those found in urban sprawl development, with little opportunity or need for maximizing the possibility for sharing of the large and impervious surface parking areas. Staff contends that there are many viable site design options that can meet achieve the objectives of the proposed C-PZD (*see attached staff alternatives*).

The density, development pattern, and building type, with small and medium commercial buildings, is marginally compatible with the surrounding uses. The proposed C-PZD provides a transition from the small commercial businesses and single family neighborhoods to the north and east to the intersection of I-49/540 and Wedington. The exception to compliance with the Urban Center Area designation being the idea that the mixed-use development does not generally include institutional uses like churches, but instead a diversity of commercial and residential development.

The PZD's compliance with the primary goals of City Plan 2030 is discussed below.

Goal 1: *Infill and revitalization.* The PZD is, after a fashion, a form of redevelopment and infill. As noted, the existing infrastructure has remained unused for over a decade. Utilizing the current streets, water, and sanitary sewer infrastructure potentially eliminates the need for the proposed projects to be accommodated on the municipal fringes.

Goal 2: *Discourage suburban sprawl.* By being an infill location, the C-PZD discourages suburban commercial development, and keeps greenfields on the perimeter of the city. This infill project is able to take advantage of proximity to existing utility infrastructure, and transit more than a sprawling development.

Goal 3: *Traditional Town Form.* The form of the proposed C-PZD master plan is not consistent with a traditional town form pattern that is adopted as part of City Plan 2030. The development generally proposes buildings that are not street-oriented or integrated with green space, but are instead set back within parking lots. Pedestrian linkages between and among the units is limited to sidewalks along the rights-of-way of interior streets. In addition to the proposed buildings of the C-PZD being unintegrated with each other, they also lack any relationship or connectivity with surrounding neighborhoods.

Goal 4: *Grow a livable transportation network.* Traffic congestion is a problem along Wedington Drive, which provides the primary access to the site. Although this project may not individually appear to warrant a new traffic signal on Wedington, any development will be required to contribute a proportional cost for an assessment for a future traffic signal at Marinoni Road/Wedington Drive. This development begins to concentrate development at one of the busiest intersections in the City, I-49/Wedington. This PZD would help define a node, or concentration of development in this area of the City, helping towards the goal of expanded public transit in this area. That said, the proposed layout of the C-PZD, particularly for church-goers, is decidedly unfriendly to non-motorized transportation options.

Goal 5: *Assemble an enduring green network.* The project provides no open space other than the noted unbuildable floodway in Lot 10. Other open space areas in the proposed C-PZD area are subject to proposed AHTD improvements to the I-49/Wedington interchange or are explicitly delineated as not being public space.

Goal 6: *Create opportunities for attainable housing.* This proposed commercial project is not geared towards an affordable housing product, and the applicant has deliberately removed any opportunity to develop housing, whether single- or multi-family, by removing residential dwellings from the C-PZD's permitted or conditional uses.

Compatibility Analysis. The zoning and uses proposed in this project are largely compatible with those of the surrounding area. Thoroughfare commercial and multi-family housing to the north compliment are of similar land use intensity to those proposed. Additionally, the proximity of the subject property to the interchange works to transition the lower intensity commercial and residential uses to the north and east to the more intensive development associated with a highway interchange.

Compatibility is not so certain however, with the adjacent undeveloped RSF-4 properties. If developed to the single-family residential requirements this may not transition well to the surface parking-intensive development proposed with the C-PZD. While the applicant has proposed a larger rear setback for when a property is contiguous with a single-family residential district, this does not preclude the construction of surface parking within the setback.

Other primary components of compatibility, perhaps as important as land use intensity, are building typology and site design. The building types proposed throughout this C-PZD share few, if any similarities to adjacent uses. Large areas of surface parking are proposed that are not seen among any of the adjacent properties. Parking lots will be located along both sides of McMillan Drive and will surround each of the proposed buildings on at least three sides. This will create a site design where buildings are further apart than in any of the commercial, multi-family, or single-family areas in the surrounding area.

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

Finding: At this time the property is zoned UT and C-2, which allow a wide and flexible variety of commercial development that cater to surrounding communities. The developer desires to create a primarily commercial but also institutional development, with uses that would be permitted without condition under the existing zoning. The proposed C-PZD is actually significantly more restrictive than the current UT zoning designation, and limits the possibility of future or alternative developments. In fact, Planning Areas 1 and 2 have fewer uses allowed by right or conditionally than any of the existing commercial zoning districts within the City of Fayetteville. With few exceptions, notably the larger property setback distance requirements, the C-PZD dramatically restricts the potential for development that varies from the proposed structures. The purpose for this rezoning, as defined by the applicant is to encourage the development of a fitness center, restaurant, and hotel in Planning Area 1 and a church in Planning Area 2.

3. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The population density would not change due to the proposed C-PZD, but the number of visits to the site would certainly create additional demand on public water, sanitary sewer, and traffic services. While it has been determined that the previously built water and sanitary sewer infrastructure is sufficient to accommodate this project as proposed, staff has required that a traffic study be performed to assess whether an undesirable impact will be result from development.

4. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

Finding: All the uses proposed in this C-PZD are also allowed in the existing UT zoning district. Combined, the permitted and conditional uses of the C-PZD would represent a more restricted commercial zoning district than any other available in the City of Fayetteville.

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: As discussed in the findings above, there are reasons why the zoning may not be desirable. The C-PZD would increase traffic volumes on a congested arterial. The C-PZD proposes a very limited number of permitted and conditional uses while lacking a traditional town design that facilitates the movement of non-motorized transportation. The C-PZD does not contribute towards a diversity of housing, or any type of mixed-use development that facilitates Fayetteville's City Plan 2030 goals.

That said, the project will create development in an area where infrastructure is in place and underutilized. Assuming the proposed uses for this C-PZD are not committed to this site, by locating on the subject property limits the church, gym, restaurant, and hotel are not being built in greenfield areas on the City's periphery. Another benefit of this development is to increase the market potential of this interchange specifically, and the City at large. While approximately 12 acres of the most visible area of the proposed C-PZD will be dedicated for a use that does not support Fayetteville achieving its market potential, the balance of the lots are dedicated to commercial uses that are appropriate for a burgeoning commercial node.

Sec. 166.06. Planned Zoning Districts (PZD)

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

- (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
- (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) *No negative impact.* Does not have a negative effect upon the future development of the area;
- (6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

- (8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
- (10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- (11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

Findings: The proposal meets the intent of several of the parameters of the above criteria, including the minimal disturbance of existing natural amenities, and the utilization of existing infrastructure. And as discussed, many of the project's uses are generally compatible with surrounding land uses, and largely appropriate for such a high-visibility and high-traffic interchange. That said, and as mentioned numerous times, the C-PZD as proposed would significantly limit the flexibility in the distribution of land uses and density of development. The limitations on permitted and conditional uses coupled with the increased setback requirements creates an area with extremely narrow development options and restricted site layouts. Furthermore, the C-PZD is generally inconsistent with the Future Land Use Plan designation of a Urban Center Area by proposing large parking areas with little spatial opportunity for sharing, not utilizing green space for connectivity and community green space, and not incorporating elements to facilitate alternative modes of transportation.

BUDGET/STAFF IMPACT:

None

Attachments:

- Fire Department Comments
- AHTD I-46 & Wedington Interchange Improvements
- Planning Staff Site Layout Concepts
- Current Land Use Map
- Future Land Use Map
- Close Up Map
- One Mile Map

Provided separately:

- PZD Booklet
- PZD Plats



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

Phone (479) 575-8365 Fax (479) 575-0471

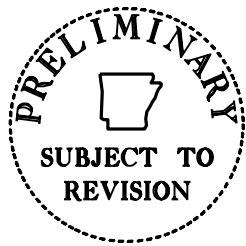
To: Jonathan Curth
From: Captain J. Ashley
Date: May 11, 2016
Re: C-PZD Wedington and Marinoni Dr

This development will be protected by Engine 2 located at 708 N. Garland.
It is 1.9 miles from the station with an anticipated response time of 3.5 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.

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

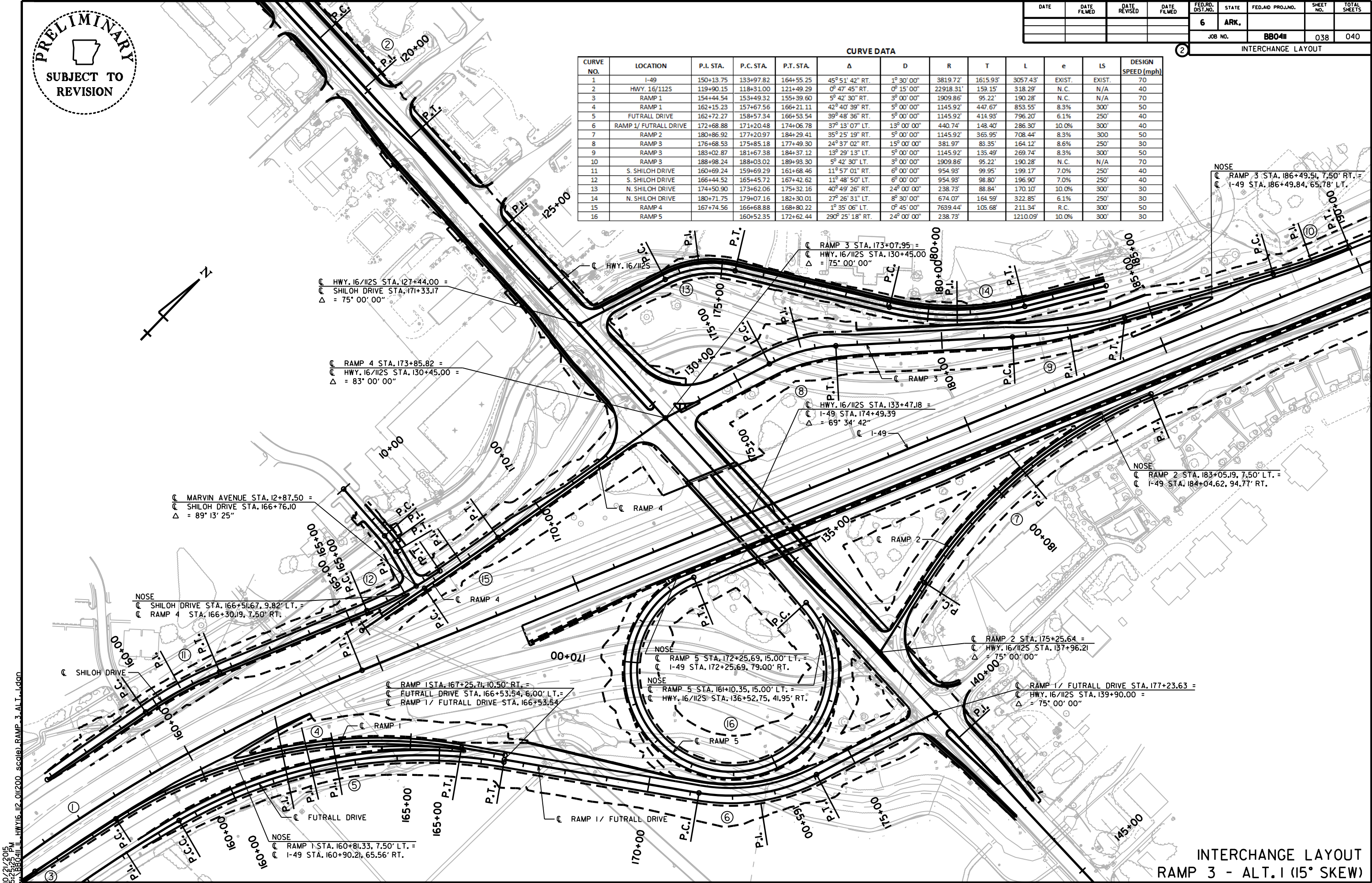
Captain J. Ashley
Assistant Fire Marshal
Fayetteville Fire Department



DATE	DATE FILMED	DATE REVISED	DATE FILMED	FED. RD. DIST. NO.	STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
				6	ARK.			
				JOB NO.	B80411	038	040	

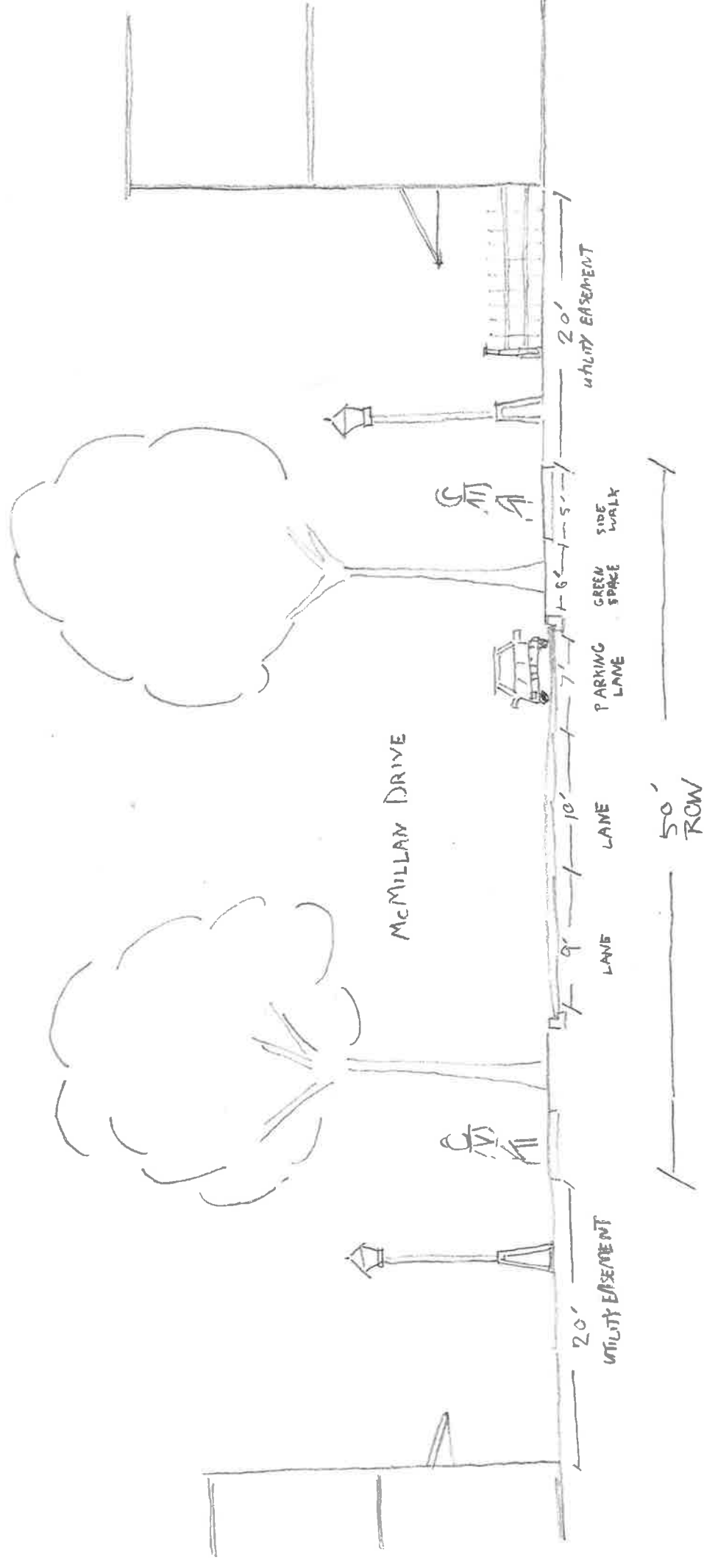
INTERCHANGE LAYOUT

CURVE DATA											
CURVE NO.	LOCATION	P.I. STA.	P.C. STA.	P.T. STA.	Δ	D	R	T	L	e	LS
1	I-49	150+13.75	133+97.82	164+55.25	45° 51' 42" RT.	1° 30' 00"	3819.72'	1615.93'	3057.43'	EXIST.	EXIST.
2	HWY. 16/112S	119+90.15	118+31.00	121+49.29	0° 47' 45" RT.	0° 15' 00"	22918.31'	159.15'	318.29'	N.C.	N/A
3	RAMP 1	154+44.54	153+49.32	155+39.60	5° 42' 30" RT.	3° 00' 00"	1909.86'	95.22'	190.28'	N.C.	N/A
4	RAMP 1	162+15.23	157+67.56	166+21.11	42° 40' 39" RT.	5° 00' 00"	1145.92'	447.67'	853.55'	8.3%	300'
5	FUTRALL DRIVE	162+72.27	158+57.34	166+53.54	39° 48' 36" RT.	5° 00' 00"	1145.92'	414.93'	796.20'	6.1%	250'
6	RAMP 1/ FUTRALL DRIVE	172+68.88	171+20.48	174+06.78	37° 13' 07" LT.	13° 00' 00"	440.74'	148.40'	286.30'	10.0%	300'
7	RAMP 2	180+86.92	177+20.97	184+29.41	35° 25' 19" RT.	5° 00' 00"	1145.92'	365.95'	708.44'	8.3%	300'
8	RAMP 3	176+68.53	175+85.18	177+49.30	24° 37' 02" RT.	15° 00' 00"	381.97'	83.35'	164.12'	8.6%	250'
9	RAMP 3	183+02.87	181+67.38	184+37.12	13° 29' 13" LT.	5° 00' 00"	1145.92'	135.49'	269.74'	8.3%	300'
10	RAMP 3	188+98.24	188+03.02	189+93.30	5° 42' 30" LT.	3° 00' 00"	1909.86'	95.22'	190.28'	N.C.	N/A
11	S. SHILOH DRIVE	160+69.24	159+69.29	161+68.46	11° 57' 01" RT.	6° 00' 00"	954.93'	99.95'	199.17'	7.0%	250'
12	S. SHILOH DRIVE	166+44.52	165+45.72	167+42.62	11° 48' 50" LT.	6° 00' 00"	954.93'	98.80'	196.90'	7.0%	250'
13	N. SHILOH DRIVE	174+50.90	173+62.06	175+32.16	40° 49' 26" RT.	24° 00' 00"	238.73'	88.84'	170.10'	10.0%	300'
14	N. SHILOH DRIVE	180+71.75	179+07.16	182+30.01	27° 26' 31" LT.	8° 30' 00"	674.07'	164.59'	322.85'	6.1%	250'
15	RAMP 4	167+74.56	166+68.88	168+80.22	1° 35' 06" LT.	0° 45' 00"	7639.44'	105.68'	211.34'	R.C.	300'
16	RAMP 5		160+52.35	172+62.44	290° 25' 18" RT.	24° 00' 00"	238.73'		1210.09'	10.0%	300'



