

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
August 2, 2016**

A meeting of the Fayetteville City Council was held on August 2, 2016 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports, and Discussion Items.

Agenda Additions

A. Consent:

1. Approval of the July 19, 2016 City Council Meeting Minutes.

Approved

2. **UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3:** A resolution to approve to Change Order No. 3 to the contract with Utility Service Company, Inc. in the amount of \$22,736.00 for structural repairs to the Baxter Water Tank, to approve an

additional project contingency in the amount of \$56,675.50, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 141-16

3. **2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT:** A resolution to authorize acceptance of the 2016-2017 Justice Assistance and State Drug Crime Enforcement Grant for federal and state funding of the Fourth Judicial District Drug Task Force in the amount of \$242,610.00, and to authorize Mayor Jordan to sign all necessary documents to receive the grant funds.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 142-16

4. **ICON ENTERPRISES, INC. D/B/A CIVICPLUS:** A resolution to a one (1) year amended contract with Icon Enterprises, Inc. d/b/a CivicPlus for website content management system services in the amount of \$18,228.55 for the first year with automatic renewals for three (3) additional one (1) year terms with a price increase of five percent (5%) each time the contract is renewed, and to approve a project contingency of \$5,000.00 each year the contract is in effect.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 143-16

5. **AUDIO-VISUAL RENOVATION:** A resolution to approve a budget adjustment to move funds from various audio-visual sub-projects to master project 13004 City Hall Audio-Visual Renovation.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 144-16

6. **OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMENT DISTRICT PARKING REVENUES:** A resolution to approve a budget adjustment recognizing increased parking revenues in the Off-Street Parking District and the Dickson Street Improvement District.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 145-16

7. **ARKANSAS HISTORIC PRESERVATION PROGRAM GRANT AGREEMENT:** A resolution to approve a grant agreement with the Arkansas Historic Preservation Program for a Certified Local Government Grant in the amount of \$9,030.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 146-16

8. **2017 EMPLOYEE BENEFITS PACKAGE:** A resolution to approve the 2017 Employee Benefits Package.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 147-16

B. Unfinished Business:

1. **RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE):** An ordinance to rezone that property described in rezoning petition RZN 16-5442 for approximately 99.10 acres located at 2514 West Lori Road from r-a, residential agricultural; rsf-1, residential single family, one unit per acre and rsf-4, residential single family, 4 units per acre to nc, neighborhood conservation; r- a, residential agricultural and ns, neighborhood services.

AT THE AUGUST 2, 2016 CITY COUNCIL MEETING THIS ORDINANCE WAS TABLED INDEFINITELY.

2. **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.

AT THE AUGUST 2, 2016 CITY COUNCIL MEETING THIS ORDINANCE WAS TABLED INDEFINITELY.

C. New Business:

1. **BAYYARI MUSIC PLAYGROUND DONATION:** A resolution to accept a donation in the amount of \$30,000.00 from Fadil Bayyari to construct the David Lyle Bayyari Music Playground at Wilson Park, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 148-16

2. **THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT:** A resolution to approve an agreement with the Rotary Club of Fayetteville regarding the funding for and naming of the Rotary Club of Fayetteville Playground at the Kessler Mountain Regional Park, to approve a budget adjustment recognizing a donation from the Rotary Club of Fayetteville and its members in the amount of \$150,000.00 for the project contingent upon receipt of the funds, and to express the City Council's intent to provide matching funds in an amount of \$120,000.00 toward the playground project contingent on approval of the 2017 budget.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 149-16

3. **VAC 16-5494 (3641 W. WEDINGTON DR. /OZARKS ELECTRIC CO-OP):** An ordinance to approve VAC 16-5494 submitted by Crafton-Tull Engineers, Inc. for property located at 3641 West Wedington Drive to vacate a portion of a utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5894

4. **AMEND §164.23 SINGLE-FAMILY INFILL STANDARDS:** An ordinance to authorize the City Council to grant a variance in the single family infill standards to support attainable, affordable housing.

AT THE AUGUST 2, 2016 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE SECOND READING AND SENT TO ORDINANCE REVIEW.

City Council Agenda Session Presentations

City Council Tour

Announcements

Adjournment: 7:08 p.m.

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

9-0

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

City Council Meeting:

Subject:	Consent				
Motion To:					
Motion By:		<i>Approve</i>			
Motion By:		<i>Kinion</i>			
Seconded:		<i>Long</i>			
A.1-A.8 <i>Minutes approved</i> <i>Passed</i> <i>141-16</i> <i>through</i> <i>147-16</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

8-0

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

City Council Meeting:

Subject:	RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE)				
Motion To:		<i>Table Ind</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Kinion</i>			
B. 1 Unfinished Business <i>Tabled Indef.</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

8-0

Subject:	PROPOSALS FOR DEVELOPMENT OF SOUTH END OF WEST AVENUE PARKING LOT				
Motion To:		<i>Table Ind.</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Long</i>			
B. 2 Unfinished Business <i>Tabled Indef.</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	<i>N</i>			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

7-1

City Council Meeting:

Subject:	BAYYARI MUSIC PLAYGROUND DONATION				
Motion To:		<i>Approve</i>			
Motion By:		<i>Kinion</i>			
Seconded:		<i>Marsh</i>			
C. 1 New Business <i>Approved</i> <i>148-142</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

8-0

Subject:	THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT				
Motion To:		<i>Approve</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>Kinion</i>			
C. 2 New Business <i>Approved</i> <i>149-142</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

8-0

City Council Meeting:

Subject:		VAC 16-5494 (3641 W. WEDINGTON DR./OZARKS ELECTRIC CO-OP)			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Long</i>	<i>Long</i>		
Seconded:		<i>Tennant</i>	<i>Marsh</i>		
C. 3 New Business <i>Passed</i> <i>5894</i>	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:		AMEND §164.23 SINGLE-FAMILY INFILL STANDARDS			
Motion To:		<i>2nd Read</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Gray</i>			
C. 4 New Business <i>Left on</i> <i>Second</i> <i>Reading</i> <i>Send to</i> <i>Ordinance</i> <i>Review</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	<i>N</i>			
	Kinion	✓			
	Mayor Jordan				

7-1



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: **August 3, 2016**

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of August 2, 2016

1. A resolution to approve Change Order No. 3 to the contract with Utility Service Company, Inc. in the amount of \$22,736.00 for structural repairs to the Baxter Water Tank, to approve an additional project contingency in the amount of \$56,675.50, and to approve a budget adjustment.
2. A resolution to authorize acceptance of the 2016-2017 Justice Assistance and State Drug Crime Enforcement Grant for federal and state funding of the Fourth Judicial District Drug Task Force in the amount of \$242,610.00, and to authorize Mayor Jordan to sign all necessary documents to receive the grant funds.
3. A resolution to approve a one (1) year amended contract with Icon Enterprises, Inc. D/B/A Civicplus for website content management system services in the amount of \$18,228.55 for the first year with automatic renewals for three (3) additional one (1) year terms with a price increase of five percent (5%) each time the contract is renewed, and to approve a project contingency of \$5,000.00 each year the contract is in effect.
4. A resolution to approve a budget adjustment to move funds from various audio-visual sub-projects to Master Project 13004 City Hall audio-visual renovation.
5. A resolution to approve a budget adjustment recognizing increased parking revenues in the Off-Street Parking District and the Dickson Street Improvement District.
6. A resolution to approve a grant agreement with the Arkansas Historic Preservation Program for a Certified Local Government Grant in the amount of \$9,030.00, and to approve a budget adjustment.

7. A resolution to approve the 2017 Employee Benefits Package.
8. A resolution to accept a donation in the amount of \$30,000.00 from Fadil Bayyari to construct the David Lyle Bayyari Music Playground at Wilson Park, and to approve a budget adjustment.
9. A resolution to approve an agreement with the Rotary Club of Fayetteville regarding the funding for and naming of the Rotary Club of Fayetteville Playground at the Kessler Mountain Regional Park, to approve a budget adjustment recognizing a donation from the Rotary Club of Fayetteville and its members in the amount of \$150,000.00 for the project contingent upon receipt of the funds, and to express the City Council's intent to provide matching funds in an amount of \$120,000.00 toward the playground project contingent on approval of the 2017 budget.
10. An ordinance to approve VAC 16-5494 submitted by Crafton-Tull Engineers, Inc. for property located at 3641 West Wedington Drive to vacate a portion of a utility easement.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, August 2, 2016

5:30 PM

City Hall Room 219

City Council Meeting

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

ELECTED OFFICIALS:

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

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions:****A. Consent:****A. 1** [2015-0652](#)

APPROVAL OF THE JULY 19, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0322](#)**UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH UTILITY SERVICE COMPANY, INC. IN THE AMOUNT OF \$22,736.00 FOR STRUCTURAL REPAIRS TO THE BAXTER WATER TANK, TO APPROVE AN ADDITIONAL PROJECT CONTINGENCY IN THE AMOUNT OF \$56,675.50, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3](#)
 [UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3 BA](#)

A. 3 [2016-0333](#)**2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT FOR FEDERAL AND STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$242,610.00, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

Attachments: [2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT](#)

A. 4 [2016-0348](#)**ICON ENTERPRISES, INC. D/B/A CIVICPLUS:**

A RESOLUTION TO APPROVE A ONE (1) YEAR AMENDED CONTRACT WITH ICON ENTERPRISES, INC. D/B/A CIVICPLUS FOR WEBSITE CONTENT MANAGEMENT SYSTEM SERVICES IN THE AMOUNT OF \$18,228.55 FOR THE FIRST YEAR WITH AUTOMATIC RENEWALS FOR THREE (3) ADDITIONAL ONE (1) YEAR TERMS WITH A PRICE INCREASE OF FIVE PERCENT (5%) EACH TIME THE CONTRACT IS RENEWED, AND TO APPROVE A PROJECT CONTINGENCY OF \$5,000.00 EACH YEAR THE CONTRACT IS IN EFFECT

Attachments: [ICON ENTERPRISES, INC. D/B/A CIVICPLUS](#)

A. 5 [2016-0337](#)**AUDIO-VISUAL RENOVATION:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT TO MOVE FUNDS FROM VARIOUS AUDIO-VISUAL SUB-PROJECTS TO MASTER PROJECT 13004 CITY HALL AUDIO-VISUAL RENOVATION

Attachments: [SRF SRM BA master13004 2016-0337-2](#)
 [BA BUDGET ADJUSTMENT FORM LEGISTAR 071416](#)

A. 6 [2016-0349](#)**OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMENT DISTRICT PARKING REVENUES:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING INCREASED PARKING REVENUES IN THE OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMENT DISTRICT

Attachments: [OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMEN](#)
 [OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMEN](#)

A. 7 [2016-0345](#)**ARKANSAS HISTORIC PRESERVATION PROGRAM GRANT AGREEMENT:**

A RESOLUTION TO APPROVE A GRANT AGREEMENT WITH THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$9,030.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [2016-0345 CC packet](#)

[ARKANSAS HISTORIC PRESERVATION PROGRAM GRANT AGREEMENT BA](#)

A. 8 [2016-0344](#)**2017 EMPLOYEE BENEFITS PACKAGE:**

A RESOLUTION TO APPROVE THE 2017 EMPLOYEE BENEFITS PACKAGE

Attachments: [2017 EMPLOYEE BENEFITS PACKAGE](#)

B. Unfinished Business:**B. 1** [2016-0328](#)**RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5442 FOR APPROXIMATELY 99.10 ACRES LOCATED AT 2514 WEST LORI ROAD FROM R-A, RESIDENTIAL AGRICULTURAL; RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURAL AND NS, NEIGHBORHOOD SERVICES

(LEFT ON FIRST READING)

Attachments: [RZN 16-5442 \(2514 W. LORI RD./RAZORBACK GOLF COURSE\)](#)

This ordinance was left on the First Reading at the July 19, 2016 City Council meeting.

B. 2 [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](#)

This resolution was tabled at the June 21, 2016 City Council Meeting to the July 5, 2016 City Council Meeting. This resolution was tabled at the July 5, 2016 City Council Meeting to the August 2, 2016 City Council Meeting.

C. New Business:**C. 1** [2016-0340](#)**BAYYARI MUSIC PLAYGROUND DONATION:**

A RESOLUTION TO ACCEPT A DONATION IN THE AMOUNT OF \$30,000.00 FROM FADIL BAYYARI TO CONSTRUCT THE DAVID LYLE BAYYARI MUSIC PLAYGROUND AT WILSON PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[BAYYARI MUSIC PLAYGROUND DONATION](#)[BAYYARI MUSIC PLAYGROUND DONATION BA](#)

C. 2 [2016-0341](#)**THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT:**

A RESOLUTION TO APPROVE AN AGREEMENT WITH THE ROTARY CLUB OF FAYETTEVILLE REGARDING THE FUNDING FOR AND NAMING OF THE ROTARY CLUB OF FAYETTEVILLE PLAYGROUND AT THE KESSLER MOUNTAIN REGIONAL PARK, TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A DONATION FROM THE ROTARY CLUB OF FAYETTEVILLE AND ITS MEMBERS IN THE AMOUNT OF \$150,000.00 FOR THE PROJECT CONTINGENT UPON RECEIPT OF THE FUNDS, AND TO EXPRESS THE CITY COUNCIL'S INTENT TO PROVIDE MATCHING FUNDS IN AN AMOUNT OF \$120,000.00 TOWARD THE PLAYGROUND PROJECT CONTINGENT ON APPROVAL OF THE 2017 BUDGET

Attachments: [THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT](#)
 [THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT BA](#)

C. 3 [2016-0346](#)**VAC 16-5494 (3641 W. WEDINGTON DR./OZARKS ELECTRIC CO-OP):**

AN ORDINANCE TO APPROVE VAC 16-5494 SUBMITTED BY CRAFTON-TULL ENGINEERS, INC. FOR PROPERTY LOCATED AT 3641 WEST WEDINGTON DRIVE TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: [VAC 16-5494 \(3641 W. WEDINGTON DR./OZARKS ELEC. CO-OP\)](#)

C. 4 [2016-0352](#)**AMEND §164.23 SINGLE-FAMILY INFILL STANDARDS:**

AN ORDINANCE TO AUTHORIZE THE CITY COUNCIL TO GRANT A VARIANCE IN THE SINGLE FAMILY INFILL STANDARDS TO SUPPORT ATTAINABLE, AFFORDABLE HOUSING

Attachments: [Agenda Request Packet Infill Standards](#)
 [Additional C. 5 Amend 164.23 Single Family Infill Standards](#)

D. City Council Agenda Session Presentations:**E. City Council Tour:****F. Announcements:****G. Adjournment**

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

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

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



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

FROM: **Kit Williams**, City Attorney

DATE: **July 22, 2016**

RE: **Attainable and Affordable Housing**

City Plan 2025 "through a collaboration between City staff and urban design firm, Dove, Kohl and Partners, combines citizen input and ideas with concepts and policies that have been proven and tested in our own and other communities...." Preface to City Plan 2025, page 3.

City Plan 2025 includes **Vision and Strategies** of the 2020 Long Range Plan adopted in the 20th century. The Visions include "Housing choices for all incomes...." The Means to reach that Vision lists "Attainable housing throughout the City." "Attainable housing" is also shown in support of "A revitalized South Fayetteville." Thus, for at least two decades, the Fayetteville City Council has supported the goal of affordable and attainable housing for our citizens.

A major portion of both City Plan 2025 and City Plan 2030 has been its Chapter 4 **Housing**. Both Long Range City Plans end the **Housing** chapter with **Housing Concerns** which is devoted to the loss of affordability of housing because of its escalating costs. The average housing cost has been increasing faster than average household income "which significantly impacts the ability of home ownership for many potential home buyers." City Plan 2025 and City Plan 2030.

City Plan 2025 present five overall goals or visions to guide the City Council. City Plan 2030 adopted by the City Council unanimously in July of 2011 added one more overall goal and vision: **“Goal 6 We will create opportunities for affordable housing.”** In its attempt to improve home affordability, the City Council should be careful not to unintentionally increase the costs of attainable homes by enacting new regulations that might unnecessarily increase housing construction costs.

The Planning Department presented proposed U.D.C. amendments to the Planning Commission with its memo of July 13, 2015. While the vast majority of proposed changes allowed easier development of single family homes in multi-family districts, reduced setbacks, lot widths and introduced the most dense single-family district to date, RSF-18, a final provision introduced single family design standards for any lot with less than seventy (70) feet of street frontage. Planner Jessie Fulcher explained the rationale to require design standards for these single family homes:

“2. Chapter 164.23 Small Lot Design Standards. Introduce a set of design standards for single-family homes on small lots.

• • •

As noted above, Chapter 161 is being updated to allow greater variability in the types of residential units constructed in multi-family zoning districts, principally by reducing the barriers to construct single-family homes. However, as lot width and building footprints are reduced it becomes more difficult to design a home and maintain visibility between the street and building. A primary goal of Crime Prevention Through Environment Design (CPTED) is to maintain natural surveillance, or “see and be seen.” Unfortunately, poor design choices when building smaller homes can greatly reduce and sometimes even eliminate natural surveillance. As a result, staff is proposing a relatively brief set of design standards for single-family homes on small lots (see exhibit ‘B’ attached). The code specifies the standards only apply to lots with less than 70 feet of street frontage. This exempts a majority of all single-family lots in the City which are typically located in the RSF-4 zoning district, with a minimum lot width of 70 feet and maximum density of 4 units per acre.”

For years Fayetteville has been in the top 10 of American cities to raise a family, start a business, live and work. I think we are currently number 3 in the nation. Our Fayetteville Police Department has done much to ensure the safety of our citizens and neighborhoods. Our crime rate is low. Maybe other cities may need to implement Crime Prevention Through Environment Design to try to reduce their crime rate, but I think there is little evidence to support Fayetteville's need for such action.

All over town in traditional neighborhoods zoned RSF-4, the City allows front yards and does not restrict the placement of garages. Does Planning think crime is rampant in these traditional neighborhoods or will be in the future because garages tend to be closer to the street than the house? Does this justify requiring home owners to move their garages back at least five feet behind the front of their houses? Indeed, how would building a garage flush with the front of the house impede any "surveillance" or "visibility between the street and building"? This alleged need to maintain "natural surveillance" of the street is a very weak reed to base design requirements for home owners.

Although passed on October 6, 2015 and therefore effective on November 7, 2015, no issues concerning these design standards surfaced until around March at the Planning Commission. Buffington Homes was two thirds of the way through an upscale "French Cottage" subdivision whose beautifully designed and constructed homes had garages that were not at least five feet behind the houses. Although Planning staff recommended denial of a variance to complete the subdivision as designed, just about the entire neighborhood appeared and requested approval of the variance which was finally granted by the Planning Commission.

The same issue reappeared in April after Rausch Coleman Homes, Inc. was surprised to learn of the ordinance when building permits for its final phase of the Coves Development were rejected. Although Rausch Coleman said it could eventually comply, the costs per house would likely be \$8,000 to \$10,000. (Planning Commission Minutes, page 5 within Final Agenda of May 9, 2016). Eventually, Jesse Fulcher (now working for Rausch Coleman Homes, Inc.) persuaded the Planning Commission to grant variances for 21 houses because "to build in compliance will cost a significant amount of money." (Planning Commission Minutes page 4 of Final Agenda of May 23, 2016 meeting).

Finally, I recently met with Andrew Garner, Chris Brown and Mark Marquess over his request to build three “model” houses (with sufficient current frontage on Broyles and access to water and sewer) prior to his Final Plat approval. This complied with the U.D.C. so Andrew okayed his request. Andrew then told Mark about the Single-family design standards if a lot has less than 70 feet of street frontage (as do the vast majority of Mark’s lots in his approved Preliminary Plat). This was surprising news to Mark. None of his house designs for his development would satisfy the moved back garage, and he agreed with Rausch Coleman Homes that compliance would cost his home buyers thousands of dollars.

Because a principal goal adopted by the City Council in the 2030 Plan was to “create opportunities for affordable housing,” I became concerned that our major affordable housing construction companies believe this garage location requirement would push up the cost of their houses and endanger these homes’ affordability for our citizens. Since this would be contrary to the City Council’s adopted primary goal to support affordable housing, I believed something might need to be done.

When I explained my concerns to Alderman Schoppmeyer, he agreed that the **City Council should empower itself** to listen to the explanations of the home builders and grant any necessary relief as to garage location that might be required to ensure: “We will create opportunities for affordable housing.” That it what his one sentence amendment to the garage location provision of the single family home design standards would do.

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
July 19, 2016**

A meeting of the Fayetteville City Council was held on July 19, 2016 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Alderman Justin Tennant was absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Ozark Regional Transit Presentation

Jeff Hatley, Ozark Regional Transit presented the Ozark Regional Transit report.

Alderman La Tour: Can you tell me how you compute the growth rate? Are those new riders or the same riders riding more often?

Jeff Hatley: It is ridership. It could be people riding more often or it could be additional riders.

A copy of the report is attached.

Consent:

Approval of the July 5, 2016 City Council Meeting Minutes.

Approved

Allison Architects, Inc.: A resolution to approve a two-year contract with Allison Architects, Inc. for professional architectural services for the Woolsey Homestead Historic Restoration project in the amount of \$15,000.00 for phase one in 2016, and in the amount of \$35,000.00 for phase two in 2017, contingent upon approval of the 2017 annual city budget.

Resolution 137-16 as recorded in the office of the City Clerk

2016-2020 Consolidated Plan, 2016 Action Plan, and CDBG Reconciliation: A resolution to approve the 2016 Community Development Block Grant (CDG) action plan, to authorize the Mayor to execute the CDBG agreement for 2016 when received in the amount of \$619,098.00, to approve the 2016-2020 five year consolidated CDBG plan, and to approve a budget adjustment contingent upon receipt of the grant funds.

Resolution 138-16 as recorded in the office of the City Clerk

Arkansas Firewise Grant: A resolution to authorize acceptance of an Arkansas Firewise grant from the Arkansas Forestry Commission in the amount of \$500.00 for use by the Fire Department, and to approve a budget adjustment.

Resolution 139-16 as recorded in the office of the City Clerk

Innerplan, Inc.: A resolution to authorize the purchase of office furnishings from Innerplan, Inc. d/b/a Innerplan Office Interiors in the amount of \$64,491.62, pursuant to a state procurement contract, for the Recycling and Trash Collection Division.

Resolution 140-16 as recorded in the office of the City Clerk

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

Unfinished Business: None

New Business:

RZN 16-5442 (2514 W. Lori Rd./Razorback Golf Course): An ordinance to rezone that property described in rezoning Petition RZN 16-5442 for approximately 99.10 acres located at 2514 West Lori Road from R-A, Residential Agricultural; RSF-1, Residential Single Family, one unit per acre

and RSF-4, Residential Single Family, 4 units per acre to NC, Neighborhood Conservation; R-A, Residential Agricultural and NS, Neighborhood Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He stated that in the last few days emails have been received from neighbors, some of which who could not attend the meeting. Due to it being a large property he requested that a final decision not be made at tonight's meeting. He stated a Bill of Assurance has not been offered. The Planning Commission voted 8-1 in favor of the request. Staff recommends approval.

Bart Bauer, Applicant: When I went for the zoning I was told I wouldn't be approved unless I put in the NS. That came from the Planning Commission and my plans are nothing like that. Most of this property is unusable. There are multiple ponds, floodplain, floodway, and huge change in grade. The plans with NS is to do exactly what is across the street called, The Pines at Springwood, and also doing residential lots. There's not going to ever be any density on this site.

Alderman Long: After speaking with some of my constituents, there was talk of a Bill of Assurance being offered, if the city were to in their CIP plan for this year, improve the infrastructure in the area to bring the streets up to a level that they could handle the amount of traffic in the area. That hasn't been something that has been discussed by the Council. Can you give us a little background on that discussion?

Bart Bower: In pricing the project out, I don't know if I can do it because there's not enough density. The soil is quite bad and there is so much frontage. My infrastructure on Deane Solomon is about \$542,000. If I could get some help from the city, I would definitely do a Bill of Assurance to do just a residential subdivision.

City Attorney Kit Williams: We can't negotiate a Bill of Assurance with you. It's either offered with no strings attached by the developer to encourage the City Council to grant their rezoning request or not.

A Bill of Assurance discussion followed.

Alderman Long: It is an environmentally sensitive area.

Bart Bauer: I've got a wetlands study. It eats up a lot more area too. I won't be invading into the wetlands.

Jared Dunn, 3632 South Tower Circle requested the Council to be cautious before rezoning. He stated he would like to have a park on the west side of town like Gulley Park.