INTERCHANGE LAYOUT
RAMP 3 - ALT. 1 (15° SKEW)

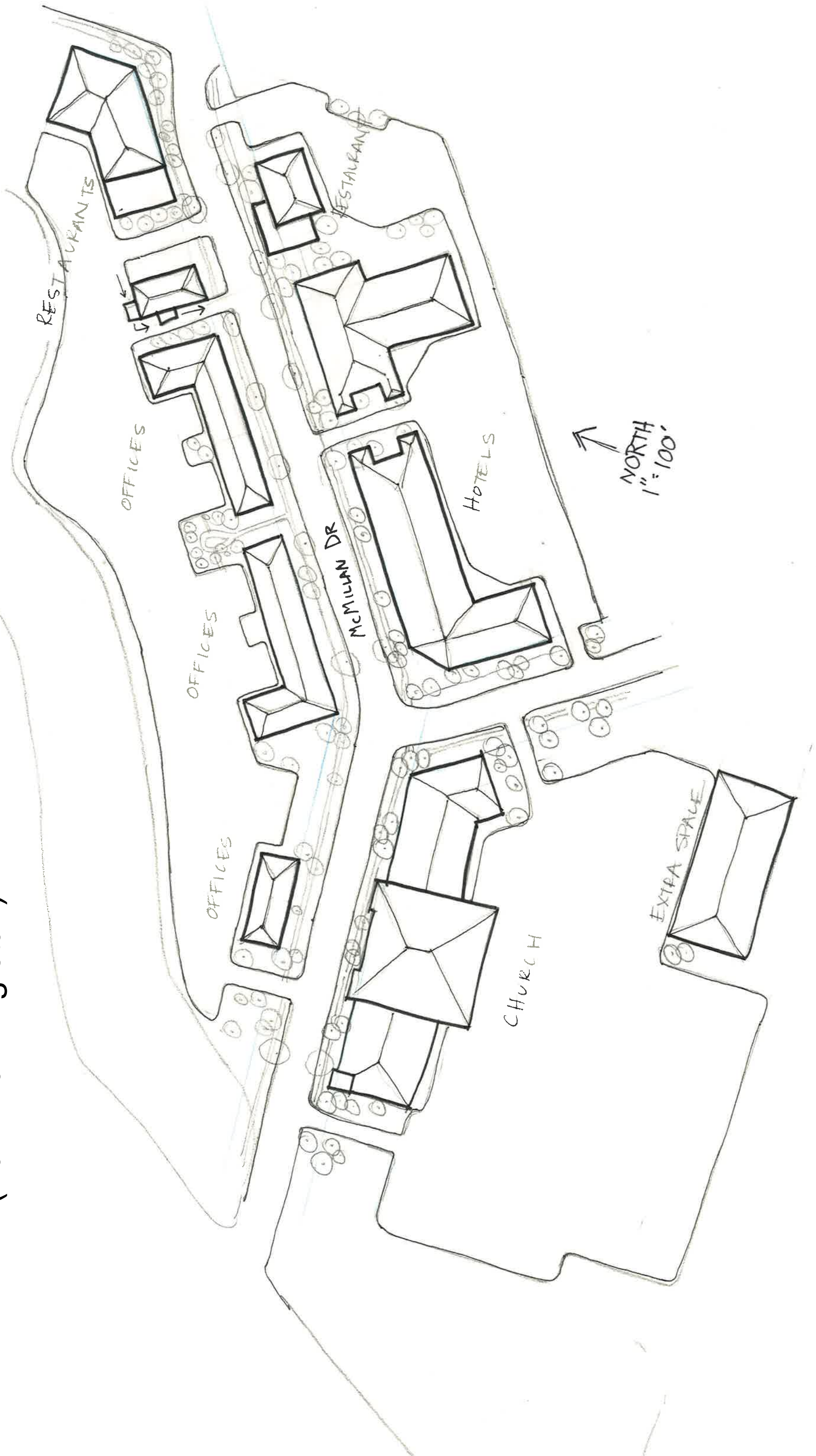
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McMillan Estates Street Cross Section
(from Planning staff)

McMillan Estates Alternative Site Layout I

(from Planning staff)



C2 ↔ UT

parking
bldg footprint
landscaping

McMillan Estates Alternative Site Layout II (from Planning staff)

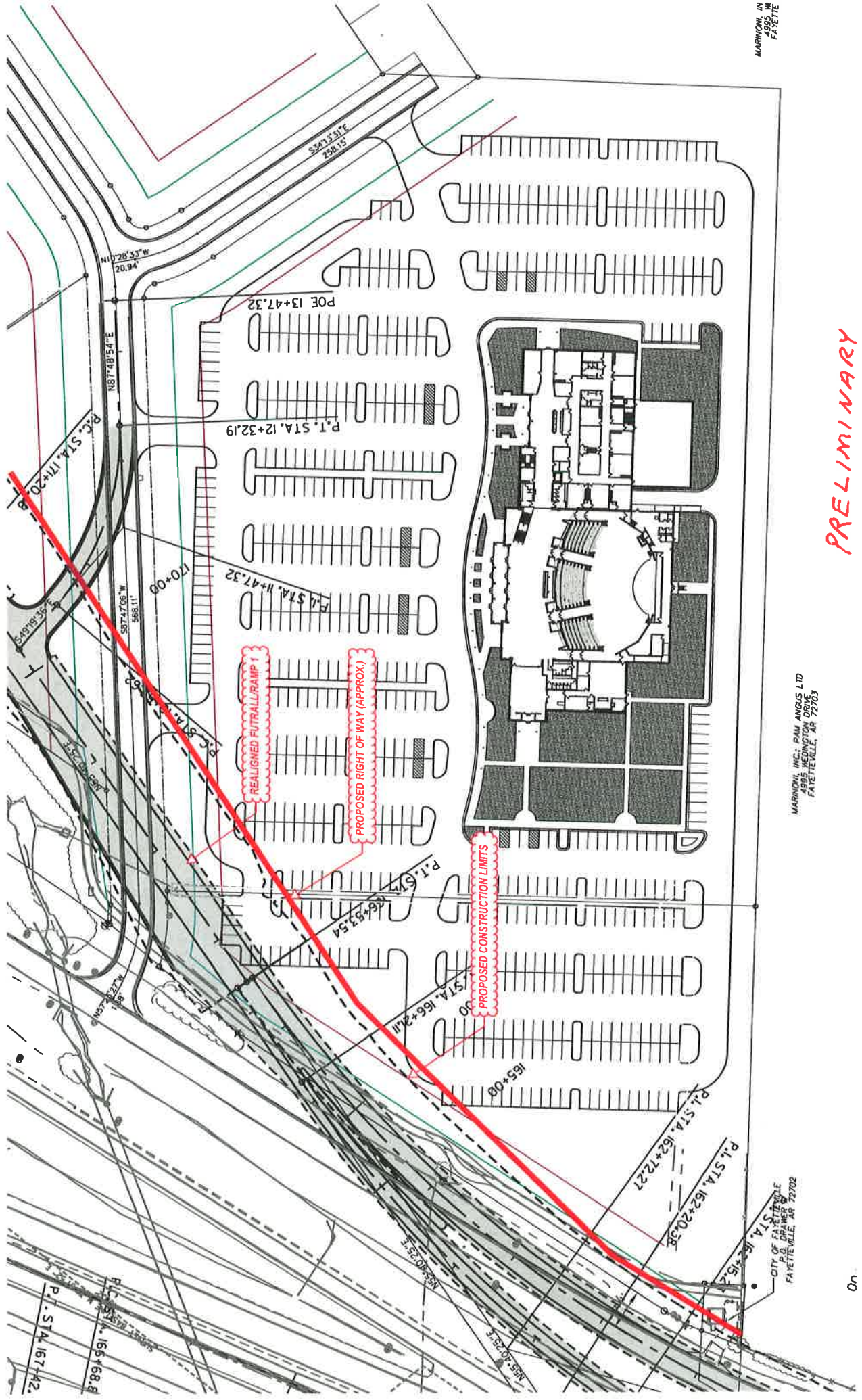




McMullan Estates Alternative Site Layout III
(from Planning staff)

McMillan Estates Alternative Site Layout III (from Planning staff)





PRELIMINARY
SUBJECT TO REVISION

MARINOW, INC., PAM ANGUS LTD
4995 W
FAVETTEVILLE, AR 72705

MARINOW, INC.
4995 W
FAVETTEVILLE, AR 72705



PETERS & ASSOCIATES
ENGINEERS, INC.

May 18, 2016

Mr. Jason Appel, P.E.
Engineering Services, Inc.
1207 South Old Missouri Road
Springdale, Arkansas 72765-0282

Re: P1826
Vehicle Trip-Generation Comparison
Existing 9-Tract Commercial Zoning vs. Proposed PZD McMillan Estates Development
and
Traffic Signal Warrants – Wedington Drive and Marinoni Drive
McMillan Estates
Fayetteville, Arkansas

Dear Mr. Appel:

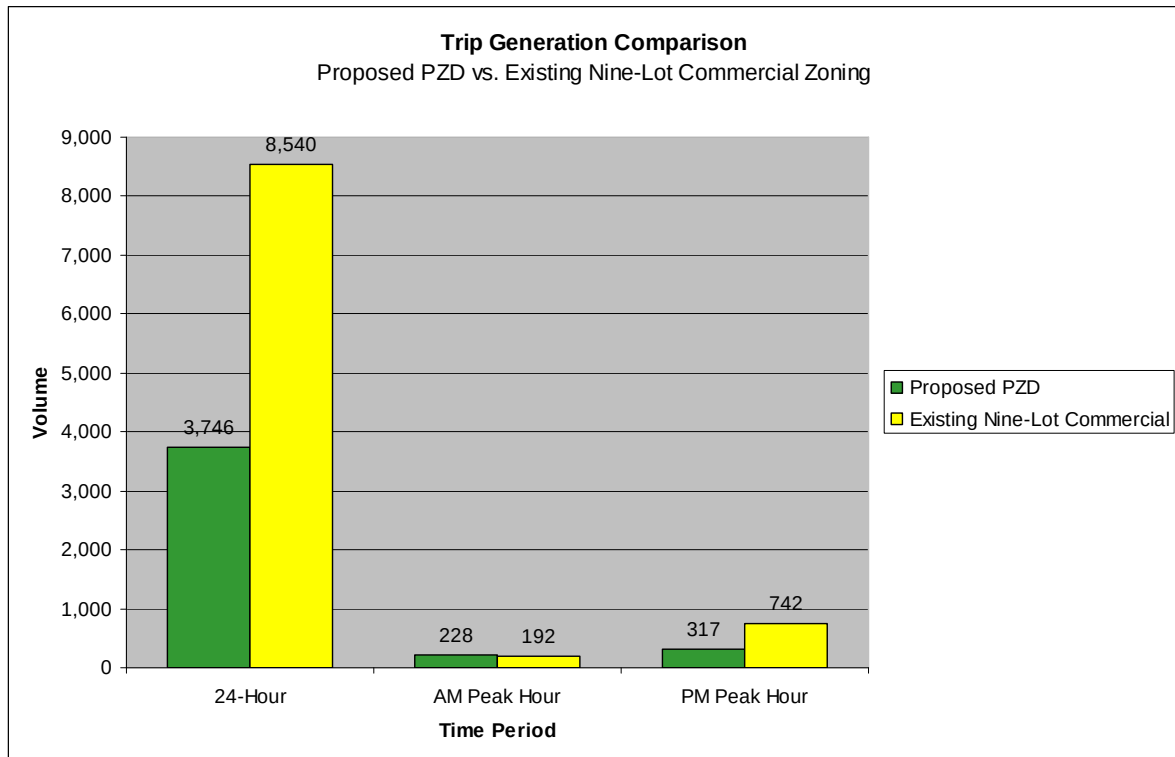
As you requested, Peters & Associates Engineers, Inc. has compared vehicle trip generation of the existing nine-lot commercial zoning vs. the proposed PZD development to consist of a church, a fitness center, a restaurant and a hotel as proposed to be constructed along McMillan Drive east of Futrall Drive and west of Marinoni Drive in Fayetteville, Arkansas. The site is just east of I-49 and just south of Wedington Drive.

The nine lots within the McMillan Estates total approximately 22.69 acres. For the existing commercial zoning, 20 percent building coverage was assumed for estimating the commercial building square feet. This calculates to approximately 200,000 square feet of building. It is likely that several buildings could be constructed on these nine lots, but the aggregate square feet could total close to what has been estimated and it is what has been assumed as a part of this study to develop traffic volume projections. The trip generation for the proposed PZD land uses were based on an approximate 900 seat church, an approximate 41,000 square-foot fitness center, an approximate 125 room hotel and an approximate 6,500 square-foot restaurant.

The Trip Generation, an Informational Report, published by the Institute of Transportation Engineers (ITE) Trip Generation Manual 9th Edition, 2012, and Trip Generation Software 2013 by Trafficware, LLC, were utilized in calculating the magnitude of traffic volumes expected to be generated by the existing nine-lot commercial zoning vs. the proposed PZD development of the site. These are reliable sources for this information and are universally used in the traffic engineering profession. Results of these calculations are summarized on the following table and chart, "Trip-Generation Comparison."

PROPOSED PZD			DAILY TWO-WAY VOLUME	AM PEAK HOUR VOLUME		PM PEAK HOUR VOLUME	
LAND USE	APPROXIMATE SIZE	ITE CODE		ENTER	EXIT	ENTER	EXIT
Church	900 Seats	560	549	21	13	16	17
Fitness / Health Club	41,000 Sq. Ft.	492	1,350	29	29	83	62
Hotel	125 Rooms	310	1,021	39	27	38	37
High-Turnover Sit-Down Restaurant	6,500 Sq. Ft.	932	826	39	31	38	26
SUB-TOTALS:			3,746	128	100	175	142
TOTAL TRIPS ENTERING + EXITING				228		317	

EXISTING NINE-LOT COMMERCIAL ZONING			DAILY TWO-WAY VOLUME	AM PEAK HOUR VOLUME		PM PEAK HOUR VOLUME	
LAND USE	APPROXIMATE SIZE	ITE CODE		ENTER	EXIT	ENTER	EXIT
Commercial Retail (20% coverage of Tracts 1-9)	200,000 Sq. Ft.	820	8,540	119	73	356	386
TOTAL TRIPS ENTERING + EXITING				192		742	



Trip-Generation Comparison

It was found that trip-generation corresponding to the nine-lot commercial zoning vs. the proposed PZD development land uses of the site are as follows:

- 24-Hour: The proposed PZD land uses are calculated to generate, on a 24-hour basis, 4,794 fewer vehicle trips (combined in and out) than the existing zoning commercial land uses. This equates to approximately 56 percent fewer vehicle trips.

- AM Peak Hour: The proposed PZD land uses are expected to generate only 36 more vehicle trips (combined in and out) than the existing zoning possible land uses during the AM peak hour. This equates to approximately only 16 percent more vehicle trips.
- PM Peak Hour: The proposed PZD land uses are expected to generate 425 fewer vehicle trips (combined in and out) than the existing zoning possible land uses during the PM peak hour. This equates to approximately 57 percent fewer vehicle trips.

Traffic signal warrants analysis for projected traffic conditions for the intersection of Wedington Drive and Marinoni Drive to include full build-out of the proposed PZD have been made. As a part of these projected traffic conditions, the Arkansas State Highway and Transportation Department (AHTD) planned interchange improvements for I-49 and Wedington Drive have been assumed. These AHTD planned improvements include a connection of McMillan Drive to the re-aligned Futrell Drive and I-49 northbound off-ramp.