Brian Sorensen, 2882 Purple Phlox stated his concerns about density, traffic, infrastructure, and the environment.

Alderman La Tour: The developer stated he may not have enough density because only half of the land is developable. How would you address that issue?

Brian Sorensen: I don't know the economics. I would hate to force density on the property to make a project work at the expense of the public.

Alderman Long: Can you tell us about the flooding in the area?

Brian Sorensen: I back up against Clabber Creek. The back of my property adjoins the Northwest Arkansas Land Trust property. We see high water tables at my back fence. We have crawfish infestations. We see water creep up over the banks of Clabber Creek and overtake the road. There are engineering things that can be done, but the engineering requirements would be pretty great. I don't know that any development is feasible.

Alderman Long: With the maximum density of this rezoning, do you think the added concrete and roofs would amplify your problems?

Brian Sorensen: Certainly. It is going to send a lot more water down there.

Alderman La Tour: How far is your house from the nearest stream?

Brian Sorensen: My house is approximately 250 yards.

Alderman La Tour: Did you know the stream was there when you purchased?

Brian Sorensen: I knew it was there. I had no clue about the water table. I went in knowing the stream was there, but not exactly what the full scope of that stream meant for me and my property.

Carly Grace, 3069 Night Heron Drive wants more of a guarantee that Neighborhood Services isn't going to turn into a 12 plex or something denser. She discussed her environmental concerns about developing the property. She wants the developer to offer a Bill of Assurance. She stated if one developer were to try to get the city to help with roads it would take several months. She asked if that would need to be done before they re-approach the City Council.

Mayor Jordan: It has to go through the budget processes that the City Council will have to decide on. It would probably go through the Transportation Committee.

Carly Grace: I hope the developer and the City Council can be patient so that we can develop this area the right way.

Kyle Smith, 2801 Dove Drive stated he looks forward to the eventual development of the Razorback Golf Course. He stated the development has to be the right development, but isn't convinced this plan is as great as some of the neighbors think it is. He stated when a plan has Neighborhood Services on Deane Solomon or all the way out to Mount Comfort, he will give it his full support.

Greg Smith, 3145 West Salem Road stated his concerns about density. He believes most of the neighbors feel Mr. Bowers development plan is probably the best option they will ever have. However, without some form of assurance if it falls through, it is hard to support the proposal.

JR Meeks, 2804 Purple Phlox stated he agreed with the prior speakers with concerns about rezoning the property. He stated he would like to have a Bill of Assurance.

Wes Berry, 2875 Topaz voiced his concerns about flooding and density issues.

Jim Erwin, 2925 West Topaz voiced his concerns about flooding. He stated he would like to see it rezoned to RSF-4.

Richard Noyce, 2862 Meadowlark Drive voiced his concerns about flooding and sidewalk issues.

Lorraine O'Neal, 3001 West Wedington stated property that seems undevelopable, often times can be developed more easily than expected. The worst case scenario could happen here.

Harold Hubbard, 2555 Vanike Drive voiced his concerns about density and flooding issues.

Linda Marquess, 2901 Topaz Drive stated her concerns about sidewalks, roads, and safety.

John Thorn, 2319 Wolf Run Road voiced his concerns about not having a Bill of Assurance and spoke in opposition of the rezoning.

Bart Bauer: In regards to flooding, there is a crossing with a bunch of culverts that are clogged. At the north end there are two areas clogging up the water and it is caved in. If cleaned out, it would make a big difference.

Mayor Jordan: On the north end?

Bart Bauer stated yes and gave a brief description of the area that is clogging up and not draining well.

Don Marr, Chief of Staff: Those are on private property. They are part of this rezoning and are not city property culverts.

Alderman Long: Are you aware that beavers were the main cause of the damage?

Bart Bauer: Yeah.

Alderman La Tour: Do you think you could put together a Bill of Assurance in the next week or two?

Bart Bauer: Yes, I could look into it.

Alderman La Tour: It would be a wise thing to do.

City Attorney Kit Williams: Did you ever discuss rezoning through a Planned Zoning District with the Planning Department? That is something that really doesn't require the engineering it used too. It is just a zoning decision. You wouldn't be zoning high density any lands you believe were undevelopable. That would bring your numbers way down and give some relief and confidence to the neighbors that there wouldn't be a much bigger development. You could talk to the Planning Department about that and potentially modify your current request.

Bart Bauer: Some of this wasn't my idea to get it zoned this way. I will look into that and see what we can do.

This ordinance was left on the First Reading

Announcements:

Don Marr, Chief of Staff: The Gulley Park concert series has two final concerts for the summer. The group will be FlashBack on July 21, 2016 at 7:00 p.m.

The city is going through the first step of our technology upgrade and conversion. While the conversion is taking place at the end of this week and over the weekend, it will have some minimal impact on citizens' and their ability to make payments. On July 21, 2016 payments will not be accepted after 4:00 p.m. On July 22, 2016 only utility service payments will be accepted. All other payments such as for dumpsters and impact fees will resume regular processing on July 25, 2016. If you bring it by we will hold it, process it, and send you a receipt. You can make payments online anytime. Payments made in that time period, prior to the due date or received by the due date, there will be no late fees charged.

Alderman La Tour: There will be an election on August 9, 2016. It will be a new tax to the library. Make plans to vote.

I support the Fayetteville Police Department. Every time they put on their uniforms they are putting their lives in danger. They are there to protect you and me.

Alderman Long: There will be a Ward 4 meeting on July 25, 2016 at City Hall in Room 111 at 6:00 p.m.

Mayor Jordan: The tragic events in Minnesota, Louisiana, and Dallas leave me to understand one thing, at the end of the day everybody wants to go home to their families. All lives matter and all people matter. We need to focus our efforts on being a peaceful community. From black lives to the lives of our police, to the lives of the LGBT community, our Latino community, and non-native Americans as well. For all of our families, all lives matter. I believe in and work every day to establish culture in Fayetteville. A fairness and quality to all people. We govern with an open mind, open door, and open heart. Diversity is our strength and inclusion of all is the only way to have a truly functional and welcoming community. I am proud of our police force for their proactive approach to policies, protocols, and best practices in handling situations such as those we have seen in the news recently. I continue to meet with leaders in our community on a regular

basis to ask their assistance in helping us with our diversity and recruitment so that our police force mirrors the types of diversity we see in our community. I want to assure all of you and the public that all officers have appropriate training in the use of force and diversity training for all people, regardless of skin color, religious beliefs, their dress, or who they love. Instances of brutality that have been occurring elsewhere have no place in this community. In a time where it seems that all we see around us is hate and violence, I see a better day. Martin Luther King Jr. said, "I believe that unarmed truth and unconditional love will have the final word."

City Council Agenda Session Presentations:

Agenda Session Presentation - 2016 1st and 2nd Quarter Economic Development Reports, Chung Tan.

City Council Tour: None

Adjournment: 6:31 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

This goes with B.1

CityClerk

From: Ron Caviness <ron@razorbackpark.com>
Sent: Monday, August 01, 2016 2:39 PM
To: CityClerk
Subject: rezoning request RZN 16-5442

Categories: Forwarded, Completed

To whom it may concern,

At this time the developer, Bart Bauer, has terminated our real estate contract. Due to this, I would like to withdraw rezoning request RZN 16-5442 (2514 west Lori drive, Razorback Park Golf Course). Thanks

Ron Caviness

*C.4. Amend 164.23 Single Family Infill Standards
Handed out at the City Council Meeting 8-2-16*

THE VILLAGES OF SLOANBROOKE

AMENDMENT TO ATTAINABLE HOUSING



- Have built homes in Fayetteville since 1989 – over 25 years in Fayetteville.
- 1st homes in Fayetteville were in Fiesta Park starting at \$36,950.00
- Built over 1,000 homes in Fayetteville with most under \$175,000.00
- Recently finished Holcombe Heights 72 lots in under 1 year with average sales price under \$165,000.00
- Built 240 homes in Cobblestone with homes starting at \$139,950 up to \$250,000.
- Ranked the #1 Best Affordable Places to live in the US by US News.
- Medium home price of \$177,200
- Medium annual salary \$42,410 - \$1,060 monthly payment.
- Our new homes start under \$160,000 with payments as low as \$700 P&I.

FAYETTEVILLE RANKED #1
BEST AFFORDABLE PLACES TO LIVE
LET'S KEEP IT THAT WAY

US NEWS



THE VILLAGES OF SLOANBROOKE

-  Available Estates
-  Available Enclaves
-  Available Cottages
-  Spec
-  Reserved
-  Sold
-  Model
-  Pending
-  Not Available



Sloanbrooke



THE VILLAGES OF SLOANBROOKE

- Available Estates
- Available Enclaves
- Available Cottages
- Spec
- Reserved
- Sold
- Model
- Pending
- Not Available

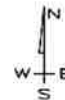




UNDERSIDE
 SIDEWALK
 CROSSWALK
 STREET LIGHT

GRAPHIC SCALE

1 inch = 50 feet



NO.	DESCRIPTION
1	UNDERSIDE
2	SIDEWALK
3	CROSSWALK
4	STREET LIGHT
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PROJECT TITLE:
 SUBMISSION PHASE 2

DATE: 10/1/2010

SCALE: 1/8" = 1' - 0"



CONCEPT & PLAN
 C1.00







City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, July 26, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

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

ELECTED OFFICIALS:

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

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions****A. Consent:****A. 1 [2015-0652](#)**

APPROVAL OF THE JULY 19, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0322](#)**UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH UTILITY SERVICE COMPANY, INC. IN THE AMOUNT OF \$22,736.00 FOR STRUCTURAL REPAIRS TO THE BAXTER WATER TANK, TO APPROVE AN ADDITIONAL PROJECT CONTINGENCY IN THE AMOUNT OF \$56,675.50, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3](#)
[UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3_BA](#)

A. 3 [2016-0333](#)**2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT FOR FEDERAL AND STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$242,610.00, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

Attachments: [2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT \(](#)

A. 4 [2016-0348](#)**ICON ENTERPRISES, INC. D/B/A CIVICPLUS:**

A RESOLUTION TO APPROVE A ONE (1) YEAR AMENDED CONTRACT WITH ICON ENTERPRISES, INC. D/B/A CIVICPLUS FOR WEBSITE CONTENT MANAGEMENT SYSTEM SERVICES IN THE AMOUNT OF \$18,228.55 FOR THE FIRST YEAR WITH AUTOMATIC RENEWALS FOR THREE (3) ADDITIONAL ONE (1) YEAR TERMS WITH A PRICE INCREASE OF FIVE PERCENT (5%) EACH TIME THE CONTRACT IS RENEWED, AND TO APPROVE A PROJECT CONTINGENCY OF \$5,000.00 EACH YEAR THE CONTRACT IS IN EFFECT

Attachments: [ICON ENTERPRISES, INC. D/B/A CIVICPLUS](#)

A. 5 [2016-0337](#)**AUDIO-VISUAL RENOVATION:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT TO MOVE FUNDS FROM VARIOUS AUDIO-VISUAL SUB-PROJECTS TO MASTER PROJECT 13004 CITY HALL AUDIO-VISUAL RENOVATION

Attachments: [SRF_SRM_BA_master13004_2016-0337-2](#)
 [BA_BUDGET_ADJUSTMENT_FORM_LEGISTAR_071416](#)

A. 6 [2016-0349](#)**OFF-STREET PARKING DISTRICT AND THE DICKSON STREET
IMPROVEMENT DISTRICT PARKING REVENUES:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING INCREASED PARKING REVENUES IN THE OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMENT DISTRICT

Attachments: [OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMEN](#)
 [OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMEN](#)

A. 7 [2016-0345](#)**ARKANSAS HISTORIC PRESERVATION PROGRAM GRANT AGREEMENT:**

A RESOLUTION TO APPROVE A GRANT AGREEMENT WITH THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$9,030.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [2016-0345 CC packet](#)

[ARKANSAS HISTORIC PRESERVATION PROGRAM GRANT AGREEMENT_BA](#)

B. Unfinished Business:**B. 1** [2016-0328](#)**RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5442 FOR APPROXIMATELY 99.10 ACRES LOCATED AT 2514 WEST LORI ROAD FROM R-A, RESIDENTIAL AGRICULTURAL; RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURAL AND NS, NEIGHBORHOOD SERVICES

(LEFT ON FIRST READING)

Attachments: [RZN 16-5442 \(2514 W. LORI RD./RAZORBACK GOLF COURSE\)](#)

This ordinance was left on the First Reading at the July 19, 2016 City Council meeting.

B. 2 [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](#)

This resolution was tabled at the June 21, 2016 City Council Meeting to the July 5, 2016 City Council Meeting. This resolution was tabled at the July 5, 2016 City Council Meeting to the August 2, 2016 City Council Meeting.

C. New Business:**C.1** [2016-0340](#)**BAYYARI MUSIC PLAYGROUND DONATION:**

A RESOLUTION TO ACCEPT A DONATION IN THE AMOUNT OF \$30,000.00 FROM FADIL BAYYARI TO CONSTRUCT THE DAVID LYLE BAYYARI MUSIC PLAYGROUND AT WILSON PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [BAYYARI MUSIC PLAYGROUND DONATION](#)
 [BAYYARI MUSIC PLAYGROUND DONATION_BA](#)

C.2 [2016-0341](#)**THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT:**

A RESOLUTION TO APPROVE AN AGREEMENT WITH THE ROTARY CLUB OF FAYETTEVILLE REGARDING THE FUNDING FOR AND NAMING OF THE ROTARY CLUB OF FAYETTEVILLE PLAYGROUND AT THE KESSLER MOUNTAIN REGIONAL PARK, TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A DONATION FROM THE ROTARY CLUB OF FAYETTEVILLE AND ITS MEMBERS IN THE AMOUNT OF \$150,000.00 FOR THE PROJECT CONTINGENT UPON RECEIPT OF THE FUNDS, AND TO EXPRESS THE CITY COUNCIL'S INTENT TO PROVIDE MATCHING FUNDS IN AN AMOUNT OF \$120,000.00 TOWARD THE PLAYGROUND PROJECT CONTINGENT ON APPROVAL OF THE 2017 BUDGET

Attachments: [THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT](#)
 [THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT_BA](#)

C.3 [2016-0346](#)**VAC 16-5494 (3641 W. WEDINGTON DR./OZARKS ELECTRIC CO-OP):**

AN ORDINANCE TO APPROVE VAC 16-5494 SUBMITTED BY CRAFTON-TULL ENGINEERS, INC. FOR PROPERTY LOCATED AT 3641 WEST WEDINGTON DRIVE TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: [VAC 16-5494 \(3641 W. WEDINGTON DR./OZARKS ELEC. CO-OP\)](#)

C. 4 [2016-0344](#)**2017 EMPLOYEE BENEFITS PACKAGE:**

A RESOLUTION TO APPROVE THE 2017 EMPLOYEE BENEFITS PACKAGE

Attachments: [2017 EMPLOYEE BENEFITS PACKAGE](#)

C. 5 [2016-0352](#)**AMEND §164.23 SINGLE-FAMILY INFILL STANDARDS:**

AN ORDINANCE TO AUTHORIZE THE CITY COUNCIL TO GRANT A VARIANCE IN THE SINGLE FAMILY INFILL STANDARDS TO SUPPORT ATTAINABLE, AFFORDABLE HOUSING

Attachments: [Agenda Request Packet Infill Standards](#)

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

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

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

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0652

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE JULY 19, 2016 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0322

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH UTILITY SERVICE COMPANY, INC. IN THE AMOUNT OF \$22,736.00 FOR STRUCTURAL REPAIRS TO THE BAXTER WATER TANK, TO APPROVE AN ADDITIONAL PROJECT CONTINGENCY IN THE AMOUNT OF \$56,675.50, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Change Order No. 3 to the contract with Utility Service Company, Inc. in the amount of \$22,735.00 for structural repairs to the Baxter Water Tank, and further approves an additional project contingency in the amount of \$56,675.50.

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

City of Fayetteville Staff Review Form

2016-0322

Legistar File ID

8/2/2016

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

Jim Beavers

6/27/2016

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of Change Order No. 3 to the contract with Utility Service Company, Inc. in the amount of \$22,736.00 for structural repairs to the Baxter water tank, approval of an additional project contingency of \$56,675.50 for a total of \$79,411.50, and approval of a budget adjustment.

Budget Impact:

5400.5600.5808.00

Water/Sewer

Account Number

Fund

14010.1

Water Tank Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 1,327,847.00

Funds Obligated \$ 1,327,845.79

Current Balance \$ 1.21

Does item have a cost? Yes

Item Cost \$ 79,411.50

Budget Adjustment Attached? Yes

Budget Adjustment \$ 79,412.00

Remaining Budget \$ 1.71

V20140710

Previous Ordinance or Resolution # Res 34-16

Original Contract Number: 2399

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 2, 2016

TO: Mayor Jordan and City Council

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

FROM: Jim Beavers, Utilities Engineer

DATE: June 24, 2016

SUBJECT: Construction Bid 16-28, Baxter and Mt. Sequoyah Tank Rehabilitation Improvements, approval of Change Order No. 3 to Utility Service Co. Inc., approval of additional project contingency and a budget adjustment

RECOMMENDATION:

Approval of:

Attached Change Order No. 3 to Utility Service Co., Inc. in the amount of \$22,736.00 for structural repairs to the Baxter Water Tank.

Additional project contingency in the amount of \$56,675.50. This requested additional contingency is an additional 5 percent of the original contract amount, thus increasing the total project contingency from 10% to 15%).

A Budget Adjustment.

The total requested funding is \$79,411.50.

BACKGROUND:

Original contract: Resolution 34-16 approved 2/2/2016 in the amount of \$1,133,510.00 plus a project contingency of \$113,351.00.

Project Number 14010 Contract 2399 Purchase Order number 16-0000114.

Previous Change Orders:

Change Order No. 1 dated 4/8/2016 was a no cost change order to clarify insurance requirements.

Change Order No. 2 proposed 6/24/2016 (signed by Garver 6/24/2016) in the amount of \$101,649.00.

Other contract project expenditure: \$11,702.00 tree trimming at the tank sites.

The Baxter water tank was placed in service in 1971.

CITY COUNCIL AGENDA MEMO

DISCUSSION:

The structural repairs are required due to internal corrosion of the water tank generally at the roof area. The corrosion and required repairs were identified subsequent to the blast cleaning of the interior surfaces which (blasting) then permitted additional structural inspection.

The total identified structural repairs will cost \$124,385.00.

The proposed Change Orders have been designed by the engineer of record, Garver. The proposed change order has been negotiated by the contractor, Garver and the City.

In order not to delay the contractor, staff has previously requested approval of non-agenda Change order no. 2 utilizing all remain contingency (\$101,649.00).

The remaining necessary structural repairs are requested to be funded by Change Order no. 3 in the mount of \$22,736.00.

As the contractor has blast cleaned the Baxter tank and has not yet further cleaned the interior of the Mount Sequoyah tank, staff requests additional project contingency to prevent delays should additional; interior structural defects be identified within the Mount Sequoyah water tank.

BUDGET/STAFF IMPACT:

Change Order No. 3 requests \$22,736.00

Additional project contingency request in the amount of \$56,675.50.

Total requested funding = \$79,411.50.

A budget adjustment is attached to move budgeted funds from the Regional Park Waterline Project. The Regional Park Waterline project is complete and the cost savings in that project will be utilized for this project.

ATTACHMENTS:

Staff Review Form

Budget Adjustment

Copy of Signed Proposed Change Order No. 3



Construction Contract Change Order

Project: Garver Job No. 14048030 City of Fayetteville Bid 16-18 Garver Job No. 14048030	Change Order No. 3 REVISED Date Prepared: Thursday, June 23, 2016 Prepared by: Chris Buntin, Garver
Owner: City of Fayetteville 113 West Mountain Street Fayetteville, AR 72701	Contractor: Utility Service Co., Inc. 535 Courtney Hodges Blvd. Perry, GA 31069

Description of Work Included in Contract
 Contract includes, but is not limited to, the rehabilitation & recoating of two water tanks; a two-hundred fifty-thousand (250,000) gallon tank located atop Mount Sequoyah on Skyline Drive and a five million (5,000,000) gallon tank located on the Baxter Tank Site located at the end of Baxter Lane.

Changes and Reasons Ordered (List Individual Changes as: A, B, C, D, etc.)
 Unforeseen interior structural repairs were identified and verified upon completion of basting at the five million gallon Baxter Tank. The items below are required to restore the structural integrity of the tank.

A. Structural repair crew mobilization and demobilization and delivery of new steel.

B. Replace 80 bolts and nuts at locations identified by Engineer in attached Site Visit Report dated 5-24-2016. New bolts will be grade A325 Plain Finish Structural Bolts with A563 Nuts.

Attachments:

Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Contract Quantity	Revised Unit Price	Original Contract Cost	Revised Contract Cost
A.	38 (CO#3)	Baxter Mobilize/Demobilize for Repairs	Lump Sum	0	\$0.00	1	\$13,616.00	\$0.00	\$13,616.00
B.	39 (CO#3)	Baxter Bolt Replacement Repairs	Lump Sum	0	\$0.00	1	\$9,120.00	\$0.00	\$9,120.00
								\$0.00	\$0.00
Summation of Cost								\$0.00	\$22,736.00
Net Cost for this Change Order								\$0.00	\$22,736.00

Estimated Project Cost <table style="width: 100%;"> <tr> <td style="width: 40%;">Original Contract Amount</td> <td style="text-align: right;">\$1,133,510.00</td> </tr> <tr> <td>Previously Approved Changes</td> <td style="text-align: right;">\$101,649.00</td> </tr> <tr> <td>This Change Order</td> <td style="text-align: right;">\$22,736.00</td> </tr> <tr> <td>New Contract Amount</td> <td style="text-align: right;">\$1,257,895.00</td> </tr> </table>	Original Contract Amount	\$1,133,510.00	Previously Approved Changes	\$101,649.00	This Change Order	\$22,736.00	New Contract Amount	\$1,257,895.00	Time Change <table style="width: 100%;"> <tr> <td style="width: 40%;">Contract Start Date</td> <td style="text-align: right;">March 25, 2016</td> </tr> <tr> <td>Original Contract Time (calendar days)</td> <td style="text-align: right;">200</td> </tr> <tr> <td>Previously Approved Changes (calendar days)</td> <td style="text-align: right;">60</td> </tr> <tr> <td>Additional Contract Time This Change Order (calendar days)</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Suspended Time (calendar days)</td> <td style="text-align: right;">0</td> </tr> <tr> <td>New Construction Completion Date</td> <td style="text-align: right;">December 10, 2016</td> </tr> </table>	Contract Start Date	March 25, 2016	Original Contract Time (calendar days)	200	Previously Approved Changes (calendar days)	60	Additional Contract Time This Change Order (calendar days)	0	Suspended Time (calendar days)	0	New Construction Completion Date	December 10, 2016
Original Contract Amount	\$1,133,510.00																				
Previously Approved Changes	\$101,649.00																				
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Previously Approved Changes (calendar days)	60																				
Additional Contract Time This Change Order (calendar days)	0																				
Suspended Time (calendar days)	0																				
New Construction Completion Date	December 10, 2016																				

THIS AGREEMENT IS SUBJECT TO ALL ORIGINAL CONTRACT PROVISIONS AND PREVIOUS CHANGE ORDERS

ISSUED FOR REASONS INDICATED ABOVE Engineer: Garver	 _____ Engineer's Signature	Proj. Mgr. _____ Title	06/24/16 _____ Date
ACCEPTED BY CONTRACTOR	 _____ Contractor's Signature	 _____ Title	6/24/16 _____ Date
APPROVED BY OWNER	_____ Owner's Signature	_____ Title	_____ Date



4701 Northshore Drive
North Little Rock, AR 72118

TEL 501.376.3633
FAX 501.372.8042

www.GarverUSA.com

SITE VISIT REPORT

Report Date: 05-24-16

Prepared by: Jacob Fisher, PE SE

Project Name: Baxter and Mt. Sequoyah Tank
Rehabilitation Improvements
Project Location: Fayetteville, AR
Superintendent: Mark King

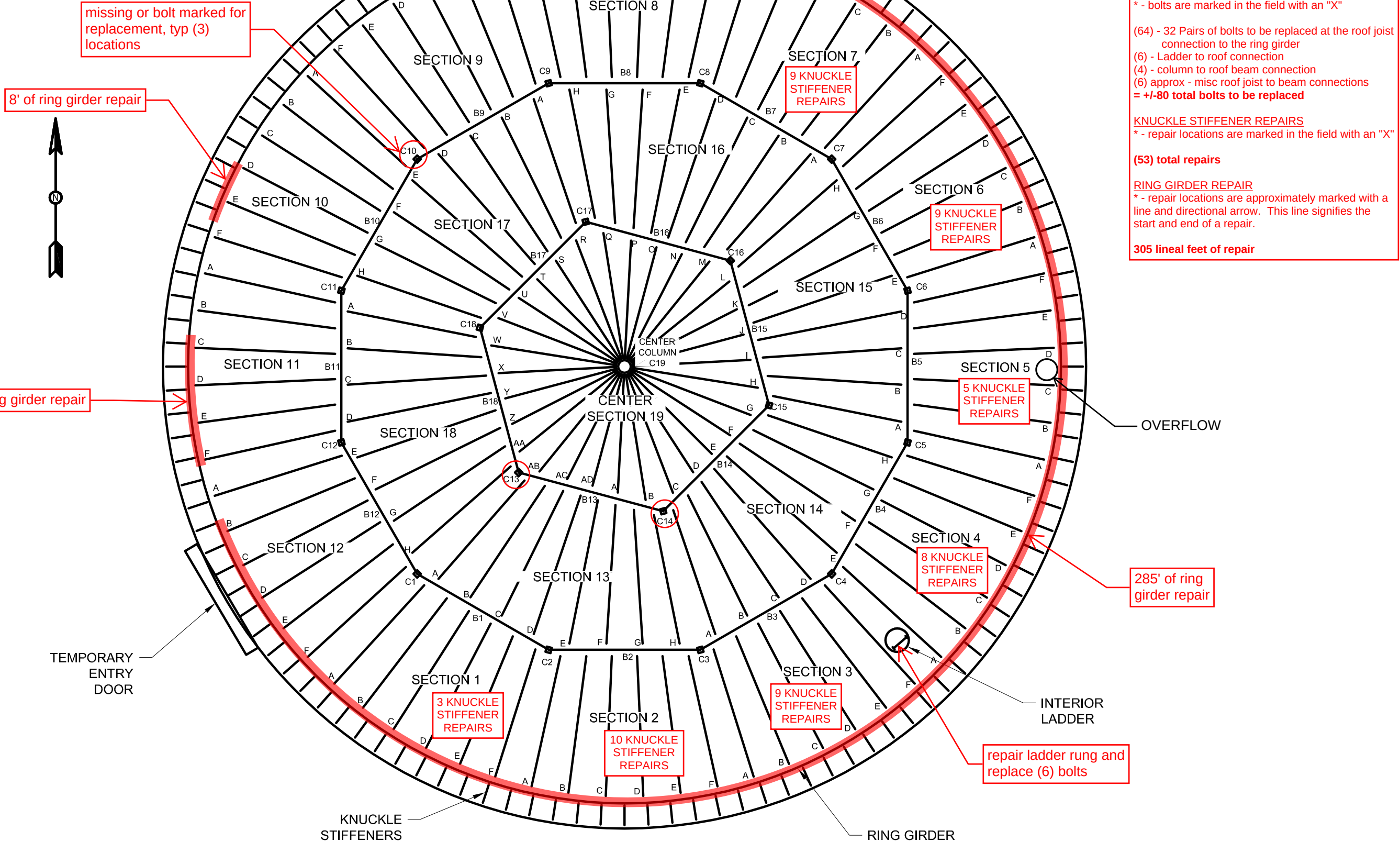
Project Number: 14048030
Contractor: Utility Service
Project Manager: Chris Buntin

Discussed project with the following people on site:

Company	Name	Title
King' Industrial Painting	Mark King	Superintendent
Garver	Chris Ruff	Construction Observer

The crew has finished blasting the interior ceiling and floor of the Baxter Tank. They are starting to blast the walls with the use of (2) wall FasterBlasters. Chris Ruff and myself performed a full inspection of the roof structure to identify the locations that will require structural repairs. We marked the locations that require repair or replacement with white chalk. The results of this inspection are shown on the attached roof framing plan.

Baxter 5MG Tank Roof Framing Plan



Budget Year	Division: Utilities Director	Adjustment Number
2016	Dept.: Utilities	
	Requestor: Cheryl Partain	

A BA is needed within the Water Tank Improvements project to fund the structural repairs that are required due to internal corrosion of the Baxter Water Tank. The corrosion and required repairs were identified subsequent to the blast cleaning of the interior surfaces of the Baxter Water Tank. The decrease in the Regional Park Waterline project is due to the waterlines and project are complete and the cost savings from this project will be utilized.

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0333

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT FOR FEDERAL AND STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$242,610.00, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of the 2016-2017 Justice Assistance and State Drug Crime Enforcement Grant for federal and state funding of the Fourth Judicial District Drug Task Force in the amount of \$242,610.00 and authorizes Mayor Jordan to sign all necessary documents to receive the grant funds.

City of Fayetteville Staff Review Form

2016-0333

Legistar File ID

8/2/2016

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

Greg Tabor

7/13/2016

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Acceptance of the 2016-2017 Justice Assistance and State Drug Crime Enforcement Fund grant awards for federal and state funding of the 4th Judicial District Drug Task Force (DTF) in the amount of \$242,610, and approval of the corresponding agency certifications and special conditions.

Budget Impact:

2930-2960

Drug Enforcement

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 848,193.00

Funds Obligated \$ 285,964.66

Current Balance \$ 562,228.34

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 562,228.34

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 2, 2016

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police 

DATE: July 13, 2016

SUBJECT: 2016-2017 Justice Assistance and State Drug Crime Enforcement Grant Award

RECOMMENDATION:

Staff recommends acceptance of the 2016-2017 Justice Assistance and State Drug Crime Enforcement Grant award for federal and state funding for the 4th Judicial District Drug Task Force (DTF) in the amount of \$242,610, and approval of the corresponding agency certifications and special conditions.

BACKGROUND:

The Arkansas Department of Finance and Administration (ADF&A) has provided federal and state grant funding to the City of Fayetteville for multi-jurisdictional drug task force activities since 1991. Participating law enforcement agencies include Fayetteville, Springdale, Prairie Grove, Farmington, Lincoln, Greenland, West Fork, Elkins, Johnson, Tontitown, and Washington County. The DTF Control Group consists of top law enforcement officials from Fayetteville, Springdale, Prairie Grove, and Washington County. Fayetteville continues to provide fiduciary oversight of this grant and provides a DTF Supervisor, three (3) DTF Officers, and a DTF Secretary. Springdale provides two (2) DTF Officers and Washington County provides a DTF Officer. Also, Prairie Grove provides a DTF Officer which represents the rural agencies.

DISCUSSION:

The 4th Judicial District DTF's total projected budget for the 2016-2017 grant period is \$559,229. ADF&A's Office of Intergovernmental Services is offering continuation grant funding through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program and the State Drug Crime Enforcement and Prosecution Fund (DCF) in the following amounts: federal/state - \$242,610 and local match - \$46,962. The JAG grant defines required local matching funds based on a percentage split of 75/15/10 in awarded federal and state funds plus local match funds. Alternatively, the DCF grant defines required local matching funds based on a percentage split of 80/20 in awarded state funds plus local match funds. To receive the federal and state portion of the JAG and state portion of the DCF, the 4th DTF and member agencies must commit to the local match. In addition to the local match requirement, Fayetteville has budgeted additional funds in the amount of \$186,038 to cover other non-grant funded drug enforcement activity. The other member agencies also contribute additional funds totaling \$83,619.

BUDGET/STAFF IMPACT:

No increase in budgeted funds are required. The current DTF budget will be sufficient for the balance of 2016. The local match and non-grant funded activity for 2017 will be requested within the 2017 budget process. This grant funding will have no impact on current staffing levels.

Attachments:

- JAG Grant Award Document
- JAG Grant Award Agency Certification
- JAG Grant Award Special Conditions
- State Drug Crime Enforcement Grant Award Document
- State Drug Crime Enforcement Grant Award Agency Certification
- State Drug Crime Enforcement Grant Award Special Conditions



ARKANSAS DEPARTMENT OF
FINANCE AND ADMINISTRATION

OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 400

P. O. Box 8031

Little Rock, Arkansas 72203-8031

Phone: (501) 682-1074

Fax: (501) 682-5206

<http://www.dfa.arkansas.gov>

☒

JAG

☐

RSAT

☐

LLEBG

Edward Byrne Memorial
Justice Assistance Grant (JAG) Program

CFDA #:16.738

2. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)

Mr. Lioneld Jordan, Mayor
4th JD DTF
100-A West Rock Street
Fayetteville, AR. 72701

4. SUBGRANT NUMBER: J16-004-16

5. START DATE: July 1, 2016

END DATE: June 30, 2017

6. AWARD DATE: July 1, 2016

2. MODIFICATION EFFECTIVE DATE:

7. ACTION:

☒

Initial

☐

Modification

2A. MODIFICATION AMOUNT

\$

FEDERAL

\$

STATE MATCH

\$

LOCAL MATCH

\$

8. AWARD AMOUNT

\$ 133,526.12

FEDERAL

\$ 100,144.59

STATE MATCH

\$ 20,028.92

LOCAL MATCH

\$ 13,352.61

4. PROJECT DESCRIPTION:

Identify arrest and prosecute individuals who are manufacturing, selling, or transporting drugs in or through the program's jurisdictional area of operations.

10. SPECIAL CONDITIONS (check if applicable)

☒

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS SET FORTH IN IT'S APPLICATION AND ALL CERTIFICATIONS, ASSURANCES AND SPECIAL CONDITIONS PREVIOUSLY AGREED TO.

This project is supported under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3750).

AGENCY APPROVAL		SUBGRANTEE APPROVAL	
10. TYPED NAME AND TITLE OF APPROVING IGS OFFICIAL Doris Smith, Administrator DF & A Intergovernmental Services		12. TYPED NAME AND TITLE OF AUTHORIZED SUBGRANTEE OFFICIAL Lioneld Jordan, Mayor 4th JD DTF	
11. SIGNATURE OF APPROVING OFFICIAL		13. SIGNATURE OF AUTHORIZED OFFICIAL	14. DATE



DEPARTMENT OF FINANCE AND ADMINISTRATION
OFFICE OF INTERGOVERNMENTAL SERVICES

PAGE 1 OF 1

AGENCY CERTIFICATION

SUBGRANT NUMBER(S):	J16-004-16
SUBGRANT ORGANIZATION:	4th JD DTF (City of Fayetteville)
MAILING ADDRESS:	113 West Mountain Street
CITY/STATE/ZIP CODE	Fayetteville, AR 72701
TELEPHONE NUMBER:	479-575-8330
FAX NUMBER:	479-587-3522
EMAIL ADDRESS:	wbrown@fayetteville-ar.gov
FUNDING SOURCE:	Edward Byrne Memorial Justice Assistance Grant
AUTHORIZED OFFICIAL:	Mayor Lioneld Jordan
ACTING AUTHORIZED OFFICIAL:	Judy Cohea or Willie Newman

CERTIFICATION

As the Authorized Official of the organization named above, I certify that the information contained and entered in to this workbook is true and accurate. I acknowledge the obligation of the organization to Department of Finance and Administration regarding the funding source as identified above. I understand and agree that by accepting a contract with DFA/IGS that the organization will provide the services set forth in the subaward agreement and will remain in compliance with the terms and conditions set forth in the contract, as well as all special conditions.

Lioneld Jordan, Mayor

NAME AND TITLE OF AUTHORIZED OFFICIAL

AUTHORIZED OFFICIAL SIGNATURE

DATE

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM SPECIAL CONDITIONS

1. The sub recipient agrees to comply with the financial and administrative requirements set forth in 2 CFR 200, et seq. and all other federal guidelines.
2. The sub recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the sub recipient is in compliance.
3. The sub recipient agrees to comply with the organizational audit requirements of 2 CFR 200.
4. Sub recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The sub grantee agrees to assist the Bureau of Justice Assistance (BJA) in complying with the National Environmental Policy Act (NEPA) and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a sub grantee. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds. The sub grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a sub grantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:
 - a. New construction;
 - b. Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
 - c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and,
 - d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.
6. Application of This Special Condition to Sub grantee's Existing Programs or Activities: For any of the sub grantees' existing programs or activities that will be funded by these grant funds, the sub grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity. This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"]. No monies from this award may be obligated to support meth lab operations unless the grantee implements this special condition.
7. The Office of Justice Programs (OJP), in consultation with the Bureau of Justice Assistance, the Drug Enforcement Administration, and the Office for Community Oriented Policing Services, prepared Program-level Environmental Assessment governing meth lab operations. The Assessment describes the adverse environmental, health, and safety impacts likely to be encountered by law enforcement agencies as they implement specific actions under their methamphetamine laboratory operations. Consistent with the Assessment, the following terms and conditions shall apply to the sub grantee for any OJP funded meth lab operations:

Initial

The sub grantee shall ensure compliance with federal, state, and local environmental, health, and safety laws and regulations applicable to meth lab operations, to include the disposal of the chemicals, equipment, and wastes resulting from those operations.

The grantee shall have a Mitigation Plan in place that identifies and documents the processes and points of accountability within its state. This plan will be used to ensure that the adverse environmental, health, and safety impacts delineated in the Assessment are mitigated in a manner consistent with the requirements of this condition.

The sub grantee shall comply with the following nine mitigation measures identified in the Assessment and whose implementation is addressed in the grantee's Mitigation Plan. These mitigation measures must be included as special conditions in all subgrants: (See Part II of this special condition)

1. Provide medical screening of personnel assigned or to be assigned by the grantee to the seizure or closure of clandestine methamphetamine laboratories;
2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to either the seizure or closure of clandestine methamphetamine laboratories;
3. As determined by their specified duties, equip the personnel with OSHA required protective wear and other required safety equipment;
4. Assign properly trained personnel to prepare a comprehensive contamination report on each seized/closed laboratory;
5. Utilize qualified disposal personnel to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized laboratory;
6. Dispose of the chemicals, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licensed recycling facilities;
7. Monitor the transport, disposal, and recycling components of subparagraphs numbered 5. and 6. immediately above in order to ensure proper compliance;
8. Have in place and implement a written agreement with the responsible state environmental agency. This agreement must provide that the responsible state environmental agency agrees to (i) timely evaluate the environmental condition at and around the site of a closed clandestine laboratory and (ii) coordinate with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if determined necessary by the state environmental agency and in accordance with existing state and federal requirements; and
9. Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate medical testing for methamphetamine toxicity; and (iv) arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.

The sub recipient agrees to submit to DFA for review and approval any curricula, training materials, or any other written materials that will be published, including web-based materials and web site content, through funds from this subgrant at least thirty (30) working days prior to the targeted dissemination date.

8. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
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11. The sub recipient agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the BJA in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by BJA.
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13. The sub recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income must be accounted for and used for the purposes under the conditions applicable for the use of funds under this award, including the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. part 66 or (2) 28 C.F.R part 70 and OMB Circular A-110. Further, the use of program income must be shown on the quarterly Financial Status Report.
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 - e. Lease cost for vehicles may not exceed \$600 per month per vehicle.
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 - g. Requests for reimbursement must be submitted using standard forms provided by IGS and a section of sub recipients shall submit their requests between the 6th and 10th working day of the month and the remaining will submit their requests between the 11th and 15th working day of the month. These dates are for submission of requests for the previous month (i.e., bills through the 31st of July will be submitted either from August 6th through August 10th or August 15th through August 19th depending upon their assigned dates.
 - h. The purchase of weapons, lethal or non-lethal and ammunition for those weapons is an unallowable expense.
 - i. The purchase of drug interdiction canine is unallowable.
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 - k. The sub-recipient will assure that the JAG Grants' section has complete and correct contact information both for the Contract Official for the grant and for the DTF Director and Fiscal Officer. Changes in This contact information will include physical address, phone, fax and e-mail information. Replacement of DTF officers who are paid directly by the grant or whose salary is used in whole or in part as match to the grant must also be reported to the IGS analyst assigned to your sub grant.

Initial

21. A performance report will be uploaded to GMS semi-annually by the Grantee based on timely quarterly reports submitted by sub-recipients. Consistent with responsibilities under the Government Performance and Results Act, applicants who receive funding under this solicitation are required to provide data in the above format that measures the results of their work. Therefore, quarterly performance metric reports must be submitted to IGS for submission through the BJA Performance Measurement Tool (PMT) website. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation. IGS will submit data through the PMT website and to the GMS upload.
22. Award recipients must verify Point of Contact (POC) Financial Point of Contact (FPOC) and Authorized representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants management System (GMS) to document the change.
23. The grantee agrees that within 120 days of award acceptance, each NEW member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or task force employee of equivalent rank, will complete required online (internet based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). All task force members are required to complete this training once during the life of the award, or once every four years, if multiple awards include this requirement. This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).
24. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.

ACCEPTANCE OF SPECIAL CONDITIONS NOTED ON PAGES 1-5

Lioneld Jordan, Mayor
Printed Name

Signature

4th Judicial District Drug Task Force
Name of Sub-recipient

Date



ARKANSAS DEPARTMENT OF
FINANCE AND ADMINISTRATION

OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 400
P. O. Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.state.ar.us/dfa>

☐

JAG

☐

RSAT

☒

DCF

☐

LLEBG

Arkansas State Drug Crime Enforcement
and Prosecution Grant Fund

CFDA #: N/A

2. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)

Mr. Lioneld Jordan, Mayor
4th JD DTF
100-A West Rock Street
Fayetteville, AR. 72701

4. SUBGRANT NUMBER: J16-004-DF

START DATE: July 1, 2016
END DATE: June 30, 2017

2. MODIFICATION EFFECTIVE DATE:

6. AWARD DATE: July 1, 2016

7. ACTION: ☒ Initial

☐

Modification

2A. MODIFICATION AMOUNT \$

STATE MATCH \$
LOCAL MATCH \$

8. AWARD AMOUNT \$ 156,045.94

STATE AMOUNT \$ 122,436.75
LOCAL MATCH \$ 33,609.19

4. PROJECT DESCRIPTION:

Identify arrest and prosecute individuals who are manufacturing, selling, or transporting drugs in or through the program's jurisdictional area of operations.

10. SPECIAL CONDITIONS (check if applicable)

☒

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS SET FORTH IN IT'S APPLICATION AND ALL CERTIFICATIONS, ASSURANCES AND SPECIAL CONDITIONS PREVIOUSLY AGREED TO.

This project is supported under Act 1086 of 2007: The State Drug Crime Enforcement and Prosecution Grant Fund

AGENCY APPROVAL		SUBGRANTEE APPROVAL	
10. TYPED NAME AND TITLE OF APPROVING IGS OFFICIAL Doris Smith, Administrator Intergovernmental Services		12. TYPED NAME AND TITLE OF AUTHORIZED SUBGRANTEE OFFICIAL Lioneld Jordan, Mayor 4th JD DTF	
11. SIGNATURE OF APPROVING OFFICIAL		13. SIGNATURE OF AUTHORIZED OFFICIAL	14. DATE



DEPARTMENT OF FINANCE AND ADMINISTRATION
OFFICE OF INTERGOVERNMENTAL SERVICES

PAGE 1 OF 1

AGENCY CERTIFICATION

SUBGRANT NUMBER(S):	J16-004-DF
SUBGRANT ORGANIZATION:	4th JD DTF (City of Fayetteville)
MAILING ADDRESS:	113 West Mountain Street
CITY/STATE/ZIP CODE	Fayetteville, AR 72701
TELEPHONE NUMBER:	479-575-8330
FAX NUMBER:	479-587-3522
EMAIL ADDRESS:	wbrown@fayetteville-ar.gov
FUNDING SOURCE:	State Crime Drug Enforcement and Prosecution Fund
AUTHORIZED OFFICIAL:	Mayor Lioneld Jordan
ACTING AUTHORIZED OFFICIAL:	Judy Cohea or Willie Newman

CERTIFICATION

As the Authorized Official of the organization named above, I certify that the information contained and entered in to this workbook is true and accurate. I acknowledge the obligation of the organization to Department of Finance and Administration regarding the funding source as identified above. I understand and agree that by accepting a contract with DFA/IGS that the organization will provide the services set forth in the subaward agreement and will remain in compliance with the terms and conditions set forth in the contract, as well as all special conditions.

Lioneld Jordan, Mayor

NAME AND TITLE OF AUTHORIZED OFFICIAL

AUTHORIZED OFFICIAL SIGNATURE

DATE

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

SPECIAL CONDITIONS

1. The sub recipient agrees to comply with the financial and administrative requirements set forth in 2 CFR 200, et seq. and all other federal guidelines.
2. The sub recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the sub recipient is in compliance.
3. The sub recipient agrees to comply with the organizational audit requirements of 2 CFR 200.
4. Sub recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The sub grantee agrees to assist the Bureau of Justice Assistance (BJA) in complying with the National Environmental Policy Act (NEPA) and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a sub grantee. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds. The sub grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a sub grantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:
 - a. New construction;
 - b. Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
 - c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and,
 - d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.
6. Application of This Special Condition to Sub grantee's Existing Programs or Activities: For any of the sub grantees' existing programs or activities that will be funded by these grant funds, the sub grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity. This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"]. No monies from this award may be obligated to support meth lab operations unless the grantee implements this special condition.
7. The Office of Justice Programs (OJP), in consultation with the Bureau of Justice Assistance, the Drug Enforcement Administration, and the Office for Community Oriented Policing Services, prepared Program-level Environmental Assessment governing meth lab operations. The Assessment describes the adverse environmental, health, and safety impacts likely to be encountered by law enforcement agencies as they implement specific actions under their methamphetamine laboratory operations. Consistent with the Assessment, the following terms and conditions shall apply to the sub grantee for any OJP funded meth lab operations:

Initial

The sub grantee shall ensure compliance with federal, state, and local environmental, health, and safety laws and regulations applicable to meth lab operations, to include the disposal of the chemicals, equipment, and wastes resulting from those operations.

The grantee shall have a Mitigation Plan in place that identifies and documents the processes and points of accountability within its state. This plan will be used to ensure that the adverse environmental, health, and safety impacts delineated in the Assessment are mitigated in a manner consistent with the requirements of this condition.

The sub grantee shall comply with the following nine mitigation measures identified in the Assessment and whose implementation is addressed in the grantee's Mitigation Plan. These mitigation measures must be included as special conditions in all subgrants: (See Part II of this special condition)

1. Provide medical screening of personnel assigned or to be assigned by the grantee to the seizure or closure of clandestine methamphetamine laboratories;
2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to either the seizure or closure of clandestine methamphetamine laboratories;
3. As determined by their specified duties, equip the personnel with OSHA required protective wear and other required safety equipment;
4. Assign properly trained personnel to prepare a comprehensive contamination report on each seized/closed laboratory;
5. Utilize qualified disposal personnel to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized laboratory;
6. Dispose of the chemicals, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licensed recycling facilities;
7. Monitor the transport, disposal, and recycling components of subparagraphs numbered 5. and 6. immediately above in order to ensure proper compliance;
8. Have in place and implement a written agreement with the responsible state environmental agency. This agreement must provide that the responsible state environmental agency agrees to (i) timely evaluate the environmental condition at and around the site of a closed clandestine laboratory and (ii) coordinate with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if determined necessary by the state environmental agency and in accordance with existing state and federal requirements; and
9. Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate medical testing for methamphetamine toxicity; and (iv) arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.

The sub recipient agrees to submit to DFA for review and approval any curricula, training materials, or any other written materials that will be published, including web-based materials and web site content, through funds from this subgrant at least thirty (30) working days prior to the targeted dissemination date.

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ACCEPTANCE OF SPECIAL CONDITIONS NOTED ON PAGES 1-5

Lioneld Jordan, Mayor
Printed Name

Signature

4th Judicial District Drug Task Force
Name of Sub-recipient

Date



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0348

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

ICON ENTERPRISES, INC. D/B/A CIVICPLUS:

A RESOLUTION TO APPROVE A ONE (1) YEAR AMENDED CONTRACT WITH ICON ENTERPRISES, INC. D/B/A CIVICPLUS FOR WEBSITE CONTENT MANAGEMENT SYSTEM SERVICES IN THE AMOUNT OF \$18,228.55 FOR THE FIRST YEAR WITH AUTOMATIC RENEWALS FOR THREE (3) ADDITIONAL ONE (1) YEAR TERMS WITH A PRICE INCREASE OF FIVE PERCENT (5%) EACH TIME THE CONTRACT IS RENEWED, AND TO APPROVE A PROJECT CONTINGENCY OF \$5,000.00 EACH YEAR THE CONTRACT IS IN EFFECT

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 one (1) year amended contract with Icon Enterprises, Inc. d/b/a CivicPlus for website content management system services in the amount of \$18,228.55 for the first year with automatic renewals for three (3) additional one (1) year terms with a price increase of five percent (5%) per year, and further approves a project contingency in the amount of \$5,000.00 each year the contract is in effect.