In evaluating the need for a traffic signal, certain established warrants must be examined by a comprehensive investigation of traffic conditions and physical characteristics of the location. The decision to install a traffic signal at a particular location must be evaluated quantitatively relative to these warrants. These warrants, as specified in the Manual on Uniform Traffic Control Devices (MUTCD), are described in detail in the appendix of this report. They are summarized as follows:

- ♦ **Warrant One: Eight-Hour Vehicular Volume**
- ♦ **Warrant Two: Four-Hour Vehicular Volume**
- ♦ **Warrant Three: Peak Hour**
- ♦ **Warrant Four: Pedestrian Volume**
- ♦ **Warrant Five: School Crossing**
- ♦ **Warrant Six: Coordinated Signal System**
- ♦ **Warrant Seven: Crash Experience**
- ♦ **Warrant Eight: Roadway Network**

Per standard AHTD procedure with a right-turn lane on the side street (Marinoni Drive), a large portion of northbound right-turn volumes were factored out of the traffic signal warrants analysis. It was found that traffic signal warrants are not projected to be met for the intersection of Wedington Drive and Marinoni Drive with projected traffic volumes (with 60 percent northbound right-turn volume factored out). Volumes are not expected to be sufficient at this intersection to satisfy any warrants. The traffic signal warrants analysis results for this intersection are summarized on the following table, "Traffic Signal Warrants Results - Wedington Drive and Marinoni Drive - Projected Traffic Conditions with 60% Right-Turns Factored Out."

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FINAL RESULTS:			Traffic Signal Warrants Analysis						
Projected Traffic Conditions									
W/ 60% RTs Factored Out			Hour warrant was met:						
Major St.:	Wedington Drive		VOLUME		COMB.		4 Hr.	Peak	
Minor St.:	Marinoni Drive		420	630	336	504			
			105	52	84	41			
					#8-1	#8-2			
HOUR	SUM MAJOR	MAX. MINOR	1A	1B	1AB		2	3	
7:00	1928	23	0	0	0	0	0	0	0
8:00	1490	23	0	0	0	0	0	0	0
9:00	1296	28	0	0	0	0	0	0	0
10:00	1046	29	0	0	0	0	0	0	0
11:00	1374	30	0	0	0	0	0	0	0
12:00	1706	53	0	1	0	0	1	0	0
13:00	1666	56	0	1	0	0	1	0	0
14:00	1759	56	0	1	0	0	1	0	0
15:00	2078	52	0	0	0	0	1	0	0
16:00	2039	41	0	0	0	0	1	0	0
17:00	2249	47	0	0	0	0	1	0	0
18:00	1897	61	0	1	0	0	1	1	0
19:00	1461	64	0	1	0	0	1	1	0
20:00	1280	55	0	1	0	0	1	0	0
21:00	1022	55	0	1	0	0	1	0	0
			0	7	0		2	0	
This intersection DOES NOT SATISFY the warrants for signalization as outlined in the "M.U.T.C.D."									

*Traffic Signal Warrants Results - Wedington Drive and Marinoni Drive
 Projected Traffic Conditions with 60% Right-Turns Factored Out*

If you have any questions or need additional information, please contact us.

Sincerely,
PETERS & ASSOCIATES ENGINEERS, INC.



Ernest J. Peters, P.E.
 President

Trip Generation Summary - All Commercial
Average Weekday Driveway Volumes

Project: All Commercial
Alternative: All Commercial

Open Date: 5/17/2016
Analysis 5/17/2016

ITE	Land Use	Average Daily Trips			AM Peak Hour			PM Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
820	CENTERSHOPPING 1	4270	4270	8540	119	73	192	356	386	742
	200 Gross Leasable Area 1000 SF									
Unadjusted Driveway Volume		4270	4270	8540	119	73	192	356	386	742
Unadjusted Pass-By Trips		0	0	0	0	0	0	121	131	252
Internal Capture Trips		0	0	0	0	0	0	0	0	0
Adjusted Driveway Volume		4270	4270	8540	119	73	192	356	386	742
Adjusted Pass-By Trips		0	0	0	0	0	0	121	131	252
Adjusted Volume Added to Adjacent Streets		4270	4270	8540	119	73	192	235	255	490

Total AM Peak Hour Internal Capture = 0 Percent

Total PM Peak Hour Internal Capture = 0 Percent

Trip Generation Summary - PZD
Average Weekday Driveway Volumes

Project: PZD
Alternative: PZD

Open Date: 5/17/2016
Analysis 5/17/2016

ITE	Land Use	Average Daily Trips			AM Peak Hour Adjacent Street Traffic			PM Peak Hour Adjacent Street Traffic		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
560	CHURCH 1 900 Seats	275	274	549						
492	CLUBHEALTH 1 41 Gross Floor Area 1000 SF	675	675	1350	29	29	58	83	62	145
310	HOTEL 1 125 Rooms	511	510	1021	39	27	66	38	37	75
932	RESTAURANTHT 1 6.5 Gross Floor Area 1000 SF	413	413	826	39	31	70	38	26	64
Unadjusted Driveway Volume		1874	1872	3746	107	87	194	159	125	284
Unadjusted Pass-By Trips		0	0	0	0	0	0	16	11	27
Internal Capture Trips		0	0	0	3	3	6	4	4	8
Adjusted Driveway Volume		1874	1872	3746	104	84	188	155	121	276
Adjusted Pass-By Trips		0	0	0	0	0	0	16	11	27
Adjusted Volume Added to Adjacent Streets		1874	1872	3746	104	84	188	139	110	249
Total AM Peak Hour Internal Capture = 3 Percent										
Total PM Peak Hour Internal Capture = 3 Percent										

Traffic Signal Warrants Analysis

INTERSECTION CONFIGURATION						Required Vol. for Warrant:		major	minor
						Warrant			
CITY:	Fayetteville, AR	No. Lanes	Major: 2	Minor: 1		1A		420	105
CO.:	Washington		---	---		1B		630	52
HWY.,Mjr.:	Wedington Drive	Accidents > 5/yr?	(Y or N)	N		1AB (80% 1 & 2)		336	84
ST.,Minor:	Marinoni Drive	Speed =>40, or Pop. < 10 K		Y				504	41
Projected Traffic Condition Factor out "RTs" (Y or N)?: Yes						2 (4 Hr.)	(see formula)		
W/ 60% RTs Factored Out						Major: EB	N	WB	N
						Minor: NB	Y	SB	n/a
May 17, 2016	Study performed by RMT					Adj. Factor:		0.7	

Traffic Signal Warrants Analysis

CITY: Fayetteville, AR
CO.: Washing
HWY.,Mjr.: Wedington Drive
ST.,Minor: Marinoni Drive
Projected Traffic Conditions
W/ 60% RTs Factored Out

MAJOR ST.										MINOR ST.										FINAL RESULTS: Traffic Signal Warrants Analysis									
(direction)										(direction)										Projected Traffic Conditions									
Direction: EB										Direction: NB										W/ 60% RTs Factored Out									
Factor 100%										Factor 100%										Hour warrant was met:									
STARTING TIME										Existing + Proj man. results										VOLUME									
Existing + Proj man. results										Existing + Proj man. results										COMB. 4 Hr. Peak									
RESULTS SUM										RESULTS SUM										SUM MAX. #8-1 #8-2									
																				HOUR MAJOR MINOR 1A 1B 1AB 2 3									
7:00	1498		1498	430		430		1928		23		23	0		0		60		75	7:00	1928	23	0	0	0	0	0	0	0
8:00	1036		1036	453		453		1490		23		23	0		0		60		75	8:00	1490	23	0	0	0	0	0	0	0
9:00	810		810	485		485		1296		28		28	0		0		60		75	9:00	1296	28	0	0	0	0	0	0	0
10:00	510		510	535		535		1046		29		29	0		0		60		102	10:00	1046	29	0	0	0	0	0	0	0
11:00	677		677	697		697		1374		30		30	0		0		60		75	11:00	1374	30	0	0	0	0	0	0	0
12:00	861		861	845		845		1706		53		53	0		0		60		75	12:00	1706	53	0	1	0	0	1	0	0
13:00	841		841	825		825		1666		56		56	0		0		60		75	13:00	1666	56	0	1	0	0	1	0	0
14:00	797		797	963		963		1759		56		56	0		0		60		75	14:00	1759	56	0	1	0	0	1	0	0
15:00	945		945	1133		1133		2078		52		52	0		0		60		75	15:00	2078	52	0	0	0	0	1	0	0
16:00	845		845	1194		1194		2039		41		41	0		0		60		75	16:00	2039	41	0	0	0	0	1	0	0
17:00	1032		1032	1217		1217		2249		47		47	0		0		60		75	17:00	2249	47	0	0	0	0	1	0	0
18:00	871		871	1027		1027		1897		61		61	0		0		60		75	18:00	1897	61	0	1	0	0	1	1	0
19:00	648		648	813		813		1461		64		64	0		0		60		75	19:00	1461	64	0	1	0	0	1	1	0
20:00	545		545	735		735		1280		55		55	0		0		60		75	20:00	1280	55	0	1	0	0	1	0	0
21:00	434		434	587		587		1022		55		55	0		0		60		120	21:00	1022	55	0	1	0	0	1	0	0
																				0 7 0 2 0									
																				This intersection DOES NOT SATISFY the warrants for signalization as outlined in the "M.U.T.C.D."									

* Note: Manual value is used if available.
Results have been factored for machine count error.

EXHIBIT 'C'

PLANNED ZONING DISTRICT APPLICATION PROJECT BOOKLET

for

McMILLAN ESTATES PLANNED ZONING DISTRICT

in

FAYETTEVILLE, ARKANSAS

May 2016

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PROJECT BOOKLET – McMILLAN ESTATES PZD APPLICATION

This document provides detailed information regarding the proposed Planned Zoning District for Lots 1 - 10 of McMillan Estates Subdivision to the City of Fayetteville, Arkansas.

A) Current Ownership Information: Property included in the PZD is owned by three entities:

Lots 1-7 and Lot 10 are owned by Cross Church, Inc., 1709 Johnson Road, Springdale, AR 72762.

Lot 8 is owned by Fay CS, LLC, P.O. Box 7479, Springdale, AR 72766.

Lot 9 is owned by 49 and Wedington, LLC, 2002 S. 48th Street, Suite A, Springdale, AR 72762.

Cross Church, Inc. owns the majority of lots included in the rezoning, and is therefore listed as the “Applicant” on the rezoning application.

B) Summary of the Scope/Nature/Intent of the Proposal

The PZD is being requested to allow development of the existing subdivision as shown in the attached site plan, with a church campus at the south end on lots 8 and 9 (and potentially a portion of Lot 7 once AHTD realignment is completed), a fitness center on Lots 1, 3, and 5, a hotel on lots 4 and 6, and a restaurant on lot 1. Lot 10 is an unbuildable lot dedicated to stormwater conveyance. Lot 7 will initially be maintained as open space, but once a proposed ATHD improvement project is completed, the portion of Lot 7 south of a realigned McMillan Drive will become part of church development as well. The property is currently zoned UT (Urban Thoroughfare). The property included in the PZD is already developed as a commercial subdivision, so many of the considerations typically included in a PZD application, such as lot layout, lot size, street configuration, drainage considerations, etc. will not be applicable since the development has already been constructed and streets, water, sewer, drainage infrastructure are already in place.

C) General Project Concept:

1) Street and Lot Layout: Streets are already constructed, and no change to the existing street configuration is proposed. Lots have already been created by the Final Plat of the development.

2) Site Plan Showing Proposed Improvements: A site plan showing the proposed improvements is being submitted concurrently with this booklet.

3) Buffer Areas: The property is bounded on the north and west by major roads, which serve as de facto buffers. No buffer areas in this area are therefore proposed. The property adjacent to Lots 1 and 2 to the east is vacant and zoned Residential Office (R-O). Marinoni Drive separates Lot 1 from the R-O property. This zoning is a compatible use with the proposed development, and no buffer is proposed. Two large parcels owned by Marinoni, Inc. and Pam Angus, LTD border the PZD along much of the east boundary and the entire south boundary. This property is currently zoned RSF-4, but is vacant, and the current use appears to be agricultural. The most likely use for this property is future commercial development following rezoning to a commercial district. No buffer to the east is therefore proposed. I-49 lies along the west boundary, Wedington Drive along the north, both of which serve as de facto buffers along those sides of the PZD.

4) Tree Preservation Areas: The project is already a developed, platted commercial subdivision. All tree preservation requirements of the City of Fayetteville will remain in force within the PZD with no proposed modifications. However, the site is generally devoid of trees and tree preservation requirements are not generally applicable to the property. Mr. John Scott, Urban Forester, has approved a tree preservation waiver for the project.

5) Storm Water Detention Areas and Drainage: The property is already a platted development, and storm drainage for the subdivision has already been reviewed, approved, and installed by planning and engineering staff. No changes to the existing drainage and detention facilities are proposed as part of the PZD process. Storm water detention will not be required for development on individual lots within the development.

6) Undisturbed Natural Area: No easements or restrictions to conserve any undisturbed natural areas are proposed. The site was heavily disturbed during construction of the subdivision, and no undisturbed natural areas with significant conservation value are present.

7) Existing and Proposed Utility Connections and Extensions: Subdivision already has water and sewer. Any additional utility extensions would include cable, electric, phone, gas and will be installed within existing utility easements as needed to support proposed structures. All utility installation will be completed in conjunction with input from the utility companies.

8) Development and Architectural Design Standards: Development of the subdivision itself has already occurred. For individual lots, provisions of the enclosed revised subdivision covenants shall govern all development.

9) Building Elevations: Building elevations and architectural renderings for the Fitness One facility (lots 1, 3, and 5) and the Cross Church facility (lots 8 and 9) are included in the PZD application packet. Plans are still being developed for the proposed hotel and final details regarding the proposed restaurant on lot 2 have not yet been finalized. Lot 10 is an unbuildable lot and Lot 7 will remain undeveloped until realignment of McMillan Drive associated with proposed AHTD improvement project is completed.

D) Proposed Planning Areas: The PZD includes two Planning Areas (PA's). PA-1 includes lots 1-6 and lot 10. PA-2 includes lots 7-9.

E) Proposed Zoning Standards: Zoning standards for both PA's within the Master Plan in the City's UDC zoning format, Chapter 161, are provided below:

McMillan Estates PZD - Planning Area 1 Zoning Standards:

(A) *Purpose.* Planning Area 1 of the McMillan Estates PZD is designed especially to encourage the development of a fitness center on lots 1, 3, and 5 of the development, a restaurant on lot 2 of the development, and a hotel on lots 4 and 6 of the development, as detailed in the plans, exhibits, elevations, and descriptions provided in the PZD application packet., while also maintaining limited flexibility for the lots in the event one of the 3 prospective businesses within the PA does not proceed to construction as anticipated.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 13	Eating Places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping Goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services

Note: Any combination of the above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front:	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None*
Side, when contiguous to a residential district	15 ft.
Rear	20 Ft.

*Within the PZD, buildings shall be allowed to be constructed over side lot lines in such a manner that parts of a single building are located on more than one lot, provided, however, that both lots the building shall be constructed on are owned by a single entity and further provided that the building may not be constructed within or over any utility, drainage, or other easement. In the event a single building is constructed with a portion of the building on more than one lot, ownership of such lots shall not be sold or transferred individually until such time the building has been demolished or modified in such a manner that the building is located solely within the confines of a single lot.

(F) Building Height Regulations.

Building Height Maximum - Lots 1, 3, and 5	35 ft. *
Building Height Maximum - Lots 2, 4, and 6	75 ft. *

* Any building which exceeds the height of 20 ft. shall be set back from a boundary line of any residential district a distance of one foot for each foot of height in excess of 20 ft.

(G) Building area. On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

McMillan Estates PZD - Planning Area 2 Zoning Standards:

(A) *Purpose.* Planning Area 2 of the McMillan Estates PZD is designed especially to facilitate the proposed Cross Church facility on lots 8 and 9 of the subdivision, as well as any portion of Lot 7 which may be located south of the realigned McMillan Drive right-of-way following completion of the AHTD project proposed in this area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities

Note: Any combination of the above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front:	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft. *
Side, when contiguous to a residential district	25 ft.
Rear	25 ft.

(F) *Building Height Regulations.*

*Within the PZD, buildings shall be allowed to be constructed over side lot lines in such a manner that parts of a single building are located on more than one lot, provided, however, that both lots the building shall be constructed on are owned by a single entity and further provided that the building may not be constructed within or over any utility, drainage, or other easement. In the event a single building is constructed with a portion of the building on more than one lot, ownership of such lots shall not be sold or transferred individually until such time the building has been demolished or modified in such a manner that the building is located solely within the confines of a single lot.

Building Height Maximum	75 ft. *
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* Any building which exceeds the height of 20 ft. shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 ft.

(G) Building area. On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

F) A chart comparing each Planning Area zoning to the current zoning district requirements for uses, setbacks, density, intensity, bulk and area regulations, etc.