City of Fayetteville Staff Review Form

2016-0348

Legistar File ID

8/2/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Keith Macedo

7/15/2016

Information Technology /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approving an amended four (4) year renewal contract with CivicPlus for website content management system (CMS) services in the annual amount of \$18,228.55, with a 5% annual escalation, and a \$5,000 annual contingency.

Budget Impact:

4470.9470.5315.00	Sales Tax Capital
1010.170.1710.5315.00	General Fund
Account Number	Fund
04047	Fayetteville-AR.gov Technical Imps
Project Number	Project Title
Budgeted Item? Yes	Current Budget \$ 85,776.00
	Funds Obligated \$ 14,047.13
	Current Balance \$ 71,728.87
Does item have a cost? Yes	Item Cost \$ 18,228.55
Budget Adjustment Attached? No	Budget Adjustment
	Remaining Budget \$ 53,500.32

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

TO: Mayor Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Keith Macedo, Director of Information Technology
Susan Norton, Director of Communications and Marketing

DATE: July 15, 2016

SUBJECT: Amended CivicPlus Content Management System Contract

RECOMMENDATION:

Staff recommends approving an amended four (4) year renewal contract, with CivicPlus for website content management system (CMS) services, in the annual amount of \$18,228.55, with a 5% annual escalation, and a \$5,000 annual contingency.

BACKGROUND:

On August 19, 2014, City Council awarded a contract with CivicPlus, through RFP 14-07, to replace its existing website system. The contract was in the amount of \$65,714.00, plus a project contingency of \$6,571.00, for website redesign and hosting of fayetteville-ar.gov and the City intranet website. Annual maintenance for the existing system is \$10,146.00.

Since these sites were developed, the City has made significant enhancements to its website content, including organizational changes based on analytics, design modifications, an increased focus on readability of content by reducing technical jargon, and a focus on Section 508 and Web Content Accessibility Guidelines (WCAG) compliance, which sets standards for optimizing web accessibility for people with disabilities. Additionally, the Communications Department has made increased efforts to create a cohesive, familiar brand, and it will continue to do so as part of the City's economic development plan.

On June 9, 2016, staff approved a contract addendum to expedite the City's website redesign for a one-time fee of \$4,200.00. Staff is in the early stages of planning for the redesign and recently discussed needed enhancements for the new site with CivicPlus. The City currently uses CivicPlus' Design Essentials system, but in order to design and maintain a dynamic, multimedia website, an upgrade to CivicPlus' Design Center Pro system is needed. Staff is recommending to approve the addition of Design Center Pro to our existing CMS, which will increase our annual maintenance in the amount of \$8,000. In addition to the annual contracted amount, staff is requesting \$5,000 per year in contingency to fund additional modules, programming, or design work with CivicPlus in an effort to continually improve our websites.

DISCUSSION:

Staff plans to create a website with a sophisticated design that is visually rich, functional and intuitive. Design Center Pro was created to target larger cities that have employees with knowledge and experience in web design concepts. The system allows maximum design flexibility, letting users create custom landing pages with unique navigation, modify color palettes and fonts, create video banners, create custom widget skins, and more. Approximately 60 percent of the fayetteville-ar.gov web traffic comes from outside Fayetteville, and our website serves as a first impression of our City. It is the goal of the Communications and Information Technology Departments to create a website that serves, both visually and content-wise, as an impressive front door for our City and can compete with the best of the best.

BUDGET/STAFF IMPACT:

Staff recommends approving an amended four (4) year renewal contract with CivicPlus for website content management system (CMS) services in the annual amount of \$18,228.55, with a 5% annual escalation, and a \$5,000.00 annual contingency. The initial upgrade to Design Center Pro (\$8,000.00), and future contingencies, will be funded from our Sales Tax Capital Improvement fund with annual hosting fees to be funded from the General Fund Information Technology operating budget.

Attachments:

Staff Review Form
CivicPlus Contract Agreement
Purchase Order



Contact Information

Organization

URL

City of Fayetteville, AR

fayetteville-ar.gov

Street Address 113 W Mountain St.

Address 2

City Fayetteville

State AR

Postal Code 72701

CivicPlus provides telephone support for all trained clients from 7am - 7pm Central Time, Monday-Friday (excluding holidays). Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for ensuring CivicPlus has current updates.

Emergency Contact & Mobile Phone

Augusta Branham / 479-575-8356 / 417-671-1351

Emergency Contact & Mobile Phone

Keith Macedo / 479-601-2076

Emergency Contact & Mobile Phone

Brad Fulmer / 479-601-1876

Billing Contact

Brad Fulmer

E-Mail

bfulmer@fayetteville-ar.gov

Phone 479-575-8217

Ext.

Fax

Billing Address 113 W. Mountain St.

Address 2

City Fayetteville

ST AR

Postal Code 72701

Tax ID # 71-6018462

Sales Tax

Exempt #

Billing Terms Annual

Account

Rep

Chris Lara

Info Required on Invoice (PO or Job #)

Contract Contact

Augusta Branham

Email

abranham@fayetteville-ar.gov

Phone 479-575-8356

Ext.

Fax

Project Contact

Augusta Branham

Email

abranham@fayetteville-ar.gov

Phone 479-575-8356

Ext.

Fax



Hosting Renewal Contract

Terms & Conditions

Client Deliverable

1. Icon Enterprises, Inc., d/b/a CivicPlus ("CivicPlus") will provide website support, maintenance and hosting for Fayetteville, Arkansas ("Client") that includes all functionality as defined in this agreement.

Billing & Payment Terms

2. Annual Support, Maintenance & Hosting invoices may be prorated in order to correlate with the Client's budget year.
3. Fees for CivicPlus Annual Support, Maintenance & Hosting services are invoiced prior to the year of service and are due by the first of the following month, but no sooner than 30 days from invoice date.
4. If the Client's account exceeds 60 days past due, Support will be discontinued until the Client's account is made current. If the Client's account exceeds 90 days past due, Annual Support, Maintenance & Hosting will be discontinued until the Client's account is made current. Client will be given 30 days notice prior to discontinuation of services for non-payment.
5. The Client will be invoiced electronically through email. Upon request CivicPlus will mail invoices and the Client will be charged a \$5.00 convenience fee.
6. Provided the Client's account is current, at any time the Client may request an electronic copy of the website graphic designs, the page content, all module content, all importable/exportable data, and all archived information ("Customer Content"). Client agrees to pay \$250 per completed request.
7. Client acknowledges and agrees that certain services for which Client is contracting hereunder may be rendered by or with third-party providers under contract with CivicPlus.

Agreement Renewal

8. Either party may terminate the Annual Support, Maintenance & Hosting Agreement at the end of the contract term by providing the other party with 60 days written notice, prior to the contract renewal date.
9. In the event that neither party gives 60 days notice prior to the end of the initial or any subsequent term, this Agreement will automatically renew for an additional contract term for a maximum of three (3) renewal terms.
10. In the event of early termination of this Agreement by the Client, full payment of the remainder of the contract is due within 15 days of termination.
11. Each year this Agreement is in effect, a technology investment and benefit fee of 5 percent (%) of the total Annual Support, Maintenance & Hosting costs will be applied.

Support

12. CivicPlus will provide unlimited telephone support Monday-Friday, 7:00 am – 7:00 pm (Central Time) excluding holidays, for all trained Client staff. Emergency Support is provided on a 24/7/365 basis for emergency contacts named by the Client. Client is responsible for providing CivicPlus with contact updates.
13. Support includes providing technical support of the GCMS® software, application support (pages and modules), and technical maintenance of Client's website. Following initial setup, additional page design, graphic design, user training, site modification, and custom programming may be contracted separately for an additional fee.
14. During the period of this agreement and subsequent annual renewals, CivicPlus warrants that it will, without additional charge to the Client, take action to correct any problems or defects discovered in the GCMS® software and reported to CivicPlus by the Client, such warranty to include ongoing maintenance upgrades and technical error correction.
15. CivicPlus provides online website statistics software at no extra charge. If Client desires to use other website statistic software, CivicPlus will provide the necessary log file access.

Changes to Existing Service

16. Effective with this renewal, the following services will be added/deleted: Design Center Pro



Services to be ADDED	One-Time Fee	Annual Fee Increase
Design Center Pro	N/A	\$8,000

17.

Intellectual Property, Ownership & Content Responsibility

18. Upon completion of the development of the site, Client will assume full responsibility for website content maintenance and content administration. Client, not CivicPlus, shall have sole responsibility for the accuracy, quality, integrity, legality, reliability, appropriateness, and intellectual property ownership or right to use of all Customer Content.
19. Client shall not (i) license, sublicense, sell, resell, transfer, assign, distribute or otherwise commercially exploit or make available to any third party the GCMS® software in any way; (ii) modify or make derivative works based upon the GCMS® software; (iii) create Internet "links" to the GCMS® software or "frame" or "mirror" any GCMS® administrative access on any other server or wireless or Internet-based device; or (iv) reverse engineer or access the GCMS® software in order to (a) build a competitive product or service, (b) build a product using similar ideas, features, functions or graphics of the GCMS® software, or (c) copy any ideas, features, functions or graphics of the GCMS® software.
20. The CivicPlus name, the CivicPlus logo, and the product and module names associated with the GCMS® software are trademarks of CivicPlus, and no right or license is granted to use them.

Taxes

21. It is CivicPlus' policy to pass through sales tax in those jurisdictions where such tax is required. If the Client is tax-exempt, the Client must provide CivicPlus proof of their tax-exempt status, within fifteen (15) days of contract signing, and this agreement will not be taxed. If the Client's state taxation laws change, the Client will begin to be charged sales tax in accordance with their jurisdiction's tax requirements and CivicPlus has the right to collect payment from the Client for past due taxes.

Acceptance

We, the undersigned, agreeing to the conditions specified in this document, understand and authorize the provision of services outlined in this Agreement.

Client

Date

07/12/2016

CivicPlus

Date

Sign and E-mail the entire contract with exhibits to:

Contracts@CivicPlus.com

We will e-mail a counter-signed copy of the contract back to you so we can begin your project.

CivicPlus does not require a physical copy of the contract, however, if you would like a physical copy of the contract, mail one (1) copy of the contract with original signature to:

CivicPlus Contract Manager
302 S. 4th Street, Suite 500
Manhattan, KS 66502

Upon receipt of signed original, we will counter-sign and return the copy for your files.

**Annual Support, Maintenance and Hosting Fee**

2015-2016 Annual Support, Maintenance and Hosting Fee	\$7,651.00
Design Center Pro	\$8,000.00
CivicSend	\$995.00
ADFS	\$1,500
LDAP (Termination)	(\$300)
Total Annual Fees for 2016-2017 Includes 5% annual increase	\$18,228.55

Annual Support, Maintenance & Hosting Service Include the Following:		
Support	Maintenance of CivicPlus Application & Modules	Hosting
7 a.m. – 7 p.m. (CST) Monday – Friday (excluding holidays) 24/7 Emergency Support Dedicated Support Personnel 2-hour Response During Normal Hours Usability Improvements Integration of System Enhancements Proactive Support for Updates & Fixes Online Training Manuals Monthly Newsletters Routine Follow-up Check-ins CivicPlus Connection	Install Service Patches for OS System Enhancements Fixes Improvements Integration Testing Development Usage License	Shared Web/SQL Server DNS Consulting & Maintenance Monitor Bandwidth-Router Traffic Redundant ISP Redundant Cooling Diesel Powered Generator Daily Tape Backup Intrusion Detection & Prevention Antivirus Protection Upgrade Hardware

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: 7/15/2016
Vendor #: 24732 Vendor Name: Icon Enterprises Inc Address: 302 S 4th Street Ste 500 City: Manhattan State: KS Requester: Keith Macedo										P.O Number: Legistar#: 2016-0348 Expected Delivery Date:
FOB Point: Zip Code: 66502 Ship to code: City Hall Requester's Employee #: 4152										Mail ☐ YES ☒ NO Taxable ☐ YES ☒ NO Quotes Attached ☐ YES ☒ NO Extension: 575-8320
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project Sub#	Inventory #	Fixed Asset #	
1	Annual Hosting	1	Each	7,651.00	\$7,651.00	1010.170.1710.5315.00				
2	5% Annual Increase in hosting	1	Each	382.55	\$382.55	1010.170.1710.5315.00				
3	Design Center Pro	1	Each	8,000.00	\$8,000.00	4470.9470.5315.00	04047.00			
4	CivicSend	1	Each	995.00	\$995.00	1010.170.1710.5315.00				
5	ADFS	1	Each	1,500.00	\$1,500.00	1010.170.1710.5315.00				
6	LDAP Termination	1	Each	-300.00	\$0.00	1010.170.1710.5315.00				
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:										Subtotal: \$18,528.55 Tax: \$0.00 Total: \$18,528.55
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: <i>KJM</i> Other: _____										



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0337

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

AUDIO-VISUAL RENOVATION:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT TO MOVE FUNDS FROM VARIOUS AUDIO-VISUAL SUB-PROJECTS TO MASTER PROJECT 13004 CITY HALL AUDIO-VISUAL RENOVATION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, to move funds from various audio-visual sub-projects to master project 13004 City Hall Audio-Visual Renovation.

City of Fayetteville Staff Review Form

2016-0337

Legistar File ID

8/2/16

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

Doug Bankston

7/11/16

Communications & Marketing /
Communications & Marketing Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

The City Hall Audio Visual Renovation project, specified by RFP 15d 09 that was approved by City Council in December 2015, as a whole absorbed several subd projects that had been set up independently because of technology advancements over the five year CIP period. Staff recommends moving funds from subd projects into the master project 13004 City Hall Audio Visual Renovation to simplify the payment and accounting process for installation and equipment and requests approval of a budget adjustment.

Budget Impact:

4470.9470.5315.00

Sales Tax Capital Improvements

Account Number

Fund

13004

City Hall A-V Upgrade

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 254,747.00

Funds Obligated \$ 262,641.55

Current Balance \$ (7,894.55)

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? Yes

Budget Adjustment \$ 7,896.00

Remaining Budget \$ 1.45

V20140710

Previous Ordinance or Resolution # 240-15

Original Contract Number:

Approval Date:

Comments: \$4,638.00 from 15007 Digital Signage Implementation, \$2,664.00 from 12005 On-Screen Graphics Generator Upgrade and \$594.00 from 13014 Remote Meeting Recording for a total of \$7,896.00 will be moved into master project 13004 City Hall Audio-visual Renovation.

TO: Mayor Jordan

THRU: Susan Norton, Communications Director
Don Marr, Chief of Staff

FROM: Doug Bankston, Media Services Director

DATE: July 11, 2016

SUBJECT: Resolution to Approve Moving Sub-Project Funds into the Master Project City Hall Audio-Visual Renovation

RECOMMENDATION:

Staff recommends moving funds from sub-projects into the master project 13004 City Hall Audio-Visual Renovation to simplify the payment and accounting process for installation and equipment.

BACKGROUND:

The City Hall Audio-Visual Renovation project, specified by RFP 15-09 that was approved by City Council in December 2015, as a whole absorbed several sub-projects that had been set up independently, because of technology advancements over the five-year CIP period.

DISCUSSION:

At the beginning of the current CIP cycle, several smaller sub-projects for City Hall audio-visual improvements were set up as independent projects. These include: 12005 On-Screen Graphics Generator Upgrade; 13014 Remote Meeting Recording; and 15007 Digital Signage Implementation. A master audio-visual renovation project was also set up: 13004 City Hall Audio-Visual Renovation. At the beginning of the current CIP cycle five years ago, these projects were approached as individual installations because of the nature of technology then. However, during this CIP cycle, technology advancements accelerated and created significant equipment and installation-type crossover between the sub-projects and master project 13004 to the point that what the sub-projects and master project accomplished went hand in hand and saved Sub- and Master-project money by having concurrent installation. Rather than breaking payments for services across multiple projects, moving sub-project funds into the master project 13004 would simplify the payment and accounting process by pulling from one account, instead of many.

BUDGET/STAFF IMPACT:

\$4,638.00 from 15007 Digital Signage Implementation, \$2,664.00 from 12005 On-Screen Graphics Generator Upgrade and \$594.00 from 13014 Remote Meeting Recording for a total of \$7,896.00 will be moved into Master Project 13004 City Hall Audio-visual Renovation.

Attachments:

Staff Review Form, Staff Review Memo, Budget Adjustment

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

Budget Year	Division: Media Services	Adjustment Number
2016	Dept.: Communications & Marketing	
	Requestor: Doug Bankston	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

The City Hall Audio-Visual Renovation project, specified by RFP 15-09 that was approved by City Council in December 2015, as a whole absorbed several sub-projects that had been set up independently, because of technology advancements over the five-year CIP period. Staff recommends moving funds from sub-projects into the master project 13004 City Hall Audio-Visual Renovation to simplify the payment and accounting process for installation and equipment.

RESOLUTION/ORDINANCE	COUNCIL DATE:	8/2/2016
	LEGISTAR FILE ID#:	2016-0337
	<i>Barbara Fell</i> 7/18/2016 10:40 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		-	-	v.20160624		
	<u>Increase / (Decrease)</u>		<u>Project.Sub#</u>			
Account Number	Expense	Revenue	Project	Sub	AT	Account Name
4470.9470.5210.00	(594)	-	13014	1	EX	Minor Equipment
		-				
4470.9470.5210.00	(2,664)	-	12005	1	EX	Minor Equipment
		-				
4470.9470.5210.00	(4,638)	-	15007	1	EX	Minor Equipment
4470.9470.5315.00	7,896	-	13004	1	EX	Contract Services
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0349

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMENT DISTRICT PARKING REVENUES:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING INCREASED PARKING REVENUES IN THE OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMENT DISTRICT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, recognizing parking revenue increases in the Off-Street Parking District and the Dickson Street Improvement District.

City of Fayetteville Staff Review Form

2016-0349

Legistar File ID

8/2/2016

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

Peter Nierengarten

7/15/2016

Parking & Telecommunications /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approving a budget adjustment to increase budgeted amounts for the Off-Street Parking District and the Dickson Street Improvement District expense and related revenue accounts.

Budget Impact:

2130.9130.5711.00; 2130.0913.4426.07;
2130.9130.5711.01; 2130.0913.4426.70

Parking

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 37,435.00

Funds Obligated \$ 34,249.61

Current Balance \$ 3,185.39

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? Yes

Budget Adjustment \$ 37,565.00

Remaining Budget \$ 3,185.39

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 3, 2016

TO: Mayor and City Council

THRU: Paul Becker, Chief Financial Officer
Don Marr, Chief of Staff

FROM: Peter Nierengarten, Sustainability & Parking Director

DATE: July 15, 2016

SUBJECT: Budget Adjustment for Parking Expense/Revenue Accounts

RECOMMENDATION:

Staff recommends approving a budget adjustment to increase budgeted amounts for the Off-Street Parking District and the Dickson Street Improvement District expense and related revenue accounts.

BACKGROUND:

The Fayetteville Parking Management Divisions provides operations, maintenance and collections for several publically accessible parking lots in the downtown area that are not City property. Under agreements with each of these lot owners, the Parking Division collects all revenue from the lots and reimburses a portion of that revenue (less expenses and fees) to each owner quarterly. The annual reimbursement amounts for each lot owner are budgeted as a part of the City's standard budget process.

DISCUSSION:

During the first two quarters of 2016, parking lots owned by the Off-Street Parking District and the Dickson Street Improvement District have generated higher than anticipated revenues that have, or nearly have, exceeded the amounts budgeted in the respective expense accounts. The expense and related revenue account budgets for each organization need to be increased to fully reimburse 2016 revenues to the parking lot owners.

BUDGET/STAFF IMPACT:

The 2016 expense account for the Off-Street Parking District (2130.9130.5711.00) is being adjusted from \$17,000 to \$40,000.

The 2016 expense account for the Dickson Street Improvement District (2130.9130.5711.01) is being adjusted from \$20,435 to \$35,000.

Attachments:

Budget Adjustment



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0345

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

ARKANSAS HISTORIC PRESERVATION PROGRAM GRANT AGREEMENT:

A RESOLUTION TO APPROVE A GRANT AGREEMENT WITH THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$9,030.00, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a grant agreement with the Arkansas Historic Preservation Program for a Certified Local Government Grant in the amount of \$9,030.00 for travel and training, to survey the Meadow Street Historic District and nominate it for inclusion in the National Register of Historic Places, for continued development of the historic properties map and website, and for a preservation awards plaque.

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

City of Fayetteville Staff Review Form

2016-0345

Legistar File ID

8/2/2016

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

Andrew Garner

7/15/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a budget adjustment and contract with the Arkansas Historic Preservation Program to receive a Certified Local Government grant in the amount of \$9,030.00.

Budget Impact:

1010.6305.xxxx.xx

General

Account Number

Fund

36024

Historic Preservation Grant

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 9,030.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 9,030.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 2, 2016

TO: Fayetteville City Council

THRU: Jeremy Pate, Development Services Director

FROM: Andrew Garner, City Planning Director

DATE: July 15, 2016

SUBJECT: Approval of a budget adjustment and contract with the Arkansas Historic Preservation Program to receive a Certified Local Government grant in the amount of \$9,030.00.

RECOMMENDATION:

Planning Staff recommends approval of a budget adjustment and contract with the Arkansas Historic Preservation Program to receive a Certified Local Government grant in the amount of \$9,030.00.

BACKGROUND:

Planning staff has applied for and received a Certified Local Government (CLG) grant to pay for travel and training for the Historic District Commission and City staff. Funding has also been provided for preservation projects that increase the community's awareness and understanding of historic preservation values.

DISCUSSION:

Planning staff and the Historic District Commission have requested grant funding in the amount of \$1,280.00 for travel and training, \$7,500.00 to survey and nominate the Meadow Street Historic District to the National Register of Historic Places and continue development of the historic properties story map and website, and \$250.00 for preservation awards plaque.

BUDGET/STAFF IMPACT:

The City will provide in-kind services for approximately \$7,350.00 in the form of staff time from the City Planning Division.

Attachments:

- Certified Grant Agreement
- Budget Adjustment Form



STATE OF ARKANSAS
ASA HUTCHINSON
GOVERNOR

July 5, 2016

The Honorable Lioneld Jordan
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Certified Local Government grant – In-state training, survey work and National Register nomination for Meadows Historic District, continuing work on online Story Maps website, and Preservation Awards plaques

Dear Mayor Jordan:

I am pleased to inform you that you have been awarded a grant of \$9,030 from the Arkansas Historic Preservation Program, an agency of the Department of Arkansas Heritage. Frances McSwain, Director of the Arkansas Historic Preservation Program, will provide you with details concerning the terms and conditions of the grant.

Congratulations and thank you for your commitment to the preservation of Arkansas's cultural historic resources. I look forward to hearing of the successful completion of your project.

Sincerely,

A handwritten signature in black ink, reading "Asa Hutchinson".

Asa Hutchinson

CC: Andrew Garner

Garner, Andrew

From: Catherine Barrier <catherine.barrier@arkansasheritage.org>
Sent: Friday, June 17, 2016 11:04 AM
To: Garner, Andrew
Subject: grant agreement
Attachments: fayetteville.docx

Andrew-

Fayetteville's CLG grant award for 2016 is \$9,030. This includes funding for all your requests except the signage for Waxhaws. We have a historic marker program in the works that would probably be a better fit for a project like that.

Please print out two copies of the grant agreement, have them signed by the appropriate official, and return both signed copies to me. I will have Missy sign both copies, and return one signed original to you for your files.

Thanks for all you do!

Catherine

Catherine Barrier
CLG Program Coordinator
Arkansas Historic Preservation Program
Department of Arkansas Heritage
323 Center Street, 1600 Tower Bldg
Little Rock, Arkansas 72201
[501.324.9186](tel:501.324.9186)

The content of this email should not be substituted for appropriate legal counsel, or the guidance of local officials in matters of local law. In all legal matters not directly related to the administration of state and federal statutes under which this office operates, please contact your local officials and/or city attorney for guidance.

CERTIFIED LOCAL GOVERNMENT PROGRAM GRANT AGREEMENT
Grant Number 16-CLG-05

This agreement is entered into between the City of Fayetteville, Arkansas, hereinafter referred to as the City, and the Arkansas Historic Preservation Program, hereinafter referred to as AHPP. AHPP agrees to provide a grant in the amount of **\$9,030** for the purpose of funding attendance at in-state training opportunities by commissioners and staff, survey and nomination of the Meadow Street Historic District to the National Register of Historic Places and continuation of development of historic properties Story Map website, and Preservation Award plaques.

THIS GRANT IS FOR THE ACCOMPLISHMENT OF THE PURPOSE, OBJECTIVE AND SCOPE OF WORK HEREIN DEFINED.

I. SCOPE OF WORK

- A. The City will fund attendance at in-state training opportunities by commissioners and staff.
\$1,280 is designated for this activity.
- B. The City will fund the survey and nomination of the Meadow Street Historic District to the National Register of Historic Place, and continuation of development of historic properties Story Map website.
\$7,500 is designated for this activity.
- C. The City will fund the purchase of Preservation Awards plaques.
\$250 is designated for this activity

II. TIME FRAME of AGREEMENT

This agreement will begin on July 1, 2016, and shall extend until June 30, 2017.

III. SCHEDULE OF PAYMENTS

One half of the full grant amount shall be paid to the City upon a request for payment to AHPP to be submitted no earlier than July 1, 2016. The remaining half shall be paid to the City upon a request for payment to AHPP to be submitted no later than May 31, 2017.

IV. AHPP RESPONSIBILITIES

AHPP staff agrees to make periodic reviews of the project to review practices and products. AHPP reserves the right to enforce the procedures as outlined in this contract. AHPP agrees to make available advice and counsel necessary to accomplish the

objectives and to render compensation upon invoice within a reasonable time frame.

V. REPORTING REQUIREMENTS

- A. The City will submit quarterly reports detailing programmatic and fiscal progress of work on forms to be provided by AHPP on:
 - September 30, 2016
 - December 31, 2016
 - March 31, 2017
 - June 30, 2017 (Final)
- B. The City will submit a final project report detailing all completed projects and including copies each of all publications as per the requirements of this agreement no later than June 30, 2017.
- C. If changes in agreement - e.g.: scope of work, products, budgets, etc. - are required, then the City must submit a written request detailing proposed changes and wait for written approval from AHPP.

VI. COMPLIANCE

- A. All policies and procedures of the Department of the Interior, the National Park Service as well as Federal regulations concerning expenditures of all Federal funds must be followed by the AHPP and all subgrant recipients. All grant projects will be administered by the AHPP in accordance with the Historic Preservation Fund Grants Manual, particularly "Chapter 9: Certified Local Governments". Separate financial records for each project will be maintained by the AHPP following Office of Management and Budget Guidelines. The City must maintain efficient and effective accountability and control of all funds received and expended under a subgrant from the AHPP.
- B. The City agrees to the right of the AHPP director to review and comment on art set-up, written narrative of any printed material, and audio visual material produced by the grant prior to final printing or production and distribution.
- C. The City must supply the State with evidence of compliance with Federal competitive procurement requirements for professional services and subcontractors prior to reimbursement.
- D. All products and projects must comply with the applicable Secretary of the Interior's *Standards for the Rehabilitation of Historic Properties*. The *Standards* are:
 - 1. A property shall be used for its historic purpose or be placed in a new use

that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

E. **PROJECT EXECUTION AND CONTRACT REQUIREMENTS:** All projects and consulting contracts funded through this grant agreement must be

carried out in accordance with the procedures and standards laid out in the applicable appendices to this agreement. All work products funded through this grant must meet the standards laid out in the applicable appendices to this agreement.

- F. **EASEMENTS:** The City will donate to AHPP a conservation easement on the property of any historic structure(s) being restored, rehabilitated, or repaired as a part of any project(s) utilizing ten thousand dollars (\$10,000) or more of AHPP funds. On such projects involving private properties, it will be the City's responsibility to secure this easement for donation to AHPP before any grant funds are released.

VII. MANAGEMENT AND BUDGET GUIDELINES

The City must assure and certify that it will comply with the regulations, policies, guidelines and requirements as they relate to the application, acceptance and use of Federal funds for this federally-assisted project, as contained in attachment G of OMB circular A-102. Also the City assures and certifies that:

- A. The City will comply with and administer the project in conformance with the Civil Rights Act of 1964 (Public Law 88-352), as amended; as well as 43 CFR 17 and Part 506 of the Department Manual issued by the Department of the Interior; and Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against the handicapped. Title VI of the Civil Rights Act of 1964 stated that no person will, on the grounds or race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to effectuate this agreement;
- B. In all hiring or employment made possible by or resulting from grant awards, the City (1) will not discriminate against any employee or applicant from employment because of race, color, religion, sex, age, or national origin, and (2) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin. This requirement applies to, but is not limited to, the following: employment promotion, demotion, or transfer; recruitment or other recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The City and its subgrantees will comply with all applicable statutes and Executive orders on equal employment opportunity and grant awards will be governed by the provisions, as implemented by, but not limited to, Department of the Interior policies, published in 43 CFR 17;
- C. The City will give AHPP and the National Park Service or the Comptroller General through any authorized representative the access to and the right to

examine all records, books, papers, or documents related to the grant;

- D. The City must comply with Federal competitive procurement requirements for professional services and subcontractors and will provide documentation of such compliance upon request.
- E. The City will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of state and local governments.
- F. Upon completion of the project, the Secretary of the Interior, the Comptroller General of the United States, the AHPP, and/or any of their duly authorized representatives shall have access for the purpose of financial or programmatic audit and examination any books, documents, papers and records of the City that are pertinent to the grant at all reasonable times during the period of retention provided in OMB Circular A102, attachment C, for at least three (3) years or until all claims or audit findings have been resolved.
- G. Lobbying with appropriated funds. Historic Preservation Fund grants must conform to provisions of 18 USC 1913: "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress be used directly or indirectly to pay for any personal services, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, through the proper official channels, requests for legislation OPR appropriation which they deem necessary for the efficient conduct of the public business." Thus, costs associated with activities to influence legislation pending before the Congress, commonly referred to as "lobbying," are unallowable as charges to NPS assisted grants.
- H. The City must submit acceptable Federal and non-Federal share supporting documentation prior to reimbursement.
- I. In addition to the terms detailed in this grant agreement, all Federal requirements governing grants (Office of Management and Budget Circulars A-87 or A-122, A-102 or A-110, and A-128) are applicable.

VIII. PUBLICATIONS AND PUBLIC INFORMATION

An acknowledgment of National Park Service and Arkansas Historic Preservation Program support must be made in connection with the publication of any material based on, or developed under, any activity supported by Historic Preservation Fund grant funds. This acknowledgment shall be in the form of a statement as follows: *The activity which is the subject of this (type of publication) has been financed (in part/entirely) with Federal*

funds from the National Park Service, Department of the Interior, administered through the Arkansas Historic Preservation Program, an agency of the Department of Arkansas Heritage. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior or the Arkansas Historic Preservation Program.

Press releases, publications, and other public dissemination of information by the City made possible by a grant shall acknowledge National Park Service, Department of the Interior, Arkansas Historic Preservation Program, and Department of Arkansas Heritage grant support. A minimum of three full-color printed copies and one digital copy of any publication will be furnished to AHPP, which will transmit two copies to the National Park Service.

All printed material (publications, brochures, etc.) will be printed on recycled paper using soybean ink in accordance with Executive Proclamation Order #90-1.

IX. LIMITATION OF LIABILITY

The AHPP assumes no responsibility with respect to accidents, illness or claims arising out of any work performed under a subgrant supported project. The City is expected to take necessary steps to insure itself and its personnel and students and to comply with the applicable local, State, or Federal safety standards, including those issued pursuant to the National Occupational Safety and Health Act of 1970 (see 20 SFR 1910).

X. PROJECT CANCELLATION

Approved projects may be canceled for one or more of the following reasons:

- A. The City requests project cancellation.
- B. The City fails to initiate project work.
- C. The City initiates work prior to receipt of written notification of project approval.
- D. Project work is found not to be in conformance with conditions as stated in the grant agreement and appendices.

XI. AMENDMENTS

This agreement may be amended upon written request and approval by both parties

XII. APPROVAL OF AHPP

The City of xxx is aware that this grant is contingent upon approval of the AHPP and the availability of funds; and agrees that no work will begin on the project until written approval from the AHPP is received.

SIGNATURES

Frances McSwain
Director, Arkansas Historic Preservation Program
Deputy State Historic Preservation Officer

City of xxx Signature

Name (printed)

Title

Date

Date

APPENDIX A: Historic Resources Survey and Documentation

The production of surveys of historic structures, sites, etc., funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any contract for survey and documentation services funded under this agreement includes duties and tasks as described in this appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request and will not publish such announcement or request until comments have been received from AHPP or seven (7) business days have elapsed since the date on which the proposed announcement or request has been received by AHPP.
3. The City will submit a copy of any proposed contract for services funded under this agreement to AHPP prior to execution of the contract, and will not execute the contract until comments have been received by AHPP or seven (7) business days have elapsed since the date on which the proposed contract has been received by AHPP.
4. The City will contact the AHPP National Register staff to consult on the advisability of historic sites survey work in the proposed area, proposed boundaries for the survey work, etc., prior to engaging a contractor for survey work funded under this agreement.
5. The City will ensure that any contractor engaged for survey and documentation services funded under this agreement meets the Secretary of the Interior's Standards for Professional Qualifications (36 CFR Part 61) in History and/or Architectural History.

B. CONTRACTOR'S RESPONSIBILITIES

1. Prior to commencing any work under the contract, any contractor who has not attended a training on the required procedures for historic sites surveys taught by the AHPP National Register Survey staff within five (5) years prior to the survey initiation date must attend a training class on the procedures required for historic site survey. This one-day class, at the offices of AHPP, will train the contractor in the proper and thorough completion of Arkansas

Architectural Resources Forms, photography requirements, mapping, and compilation of the finished product.

2. Prior to commencing any work under the contract, the Contractor, regardless of the date of his or her last training, must contact the AHPP National Register Survey staff to determine whether changes to required historic site survey procedures have changed since the contractor last attended a training. If the AHPP National Register Survey staff determines that the Contractor's attendance at an additional training class is advisable, the contractor must attend a training class on the procedures required for historic sites surveys prior to the initiation of any fieldwork under the contract.
3. The contractor must comply with the standards and procedures set forth in the AHPP Survey Manual in carrying out the contract work and in completion of the final product.
4. The contractor must prepare and provide a brief context statement including the history of the property or area that is the subject of the survey and documentation, including suggestions for an appropriate period of significance, for submittal with completed survey forms.
5. The contractor must complete an Arkansas Architectural Resources Form and provide site plans for each resource in the field.
6. The contractor must provide, on the Arkansas Architectural Resources Form, information specific to the property for which the survey form is prepared summarizing its history and any obvious changes to the building that appear to have occurred since its construction.
7. The contractor will take color digital photographs of each resource in the field. At the very minimum the photographs should show all facades of each building. In addition, representative streetscape photographs will be provided by the Contractor. These photographs will be submitted with the final survey product in both electronic and print form.
8. The contractor will provide UTM coordinates for each property.
9. To ensure efficient production of a quality product and to reduce the burden of repeated reviews, in projects involving inventory and documentation of more than 30 properties, the contractor will provide drafts of at least 10 completed Arkansas Architectural Resources Forms to the AHPP National Register Survey staff for review prior to completion and submittal of all Arkansas Architectural Resources Forms. AHPP staff will review draft forms and return comments to the contractor within 14 business days of receipt of the draft forms.

10. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of carrying out the historic site survey or form completion, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.
11. The contractor will grant an irrevocable license for royalty-free use of any and all work product provided to the City or AHPP under a contract subject to this grant agreement in any publication, project, or other work produced by the City, any unit of the State of Arkansas, the Federal Government, or any employee, person, or organization under contract to the City, AHPP, any unit of the State of Arkansas or the Federal Government for the purpose of producing such a work, in furtherance of the mission of the City, AHPP, or other governmental agency.
12. The contractor must be able to adhere to set deadlines and provide initial and completed surveys by the dates set forth in contract documents.
13. The contractor will provide own transportation and equipment.
14. The contractor will provide one full-color copy and one digital copy of the final survey documents to the City and one full-color printed copy and digital copy to AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide Arkansas Architectural Resources Forms and Ancillary Structures Forms to the contractor as necessary for project completion.
2. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.
3. AHPP will provide resource numbers to the contractor as necessary for project completion.
4. AHPP will provide a one-day training class at the AHPP offices in Little Rock on the procedures required for historic site surveys. This class, at the offices of AHPP, will train the contractor in the proper and thorough completion of Arkansas Architectural Resources Forms, photography requirements, mapping, and compilation of the finished product.
5. AHPP will provide technical assistance to the contractor as necessary for project completion.

APPENDIX B: National Register/Arkansas Register of Historic Places Nominations

The production of nominations of historic structures, sites, etc., for listing on the National or Arkansas Registers of Historic Places funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any contract for services funded under this agreement includes duties and tasks as described in this appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request and will not publish such announcement or request until comments have been received from AHPP or seven (7) business days have elapsed since the date on which the proposed announcement or request has been received by AHPP.
3. The City will submit a copy of any proposed contract for services funded under this agreement to AHPP prior to execution of the contract, and will not execute the contract until comments have been received by AHPP or seven (7) business days have elapsed since the date on which the proposed contract has been received by AHPP.
4. The City will contact the AHPP National Register staff to consult on the advisability of preparation and submission of National or Arkansas Register of Historic Places nominations prior to engaging a contractor for preparation of nominations funded under this agreement.
5. The City will ensure that any contractor engaged for the preparation of National or Arkansas Register of Historic Places nomination preparation services funded under this agreement meets the Secretary of the Interior's Standards for Professional Qualifications (36 CFR Part 61) in History and/or Architectural History.

B. CONTRACTOR'S RESPONSIBILITIES

1. It is required that the contractor complete a National Register of Historic Places or Arkansas Register of Historic Places nomination form for the historic property or properties in compliance with all applicable AHPP or National Park Service standards and guidance for nomination form completion.

2. The contractor will take color digital photos of the historic property in the field. In the case of a proposed historic district, representative streetscape photos will be provided by the Contractor. All photographs submitted must meet the National Park Service standards in *National Register Bulletin 16A: How to Complete the National Register Registration Form*.
3. The contractor will label all photographs to be included with the completed National or Arkansas Register of Historic Places nomination according to the National Park Service instructions.
4. The contractor will also need to locate the property on a United States Geological Survey Map and provide UTM coordinates for the historic property or district.
5. The contractor will be responsible for on-site presentation of information sufficient to fully support a recommendation for or against listing of the proposed historic district or property to the AHPP State Review Board at the earliest meeting following completion and staff approval.
6. Any contractor who has not submitted an accepted National Register or Arkansas Register of Historic Places form in the last five (5) years must attend a training class on completing National or Arkansas Register of Historic Places nomination forms. This one-day class, at the offices of AHPP, will train the contractor in the proper and thorough completion of National Arkansas Register of Historic Places nomination forms, photography requirements, mapping, and compilation of the finished product.
15. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of preparing the nomination, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.
16. The contractor will grant an irrevocable license for royalty-free use of any and all work product provided to the City or AHPP under a contract subject to this grant agreement in any publication, project, or other work produced by the City, any unit of the State of Arkansas, the Federal Government, or any employee, person, or organization under contract to the City, AHPP, any unit of the State of Arkansas or the Federal Government for the purpose of producing such a work, in furtherance of the mission of the City, AHPP, or other governmental agency.
7. The contractor must be able to comply with deadlines and provide initial and completed nominations by the dates set forth in the contract between the City and the Contractor.

8. The contractor will provide his or her own transportation and any equipment necessary to completion of the nomination forms and presentation to the Arkansas State Review Board.
9. The contractor must work outside in extreme temperatures and provide proper attire for the weather conditions.
10. The contractor will perform all services and provide all materials to be produced under the contract in consultation with AHPP.
11. The contractor will conduct meetings with AHPP as required to complete the project.
12. The contractor will provide one full-color printed final clean copy nomination and attachments, including digital photographs, and one digital copy of any nominations created to the City and three full-color printed copies of the final clean copy nomination and attachments, including digital photographs, and one digital copy of any nominations to AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide access to any previously completed architectural resource forms in its possession for all buildings included in the contract for services.
2. AHPP will provide a one-day training class at the AHPP offices in Little Rock contractor on the proper and thorough completion of National and Arkansas Register of Historic Places nomination forms, photography requirements, mapping, and compilation of the finished product.
3. AHPP will provide technical assistance to the contractor as necessary for project completion.

APPENDIX C: Design Guidelines and Preservation Plans

Preparation of design guidelines and/ or preservation plans funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any contract for services funded under this agreement include duties and tasks as described in this appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request and will not publish such announcement or request until comments have been received from AHPP or seven (7) business days have elapsed since the date on which the proposed announcement or request has been received by AHPP.
3. The City will submit a copy of any proposed contract for services funded under this agreement to AHPP prior to execution of the contract, and will not execute the contract until comments have been received by AHPP or seven (7) business days have elapsed since the date on which the proposed contract has been received by AHPP.
4. The City will submit a draft copy of the design guidelines to AHPP for review and comment prior to final approval and printing, and will not give final approval to the product or proceed with final printing of the document until comments have been received by AHPP or fourteen (14) business days have elapsed since the date on which draft design guidelines have been received by AHPP.
5. The City will ensure that any contractor engaged to prepare design guidelines or preservation plans funded under this agreement meets the Secretary of the Interior's Standards for Professional Qualifications (36 CFR Part 61) in History, Architectural History, or Historic Architecture.

B. CONTRACTOR'S RESPONSIBILITIES

1. The contractor will draft design guidelines that include, at minimum:
 - a. A summary of the City's ordinances, procedures, and bylaws relating to work regulated by the City's Historic District Commission;
 - b. Maps describing the boundaries of any local or National Register historic districts in which work is regulated under authority of the Arkansas Historic Districts Act, A.C.A. § 14-172-20, et seq., and local ordinance;
 - c. A list of addresses within such historic;

- d. A history of the City as it provides historic context for any such local historic districts, National Register of Historic Places districts, or the City as a whole;
 - e. An overview of the architectural styles prevalent in the local historic districts within the period of significance as described in the most recent historic resources survey and/or nomination previously approved by the City's Historic District Commission;
 - f. The text of the Secretary of the Interior's Standards for Rehabilitation, as codified at 36 CFR 67.
 - g. Illustrated design guidance addressing appropriate rehabilitation of and additions to historic structures and sites and construction or development of appropriate infill structures and sites that addresses all historic architectural styles, periods, and methods of construction specific to the local districts.
2. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course preparing work product on any project funded through this grant agreement, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.
 3. The contractor will grant an irrevocable license for royalty-free use of any and all work product provided to the City or AHPP under a contract subject to this grant agreement in any publication, project, or other work produced by the City, any unit of the State of Arkansas, the Federal Government, or any employee, person, or organization under contract to the City, AHPP, any unit of the State of Arkansas or the Federal Government for the purpose of producing such a work, in furtherance of the mission of the City, AHPP, or other governmental agency.
 4. The contractor must be able to comply with deadlines and provide initial and completed nominations by the dates set forth in the contract between the City and the Contractor.
 5. The contractor will provide one full-color printed final clean copy of the design guidelines and attachments and one digital copy of the design guidelines and attachments created to the City and three full-color printed copies and one digital copy to AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.
2. AHPP will provide access to any nominations or other background research or information relevant to the project as necessary for project completion.

Budget Year	Division: City Planning	Adjustment Number
2016	Dept.: Development Services	
	Requestor: Andrew Garner	

Certified Local Government (CLG) grant funds in the amount of \$1,280.00 for travel and training, \$7,500.00 to hire a consultant to survey the Meadow Street Historic District and research and catalog historic structures, and \$250.00 for the purchase of Preservation Award Plaques.

RESOLUTION/ORDINANCE

v.20160624

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0328

Agenda Date: 8/2/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5442 FOR APPROXIMATELY 99.10 ACRES LOCATED AT 2514 WEST LORI ROAD FROM R-A, RESIDENTIAL AGRICULTURAL; RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURAL AND NS, NEIGHBORHOOD SERVICES

(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 Agricultural; RSF-1, Residential Single Family, One Unit Per Acre and RSF-4, Residential Single Family, 4 Units Per Acre to NC, Neighborhood Conservation; R-A, Residential Agricultural and NS, Neighborhood 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

2016-0328

Legistar File ID

7/19/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

7/1/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5442: Rezone (2514 W. LORI RD./RAZORBACK GOLF COURSE, 285): Submitted by BLEW & ASSOCIATES, INC. for properties located at 2514 W. LORI RD. The properties are zoned R-A, RESIDENTIAL-AGRICULTURAL, RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 99.10 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURE; and NS, NEIGHBORHOOD 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:



CITY COUNCIL AGENDA MEMO

MEETING OF JULY 19, 2016

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, City Planning Director
FROM: Harry Davis, Planner
DATE: June 30, 2016

SUBJECT: RZN 16-5442: Rezone (2514 W. LORI RD./RAZORBACK GOLF COURSE, 285):
Submitted by BLEW & ASSOCIATES, INC. for properties located at 2514 W. LORI RD. The properties are zoned R-A, RESIDENTIAL-AGRICULTURAL, RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 99.10 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURE; and NS, NEIGHBORHOOD SERVICES.

RECOMMENDATION:

The Planning Commission and City Planning staff recommend approval of an ordinance to rezone the properties from R-A, RSF-1, and RSF-4 to R-A, NC, and NS as shown in Exhibits A and B.

BACKGROUND:

Background and Property Description: The assembled tracts contain approximately 99.10 acres located north of Mount Comfort Road and west of Deane Solomon Road. The property has been used for many years for the Razorback Golf Course that has closed for business. The land has been cleared for many decades for golf greens, fairways and paved golf course paths. There are some mature stands of trees in various areas, several ponds and water features, with the protected stream Clabber Creek and its associated floodplain in the northern portion of the site. The property is zoned RSF-4, Residential Single Family Four Units per Acre; R-A, Residential Agricultural; and RSF-1, Residential Single Family One Unit per Acre.

Request: The applicant requests to rezone 72.72 acres to NC, Neighborhood Conservation; 14.79 acres to NS, Neighborhood Services; and 11.59 acres to R-A, Residential Agriculture as depicted in the attached rezoning exhibit. The applicant has indicated the intention to develop a majority of the property with a single-family neighborhood. The portion zoned NS is intended by the applicant to allow greater flexibility of housing density while the portion zoned R-A is for conserving the floodway around Clabber Creek. The proposed NC zoning is a single family zoning district that provides additional variety of lot sizes compared to the predominant RSF-4 pattern in this area and opportunity for increased density up to ten units per acre. NS would allow other housing typologies greater than a single-family home, including two- and three-family dwellings by right.

STAFF FINDINGS:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area primarily as a **Civic and Private Open Space/Parks Area** with **Natural Area** in the Clabber Creek floodplain area and **Residential Neighborhood Area** in the south. The site is designated as Civic and Private Open Space/Parks Area because of its historical use as a private golf course. However, this designation does not limit the property from being able to be redeveloped and transition over time into a different land use.

For the areas proposed NC, the proposed zoning is compatible with the surrounding residential properties to the north, east, and west by proposing similar single family detached zoning. In staff's opinion, the proposal is not only compatible, it is complimentary and adds to the variety and mix of residential dwelling types. For the area proposed to be NS, the proposed zoning is compatible with nearby zones. The NS portion would be adjacent to the Coyote Trail subdivision zoned RT-12. Like RT-12, NS would allow single-, two-, and three-family dwellings along with limited business that would serve as a low-intensity, walkable area with an underlying purpose as a transition between low- and medium-density areas.

The rezoning is consistent with goals and policies of City Plan 2030 to discourage suburban sprawl by encouraging development in an area surrounded by developed neighborhoods and roadways. The proposed use of NC and NS zones are consistent with the goal to make traditional town form the standard. The proposal is also consistent with the Future Land Use map designation of Natural Area on the Clabber Creek floodplain portion of the site, as it appears the proposed rezoning would place R-A zoning on the majority of the floodplain and floodway. Such a zone would better protect and manage the riparian corridor along Clabber Creek.

Staff finds that the proposed zoning is justified and needed to accommodate planned development of this area. Paralleling national trends in the golf course industry, Razorback Golf Course endured declining success before going out of business in recent months. Given this site's proximity to existing roads, utility infrastructure, and surrounding development, it is justified to rezone the property for single-family to three-family residential density alongside possible limited business for residents of the area.