(1) Comparison of Uses Permitted and Conditional Uses:

Comparison of Uses Permitted		Existing UT	Planning Area 1	Planning Area 2
Unit 1	City-wide uses by right	Yes	Yes	Yes
Unit 4	Cultural and recreational facilities	Yes	Yes	Yes
Unit 5	Government facilities	Yes	No	No
Unit 8	Single-family dwellings	Yes	No	No
Unit 9	Two-family dwellings	Yes	No	No
Unit 10	Three-family dwellings	Yes	No	No
Unit 13	Eating Places	Yes	Yes	No
Unit 14	Hotel, motel, and amusement facilities	Yes	Yes	No
Unit 16	Shopping Goods	Yes	Yes	No
Unit 17	Transportation trades and services	Yes	Yes	No
Unit 18	Gasoline service stations and drive-in/drive through restaurants	Yes	Yes	No
Unit 19	Commercial recreation, small sites	Yes	Yes	No
Unit 24	Home occupations	Yes	No	No
Unit 25	Offices, studios, and related services	Yes	Yes	No
Unit 26	Multi-family dwellings	Yes	No	No
Unit 34	Liquor Store	Yes	No	No
Unit 41	Accessory Dwellings	Yes	No	No
Unit 44	Cottage Housing Development	Yes	No	No
Unit 45	Small Scale Production	Yes	No	No

Comparison of Conditional Uses Permitted on Appeal		Existing UT	Planning Area 1	Planning Area 2
Unit 2	City-wide uses by conditional use permit	Yes	Yes	Yes
Unit 3	Public protection and utility facilities	Yes	Yes	Yes
Unit 20	Commercial recreation, large sites	Yes	No	No
Unit 21	Warehousing and wholesale	Yes	No	No
Unit 28	Center for collecting recyclable materials	Yes	No	No
Unit 29	Dance halls	Yes	No	No
Unit 33	Adult live entertainment club or bar	Yes	No	No
Unit 35	Outdoor music establishments	Yes	No	No
Unit 36	Wireless communications facilities	Yes	No	No
Unit 38	Mini-storage facilities	Yes	No	No
Unit 40	Sidewalk Cafes	Yes	No	No
Unit 42	Clean technologies	Yes	No	No
Unit 43	Animal Boarding and Training	Yes	No	No

(2) Comparison of Density Regulations:

Comparison of Density Requirements	Existing UT	Planning Area 1	Planning Area 2
Maximum Density	None	None	None

(3) Comparison of Bulk and Area Regulations:

Comparison of Lot Width Minimums	Existing UT	Planning Area 1	Planning Area 2
Single family dwellings	18 feet	None	None
All other dwellings	None	None	None
Non-residential	None	None	None

Comparison of Lot Area Minimums	Existing UT	Planning Area 1	Planning Area 2
Lot area minimum	None	None	None

(4) Comparison of Building Setback Regulations:

Comparison of Setback Requirements	Existing UT	Planning Area 1	Planning Area 2
Front:	Build-to zone from 10-25 feet from front property line	15 ft.	30 ft.
Front, if parking is allowed between the right-of-way and the building	Build-to zone from 10-25 feet from front property line	50 ft.	50 ft.
Side	None	None	20 ft.
Side, when contiguous to a residential district other than single family	None	15 ft.	25 ft.
Side, when contiguous to a single -family residential district	15 ft.	15 ft.	25 ft.
Rear	None (unless adjacent to single family residential)	20 ft.	25 ft.
Rear, when contiguous to a single -family residential district	15 ft.	20 ft.	25 ft.

(5) Comparison of Building Height Regulations:

Comparison of Maximum Building Height	Existing UT	Planning Area 1	Planning Area 2
Maximum Building Height	56/84' *	35/75' **	75' **

* A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

** Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(6) Comparison of Minimum Buildable Street Frontage Regulations:

Comparison of Minimum Buildable Street Frontage	Existing UT	Planning Area 1	Planning Area 2
Minimum Buildable Street Frontage:	50% of Lot Width	None	None

G) An analysis of the site characteristics related to the proposal:

The PZD is contained within an existing, previously constructed and platted commercial subdivision reviewed, inspected, and approved by the City of Fayetteville. All drainage structures, streets, and water and sewer lines are already in place. No issues related to environmentally hazardous, sensitive, or natural resource areas are anticipated. The site was heavily disturbed previously during construction of the subdivision, and all drainage through the development is contained within pipes and man-made ditches. The site is bordered to the west by U.S. Interstate 49 and to the north by Wedington Drive. Construction of these streets and related infrastructure such as drainage conveyances and utility lines had significant impacts on the land adjacent to the PZD. Improvements to the I-49 / Wedington interchange under consideration by AHTD are likely to further impact/disturb the area. There is little to no land within, north of, or west of the proposed development which could be characterized as being in its natural or pristine state. The property east and south of the PZD is currently vacant pastureland, and the most likely future use of this property is considered to be development for commercial uses. There are little to no trees within the PZD which could be impacted by construction activities, and a tree preservation waiver for the PZD has been granted by the Urban Forester. The primary focus related to any natural resources associated with construction activities within the development will be stormwater pollution prevention to avoid sediment from entering the stormwater conveyances north and west of the development during construction activities. Stormwater pollution prevention plans are required as a standard element within Large Scale Development plans and will be required as part of the plan review process. The overall potential for adverse impacts to any sensitive or valuable natural resources is therefore considered to be low for this project.

H) Description of recreational facilities, including existing and proposed park sites, open space, and accessibility to parks and open space areas:

The proposed PZD does not include dedication of new public park areas or perpetually dedicated open space areas. However, Lot 10 of the subdivision is an unbuildable lot and provides an open space along the west side of the PZD along the I-49 corridor. This open space will potentially be affected by future I-49/Wedington Drive interchange improvements. Lot 7 will initially provide an area of open space for the development, but the land currently included in Lot 7 which lies south of the future alignment of McMillan Drive associated with AHTD improvements will become part of the Cross Church development once the realignment is completed. The church facility intentionally includes open green space between the building and parking areas, as shown in the layout provided with this packet. This open space is not intended to be dedicated as park land or formally designated as public space.

Existing public parks in the vicinity of the PZD include:

- 1) Village at Shiloh Park Land, a 4.7 acre park located approximately one mile south of the PZD on the west side of I-49
- 2) Hotz Park, a 0.6 acre park located along both sides of Hotz Drive approximately 1.1 miles southeast of the PZD
- 3) Lewis Soccer Complex, a 25 acre sports park located approximately 0.9 miles northeast of the PZD.
- 4) Friendship Park, a 0.4 acre park located 0.5 miles north of the PZD
- 5) Hamestring Creek Trail Corridor, a 13.7 acre tract located .5 miles northwest of the PZD on the west side of I-49
- 6) Bryce Davis Park, a 26.0 acre tract located 0.6 miles northwest of the PZD and west of I-49 near The Links apartments
- 7) Dale Clark Park, a 8.2 acre park located 0.8 miles southwest of the PZD on the west side of I-49 near the Fayetteville Boys and Girls Club.

There are significant park resources located a short drive from the proposed development in all directions. The proposed PZD will include no residential units, and is anticipated to have no impact on the demand or use of existing parks facilities.

I) Reason (need) for requesting the zoning change:

The property within the PZD is, with the exception of Lot 10 (unbuildable) and Lot 8 (much of Lot 8 will be affected by AHTD improvements), currently located in the UT - Urban Thoroughfare zoning district. Lot 8 could remain in the C-2 district, but because it is proposed to be part of the Cross Church development, the decision was made to bring it into the PZD so the entire church development would have a single zoning district and single set of zoning standards. Lot 10 is unbuildable and could also remain in the C-2 district with little to no impact on plans for the subdivision, but since it is under the same ownership as the adjacent lots and is also part of the same subdivision, it is included in the PZD as well. The existing zoning district is not a good fit with the size and nature of the proposed developments within the subdivision. The application is being made to provide a unified set of zoning standards which will allow for and specify the type and form of development of the subdivision in a manner which meets the needs of the applicant, property owners, and business owners who will construct the proposed

facilities while also achieving the objectives of the City of Fayetteville's planning and land use goals. The zoning standards for the two planning areas within the Master Site Plan provide specific requirements for the property within the PZD which restrict and direct the future development of the property and will allow the property to be developed as shown in the attached exhibits. The proposed uses and conditional uses are much more restricted within the PZD than in the current district's regulations, and will ensure the property is developed as proposed by applicants and also in line with The guiding policies for Urban Center Areas in Land Use 2030 include "Approve new regional commercial development as Planned Zoning Districts (e.g. shopping centers, business parks, medical parks, industrial parks and mixed-use developments). The development of the property as proposed in the PZD will provide expanded dining, exercise, hotel, and worship opportunities to Fayetteville residents and visitors. In this manner, the project has the potential to add to quality of life in the City as well as benefit economic growth. This commercial development has set vacant since the final plat was filed more than thirteen years ago, and remains vacant despite being rezoned to U-T. Once the PZD is approved, the entire subdivision will be developed in a relatively short time frame with high-quality, attractive businesses and a church that already serves many Fayetteville residents will be able to relocate from its problematic current location to a destination much better suited to its needs.

J) Statement of how the development will relate to existing and surrounding properties in terms of land use, traffic, appearance, and signage:

The property is located at the intersection of two heavily used and very visible corridors. Wedington Drive and I-49 are two of the primary vehicular arteries in Fayetteville, and the property was developed for and suitable for commercial use of the type proposed in the PZD application materials. For the lots in Planning Area 1, the proposed zoning change from UT to PZD will not alter the proposed underlying use of the property, which will be primarily commercial, and no change to the compatibility or relationship of the property to neighboring properties is anticipated as a result of the rezoning. For Planning Area 2, the PZD will allow construction of a church facility, which will not conflict with any surrounding uses or properties.

Due to its size and nature, I-49 insulates the project from the properties to the west and serves as a buffer and provides physical, visible, and functional separation of properties on opposite sides of the corridor. Wedington Drive to the north similarly isolates the PZD from the properties to the north, which consist of a wide variety of uses, including single family residential, multi-family residential, and commercial uses. Although no single use would be compatible with all uses along the north side of Wedington, any incompatibility with the residential uses will be lessened by the presence of Wedington Drive as well as the proposed layout of the buildings at the north end of the PZD. Lot 1 is the only lot located adjacent to Wedington Drive, and will include parking only and only access McMillan Drive, an interior street within the PZD. The proposed restaurant on Lot 2 will be set back well south of Wedington Drive, will face the interior street and will only access McMillan Drive. The absence of vehicular access from Wedington Drive and no buildings constructed near Wedington Drive should serve to minimize or eliminate any compatibility issues with the properties to the north. The proposed development is compatible with the vacant RO property at the southeast corner of Marinoni Drive and Wedington Drive. The large properties east and south of the PZD owned by Marinoni, Inc. and Pam Angus, LTD are currently zoned for residential development. However, the properties are currently

vacant, and current use appears to be agricultural. In addition, it is considered the most likely type of development that will actually take place on these properties will be commercial in nature, which would be compatible with both planning areas within the proposed PZD.

K) Statement of project's compliance with the Fayetteville Comprehensive Land Use Plan:

The land in the proposed PZD is classified as Urban Center Area on the Future Land Use. This classification is consistent with the proposed uses within the proposed PZD. City Plan 2030 provides the following description for Urban Center Areas:

“Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although Urban Center Areas recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

Guiding Policies:

- a. Encourage mixed-use development to allow for shared parking and day and night utilization of available parking.
- b. Encourage intensive mixed-use development within one-quarter mile of public transit routes.
- c. Provide enough retail business and service space to enable Fayetteville to realize its full potential as a regional market.
- d. Encourage continuing improvements and expansion of regional shopping and entertainment attractions.
- e. Require that large commercial sites be designed and landscaped in a manner that preserves the aesthetic character of their surroundings.
- f. Direct new regional development into designated regional commercial centers.
- g. Approve new regional commercial development as Planned Zoning Districts (e.g. shopping centers, business parks, medical parks, industrial parks and mixed-use developments) or complete neighborhood plans in order to assure the overall integration of design and use
- h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- i. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- j. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- k. Utilize open space by providing pocket parks and community green space, creating connectivity of natural areas across the community.
- l. Encourage the integration of clean tech industrial uses with residential and commercial uses”

The proposed development includes elements in line with many of the Guiding Policies for Urban Center Areas, and is especially consistent with items c, d, e, f, and g.

L) A traffic study has not been completed for the proposed development. The PZD consists entirely of property within an existing subdivision, and no street improvements are proposed.

M) Impact on City services, including the availability of water and sewer.

Water and sewer infrastructure sufficient to provide services for commercial development of the property has already been installed. The subdivision includes an 8" PVC sewer main and an 8" PVC water main along McMillan Drive. No adverse impact to City services are anticipated as a result of the proposed PZD.

O) Conceptual Description of Development Standards, Conditions, and Review Guidelines:

1) Screening and Landscaping: Screening and landscaping requirements will be in line with requirements included in Chapter 177: Landscape Regulations of Title XV Unified Development Code.

2) Traffic and Circulation: All lots within PZD shall have vehicular access to interior streets only, with no lot accessing Wedington Drive directly, other than the proposed church facility which may potentially access Futrall Drive near the southwest corner of Lot 8. Traffic and circulation within individual lots shall be in accordance with provisions of Chapter 172: Parking and Loading of Title XV Unified Development Code.

3) Parking Standards: Parking standards shall be as provided in Chapter 172: Parking and Loading of Title XV Unified Development Code.

4) Perimeter Treatment: No perimeter buffers are proposed due to the nature and use of surrounding properties and the presence of I-49 to the west and Wedington Drive to the north.

5) Sidewalks: Sidewalks along right-of-way of interior public streets shall be constructed by developers of individual lots in accordance with the provisions of the Final Plat of McMillan Subdivision. It is anticipated sidewalks will be constructed along both sides of McMillan Drive by the owners of the individual lots when improvements on those lots are undertaken.

6) Streetlights: Streetlights have already been installed along interior streets within the development. No changes to streetlights are proposed.

7) Water: 8" PVC water main along McMillan Drive already installed to provide water for development.

8) Sewer: 8" PVC sewer main along McMillan Drive already installed to provide water for development.

9) Streets and Drainage: Streets and storm drainage have already been installed within development. Additional storm drainage facilities or modifications to storm drainage facilities to serve development of individual lots shall be reviewed during the LSD review process and shall comply with provisions of Chapter 170: Stormwater Management, Drainage and Erosion Control of Title XV Unified Development Code and the requirements of the edition of the City's Drainage Criteria Manual currently in force at time of LSD plan review.

10) Construction of Nonresidential Facilities: All facilities constructed within the PZD will be non-residential in nature. All construction shall be in accordance with the provisions of Chapter 173: Building

Regulations of Title XV Unified Development Code, including all of the various building, fire, electrical, plumbing, and other codes adopted therein by reference.

11) Tree Preservation: A waiver of tree preservation requirements for the PZD has been granted by the Urban Forester due to the absence of trees on site.

12) Architectural Design Standards: Development of individual lots within Planning Area 1 shall comply with commercial design standards of the City of Fayetteville as provided in Section 166.25 of Chapter 166: Development of Title XV Unified Development Code. In addition, proposed revised covenants provide for review of plans by an Architectural Control Committee and provide for additional architectural standards, such as required design elements for the front of each building and range of acceptable roof pitches.

13) Proposed Signage (type and size): Proposed signage shall be in accordance with the standard requirements of the Fayetteville City Code as specified in Chapter 174: Signs of Title XV Unified Development Code. Additional signage requirements and specifications are provided in the revised covenants.

14) View Protection: All development shall conform to the height restrictions included in the proposed zoning standards for the PZD.

15) Covenants, Trusts, and Homeowner Associations: Covenants for McMillan Estates were recorded in the records of the Washington County Circuit Clerk at Book 2002 Page 64861 in May of 2002. Revised covenants for the PZD have been drafted and are included with the PZD application materials.

This Instrument Prepared By:
Kenneth N. Hall
P. O. Box 8451
Fayetteville, AR 72703

AMENDED AND RESTATED COVENANTS
FOR MCMILLAN ESTATES ADDITION
TO THE CITY OF FAYETTEVILLE, ARKANSAS

This Amended and Restated Covenants for McMillan Estates Addition to the City of Fayetteville, Arkansas is made and executed as of the ____ day of _____, 2016, by Cross Church, Inc. (hereinafter referred to as "Cross Church") and FAY CS, LLC ("FAY CS").

WITNESSETH:

A. On or about May 7, 2002, an original Covenants for McMillan Estates Addition to the City of Fayetteville, Arkansas (the "Original Covenants") was filed in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas as Document Number 2002064861, with respect to the real property in Washington County, Arkansas described below.

B. A plat of the McMillan Estates Addition Subdivision (the "Plat") was filed in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas at Plat Book 23, Page 33.

C. Cross Church and FAY CS own all of the property and lots within the McMillan Estates Subdivision and desire to amend and restate the Covenants as set forth herein.