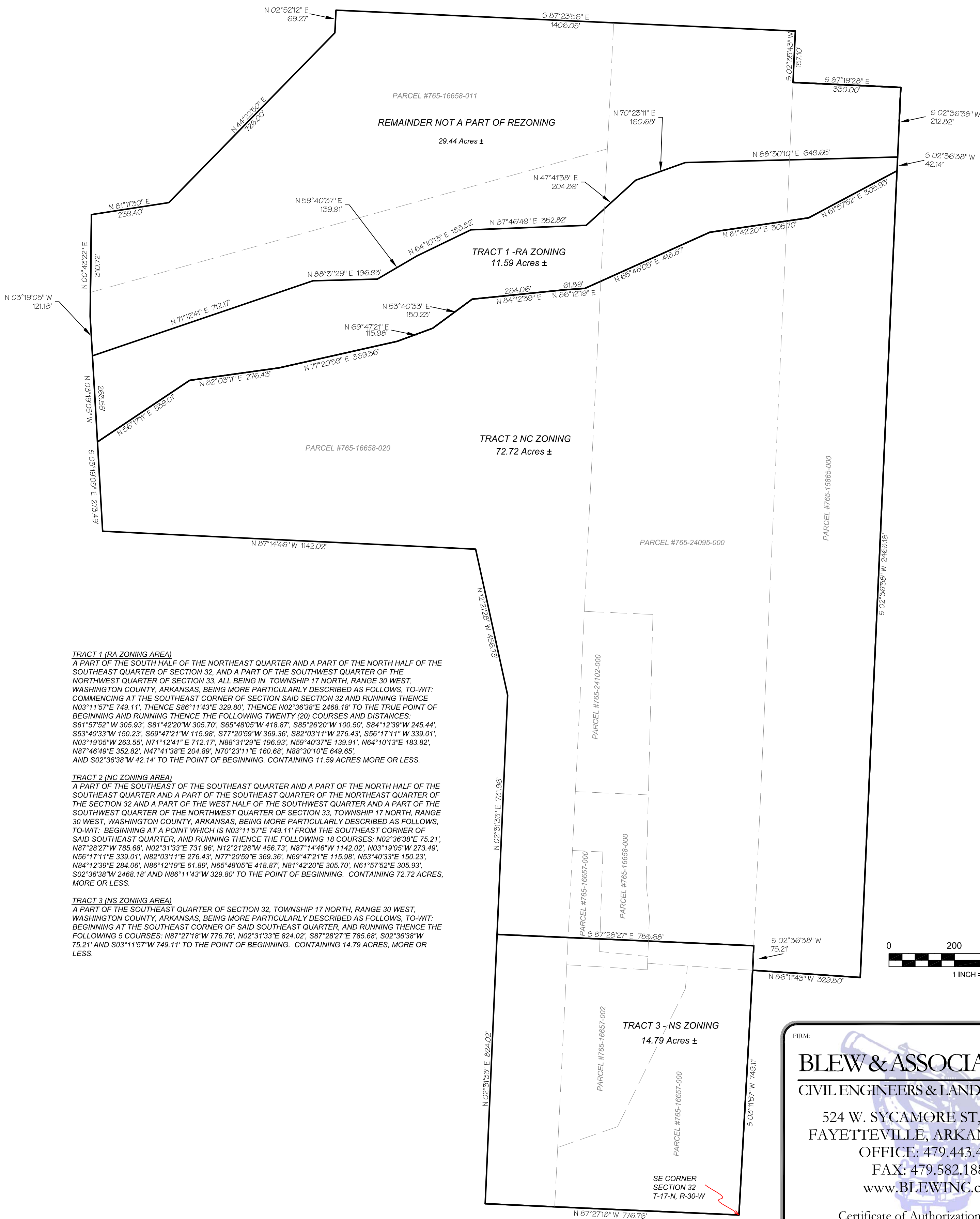
DISCUSSION:

This item was discussed at the June 13, 2016 Planning Commission meeting. At that meeting three members of the public spoke opposed to the rezoning. Primary items of discussion included concerns with increased density, flooding, traffic, and a lack of adequate street infrastructure. The Planning Commission discussed with the applicant a desire for more variety as the entire property was proposed to be rezoned NC, Neighborhood Conservation. The commission also discussed the potential for non-residential services and tabled the item for two weeks. The applicant revised the proposal for the June 27, 2016 meeting in an attempt to address the commission's concerns. On June 27, 2016 the Planning Commission forwarded the applicant's request for rezoning 99.10 acres of R-A, RSF-1, and RSF-4 to R-A, NC, and NS with a recommendation for approval by a vote of 8-1-0, Commissioner Hoskins dissenting. There was no public comment at the June 27th Planning Commission meeting.

Attachments:

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

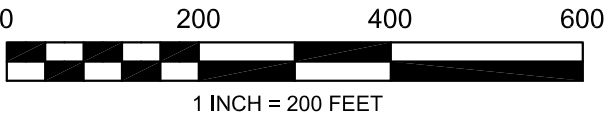
Rezone Exhibit A



TRACT 1 (RA ZONING AREA)
A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, ALL BEING IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF SECTION SAID SECTION 32 AND RUNNING THENCE N03°11'57"E 749.11', THENCE S86°11'43"E 329.80', THENCE N02°36'38"E 2468.18' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE THE FOLLOWING TWENTY (20) COURSES AND DISTANCES: S61°57'52" W 305.93', S81°42'20"W 305.70', S65°48'05"W 418.87', S85°26'20"W 100.50', S84°12'39"W 245.44', S53°40'33"W 150.23', S69°47'21"W 115.98', S77°20'59"W 369.36', S82°03'11"W 276.43', S56°17'11"W 339.01', N03°19'05"W 263.55', N71°12'41" E 712.17', N88°31'29"E 196.93', N59°40'37"E 139.91', N64°10'13"E 183.82', N87°46'49"E 352.82', N47°41'38"E 204.89', N70°23'11"E 160.68', N88°30'10"E 649.65', AND S02°36'38"W 42.14' TO THE POINT OF BEGINNING. CONTAINING 11.59 ACRES MORE OR LESS.

TRACT 2 (NC ZONING AREA)
A PART OF THE SOUTHEAST OF THE SOUTHEAST QUARTER AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SECTION 32 AND A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N03°11'57"E 749.11' FROM THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, AND RUNNING THENCE THE FOLLOWING 18 COURSES: N02°36'38"E 75.21', N87°28'27"W 785.68', N02°31'33"E 731.96', N12°21'28"W 456.73', N87°14'46"W 1142.02', N03°19'05"W 273.49', N56°17'11"E 339.01', N82°03'11"E 276.43', N77°20'59"E 369.36', N69°47'21"E 115.98', N53°40'33"E 150.23', N84°12'39"E 284.06', N86°12'19"E 61.89', N65°48'05"E 418.87', N81°42'20"E 305.70', N61°57'52"E 305.93', S02°36'38"W 2468.18' AND N86°11'43"W 329.80' TO THE POINT OF BEGINNING. CONTAINING 72.72 ACRES, MORE OR LESS.

TRACT 3 (NS ZONING AREA)
A PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, AND RUNNING THENCE THE FOLLOWING 5 COURSES: N87°27'18"W 776.76', N02°31'33"E 824.02', S87°28'27"E 785.68', S02°36'38"W 75.21' AND S03°11'57"W 749.11' TO THE POINT OF BEGINNING. CONTAINING 14.79 ACRES, MORE OR LESS.



FIRM:
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
524 W. SYCAMORE ST, SUITE 4
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com

Certificate of Authorization No 1534

DRAWN BY & DATE: Sebo 06/20/2016	REVIEWED BY:	SURVEYED BY:
-------------------------------------	--------------	--------------

COUNTY & STATE: Washington County Arkansas	JOB NUMBER:
--	-------------

LOCATION:
Razorback Golf Course

FOR THE USE AND BENEFIT OF:
Bart Bauer



Blew & Associates, P.A.

Civil Engineers

Professional Land Surveyors

EXHIBIT B

524 West Sycamore St., Suite #4
Fayetteville, Arkansas 72703
479-443-4506
Fax 582-1883

Description of Area(s) to Be Rezoned:

TRACT 1 (RA ZONING AREA)

A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, ALL BEING IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF SECTION SAID SECTION 32 AND RUNNING THENCE N03°11'57"E 749.11', THENCE S86°11'43"E 329.80', THENCE N02°36'38"E 2468.18' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE THE FOLLOWING TWENTY (20) COURSES AND DISTANCES: S61°57'52" W 305.93', S81°42'20"W 305.70', S65°48'05"W 418.87', S85°26'20"W 100.50', S84°12'39"W 245.44', S53°40'33"W 150.23', S69°47'21"W 115.98', S77°20'59"W 369.36', S82°03'11"W 276.43', S56°17'11" W 339.01', N03°19'05"W 263.55', N71°12'41" E 712.17', N88°31'29"E 196.93', N59°40'37"E 139.91', N64°10'13"E 183.82', N87°46'49"E 352.82', N47°41'38"E 204.89', N70°23'11"E 160.68', N88°30'10"E 649.65', AND S02°36'38"W 42.14' TO THE POINT OF BEGINNING. CONTAINING 11.59 ACRES MORE OR LESS.

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COURSES: N02°36'38"E 75.21', N87°28'27"W 785.68', N02°31'33"E 731.96', N12°21'28"W 456.73', N87°14'46"W 1142.02', N03°19'05"W 273.49', N56°17'11"E 339.01', N82°03'11"E 276.43', N77°20'59"E 369.36', N69°47'21"E 115.98', N53°40'33"E 150.23', N84°12'39"E 284.06', N86°12'19"E 61.89', N65°48'05"E 418.87', N81°42'20"E 305.70', N61°57'52"E 305.93', S02°36'38"W 2468.18' AND N86°11'43"W 329.80' TO THE POINT OF BEGINNING. CONTAINING 72.72 ACRES, MORE OR LESS.

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CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5442

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

285
246

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:

Bart Bauer

Address:

1417 N Addington Ave

Fayetteville, AR 72703

E-mail:

bart.bauer@sbcglobal.net

Phone:

(479) 283-0153

()

Fax:

()

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

Name:

Blew and Associates, PA

Address:

524 W Sycamore St Ste 4

Fayetteville, AR 72703

E-mail:

engineers@blewinc.com

Phone:

(479) 443-4506

()

Fax:

()

Site Address / Location: 2575 Deane Solomon Rd

Current Zoning District: R-A/RSF-4

Requested Zoning District: NC

Assessor's Parcel Number(s) for subject property: 765-16658-020, 765-24095-000, 765-15865-000, 765-24102-000, 765-16658-000

FINANCIAL INTERESTS

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

Bart Bauer

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): BART BAUER

Date: 5/4/16

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): Ren Carness

Signature: *Ren Carness*

Date: 5-4-16

Address: 2724 W. Howard Mickell Rd
Fayetteville, AR

Phone: _____
(479) 304 1082

Name (printed): Lori Taylor

Signature: *Lori Taylor*

Date: 5-4-16

Address: 2595 W Lori Dr
Fayetteville AR

Phone: _____
(479) 236-1808

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: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: ~~June 27, 2016~~ **UPDATED W/ PC RESULTS**

SUBJECT: **RZN 16-5442: Rezone (2514 W. LORI RD./RAZORBACK GOLF COURSE, 285):** Submitted by BLEW & ASSOCIATES, INC. for properties located at 2514 W. LORI RD. The properties are zoned R-A, RESIDENTIAL-AGRICULTURAL, RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately ~~128.54~~ acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURE; and NS, NEIGHBORHOOD SERVICES.

RECOMMENDATION: **ERROR ON PART OF ENGINEER TO INCLUDE NORTHERN SECTION - ACTUAL PROPOSAL IS LOWER 99.10 ACRES**
Staff recommends forwarding **RZN 16-5442** to the City Council with a recommendation for approval of NC, NS, and R-A as proposed.

BACKGROUND:

The previous request by the current applicant was to rezone 99.10 acres south of Clabber Creek to NC, Neighborhood Conservation. The applicant indicated an intention to develop this area into a single-family neighborhood. This item was tabled at the June 13, 2016 Planning Commission to give the applicant time to meet with staff and revise their request according to comments and concerns by the Planning Commission. The applicant has submitted another revised request as described herein and depicted on the attached rezoning exhibit.

As Currently Proposed: The assembled tracts contain approximately ~~128.54~~ acres located north of Mount Comfort Road and west of Deane Solomon Road. The property has been used for many years for the Razorback Golf Course that has closed for business. The land has been cleared for many decades for golf greens, fairways and paved golf course paths. There are some mature stands of trees in various areas, several ponds and water features, with the protected stream Clabber Creek and its associated floodplain in the northern portion of the site. The property is zoned RSF-4, Residential Single Family Four Units per Acre; R-A, Residential Agricultural; and RSF-1, Residential Single Family One Unit per Acre. The surrounding land use and zoning is depicted in *Table 1*.

CLABBER CREEK
FLOODPLAIN

SHOULD INCLUDE
RSF-1 & R-A

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Crystal Springs Subdivision	RSF-4, Residential Single Family Four Units per Acre
South	Mobile home park; Bird Haven Subdivision (single family); Coyote Trail Subdivision (two-family)	R-A, Residential Agricultural; RT-12, Residential Two and Three Family; RSF-4, Residential Single Family Four Units per Acre
East	Pines at Springwoods (two- and four-family); horse farm; Prairie View Acres; conservation area	C-PZD, Springwoods (equivalent to RSF-4 and RMF-18); R-A, Residential Agricultural
West	Undeveloped	RSF-4, Residential Single Family Four Units per Acre

DISCUSSION:

72.72

Request: The applicant requests to rezone ~~96.98~~ acres to NC, Neighborhood Conservation; 14.79 acres to NS, Neighborhood Services; and 16.77 acres to R-A, Residential Agriculture as depicted in the attached rezoning exhibit. The applicant has indicated the intention to develop a majority of the property with a single-family neighborhood. The portion zoned NS is intended by the applicant to allow greater flexibility of housing density while the portion zoned R-A is for conserving the floodway around Clabber Creek. The proposed NC zoning is a single family zoning district that provides additional variety of lot sizes compared to the predominant RSF-4 pattern in this area and opportunity for increased density up to ten units per acre. NS would allow other housing typologies greater than a single-family home.

Public Comment from June 13, 2016 Planning Commission Meeting: Staff received public comment in regards to concerns over zoning incompatibility, traffic issues on Deane Solomon Road, accessing property from W Lori Dr., decreased nearby property values from dense development, and flooding. During the meeting, neighbors voiced concerns over traffic issues on Deane Solomon, a lack of services included in the proposal, and increased density.

Public Comment for Current Submission: Staff has not received public comment for the current submission.

INFRASTRUCTURE:

Streets:

The subject site has access to Deane Solomon Road. Along the subject parcels' frontage, the eastern half of Deane Solomon Road is fully improved with curb, gutter, sidewalk, and storm drainage. The western half is unimproved with an open earth ditch. The subject parcels also have access to Lori Drive and Emil Drive via existing street stub outs to the southeast. Street construction and dedication of right of way would be required if connections were made here. Improvements to Deane Solomon and other streets/intersections would be evaluated at the time of development.

- Water:** Public water is available to the site. A 12" public main is located within the Deane Solomon Road right of way and an 8" public main exists along the southernmost parcel line of the subject parcels.
- Sewer:** Sanitary Sewer is available to the site. An 8" public main is located within the Deane Solomon Road right of way and an 8" public main exists along the southernmost parcel line of the subject parcels.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. Clabber Creek runs east-west through the northern portion of these parcels. Clabber Creek is a protected stream per city ordinances and contains FEMA regulated floodways and Zone AE floodplains. Floodplain development permits would be required in these locations. Portions of the site are shown to contain hydric soils, which are indicators of wetland areas. Further information regarding the existence of wetlands may be required at the time of development. No portions of these parcels are located within the HHOD.
- Fire:** This development will be protected by Engine 7 located at 835 Ruppel Road. It is 3 miles from the station to the study area with an anticipated response time of 7 minutes to the beginning of the study area. The Fire Department does not feel this rezoning will affect calls for service or response times.
- Police:** The Police Department have not expressed concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area primarily as a ***Civic and Private Open Space/Parks Area*** with ***Natural Area*** in the Clabber Creek floodplain area.

The site is designated as Civic and Private Open Space/Parks Area because of its historical use as a private golf course. However, this designation does not limit the property from being able to be redeveloped and transition over time into a different land use.

The study area is identified as having a high level of natural resources by the Fayetteville Natural Heritage Association (FNHA), a local non-profit group. Some habitat in the study area is classified by the FNHA as seasonal wetlands¹. As a result of the FNHA work and other City staff research, this study area was included on the Enduring Green Network (EGN) map. The EGN map resulted in designation of portions of this area as Natural Area on the Future Land Use map. However, site specific environmental study of the project area has not been conducted to staff's knowledge. It should be noted that golf courses have had a long reputation of being harmful to the environment because of the use of chemicals (fertilizer, pesticides, herbicides, etc.), water, and other resources to maintain pristine golfing conditions.²

¹ Fayetteville Natural Heritage Association Environmental Working Group Map 2008-2009

² Audobon International. Golf and the Environment Fact Sheet. Accessed December 2015.
www.audoboninternational.org

The applicant's proposal to rezone 128.54 acres includes two (2) major areas indicated in the FLUM:

- **Civic and Private Open Space/Parks Areas** are sites that are permanently dedicated to open space or park land. Guiding Policies for this areas are as follows:
 - a. Encourage parkland dedication and conservation easements for trails that support the Fayetteville Alternative Trails and Transportation Plan, the 10-Year Parks Master Plan and the Enduring Green Network.
 - b. Provide an integrated network of open space areas throughout the City to serve local residents as well as provide a regional asset and visitor attraction.
 - c. Plan for the long-term preservation and enhancement of open space (including undeveloped natural areas, utility corridors, and key scenic corridors) within the Fayetteville green network.
 - d. Conserve open space within the Fayetteville green network through private acquisition and other acceptable conservation methods.
 - e. Encourage the creation of connected trails and walkways between community activity areas and neighborhoods and enhance with kiosks and rest stations.
 - f. Encourage community-based "green" infrastructure such as rain gardens, vegetated drainages and bio-retention facilities.
 - g. Encourage pocket parks, especially in the urban center areas.
- **Natural Areas** consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, as identified in the FNHA study, many of which make up the backbone of the enduring green network. A **Natural Area** designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development for all construction.

A third type of area on site is indicated in the Future Land Use map, called **Residential Neighborhood Area**, is summarized as such:

- ... 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.

STAFF FINDINGS

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: **Surrounding Land Use Compatibility:** For the areas proposed NC, the proposed zoning is compatible with the surrounding residential properties to the north, east, and west by proposing similar single family detached zoning. Rezoning the site's middle 72.72 and ~~northern 24.26 acres~~ for denser single-family residential is compatible with surrounding residential uses and zonings, including multi-family to the east in the Pines at Springwoods development, a neighborhood of duplexes to the south in the Coyote Trail subdivision, and undeveloped land zoned for single family residential zoning to the west. Compatibility does not mean that the zoning has to be identical

in terms of the actual zoning district, building typology allowed, or use. It refers to the ability of various zoning districts and uses being able to exist in harmony with surrounding neighborhoods. In staff's opinion, the proposal is not only compatible, it is complimentary and adds to the variety and mix of residential dwelling types.

For the area proposed to be NS, the proposed zoning is compatible with nearby zones. The NS portion would be adjacent to the Coyote Trail subdivision zoned RT-12 in the east, a mobile home park zoned R-A in the south, and the Bird Haven Terrace subdivision and undeveloped areas zoned RSF-4 to the southwest and west, respectively. Like RT-12, NS would allow single-, two-, and three-family dwellings along with limited business that would serve as a low-intensity, walkable area with an underlying purpose as a transition between low- and medium-density areas.

Compatibility analysis for the proposed R-A is generally simplistic and compatible with every adjacent zone. R-A is not a conservation zoning district, but is used here as such to protect the riparian corridor along Clabber Creek. This part of the proposal is best explained in relation to the Future Land Use map.

Land Use Plan and Policy Analysis: The rezoning is generally consistent with planning objectives, principles, and policies put forward in City Plan 2030 and the Future Land Use map. The Future Land Use map designates a majority of this site as *Civic and Private Open Space/Parks Areas* to recognize the historical use of this site as a private golf course. This designation does not prevent the property from being rezoned and redeveloped for a different land use consistent with overall City policy. The rezoning is consistent with goals and policies of City Plan 2030 to discourage suburban sprawl by encouraging development in an area surrounded by developed neighborhoods and roadways. The proposed use of NC and NS zones are consistent with the goal to make traditional town form the standard. These districts are form-based districts that have a build-to zone for buildings, which help define space along streets. Additionally, denser development with the possibility of mixed-use provides the opportunity for a variety of price points for residents, which in turn creates opportunities for attainable housing and walkable communities. The proposal is consistent with the Future Land Use map designation of *Natural Area* on the Clabber Creek floodplain portion of the site, as it appears the proposed rezoning would place R-A zoning on the majority of the floodplain and floodway. Such a zone would better protect and manage the riparian corridor along Clabber Creek.

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

Finding: Staff finds that the proposed zoning is justified and needed to accommodate development of this area. Paralleling national trends in the golf course industry, Razorback Golf Course endured declining success before going out of business. Given this site's proximity to existing roads, utility infrastructure, and surrounding development, it is justified to rezone the

property for single-family to three-family residential density alongside possible limited business for residents of the area.

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

Finding: This rezoning will create the opportunity for development that could substantially increase traffic on surrounding roads over the existing R-A, RSF-1, and RSF-4 zoning districts. Deane Solomon Road is an unimproved two-lane road and will need to be improved with any development. In addition, a bridge over Clabber Creek to the west of this site is indicated on the Master Street Plan and development of this property may need to contribute an assessment towards that offsite improvement. Mount Comfort Road/Porter Road is a Minor Arterial roadway that was improved by the City and Arkansas State Highway and Transportation Department (AHTD), including signalization and interchange improvements at I-49. Mount Comfort and Deane Solomon Road will serve a large proportion of traffic in and out of this property. With on and off-site improvements required as part of development, an appreciable increase in traffic danger and congestion should not result.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed rezoning would increase the potential population density over the existing zoning, but is unlikely to undesirably increase the load on public services. An analysis of impact to city services has been included under infrastructure, and in the overall recommendation, included throughout this staff report. The Police Department expressed no objections to the proposal. The Fire Department does not feel that this zoning will negatively affect service times to area. The Fayetteville School District is notified of all rezonings by the City but does not typically provide comments and have provided no input on this application.

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 of RZN 16-5442 to the City Council with a recommendation of approval for NC, NS, and R-A as proposed.

PLANNING COMMISSION ACTION: Required

Date: June 27, 2016

☐ Tabled

☒ Forwarded

☐ Denied

Motion: HOSKINS

MOTION TO FORWARD w/ APPROVAL
SUCCEEDED

Second: AUTRY

Vote: 8-1-0

HOSKINS DISSENTING

CITY COUNCIL ACTION: Required

Date: July 19, 2016

☐ Approved

☐ Denied

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Existing and proposed zoning criteria
- Applicant's request letter
- Rezoning exhibit
- Public comment
- Current land use map
- Close up map
- Future land use map
- One mile 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)

161.05 District RSF-1, Residential Single-Family – One Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one unit per acre. The district is designed to permit and encourage the development of very 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	1
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(F) *Bulk and area regulations.*

Lot width minimum	150 ft.
Lot area minimum	35,720 Sq. Ft.
Land area per dwelling unit	35,720 Sq. Ft.

(G) *Setback requirements.*

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

(H) *Building height regulations.*

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

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

(I) *Building area.* None.

(Code 1965, §160.44; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

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

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

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.26 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cottage Housing Development

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(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	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.16 Neighborhood Services

- (A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(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 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

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
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) *Density.*

Units per acre	10 or less
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(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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- (G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot. (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)



Blew & Associates, P.A.