NOW, THEREFORE, in order to insure proper use and appropriate development and improvements of each building site thereof, to protect the owners of building sites against such improper use of surrounding buildings sites as will depreciate the value of their property; to guard against the erection thereon of structures built of improper or unsuitable materials; to insure adequate and reasonable development of said property; to encourage the erection of attractive improvements thereon, with appropriate locations thereof on building sites; to prevent haphazard and inharmonious improvement of building sites; to secure and maintain proper setbacks from streets, and adequate free spaces between structures; and in general to provide adequately for a high type and quality of improvement on the property, Cross Church and FAY CS desire to amend and restate, in its entirety, the Original Covenants, which shall run with the lands hereinafter

described and shall be binding upon the lands and upon all parties claiming any right, title or interest in and to the lands.

1. **AREA OF APPLICATION.** These covenants shall apply to the lands situated in the McMillan Estates Addition to the City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

Located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7, Township 16 North, Range 30 West of the 5th Principal Meridian, Washington County, Arkansas, being more particularly described as follows: Beginning at a point North 02 degrees 21 minutes 40 seconds East 1,388.72 feet and North 87 degrees 38 minutes 20 seconds West 1,326.80 feet from an Arkansas Geological Commission monument marking the Southeast corner of said Section 7, thence North 88 degrees 18 minutes 28 seconds West 1,102.42 feet to a point along the Easterly line of the City of Fayetteville property (for sewer lift station); thence North 03 degrees 32 minutes 53 seconds East 36.27 feet to a point; thence North 86 degrees 27 minutes 07 seconds West 43.79 feet to a point along the Easterly Right-of-way line of U.S. Highway 71; thence along said right-of-way North 21 degrees 27 minutes 30 seconds East 15.52 feet to a point; thence continuing along said right-of-way North 33 degrees 16 minutes 05 seconds East 493.06 feet to a point; thence continuing along said right-of-way North 40 degrees 33 minutes 50 seconds East 156.60 feet to a point; thence continuing along said right-of-way North 34 degrees 32 minutes 59 seconds East 269.68 feet to a point; thence continuing along said right-of-way North 60 degrees 14 minutes 57 seconds East 118.00 feet to a point; thence continuing along said right-of-way North 69 degrees 16 minutes 19 seconds East 250.43 feet to a point; thence continuing along said right-of-way North 56 degrees 35 minutes 41 seconds East 125.00 feet to a point; thence continuing along said right-of-way North 26 degrees 05 minutes 05 seconds East 130.00 feet to a point; thence continuing along said right-of-way North 48 degrees 27 minutes 53 seconds East 70.71 feet to a point along the Southerly right-of-way of Arkansas Highway 112 Spur, also known as Wedington Drive; thence along said right-of-way North 84 degrees 56 minutes 02 seconds East 82.11 feet to a point; thence continuing along said right-of-way South 87 degrees 08 minutes 06 seconds East 144.86 feet to a point; thence continuing along said right-of-way South 52 degrees 08 minutes 35 seconds East 61.03 feet to a point; thence continuing along said right-of-way South 87 degrees 08 minutes 06 seconds East 60 feet to a point; thence continuing along said right away North 51 degrees 40 minutes 45 seconds East 53.15 feet to a point; thence continuing along said right-of-way South 87 degrees 08 minutes 06 seconds East 227.76 feet to a point; thence away from said right-a-way South 02 degrees 21 minutes 40 seconds West 490.34 feet to a point; thence South 55 degrees 46 minutes 29 seconds West 613.35 feet to a point; thence South 02 degrees 21 minutes 40 seconds West 365.43 feet to the point of beginning, containing 27.65 acres (1,204,624 sq. ft.).

The property is also known as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, McMillan Estates, Fayetteville, Arkansas as shown on Plat filed for record in Plat Book 23 at Page 33, Records of Washington County, Arkansas.

All restrictions noted herein are subject to the ordinances and regulations of the City of Fayetteville, Arkansas.

2. **USE OF PROPERTY.** The lands subject to these covenants shall be used for those purposes allowed under a commercial zoning designation or planned zoning district approved by the City of Fayetteville, Arkansas, and for no other purposes.

3. **USE OF LAND BETWEEN BUILDINGS.** No building or structure above ground shall encroach upon or into the setback area between buildings and the area is to be used either for open landscape areas or for off street surfaced parking areas.

4. **EASEMENTS.** Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the Plat. No structures, planting, or other material shall be placed or permitted to remain on these easements which would damage or interfere with the installation and maintenance of utilities or change the direction of flow of drainage in the easements. The easement area of each lot shall be maintained continuously by the owner of the lot except those improvements for which a public authority or utility company is responsible.

5. **BUILDING HEIGHT RESTRICTIONS.** For lots 1, 3, 5, and 7, the maximum building height (inclusive of signage) shall be thirty-five (35) feet, measured from the finish floor elevation to the highest point of the roof at its ridge. This height restriction shall not include equipment installed on the roof of a building so long as such equipment is screened and not visible to the public. This restriction shall not apply to the other lots within the development.

6. **ARCHITECTURAL CONTROL.** The construction, erection, placement or alteration of any building or improvement on any site shall be begun only after the construction plans and specifications therefor, together with a plot plan showing the location of the structure or improvement upon the site, have been submitted to and approved by the Architectural Control Committee as to quality or workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. The front of each structure shall incorporate gables, columns, and cupolas. The roof design allowed shall range from flat roof to 12 on 12 pitch. The Architectural Control Committee shall have the authority to adopt restrictions hereafter on materials, plans, and specifications with the approval of the City of Fayetteville.

The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within thirty (30) days plans and specifications which have been submitted to it, or if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

7. **ARCHITECTURAL CONTROL COMMITTEE.** The Architectural Control Committee is composed of a representative chosen by Cross Church. In the event that Cross Church no longer owns or leases a lot in the McMillan Estates Subdivision, the representative of the Architectural Control Committee shall be chosen by the then owners of a majority of the square footage of the platted lots within the McMillan Estates Subdivision. Neither the committee, nor

its designated representative, shall be entitled to any compensation for services performed pursuant to this covenant. At any time the then record owners of a majority of the square footage of the platted lots within the McMillan Estates Subdivision shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore it to any of its powers and duties.

8. **TEMPORARY STRUCTURES.** No structure of a temporary character, trailer, mobile home, travel trailer, tent, shack, garage, or other outbuilding shall be used on any lot at any time except in the limited case that temporary structures shall be allowed during construction of improvements provided that they are first approved by the architectural control committee.

9. **EXCAVATION.** No excavation shall be made on the property except excavations for the purpose of building at the time of commencement of such building, or for the improvement of the grounds thereof (including water features), and further except excavations for the installation of underground storage tanks for petroleum products. No soil, sand or gravel shall be removed from the property except as part of such excavations.

10. **LANDSCAPING.** All landscaped areas to be grass shall be fully sodded and fully irrigated.

11. **OPEN STORAGE OF MATERIALS.** No goods, equipment, supplies or other materials shall be stored in the open except on the rear two-thirds (2/3) of any lot, and then only when such open storage is fenced with screening fence at least six (6) feet in height. All fencing for screening, security or other purposes shall be attractive in appearance and shall be of an all-metal industrial type fence of galvanized or non-ferrous material, or other comparable material approved by the Architectural Control Committee. Chain link and barbed wired materials shall not be allowed.

12. **MAINTENANCE OF PREMISES.** Each owner shall keep its premises, buildings, improvements, and appurtenances in a safe, clean, neat, wholesome condition, and shall comply in all respects with all government, health, and police requirements; each owner will remove at its own expense any rubbish of any character which may accumulate on its property.

13. **SIGNAGE.** Unless otherwise approved by the Architectural Control Committee no billboards or advertising signs other than those identifying the name, business and products of the person or firm occupying the premises shall be permitted, except that a sign not to exceed five (5) feet by ten (10) feet in size offering the premises for sale or lease may be permitted. Any signage shall conform to the sign and overlay district ordinances of the City of Fayetteville. Any free-standing signs shall be monument in style. Cross Church (or assigns) shall be entitled to the use of fifty percent (50%) of the existing sign located on Lot 1 (or any replacement of such sign) (the "Existing Sign") and an easement is hereby reserved in favor of Cross Church to maintain and utilize the Existing Sign. The balance of the Existing Sign may be used by the owners of the remaining businesses of the McMillan Estates Subdivision (space allocated proportionately based on total number of businesses – e.g. if there are three (3) businesses, each would be entitled to 1/3rd of the remaining space). FAY CS shall have first choice as to the location of its sign on the

remaining space on the Existing Sign. Cross Church will maintain the Existing Sign and other owners will reimburse Cross Church its costs on a proportionate basis.

14. **SIDEWALKS.** Pursuant to the requirements of the City of Fayetteville, the owner of each lot shall be responsible for construction of sidewalks on its respective property. By acceptance of its deed, the owner covenants with the trust to construct any sidewalks in conformity with the city requirements, and to indemnify and to hold the trust harmless from any loss, penalty, or claim arising from its failure to do so.

15. **NUISANCES.** The lands, or any part thereof, or any building or erection thereon or to be erected or placed thereon, shall not be used for any purpose or in such a manner which shall be a nuisance to the occupants or owners of any neighboring lands or buildings, or to the development in general, by reason of the emission from the lands, or any part thereof, or the creation thereon of odors, gases, dust, smoke, noise, fumes, or waste or otherwise. Under no circumstances shall the use of a lot for a church or church related activity be considered a nuisance.

The determination of whether a business or activity is objectionable for any reason shall be at the sole discretion of the Architectural Control Committee. The lands shall not be used for the manufacture, storage, distribution or sale of any materials or products which shall increase the insurance rates of the adjoining property or for any purpose which constitutes a nuisance in the generally accepted definition of that term.

16. **COMPLIANCE WITH GOVERNMENTAL REGULATION AND INDEMNIFICATION.** The owners of lots in this addition shall at all times comply with all applicable governmental laws, ordinances, and regulations. By acceptance of the deed of conveyance to each lot, the owner acknowledges its obligations hereunder, and agrees to indemnify and hold all other lot owners harmless from any loss arising from its breach of this or any other provision of these covenants.

17. **TERM.** Each condition and covenant herein contained shall continue for a term of twenty-five (25) years from the date of recording in the deed records of Washington County, Arkansas, and shall continue automatically thereafter in force for additional periods of ten (10) years each unless a written declaration signed and acknowledged by the then owners of a majority of the square footage of the platted lots within this addition shall be filed in such records modifying or terminating these covenants.

18. **AMENDMENT.** These covenants may be amended at any time by a written declaration, signed and acknowledged by the then owners of seventy-five (75) percent of the square footage of the platted lots within this addition, being filed in the records of Washington County, Arkansas, making changes or amendment to such covenants.

19. **ENFORCEMENT.** Enforcement of these covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any provision hereof, either to restrain such violation or to recover damages for such violations, or both.

[SIGNATURES ON FOLLOWING PAGES]

EXECUTED on this _____ day of _____, 2016.

Cross Church, Inc.

By: _____

Print Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF _____

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting _____, to me well known as the person whose signature is affixed to the foregoing instrument, and acknowledged that he/she is the _____ of Cross Church, Inc., and acknowledged that he/she had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this _____ day of _____, 2016.

Notary Public

My commission expires _____

EXECUTED on this _____ day of _____, 2016.

FAY CS, LLC

By: _____

Print Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF _____

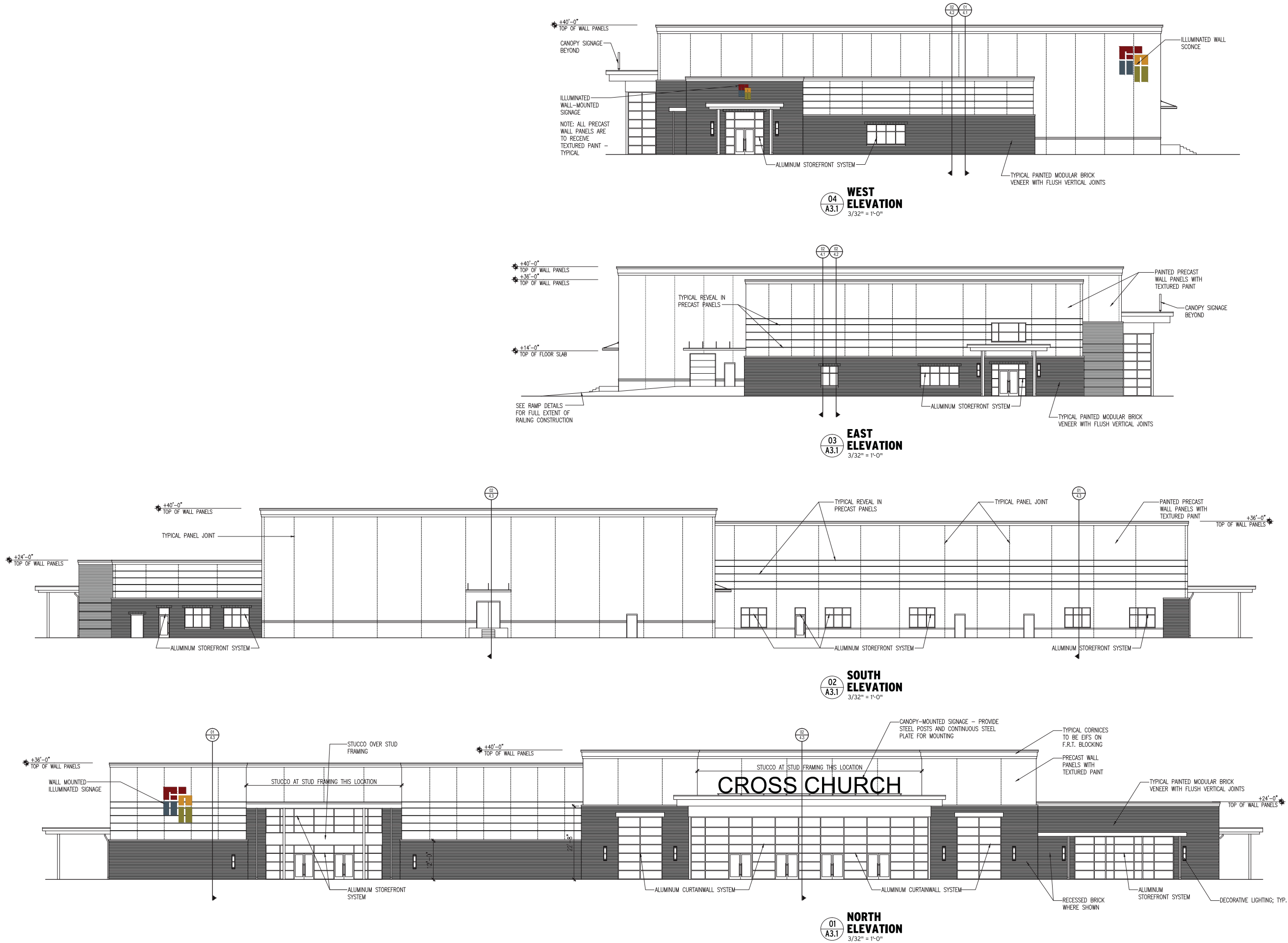
BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting _____, to me well known as the person whose signature is affixed to the foregoing instrument, and acknowledged that he/she is the _____ of FAY CS, LLC, and acknowledged that he/she had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this _____ day of _____, 2016.

Notary Public

My commission expires _____

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PLOT DATE: 3/1/2016 12:54 PM



85% PRICING PACKAGE

CROSS CHURCH
Fayetteville, Arkansas



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REVISIONS

SHEET TITLE
**OVERALL
LOWER LEVEL
FLOORPLAN**

PROJECT NUMBER
1213

ISSUE DATE
03/04/16

DRAWN BY
MPO

CHECKED BY
MPO

SHEET NUMBER

A3.1

CROSS CHURCH



File# 2014-00030583

This Instrument Prepared by:
Kenneth N. Hall
Reece Moore Pendergraft LLP
P.O. Box 1788
Fayetteville, Arkansas 72702

GENERAL WARRANTY DEED

James Family Properties, LLLP, an Arkansas limited liability limited partnership, f/k/a Thomas F. James Realty Limited Partnership, LLLP, an Arkansas limited liability limited partnership ("Grantor"), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid by Cross Church, Inc., an Arkansas corporation ("Grantee"), the receipt and adequacy of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Grantees, and unto its successors and assigns, the following described real property in Washington County, Arkansas, to-wit:

Lots Numbered 1, 2, 3, 4, 5, 6, 7 and 10, McMillan Estates, Fayetteville, Arkansas, as shown on the Plat filed for record in Plat Book 23 at Page 33, Records of Washington County, Arkansas.

TO HAVE AND TO HOLD such real property unto Grantee and Grantee's, successors and assigns forever and ever with all tenements, appurtenances, and hereditaments thereunto belonging, and all fixtures, structures, and improvements situated thereon. Grantor warrants that Grantor is lawfully seized of the real property and will forever warrant and defend the title to such real property against all claims whatsoever, except for recorded instruments and easements appearing of record and 2014 real estate taxes.