Professional Land Surveyors

524 W. Sycamore Street Suite 4, Fayetteville, AR 72703

PH: 479-443-4506 * FAX: 479-582-1883

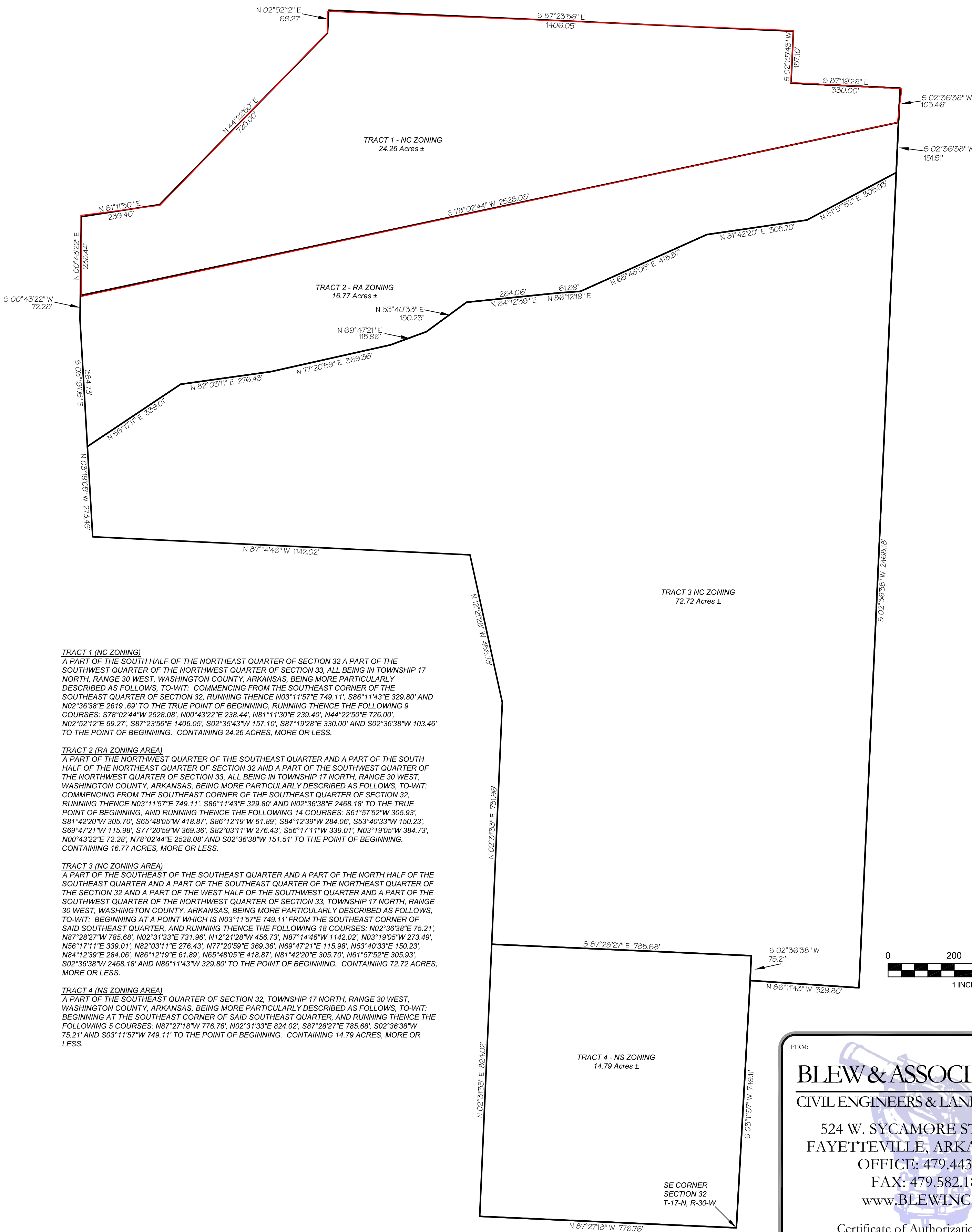
<http://www.blewinc.com>

To Whom It May Concern,

Our client(s), Linron Corp DBA & Bart Bauer, wish to rezone the property at 2514 W. Lori Dr., Fayetteville AR 72703. This consists of parcels 765-16657-000, 765-16658-000, 765-24102-000, and a portion of parcels 765-16658-011, 765-16658-020, 765-24095-000, & 765-15865-000. The request is to rezone the property from its current zonings of R-A, RSF-1, and RSF-4 to a NC zoning. The purpose of this rezone is to be able to develop the property into single family residences. Currently many of the surrounding properties are this type of development which makes it a good fit for the area. Also this should be consistent with the future land use plan for the area as well. The property already has access to water and sewer so availability to utilities should not be an issue. We feel that this type of development is consistent with the city's goals and principals as well it will have a positive effect on the community and surrounding properties. If you have any additional questions feel free to contact our office.

Thanks,
Heath Myers
Project Manager

Rezone Exhibit



TRACT 1 (NC ZONING)
A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 32 A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, ALL BEING IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 32, RUNNING THENCE N03°11'57"E 749.11', S86°11'43"E 329.80' AND N02°36'38"E 2619.69' TO THE TRUE POINT OF BEGINNING, RUNNING THENCE THE FOLLOWING 9 COURSES: S78°02'44"W 2528.08', N00°43'22"E 238.44', N81°11'30"E 239.40', N44°22'50"E 726.00', N02°52'12"E 69.27', S87°23'56"E 1406.05', S02°35'43"W 157.10', S87°19'28"E 330.00' AND S02°36'38"W 103.46' TO THE POINT OF BEGINNING. CONTAINING 24.26 ACRES, MORE OR LESS.

TRACT 2 (RA ZONING AREA)
A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 32 AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, ALL BEING IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 32, RUNNING THENCE N03°11'57"E 749.11', S86°11'43"E 329.80' AND N02°36'38"E 2468.18' TO THE TRUE POINT OF BEGINNING, AND RUNNING THENCE THE FOLLOWING 14 COURSES: S61°57'52"W 305.93', S81°42'20"W 305.70', S65°48'05"W 418.87', S86°12'19"W 61.89', S84°12'39"W 284.06', S53°40'33"W 150.23', S69°47'21"W 115.98', S77°20'59"E 369.36', S82°03'11"W 276.43', S56°17'11"W 339.01', N03°19'05"W 384.73', N00°43'22"E 72.28', N78°02'44"E 2528.08' AND S02°36'38"W 151.51' TO THE POINT OF BEGINNING. CONTAINING 16.77 ACRES, MORE OR LESS.

TRACT 3 (NC ZONING AREA)
A PART OF THE SOUTHEAST OF THE SOUTHEAST QUARTER AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SECTION 32 AND A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N03°11'57"E 749.11' FROM THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, AND RUNNING THENCE THE FOLLOWING 18 COURSES: N02°36'38"E 75.21', N87°28'27"W 785.68', N02°31'33"E 731.96', N12°21'28"W 456.73', N87°14'46"W 1142.02', N03°19'05"W 273.49', N56°17'11"E 339.01', N82°03'11"E 276.43', N77°20'59"E 369.36', N69°47'21"E 115.98', N53°40'33"E 150.23', N84°12'39"E 284.06', N86°12'19"E 61.89', N65°48'05"E 418.87', N81°42'20"E 305.70', N61°57'52"E 305.93', S02°36'38"W 2468.18' AND N86°11'43"W 329.80' TO THE POINT OF BEGINNING. CONTAINING 72.72 ACRES, MORE OR LESS.

TRACT 4 (NS ZONING AREA)
A PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, AND RUNNING THENCE THE FOLLOWING 5 COURSES: N87°27'18"W 776.76', N02°31'33"E 824.02', S87°28'27"E 785.68', S02°36'38"W 75.21' AND S03°11'57"W 749.11' TO THE POINT OF BEGINNING. CONTAINING 14.79 ACRES, MORE OR LESS.



FIRM:
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

524 W. SYCAMORE ST, SUITE 4
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com

Certificate of Authorization No 1534

DRAWN BY & DATE: Sebo 06/20/2016	REVIEWED BY:	SURVEYED BY:
-------------------------------------	--------------	--------------

COUNTY & STATE: Washington County Arkansas	JOB NUMBER:
--	-------------

LOCATION:
Razorback Golf Course

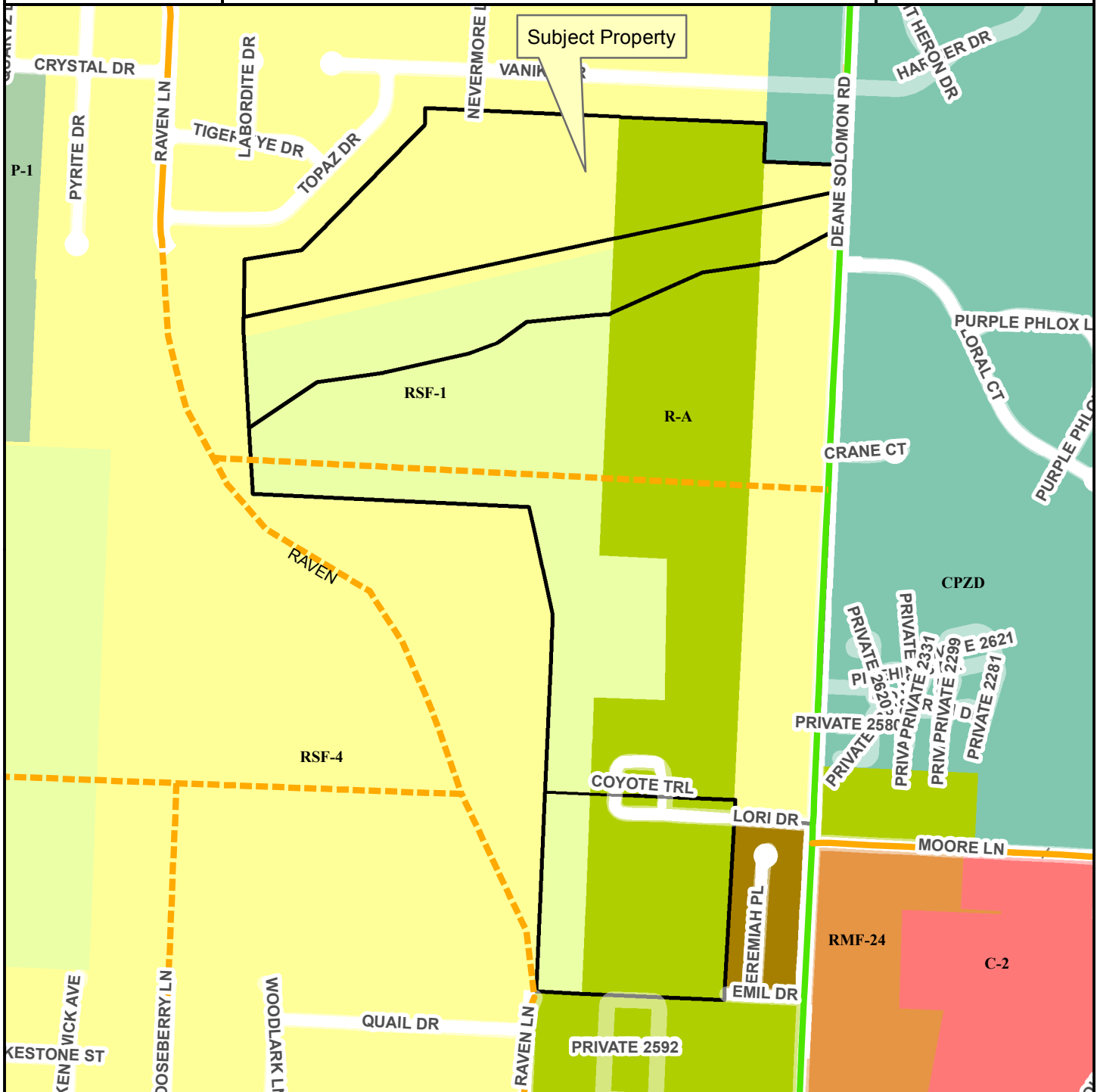
FOR THE USE AND BENEFIT OF:
Bart Bauer

RZN 16-5442

RAZORBACK GOLF COURSE

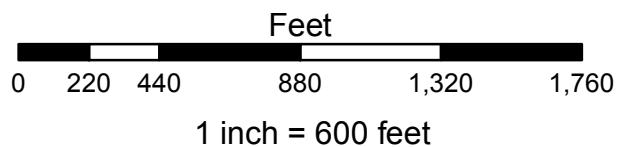


Close Up View



Legend

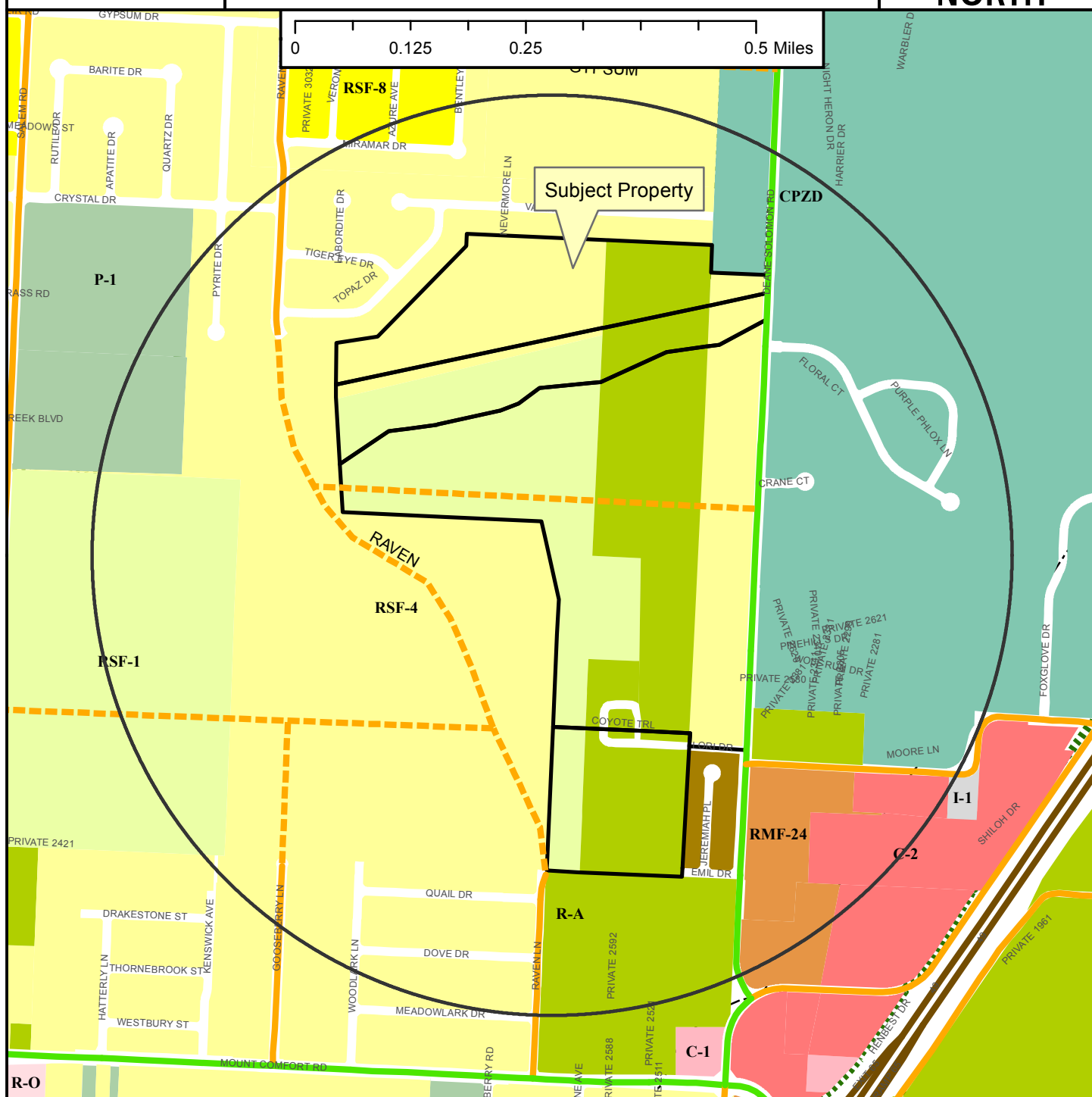
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District
- Building Footprint



- Residential-Agricultural
- RSF-1
- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-2
- Commercial, Industrial, Residential
- P-1

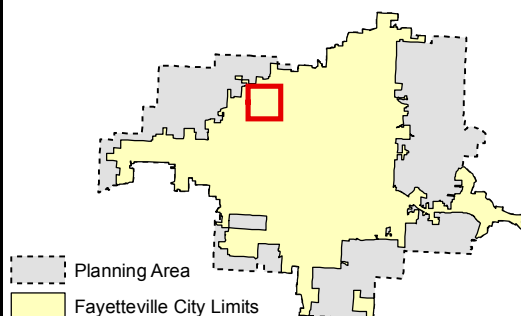


One Mile View



Legend

-  Planning Area
-  Fayetteville City Limits
-  Shared Use Paved Trail
-  Trail (Proposed)
-  Design Overlay District
-  Building Footprint



Zoning

- RESIDENTIAL SINGLE-FAMILY**

 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18

RESIDENTIAL MULTI-FAMILY

 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40

INDUSTRIAL

 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial

COMMERCIAL

 - Residential-Office
 - C-1
 - C-2
 - C-3

FORM BASED DISTRICTS

 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation

PLANNED ZONING DISTRICTS

 - Commercial, Industrial, Residential

INSTITUTIONAL

 - P-1

RZN 16-5442

Current Land Use

RAZORBACK GOLF COURSE



2015 Imagery

Legend

Streets Planned

MSP Class

COLLECTOR

Streets Existing

MSP Class

COLLECTOR

FREEWAY/EXPRESSWAY

MINOR ARTERIAL

Shared Use Paved Trail

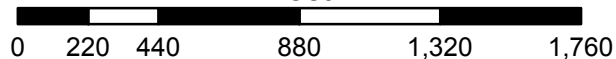
Trail (Proposed)

RZN16-5442

Planning Area

Fayetteville City Limits

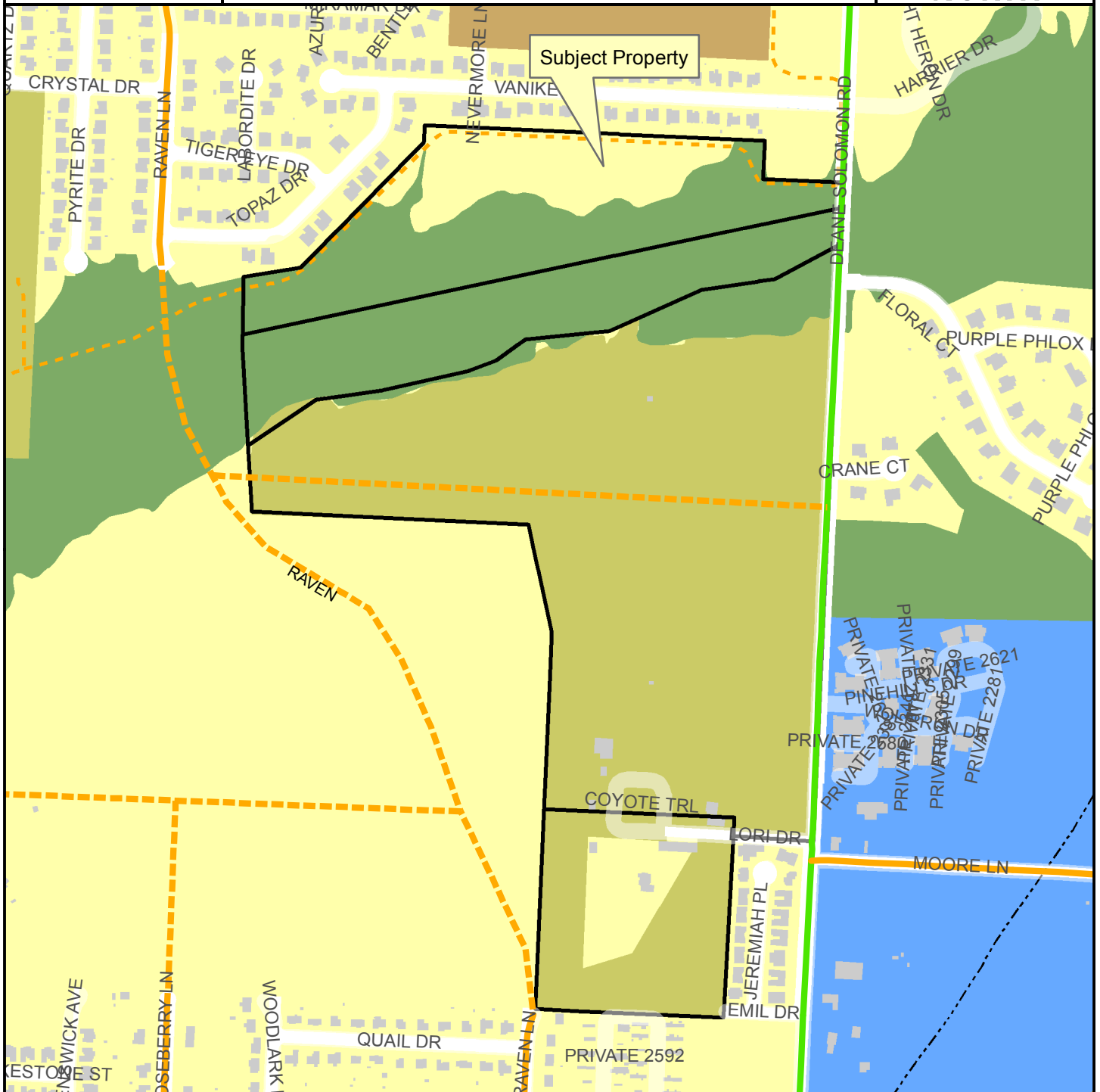
Feet



RZN 16-5442

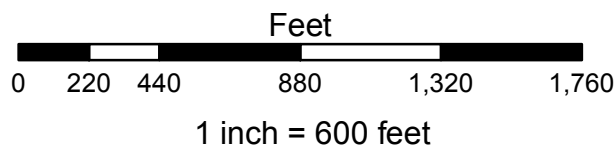
Future Land Use

RAZORBACK GOLF COURSE



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District
- Building Footprint



FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Civic and Private Open Space/Parks
- Civic Institutional



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: **Andrew Garner**, Planning Director
Harris Davis, Planner-Current Planning

FROM: **Kit Williams**, City Attorney

DATE: **July 8, 2016**

RE: **Razorback Golf Course Proposed Rezoning (Sequel)**

I am relieved to inform the City Council that you have your usual broad discretion to determine whether or not it is in the best interests of Fayetteville to approve the rezoning requested by the owner of the former Razorback Golf Course. I see no constitutional or legal issues that would hamper or limit your discretion in this case. Whatever your decision will be, it will be granted great deference by the Courts and cannot be overturned without proof of arbitrary, capricious or unreasonable action.

As most of you will remember, the owner of the Razorback Golf Course sought to rezone his property a few months ago. Just like in the current, revised rezoning request, the Planning Department had recommended approval and the Planning Commission followed that recommendation (except for the multi-family portion of the request). The City Council, however, listened to the very significant neighborhood opposition based primarily on the requested density and that impact on Deane Solomon Road and unanimously denied the Razorback Golf Course rezoning on March 1, 2016.

The revised rezoning application omitted about 29 acres north of the creek (closest to the neighborhoods adjoining the former golf course along its norther border). That area might not be developed (with a connection to Topaz Drive and/or Nevermore Lane) until the southern 87.5 acres of high density residential is developed.

Because the density that the first proposed rezoning would have allowed was a major concern for the neighbors and City Council, I thought you should understand how much increased density this applicant is requesting. The Planning Department's City Council Agenda Memo does not report how much of the 99 acre parcel is currently zoned RSF-1, Residential Single Family, one unit per acre or R-A, Residential Agricultural, one unit per two acres. However, the map on page 23 of the Planner's Memo (also attached here) shows a single, fairly small strip of Residential Single Family, 4 units per acre zoning running along Deane Solomon Road with the vast majority of the property currently zoned Residential Single Family, 1 unit per acre of Residential Agricultural, 1 unit per two acres. The total allowed residential density for the developable land within the 99 acre parcel would likely be under 150 houses.

The 87.5 acres of requested Neighborhood Conservation and Neighborhood Services would allow a density of 875 houses (with duplexes and triplexes in the bottom 15 acres). This is almost six times the currently allowed density.

The previous rezoning request which was unanimously rejected by the City Council because of density and traffic concerns was limited to 730 residential units by its Bill of Assurance. **This newly proposed rezoning would actually authorize 145 more residential units than the one rejected by the City Council in March of this year.** Despite allowing more housing units, apartment complexes would not be authorized by this newly proposed rezoning.

Even rezoning this 87.5 acres to Residential Single Family, 4 units per acre (which is the predominant zoning west of Deane Solomon Road adjoining this property) would more than double the currently authorized density of this 99 acre parcel to about 350 homes. Such rezoning would appear to make development economically feasible for the property owner. Of course, the property owner could do as before and offer a Bill of Assurance for maximum residential density. But as the proposed rezoning now is presented, the City Council should understand that granting the rezoning is authorizing the construction of 875 housing units (homes, duplexes and triplexes).