EXECUTED this 26th day of NOVEMBER, 2014.

NO REVENUE DUE

JAMES FAMILY PROPERTIES, LLLP
By: Thomas F. James Properties, LLC, General Partner

By: Judith J. Scherer
Judith J. Scherer, Manager

I certify under penalty of false swearing that
documentary stamps or a documentary symbol **NO REVENUE**
in the legally correct amount has been placed **DUE.**
on this instrument.

CITY TITLE & CLOSING LLC, AS AGENT FOR

Grantee: **CROSS CHURCH, INC.**

Print Name: **1709 JOHNSON ROAD**

Springdale, AR 72762

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF PULASKI

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting Judith J. Scherer, to me well known as the person whose signature is affixed to the foregoing instrument, and stated that she is the Manager of Thomas F. James Properties, LLC, the General Partner for James Family Properties, LLLP, the grantor herein, and acknowledged that she had executed, signed and delivered the same in her capacity as such Manager, for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 18 day of ^{November} ~~September~~,
2014.

Marjorie Ellen Wheeler
Notary Public

My Commission Expires:

01-01-2023
(SEAL)



Washington County, AR
I certify this instrument was filed on
11/26/2014 2:16:54 PM
and recorded in REAL ESTATE

File# 2014-00030583
Kyle Sylvester - Circuit Clerk

K. Sylvester

File# 2014-00030533

This Instrument Prepared by:
Kenneth N. Hall
Reece Moore Pendergraft LLP
P.O. Box 1788
Fayetteville, Arkansas 72702

GENERAL WARRANTY DEED

CTC 14-3349
James Family Properties, LLLP, an Arkansas limited liability limited partnership, f/k/a Thomas F. James Realty Limited Partnership, LLLP, an Arkansas limited liability limited partnership ("Grantor"), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid by 49 & Wedington, LLC, an Arkansas limited liability company ("Grantee"), the receipt and adequacy of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Grantees, and unto its successors and assigns, the following described real property in Washington County, Arkansas, to-wit:

Lot Numbered 9, McMillan Estates, Fayetteville, Arkansas, as shown on the Plat filed for record in Plat Book 23 at Page 33, Records of Washington County, Arkansas.

TO HAVE AND TO HOLD such real property unto Grantee and Grantee's, successors and assigns forever and ever with all tenements, appurtenances, and hereditaments thereunto belonging, and all fixtures, structures, and improvements situated thereon. Grantor warrants that Grantor is lawfully seized of the real property and will forever warrant and defend the title to such real property against all claims whatsoever, except for recorded instruments and easements appearing of record and 2014 real estate taxes.

EXECUTED this 26th day of NOVEMBER, 2014.

JAMES FAMILY PROPERTIES, LLLP
By: Thomas F. James Properties, LLC, General Partner

By: Judith J. Scherer
Judith J. Scherer, Manager

I certify under penalty of false swearing that
documentary stamps or a documentary symbol
in the legally correct amount has been placed
on this instrument.

CITY TITLE CLOSING LLC, AS AGENT FOR

Grantee: [Signature]

Print Name: 49 + Wedington LLC

Date: 11/24/14

2002 S. 48th St. SUITE A
SPRINGDALE, AR 72762

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF PULASKI

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting Judith J. Scherer, to me well known as the person whose signature is affixed to the foregoing instrument, and stated that she is the Manager of Thomas F. James Properties, LLC, the General Partner for James Family Properties, LLLP, the grantor herein, and acknowledged that she had executed, signed and delivered the same in her capacity as such Manager, for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 18 day of ^{November} September, 2014.

Marjorie Ellen Wheeler
Notary Public

My Commission Expires:

01-01-2023
(SEAL)





STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp
Proof of Tax Paid



File Number: 14-3349

Grantee: 49 & WEDINGTON, LLC
Mailing Address: 2002 SOUTH 48TH STREET, STE A
SPRINGDALE AR 727620000

Grantor: JAMES FAMILY PROPERTIES, LLLP F/K/A THOMAS F. JAMES REALTY
Mailing Address: LIMITED PARTNERSHIP, LLLP
N/A
N/A AR N/A000000

Property Purchase Price: \$3,153,744.00
Tax Amount: \$10,408.20

County: WASHINGTON
Date Issued: 11/26/2014
Stamp ID: 1998258176

Washington County, AR
I certify this instrument was filed on
11/26/2014 11:37:23 AM
and recorded in REAL ESTATE

File# 2014-00030533
Kyle Sylvester - Circuit Clerk

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): City Title & Closing as agent for
49 & Wedington, LLC

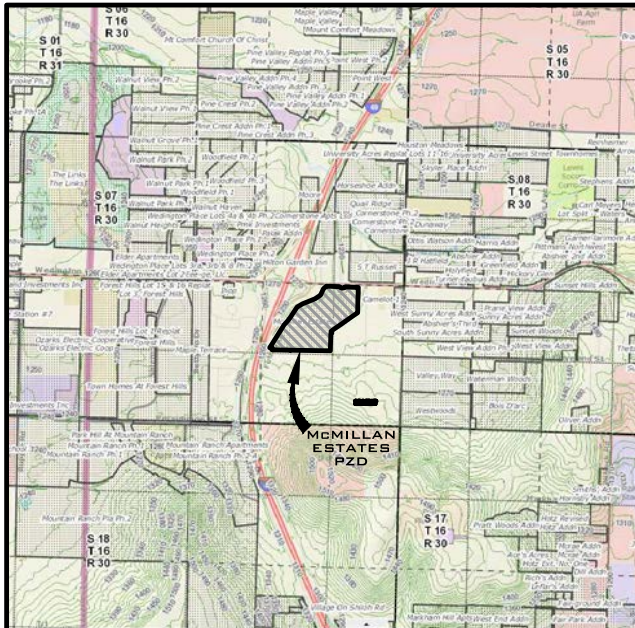
Grantee or Agent Name (signature): [Signature] **Date:** 11/26/14

Address: 2002 South 48th Street, Ste A

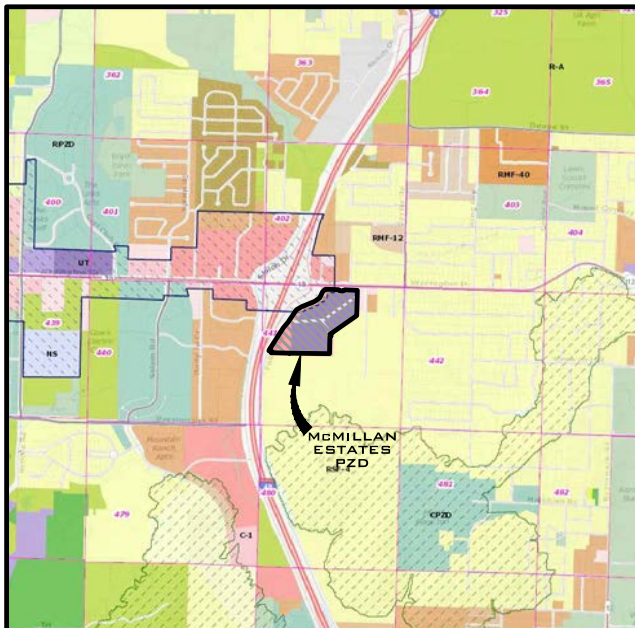
City/State/Zip: Springdale AR 72762

McMILLAN ESTATES PZD

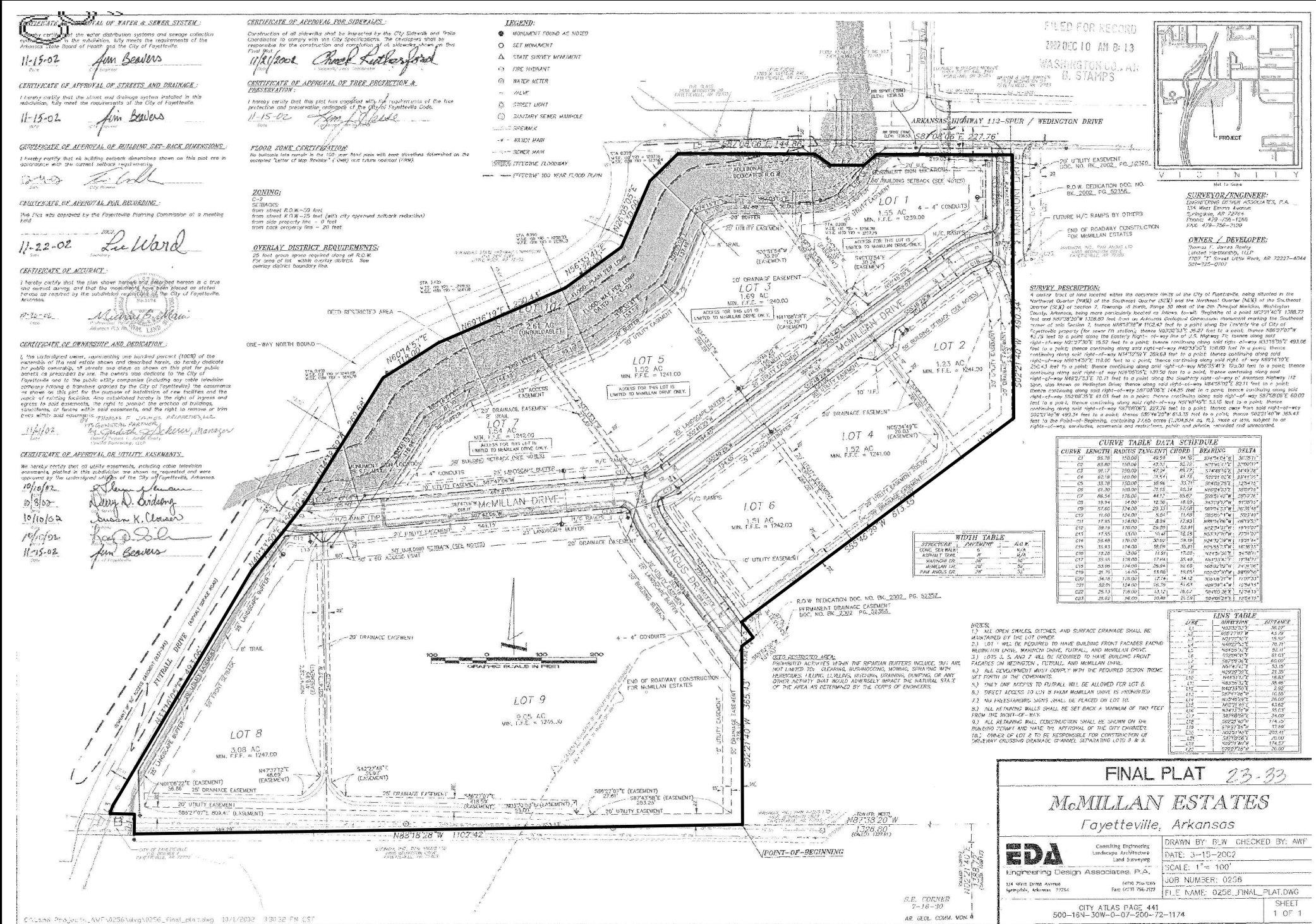
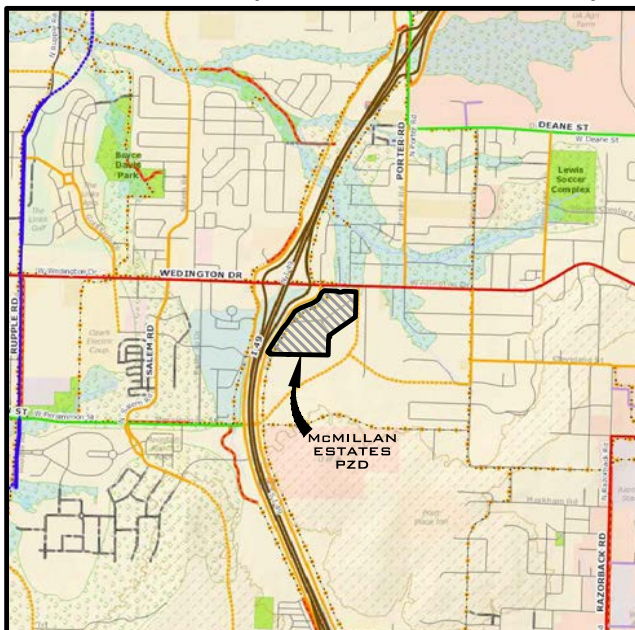
VICINITY MAP (PLAT PAGE)



VICINITY MAP (ZONING MAP)



VICINITY MAP (MASTER STREET PLAN)



Planning Area 1

(A) Purpose. Planning Area 1 of the McMillan Estates PZD is designed especially to encourage the development of a fitness center on lots 1, 3, and 5 of the development, a restaurant on lot 2 of the development, and a hotel on lots 4 and 6 of the development, as detailed in the plans, exhibits, elevations, and descriptions provided in the PZD application packet., while also maintaining limited flexibility for the lots in the event one of the 3 prospective businesses within the PA does not proceed to construction as anticipated.

(B) Uses.

(1) Permitted uses.

(2) Conditional uses.

Unit 2 City-wide uses by conditional use permit

Unit 3 Public protection and utility facilities

(C) Density. None.

(D) Bulk and area regulations. None.

(E) Setback regulations.

*Within the PZD, buildings shall be allowed to be constructed over side lot lines in such a manner that parts of a single building are located on more than one lot, provided, however, that both lots the building shall be constructed on are owned by a single entity and further provided that the building may not be constructed within or over any utility, drainage, or other easement. In the event a single building is constructed with a portion of the building on more than one lot, ownership of such lots shall not be sold or transferred individually until such time the building has been demolished or modified in such a manner that the building is located solely within the confines of a single lot.

(F) Building Height Regulations.

Building Height Maximum - Lots 1, 3, and 5	35 ft. *
Building Height Maximum - Lots 2, 4, and 6	75 ft. *

* Any building which exceeds the height of 20 ft. shall be set back from a boundary line of any residential district a distance of one foot for each foot of height in excess of 20 ft.

(G) Building area. On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

McMILLAN ESTATES PZD

Planning Area 1

(A) Purpose. Planning Area 2 of the McMillan Estates PZD is designed especially to facilitate the proposed Cross Church facility on lots 8 and 9 of the subdivision, as well as any portion of Lot 7 which may be located south of the realigned McMillan Drive right-of-way following completion of the AHTD project proposed in this area.

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities

Note: Any combination of the above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities

(C) Density. None.

(D) Bulk and area regulations. None.

(E) Setback regulations.

*Within the PZD, buildings shall be allowed to be constructed over side lot lines in such a manner that parts of a single building are located on more than one lot, provided, however, that both lots the building shall be constructed on are owned by a single entity and further provided that the building may not be constructed within or over any utility, drainage, or other easement. In the event a single building is constructed with a portion of the building on more than one lot, ownership of such lots shall not be sold or transferred individually until such time the building has been demolished or modified in such a manner that the building is located solely within the confines of a single lot.

(F) Building Height Regulations.

Building Height Maximum	75 ft. *
-------------------------	----------

* Any building which exceeds the height of 20 ft. shall be set back from a boundary line of any residential district a distance of one foot for each foot of height in excess of 20 ft.

(G) Building area. On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

Conceptual Description of Development Standards, Conditions, and Review Guidelines:

- 1) Screening and Landscaping: Screening and landscaping requirements will be in line with requirements included in Chapter 177: Landscape Regulations of Title XV Unified Development Code.
- 2) Traffic and Circulation: All lots within PZD shall have vehicular access to interior streets only, with no lot accessing Wedington Drive directly, other than the proposed church facility which may potentially access Futrall Drive near the southwest corner of Lot 8. Traffic and circulation within individual lots shall be in accordance with provisions of Chapter 172: Parking and Loading of Title XV Unified Development Code.
- 3) Parking Standards: Parking standards shall be as provided in Chapter 172: Parking and Loading of Title XV Unified Development Code.
- 4) Perimeter Treatment: No perimeter buffers are proposed due to the nature and use of surrounding properties and the presence of I-49 to the west and Wedington Drive to the north.
- 5) Sidewalks: Sidewalks along right-of-way of interior public streets shall be constructed by developers of individual lots in accordance with the provisions of the Final Plat of McMillan Subdivision. It is anticipated sidewalks will be constructed along both sides of McMillan Drive by the owners of the individual lots when improvements on those lots are undertaken.
- 6) Streetlights: Streetlights have already been installed along interior streets within the development. No changes to streetlights are proposed.
- 7) Water: 8" PVC water main along McMillan Drive already installed to provide water for development.
- 8) Sewer: 8" PVC sewer main along McMillan Drive already installed to provide water for development.
- 9) Streets and Drainage: Streets and storm drainage have already been installed within development. Additional storm drainage facilities or modifications to storm drainage facilities to serve development of individual lots shall be reviewed during the LSD review process and shall comply with provisions of Chapter 170: Stormwater Management, Drainage and Erosion Control of Title XV Unified Development Code and the requirements of the edition of the City's Drainage Criteria Manual currently in force at time of LSD plan review.
- 10) Construction of Nonresidential Facilities: All facilities constructed within the PZD will be non-residential in nature. All construction shall be in accordance with the provisions of Chapter 173: Building Regulations of Title XV Unified Development Code, including all of the various building, fire, electrical, plumbing, and other codes adopted therein by reference.
- 11) Tree Preservation: A waiver of tree preservation requirements for the PZD has been granted by the Urban Forester due to the absence of trees on site.
- 12) Architectural Design Standards: Development of individual lots within Planning Area 1 shall comply with commercial design standards of the City of Fayetteville as provided in Section 166.25 of Chapter 166: Development of Title XV Unified Development Code. In addition, proposed revised covenants provide for review of plans by an Architectural Control Committee and provide for additional architectural standards, such as required design elements for the front of each building and range of acceptable roof pitches.
- 13) Proposed Signage (type and size): Proposed signage shall be in accordance with the standard requirements of the Fayetteville City Code as specified in Chapter 174: Signs of Title XV Unified Development Code. Additional signage requirements and specifications are provided in the revised covenants.
- 14) View Protection: All development shall conform to the height restrictions included in the proposed zoning standards for the PZD.
- 15) Covenants, Trusts, and Homeowner Associations: Covenants for McMillan Estates were recorded in the records of the Washington County Circuit Clerk at Book 2002 Page 64861 in May of 2002. Revised covenants for the PZD have been drafted and are included with the PZD application materials.

APPLICANT: CROSS CHURCH, INC.
1709 JOHNSON ROAD
SPRINGDALE, AR, 72762

ENGINEER/SURVEYOR: ENGINEERING SERVICES, INC.
1207 S. OLD MISSOURI RD.
P.O. BOX 292
SPRINGDALE, AR 72762

CURRENT ZONING: UT (ALL EXCEPT LOT 10)
C2 (LOT 10)

PROPOSED ZONING: COMMERCIAL PLANNED ZONING DISTRICT

PZD AREA: 27.65 ACRES

BUILDING SIZE: FITNESS CENTER (LOTS 1, 3, & 5) - 41,000 S.F.
RESTAURANT (LOT 2) - 5,000 S.F./6,500 S.F.
HOTEL (LOTS 4 & 6) - 80,000 S.F.
CHURCH (LOT 7, 8, & 9) - 58,000 INITIAL W/POSSIBLE
FUTURE EXPANSION TO 65,000 S.F.
CUMULATIVE BUILDING SIZE: 192,500 S.F.

NON-RESIDENTIAL INTENSITY: 192,500 S.F. / 27.65 ACRES = 6,962 S.F. / ACRE

REVISION	DATE	DESCRIPTION

STANDARDS BY P.A.

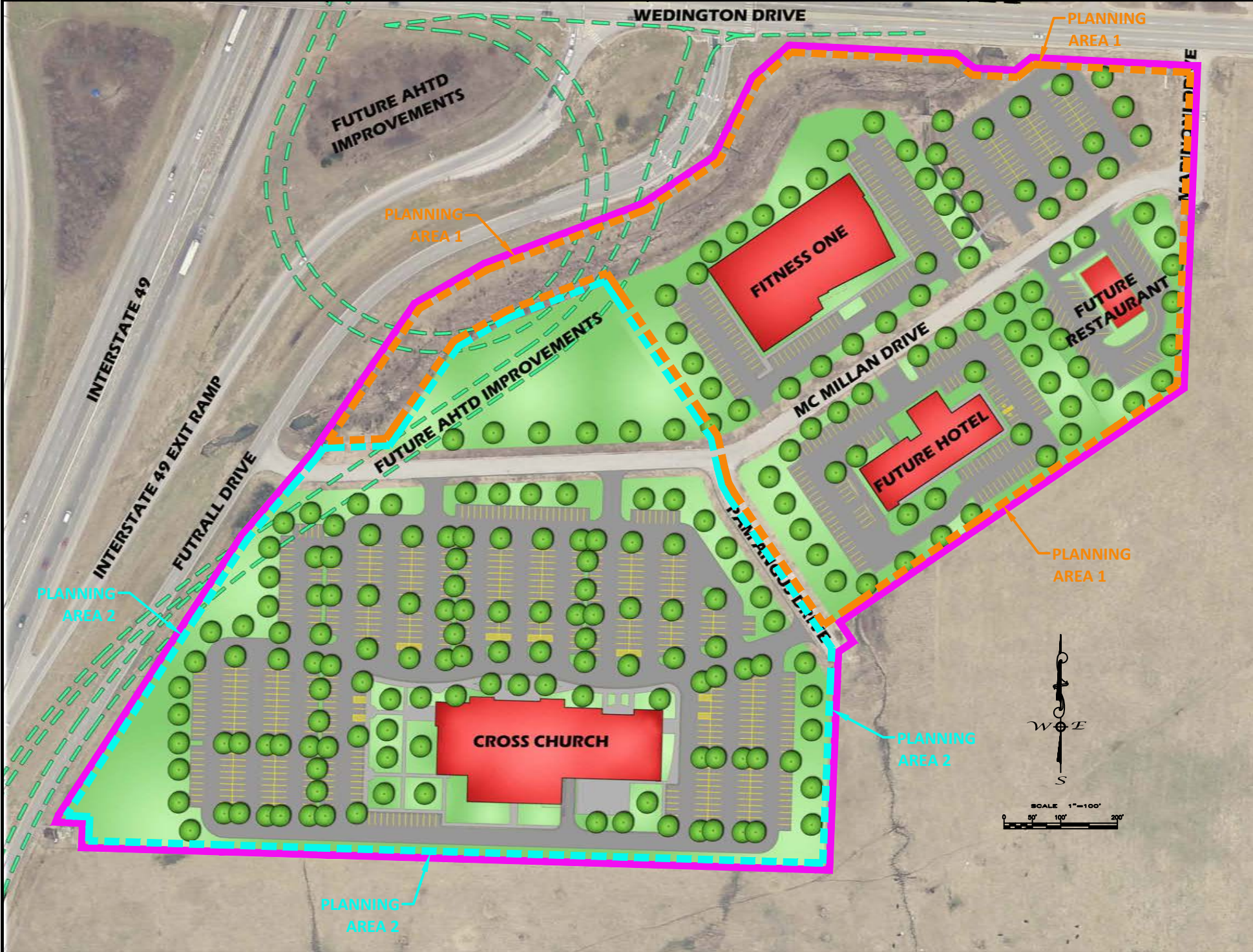
McMILLAN ESTATES PZD

FAYETTEVILLE, ARKANSAS

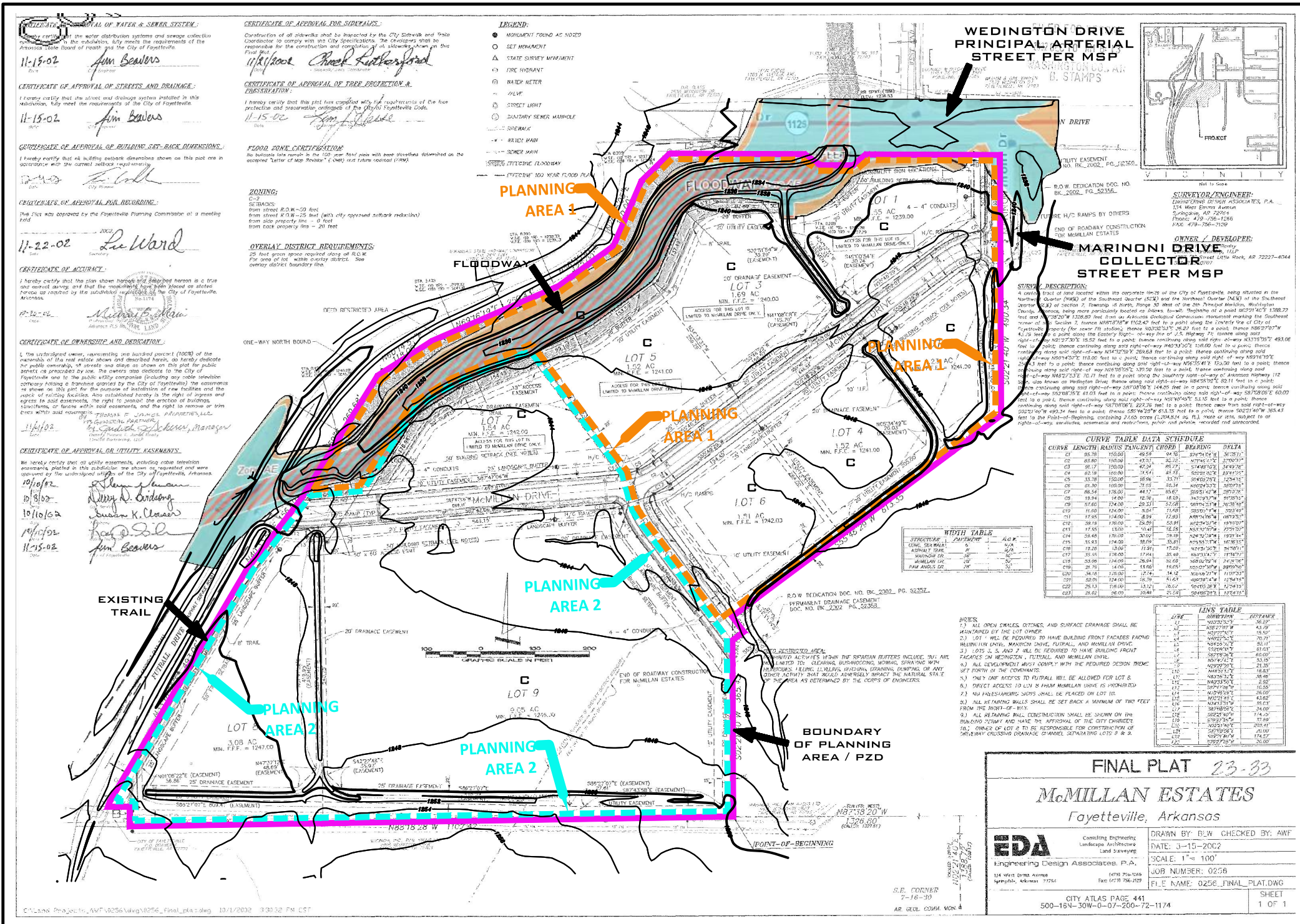
SCALE: 1"=100' | DATE: MAY 14, 2016 | DRAWN BY: dgl

ENGINEERING SERVICES, INCORPORATED
SPRINGDALE, ARKANSAS

W.O.# 15967 | SHEET 2



McMILLAN ESTATES PZD



APPLICANT:
CROSS CHURCH, INC.
1709 JOHNSON ROAD
SPRINGDALE, AR, 72762

ENGINEER/SURVEYOR:
ENGINEERING SERVICES, INC.
1207 S. OLD MISSOURI RD.
P.O. BOX 282
SPRINGDALE, AR 72762

CURRENT ZONING:
UT (ALL EXCEPT LOT 10)
C2 (LOT 10)

PROPOSED ZONING:
COMMERCIAL PLANNED ZONING DISTRICT

PZD AREA:
27.65 ACRES

BUILDING SIZE:
FITNESS CENTER (LOTS 1, 3, & 5) - 41,000 S.F.
RESTAURANT (LOT 2) - 5,000 S.F./6,500 S.F.
HOTEL (LOTS 4 & 6) - 80,000 S.F.
CHURCH (LOT 7, 8, & 9) - 58,000 INITIAL W/POSSIBLE
FUTURE EXPANSION TO 65,000 S.F.
CUMULATIVE BUILDING SIZE: 192,500 S.F.

NON-RESIDENTIAL INTENSITY:
192,500 S.F. / 27.65 ACRES = 6,962 S.F. / ACRE

Project Includes 2 Planning Areas. Planning Area 1 includes lots 1-6 and lot 10. Planning Area 2 includes lots 7-9.

Access:
Marloni Drive classified as Collector on Master Street Plan.
Wedington Drive classified as Principal Arterial on Master Street Plan
An existing trail runs along the east side of Lots 8 and 10 and ends at the sidewalk along the south side of Wedington Drive.

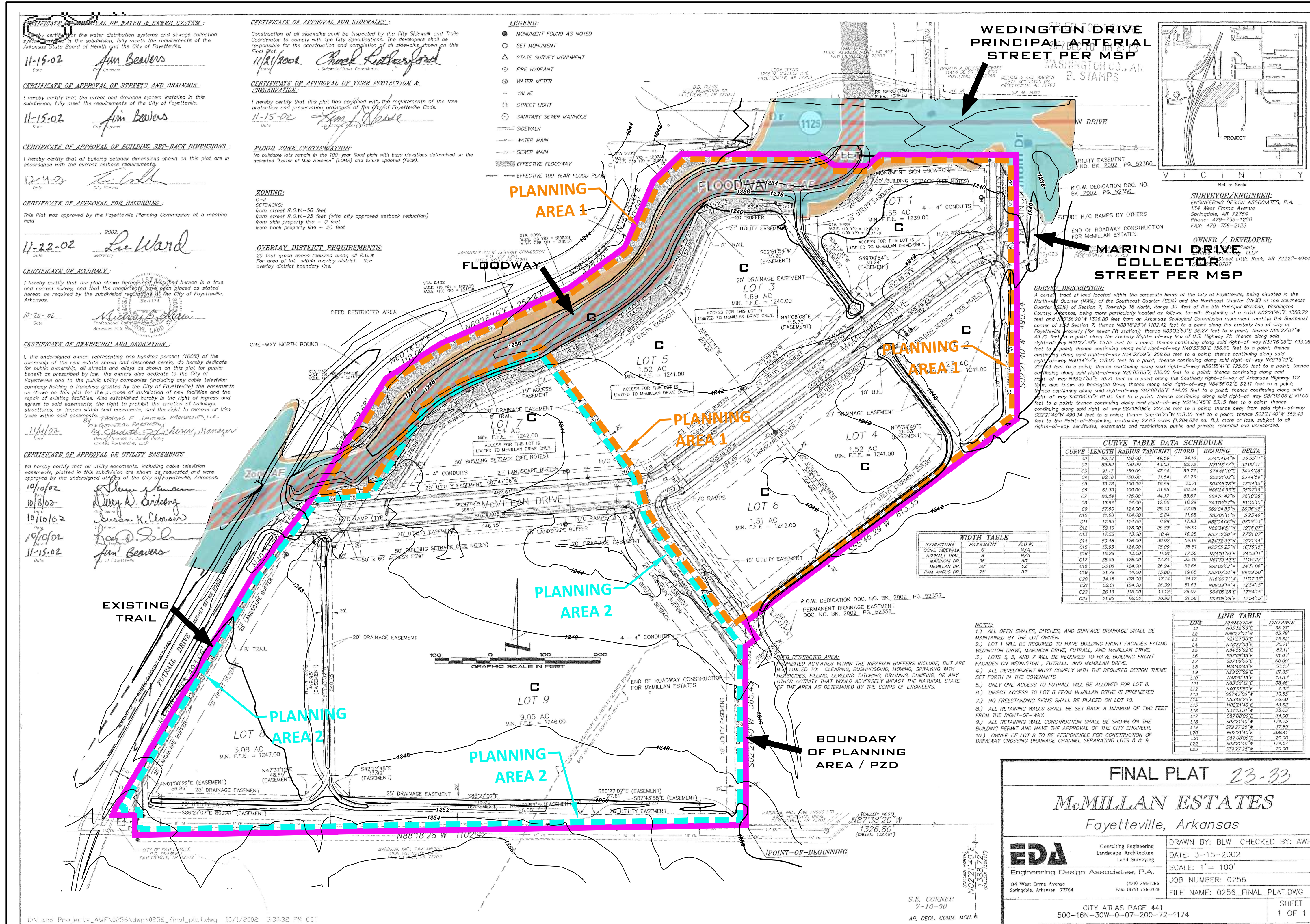
No dedication of land, rights-of-way, or easements are proposed as part of the PZD.

No public parks, open space, or trails are proposed for dedication/creation as part of the PZD. Lot 10 is an unbuildable lot and will remain as open space. Lot 7 will remain undeveloped initially and will provide open space until completion of the realignment of McMillan Drive associated with future AHTD improvement project.

Land Use Table

Symbol	Land Use	Density/Intensity	Units/S.F.	Acres	%
C	Commercial	7,825.20 S.F. / Acre	192,500	24.6	100%
I	Industrial	n/a	0	0	0%
O	Office	n/a	0	0	0%
M.U.	Mixed Use	n/a	0	0	0%

McMILLAN ESTATES PZD



<u>APPLICANT:</u>	CROSS CHURCH, INC. 1709 JOHNSON ROAD SPRINGDALE, AR, 72762
<u>ENGINEER/SURVEYOR:</u>	ENGINEERING SERVICES, INC. 1207 S. OLD MISSOURI RD. P.O. BOX 282 SPRINGDALE, AR 72762
<u>CURRENT ZONING:</u>	UT (ALL EXCEPT LOT 10) C2 (LOT 10)
<u>PROPOSED ZONING:</u>	COMMERCIAL PLANNED ZONING DISTRICT
<u>PZD AREA:</u>	27.65 ACRES
<u>BUILDING SIZE:</u>	FITNESS CENTER (LOTS 1, 3, & 5) - 41,000 S.F. RESTAURANT (LOT 2) - 5,000 S.F./6,500 S.F. HOTEL (LOTS 4 & 6) - 80,000 S.F. CHURCH (LOT 7, 8, & 9) - 58,000 INITIAL W/Possible FUTURE EXPANSION TO 65,000 S.F. CUMULATIVE BUILDING SIZE: 192,500 S.F.
<u>NON-RESIDENTIAL INTENSITY:</u>	192,500 S.F. / 27.65 ACRES = 6,962 S.F. / ACRE

Project Includes 2 Planning Areas. Planning Area 1 includes lots 1-6 and lot 10. Planning Area 2 includes lots 7-9.

Access: Marinoni Drive classified as Collector on Master Street Plan.
Wedington Drive classified as Principal Arterial on Master Street Plan
An existing trail runs along the east side of Lots 8 and 10 and ends at the sidewalk along the south side of Wedington Drive.

No dedication of land, rights-of-way, or easements are proposed as part of the PZD.

No public parks, open space, or trails are proposed for dedication/creation as part of the PZD. Lot 10 is an unbuildable lot and will remain as open space. Lot 7 will remain undeveloped initially and will provide open space until completion of the realignment of McMillan Drive associated with future AHTD improvement project.

Land Use Table					
Symbol	Land Use	Density/Intensity	Units/S.F.	Acres	%
C	Commercial	7,825.20 S.F. / Acre	192,500	24.6	100%
I	Industrial	n/a	0	0	0%
O	Office	n/a	0	0	0%
M.U.	Mixed Use	n/a	0	0	0%

REVISION	DATE	DESCRIPTION

MASTER PLAN

McMILLAN ESTATES PZD

FAYETTEVILLE, ARKANSAS

SCALE: 1"=100'	DATE: MAY 14, 2016	DRAWN BY: dgl
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ENGINEERING SERVICES, INCORPORATED
SPRINGDALE, ARKANSAS

© COPYRIGHT 2016, ENGINEERING SERVICES, INC. 5/15/2016 1:01 PM W.O.# 15967 SHEET **3**



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0292

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 7

AMEND THE DEFINITION OF "SETBACK" IN § 151.01:

AN ORDINANCE TO AMEND THE DEFINITION OF "SETBACK" IN § 151.01 OF THE UNIFIED DEVELOPMENT CODE TO ALLOW ARCHITECTURAL PROJECTIONS OF A BUILDING SUCH AS ITS EAVES TO SLIGHTLY PROTRUDE INTO A SETBACK UNDER CERTAIN CONDITIONS

WHEREAS, building set backs are designed and required to protect adjoining neighbors from someone building too close to their property line; and

WHEREAS, a building's architectural projections such as eaves, roof overhangs, chimneys, utility chases or bay windows should be allowed to intrude slightly into a setback area, but never across a property line.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby enacts the following sentence to the end of the existing definition of "Setback" in § 151.01 of the Unified Development Code:

"An architectural projection, such as an eave, utility chase, chimney or bay window shall not be considered to be in violation of a setback requirement as long as the projection does not intrude into a public right-of-way or extend more than three feet into a setback. A projection which encroaches into a setback shall not come closer than three feet to a property line."

AGENDA REQUEST FORM

FOR: Council Meeting of June 21, 2016

FROM:

City Council Member Matthew Petty

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND THE DEFINITION OF "SETBACK" IN § 151.01 OF THE UNIFIED DEVELOPMENT CODE TO ALLOW ARCHITECTURAL PROJECTIONS OF A BUILDING SUCH AS ITS EAVES TO SLIGHTLY PROTRUDE INTO A SETBACK UNDER CERTAIN CONDITIONS

APPROVED FOR AGENDA:



City Council Member Matthew Petty

6/6/2016
Date



City Attorney Kit Williams
(as to form)

May 25, 2016
Date



CITY COUNCIL AGENDA MEMO

TO: Mayor and City Council

THRU: Kit Williams, City Attorney

FROM: Matthew Petty, Ward 2 Alderman

DATE: May 5, 2016

SUBJECT: Ordinance No. _____. An ordinance to amend the definition of "setback" in § 151.01 of the Unified Development Code to allow a building's eaves to slightly protrude into a setback under certain conditions.

BACKGROUND:

The Unified Development Code currently defines setbacks as the dripline of a building. The proposal would allow roof eaves to encroach into side and rear setbacks up to three feet. Many other cities allow eaves and other architectural features to project into setbacks and other required building separations.

DISCUSSION:

The current definition limits architectural flexibility and discourages the use of traditional roof forms. It is often the case that space as wide as 1' becomes critical on small infill parcels. Under the current definition, any building providing a roof without eaves may be placed so that its exterior walls are located exactly on the setback line. If a developer or architect wishes to provide a building with a roof overhang or traditional eave, they must shift the wall away from the setback. This can cascade into other problems because driveways and landscaping have their own spatial requirements.

This proposal originally only addressed eaves. The Planning Commission requested it be expanded to include architectural projections generally, including chimneys, utility chases, and bay windows.

Planning Commission voted unanimously to forward this item to the City Council with a recommendation for approval.

BUDGET/STAFF IMPACT:

None. Staff already reviews the location of eaves on all site development proposals.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0262

Agenda Date: 6/21/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: D. 1

AGENDA SESSION PRESENTATION - SARAH MCKENZIE, EXECUTIVE DIRECTOR OF THE OFFICE FOR EDUCATION POLICY AT THE UNIVERSITY OF ARKANSAS, WILL PRESENT STATISTICS THAT COMPARE THE CITY OF FAYETTEVILLE'S PUBLIC SCHOOL STUDENT DEMOGRAPHICS AND PERFORMANCE TO THE NORTHWEST ARKANSAS REGION AND TO THE BENCHMARK CITIES CITED IN FAYETTEVILLE FIRST, THE CITY'S ECONOMIC DEVELOPMENT STRATEGIC PLAN. DR. MCKENZIE WILL ALSO TALK ABOUT THE POTENTIAL ECONOMIC IMPACTS OF PUBLIC SCHOOLS IN THE AREAS OF ECONOMIC GROWTH AND COMPETITIVENESS.

Agenda Session

See Addition
NB #1

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, June 14, 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:

1. 2016-0293

INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS CERTIFIED MUNICIPAL CLERK PRESENTATION AND ARKANSAS CITY CLERKS, RECORDERS, AND TREASURERS ASSOCIATION CERTIFIED ARKANSAS MUNICIPAL CLERK PRESENTATION - SHERRI GARD, FORT SMITH CITY CLERK AND ACCRTA PRESIDENT

Attachments: Sherri Gard, Fort Smith City Clerk Presentation

Agenda Additions

A. Consent:

A. 1 2015-0649

APPROVAL OF THE JUNE 7, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 2016-0171

CDBG PROGRAM INCOME:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$7,375.00 REPRESENTING CDBG PROGRAM INCOME RECEIVED FROM A HOUSING PROGRAM LIEN PAYOFF PLAN, ENERGY EFFICIENCY REBATES FROM SOURCEGAS AND DONATIONS FROM CITIZENS AND LOCAL BUSINESSES

Attachments: CDBG PROGRAM INCOME
 BA_CDBG PROGRAM INCOME

A. 3 2016-0274**ASSISTANCE TO FIREFIGHTERS GRANT (FEMA):**

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A 90/10 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$613,637.00 FOR THE PURCHASE OF A MOBILE TRAINING SIMULATOR SYSTEM FOR THE FIRE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT TO PROVIDE FOR MATCHING FUNDS IN THE AMOUNT OF \$61,363.00 AND A PROJECT CONTINGENCY IN THE AMOUNT OF \$27,000.00

Attachments:ASSISTANCE TO FIREFIGHTERS GRANT (FEMA)BA ASSISTANCE TO FIREFIGHTERS GRANT (FEMA):**A. 4** 2016-0277**FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$23,435.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND FROM EOTECH FOR DEFECTIVE RIFLE OPTICS

Attachments:FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUNDBA FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND**A. 5** 2016-0285**FAYETTEVILLE POLICE DEPARTMENT DONATIONS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$2,400.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT IN SUPPORT OF OFFICER RECOGNITION

Attachments:SRP - Donations, Jun 2016BA - Donations, Jun 2016

A. 6 2016-0283**GALLAGHER BENEFITS SERVICES:**

A RESOLUTION TO APPROVE THE ANNUAL RENEWAL CONTRACT WITH GALLAGHER BENEFITS SERVICES IN THE AMOUNT OF \$57,600.00 FOR THE PROVISION OF CITY EMPLOYEE BENEFITS BROKER SERVICES

Attachments: Gallagher Benefit Services Contract Renewal Packet

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

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Attachments: Amend 72.58 Off-Street Parking Facilities: Rules and Rates

At the May 17, 2016 City Council Meeting this item was moved to the June 21, 2016 meeting. 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 2016-0248**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

(LEFT ON FIRST READING)

Attachments: FALLING WATERS APPEAL

At the June 7, 2016 City Council Meeting this item was left on first reading until the June 21, 2016 City Council Meeting. At the May 17, 2016 this item was left on the first reading

C. New Business:**C. 1 2016-0290****ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT:**

AN ORDINANCE TO AUTHORIZE MAYOR JORDAN TO SIGN A MEMBERSHIP AGREEMENT ALLOWING THE CITY OF SPRINGDALE TO BECOME A MEMBER OF ENERGY IMPROVEMENT DISTRICT NO. 1, AND TO AMEND § 33.381 **BOARD OF DIRECTORS, MEMBERSHIP, TERMS OF OFFICE** OF ARTICLE XXVI **ENERGY IMPROVEMENT DISTRICT NO. 1** TO PROVIDE FOR THE CITY OF SPRINGDALE'S REPRESENTATION ON THE BOARD OF DIRECTORS

Attachments: ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT

C. 2 2016-0287**WAYFINDING SIGNS, POLES AND APPURTENANCES:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF WAYFINDING SIGNS, POLES AND APPURTENANCES FROM ARCHITECTURAL GRAPHICS, INC., IN AN AMOUNT NOT TO EXCEED \$122,930.98, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: WAYFINDING SIGNS, POLES AND APPURTENANCES
 BA WAYFINDING SIGNS, POLES AND APPURTENANCES

C. 3 2016-0282**RZN 16-5386 (NORTH OF 1110 N. FRONTAGE RD./LINDSEY PROPERTIES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5386 FOR APPROXIMATELY 6.40 ACRES LOCATED NORTH OF 1110 NORTH FRONTAGE ROAD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES

Attachments: 16-5386 CC reports

C. 4 2016-0281**RZN 16-5425 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5425 FOR APPROXIMATELY 1.84 ACRES LOCATED ALONG THE NORTHWEST CORNER OF MILL AVENUE AND SOUTH STREET FROM R-O, RESIDENTIAL OFFICE, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRES TO DG, DOWNTOWN GENERAL

Attachments: RZN 16-5425 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN)

C. 5 2016-0280**VAC 16-5424 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN):**

AN ORDINANCE TO APPROVE VAC 16-5424 SUBMITTED BY ALLISON THURMOND-QUINLAN FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF MILL AVENUE AND SOUTH STREET TO VACATE STREET RIGHT-OF-WAY

Attachments: VAC 16-5424 (NW CORNER OF MILL AVE. & SOUTH ST./THURMOND-QUINLAN)

C. 6 2016-0225**C-PZD 16-5408 (WEDINGTON & MARINONI DR/CROSS CHURCH):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5408 FOR APPROXIMATELY 24.60 ACRES AT WEDINGTON DRIVE AND MARIONI DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND UT, URBAN THOROUGHFARE TO C-PZD, COMMERCIAL PLANNED ZONING DISTRICT

Attachments: C-PZD 16-5408: (WEDINGTON & MARINONI DR/CROSS CHURCH)

Exhibit C - RZN 16-5408 Updated PZD Booklet1

Exhibit D - RZN 16-5408 Updated Master Plan Drawings1

C. 7 2016-0292**AMEND THE DEFINITION OF "SETBACK" IN § 151.01:**

AN ORDINANCE TO AMEND THE DEFINITION OF "SETBACK" IN § 151.01 OF THE UNIFIED DEVELOPMENT CODE TO ALLOW ARCHITECTURAL PROJECTIONS OF A BUILDING SUCH AS ITS EAVES TO SLIGHTLY PROTRUDE INTO A SETBACK UNDER CERTAIN CONDITIONS

Attachments: Agenda Packet Definition of Setbacks

D. City Council Agenda Session Presentations:**D. 1** 2016-0262

AGENDA SESSION PRESENTATION - SARAH MCKENZIE, EXECUTIVE DIRECTOR OF THE OFFICE FOR EDUCATION POLICY AT THE UNIVERSITY OF ARKANSAS, WILL PRESENT STATISTICS THAT COMPARE THE CITY OF FAYETTEVILLE'S PUBLIC SCHOOL STUDENT DEMOGRAPHICS AND PERFORMANCE TO THE NORTHWEST ARKANSAS REGION AND TO THE BENCHMARK CITIES CITED IN FAYETTEVILLE FIRST, THE CITY'S ECONOMIC DEVELOPMENT STRATEGIC PLAN. DR. MCKENZIE WILL ALSO TALK ABOUT THE POTENTIAL ECONOMIC IMPACTS OF PUBLIC SCHOOLS IN THE AREAS OF ECONOMIC GROWTH AND COMPETITIVENESS.

E. City Council Tour:**F. Announcements:****G. Adjournment**

NB #1 Add: Development of West Avenue Parking Lot

NOTICE TO MEMBERS OF THE AUDIENCE

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Old business and new business.

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

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

Courtesy and respect.

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

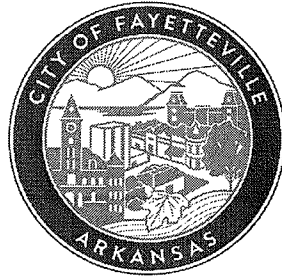
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Pre Agenda Meeting 6/8/16

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, June 14, 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:

✓ 2016-0293

INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS CERTIFIED MUNICIPAL CLERK PRESENTATION AND ARKANSAS CITY CLERKS, RECORDERS, AND TREASURERS ASSOCIATION CERTIFIED ARKANSAS MUNICIPAL CLERK PRESENTATION - SHERRI GARD, FORT SMITH CITY CLERK AND ACCRTA PRESIDENT

Attachments: Sherri Gard, Fort Smith City Clerk Presentation

Agenda Additions

A. Consent:

✓ AV1 2015-0649

✓ APPROVAL OF THE JUNE 7, 2016 CITY COUNCIL MEETING MINUTES.

✓ AV2 2016-0171

CDBG PROGRAM INCOME:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$7,375.00 REPRESENTING CDBG PROGRAM INCOME RECEIVED FROM A HOUSING PROGRAM LIEN PAYOFF PLAN, ENERGY EFFICIENCY REBATES FROM SOURCEGAS AND DONATIONS FROM CITIZENS AND LOCAL BUSINESSES

Attachments: CDBG PROGRAM INCOME
BA_CDBG PROGRAM INCOME

A.✓ 3 2016-0274

ASSISTANCE TO FIREFIGHTERS GRANT (FEMA):

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A 90/10 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$613,637.00 FOR THE PURCHASE OF A MOBILE TRAINING SIMULATOR SYSTEM FOR THE FIRE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT TO PROVIDE FOR MATCHING FUNDS IN THE AMOUNT OF \$61,363.00 AND A PROJECT CONTINGENCY IN THE AMOUNT OF \$27,000.00

Attachments:

ASSISTANCE TO FIREFIGHTERS GRANT (FEMA)

BA ASSISTANCE TO FIREFIGHTERS GRANT (FEMA):

A.✓ 4 2016-0277

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Attachments:

FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND

BA FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND A REFUND

A✓ 5 2016-0285

FAYETTEVILLE POLICE DEPARTMENT DONATIONS:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$2,400.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT IN SUPPORT OF OFFICER RECOGNITION

Attachments:

SRP - Donations, Jun 2016

BA - Donations, Jun 2016

A✓ 2016-0283

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A RESOLUTION TO APPROVE THE ANNUAL RENEWAL CONTRACT WITH GALLAGHER BENEFITS SERVICES IN THE AMOUNT OF \$57,600.00 FOR THE PROVISION OF CITY EMPLOYEE BENEFITS BROKER SERVICES

Attachments: Gallagher Benefit Services Contract Renewal Packet

B. Unfinished Business:

B✓ 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

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B✓ 2016-0248

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C. ~~New~~ Business:CV1 2016-0290**ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT:**

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Attachments: ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT

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AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF WAYFINDING SIGNS, POLES AND APPURTENANCES FROM ARCHITECTURAL GRAPHICS, INC., IN AN AMOUNT NOT TO EXCEED \$122,930.98, AND TO APPROVE A BUDGET ADJUSTMENT

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Attachments: 16-5386 CC reports

✓
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C✓7 2016-0292

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D. City Council Agenda Session Presentations:

D✓M 2016-0262

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