For your decision whether or not to rezone, you may not rely upon any statements of intent by the property owner. You may **only** rely upon a signed Bill of Assurance if one is offered.

The last discussion about rezoning the Razorback Golf Course land involved substantial concerns about flooding. Although traffic and limited roads have been acknowledged by the Arkansas Supreme Court as legitimate rezoning concerns, I have found no zoning case in which zoning was denied for possible flooding or drainage issues. The City has extensive regulations concerning flooding and drainage that are implemented during actual development. Flooding and drainage problems, floodplain issues and low impact development are development concerns and should not be a major (if any) factor in a rezoning discussion. (It is possible that a potential increased flooding danger might be recognized by the Supreme Court as a legitimate zoning consideration in the future.)

Please apply any or all of the zoning considerations that have been sanctioned by A.C.A. § 14-56-403 **Purpose of plans** or Arkansas Supreme Court decisions. Another summary of these recognized zoning considerations is below.

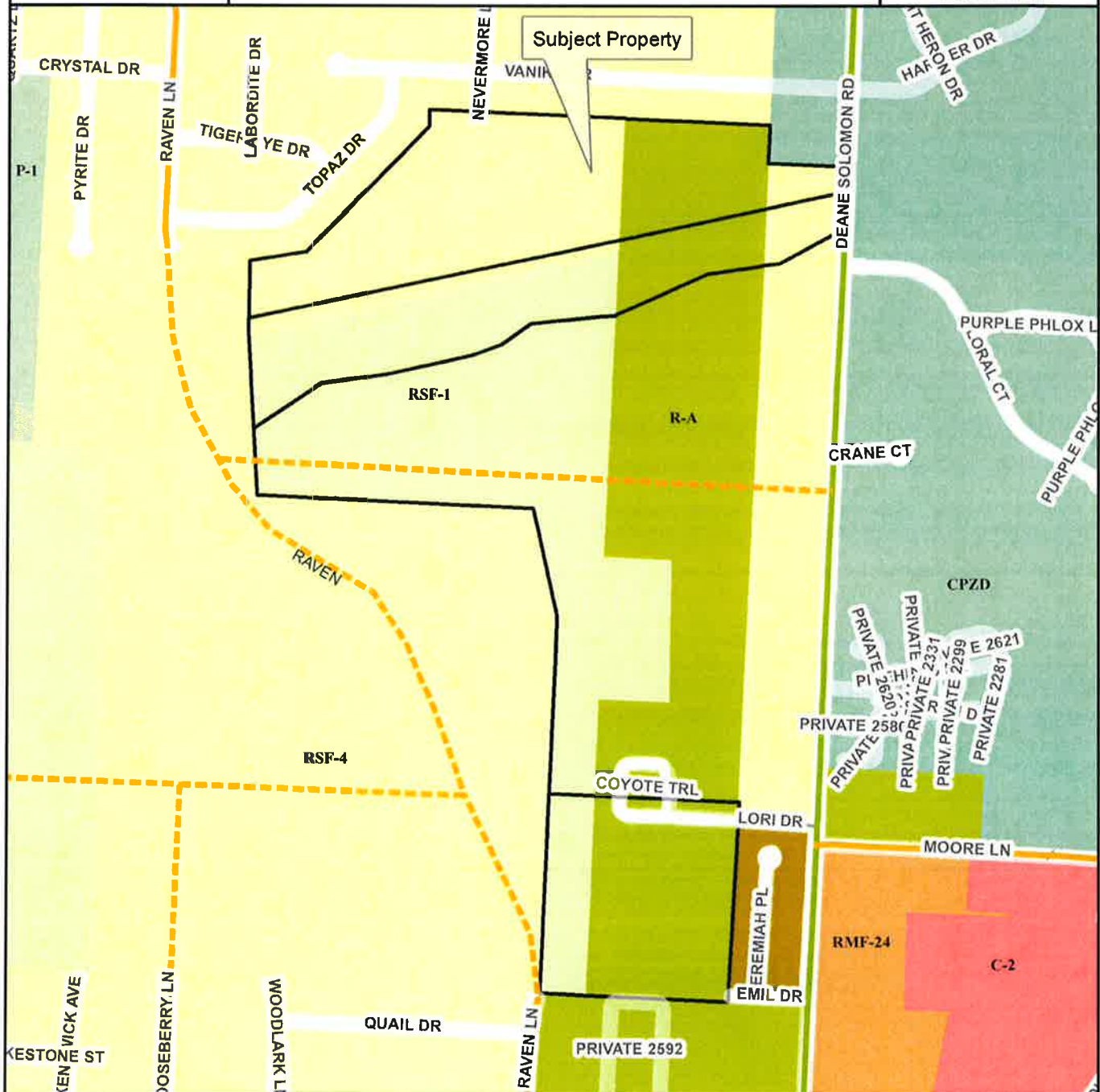
Factors that may be considered in rezoning issues:

1. Compatibility with adjacent zones
2. Public opposition that is logical and reasonable
3. Traffic
4. Safety and Fire protection
5. Good civic design and efficiency
6. Adequacy of public facilities (sewage, water)
7. Noise
8. Litter
9. Decrease in value of adjoining land
10. Appropriate and best use of land
11. 2030 Plan objectives

RZN 16-5442

Close Up View

RAZORBACK GOLF COURSE



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District
- Building Footprint

Feet

0 220 440 880 1,320 1,760

1 inch = 600 feet

- Residential-Agricultural
- RSF-1
- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-2
- Commercial, Industrial, Residential
- P-1

Branson, Lisa

From: Branson, Lisa
Sent: Tuesday, July 19, 2016 12:43 PM
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: RZN 16-5442 (Razorback Golf Course Rezoning)

Tracking:

Recipient

Read

'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'

Read: 7/19/2016 12:43 PM

Please see email below regarding Razorback Golf Course.

From: Zack Hulett [<mailto:zhulett@gmail.com>]
Sent: Tuesday, July 19, 2016 9:51 AM

To: Gray, Adella <ward1_pos1@fayetteville-ar.gov>; Marsh, Sarah <ward1_pos2@fayetteville-ar.gov>; Kinion, Mark <ward2_pos1@fayar.onmicrosoft.com>; Matthew Petty <citycouncil@matthewpetty.org>; Tennant, Justin <ward3_pos1@fayar.onmicrosoft.com>; Schoppmeyer, Martin <ward3_pos2@fayar.onmicrosoft.com>; La Tour, John <ward4_pos1@fayetteville-ar.gov>; longward4@gmail.com; Mayor <Mayor@fayetteville-ar.gov>; Marr, Don <dmarr@fayetteville-ar.gov>; City Attorney <city_attorney@fayetteville-ar.gov>; Garner, Andrew <agarner@fayetteville-ar.gov>; Davis, Harry <hdavis@fayetteville-ar.gov>
Subject: RZN 16-5442 (Razorback Golf Course Rezoning)

Dear Mayor Jordan and City Council Members,

My name is Zachary Hulett (address 2570 W. Vanike, Fayetteville, AR 72704) and I'm writing on behalf of myself, my wife Stephanie Hulett, and unborn child (due Dec. 12 of this year!).

My wife and I attended and spoke at a number of City Council meetings regarding the rezoning of the Razorback golf course as proposed by Lindsey Property Management, and we celebrated the unanimous vote against that proposal. We felt that The Council heard our concerns and acted in the best interest of the community in the areas of public safety, environmental impact, and current infrastructure capabilities.

Unfortunately, we will not be able to attend the meeting tonight (7/19), but we wanted to join our voices with that of John Scott Bull as we share similar concerns with the new proposal that will be discussed this evening. As it is written, this rezoning proposal represents a potential situation that could result in developments to the area that would be far worse for the community than what was unanimously voted down before. We will not belabor these points as they were discussed extensively before, but our viewpoint has not changed between before and now.

We would like to make it clear that we are for the development of this golf course, and we see the value in having a wide range of housing options in the name of diversity and community. We LOVE the idea of having some small businesses (neighborhood services like restaurants/cafes, small shops, etc.) in the area to encourage collaboration with our neighbors and give destinations to walk to as this area currently has none.

It is for these reasons that we ask that you vote NO for the rezoning proposal unless presented with some form of letter of assurance that the area will be developed responsibly and in the best interest of our community.

Thank you,
Zack, Stephanie, and baby Hulett

Branson, Lisa

From: Branson, Lisa
Sent: Tuesday, July 19, 2016 12:43 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: Razorback golf course re-zone

Please see email below regarding Razorback Golf Course.

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

From: Carly Grace [mailto:carly.grace@gmail.com]
Sent: Tuesday, July 19, 2016 9:54 AM
Subject: Razorback golf course re-zone

Hello,

I'm writing to document my opposition to the proposed re-zoning. Mr. Bauer's plan is great, but if it falls through (as plans do), the property would be vulnerable to an even higher density than the Lindsey development that we (and you by vote) already opposed. I know you cannot demand a bill of assurance, but without one I certainly hope that you will vote no for this re-zoning. This is a huge piece of property. Im sure you understand that patience is important when considering changing such a large parcel! Please hold strong for Fayetteville.

Carly Grace

Ward 4 resident
3069 N Night Heron Drive
Fayetteville, AR 72704

Branson, Lisa

From: CityClerk
Sent: Wednesday, July 20, 2016 2:14 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: Rezoning Razorback Golf Course Opposition

Subject: Rezoning Razorback Golf Course Opposition

Good afternoon,

I cannot attend tonight's meeting so I will be unable to speak regarding the rezoning of the former Razorback Golf Course.

I can support the current applicant's plan as he only wants to put 234 total units on the property. However, it would be irresponsible to support this rezoning. According to the city attorney, the NC/NS zoning on this property would allow for 145 more units than Lindsey's plan did. as you know, that plan was unanimously voted against because of the poor infrastructure, flooding, traffic, safety and wildlife concerns raised by the community members. All of these issues remain the same, except this rezoning allows for even more to be built.

Without major infrastructure commitments by the city for new roads, drainage, wildlife conservation, etc., I see no way in which we, as citizens, or you, as our representative, could be for this proposal to rezone the property. Please vote no on this rezoning measure.

Thank you for your time.

Spencer Smith



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0294

Agenda Date: 8/2/2016

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 2

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

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.

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](tel:(479)575-8313)

bpennington@fayetteville-ar.gov



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.

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- 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.

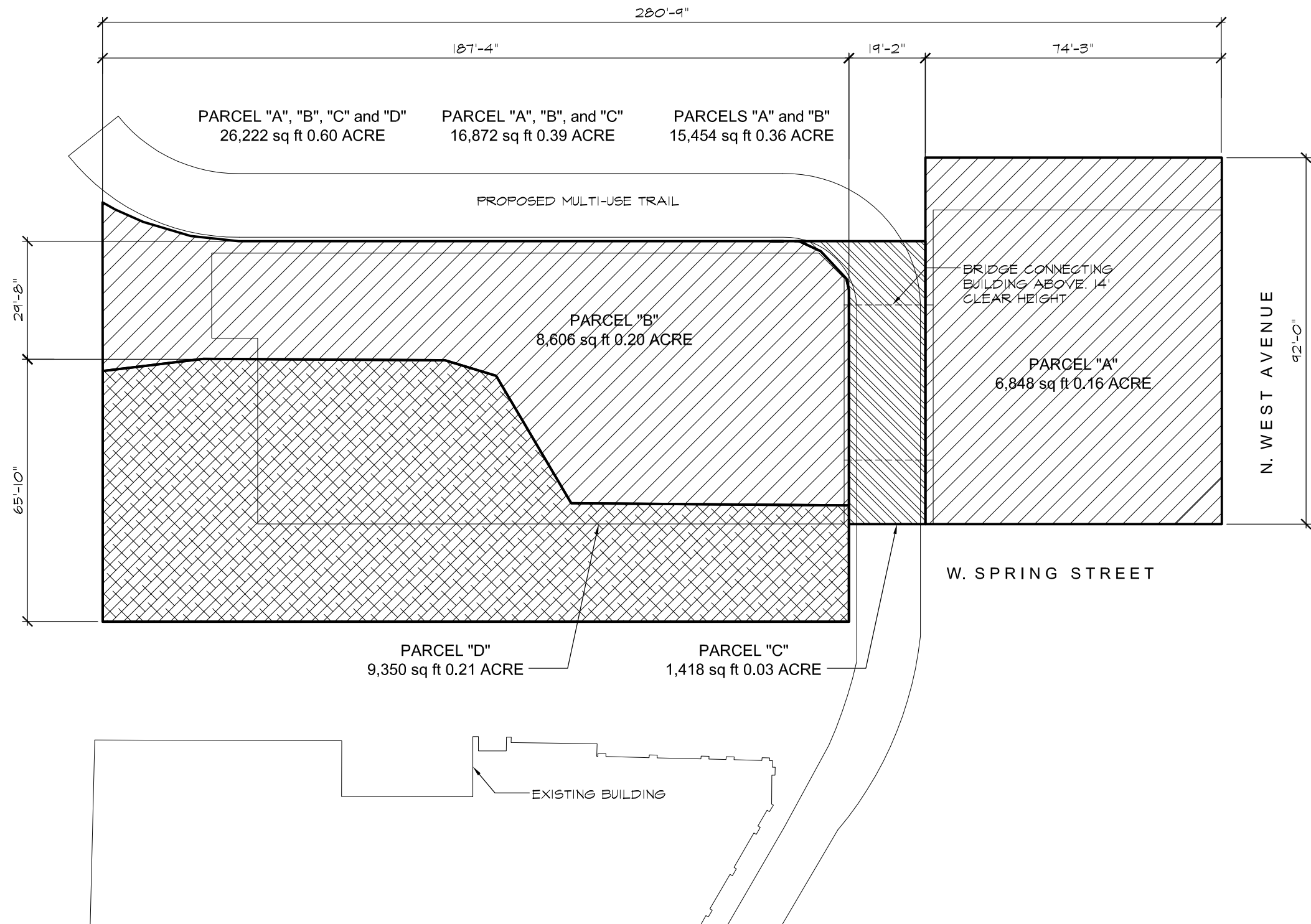


EXHIBIT A: PROPERTY PARCEL DIAGRAM

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

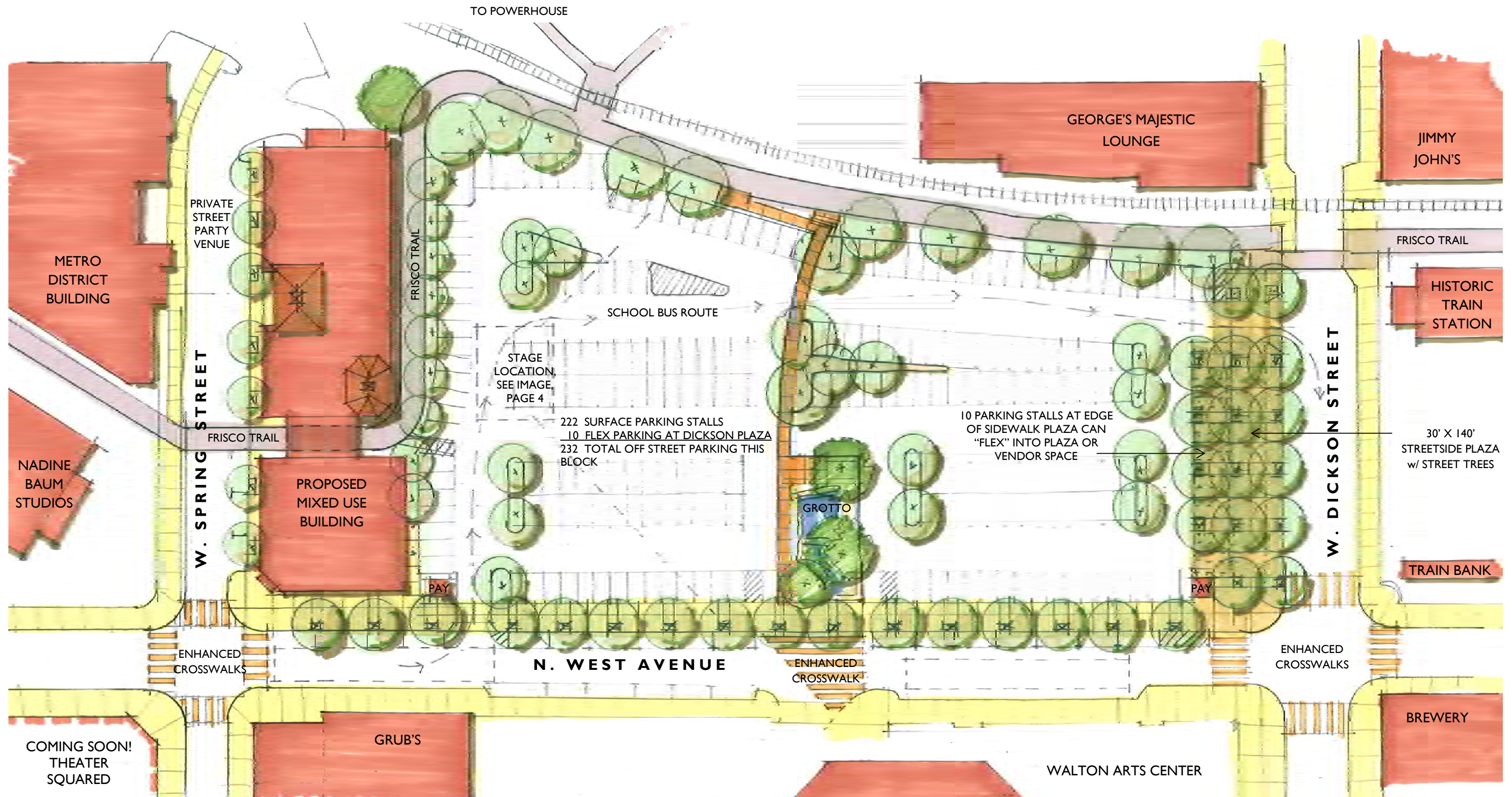


EXHIBIT C: PROPOSED SITE PLAN
PROPOSED MODIFICATIONS TO THE WALTON ARTS CENTER PARKING LOT
9 MARCH 2016



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





SOUTHWEST STREET LEVEL VIEW



WEST AVENUE LOOKING NORTH



WEST AVENUE LOOKING NORTH



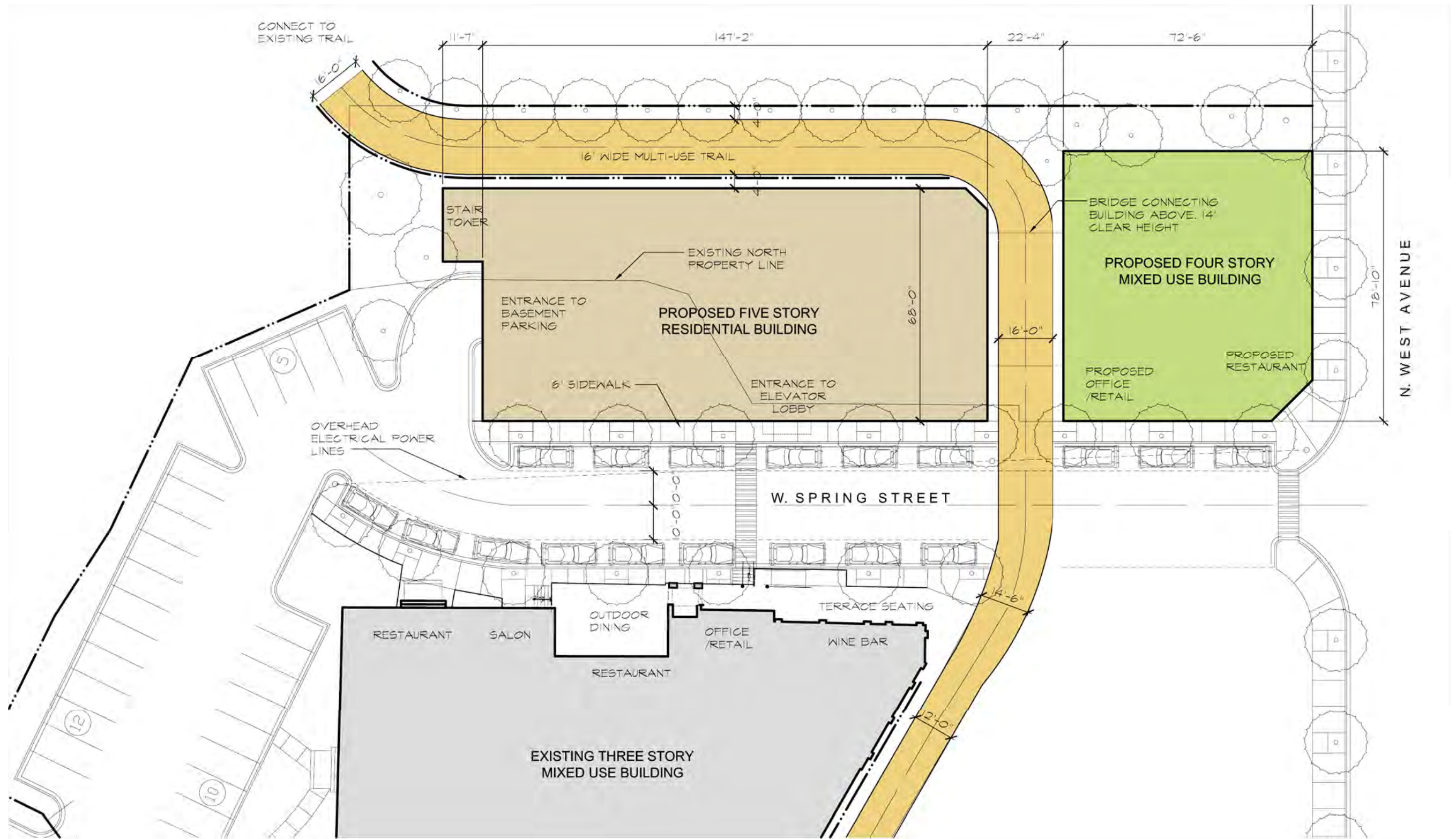


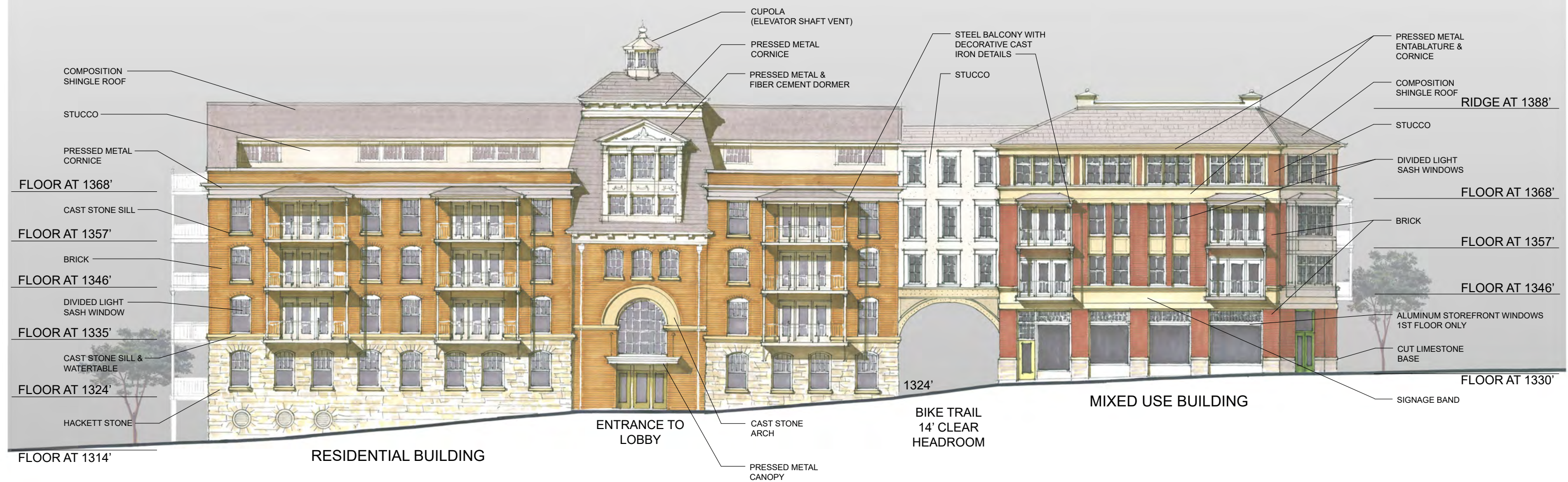


VIEW FROM TRAIL

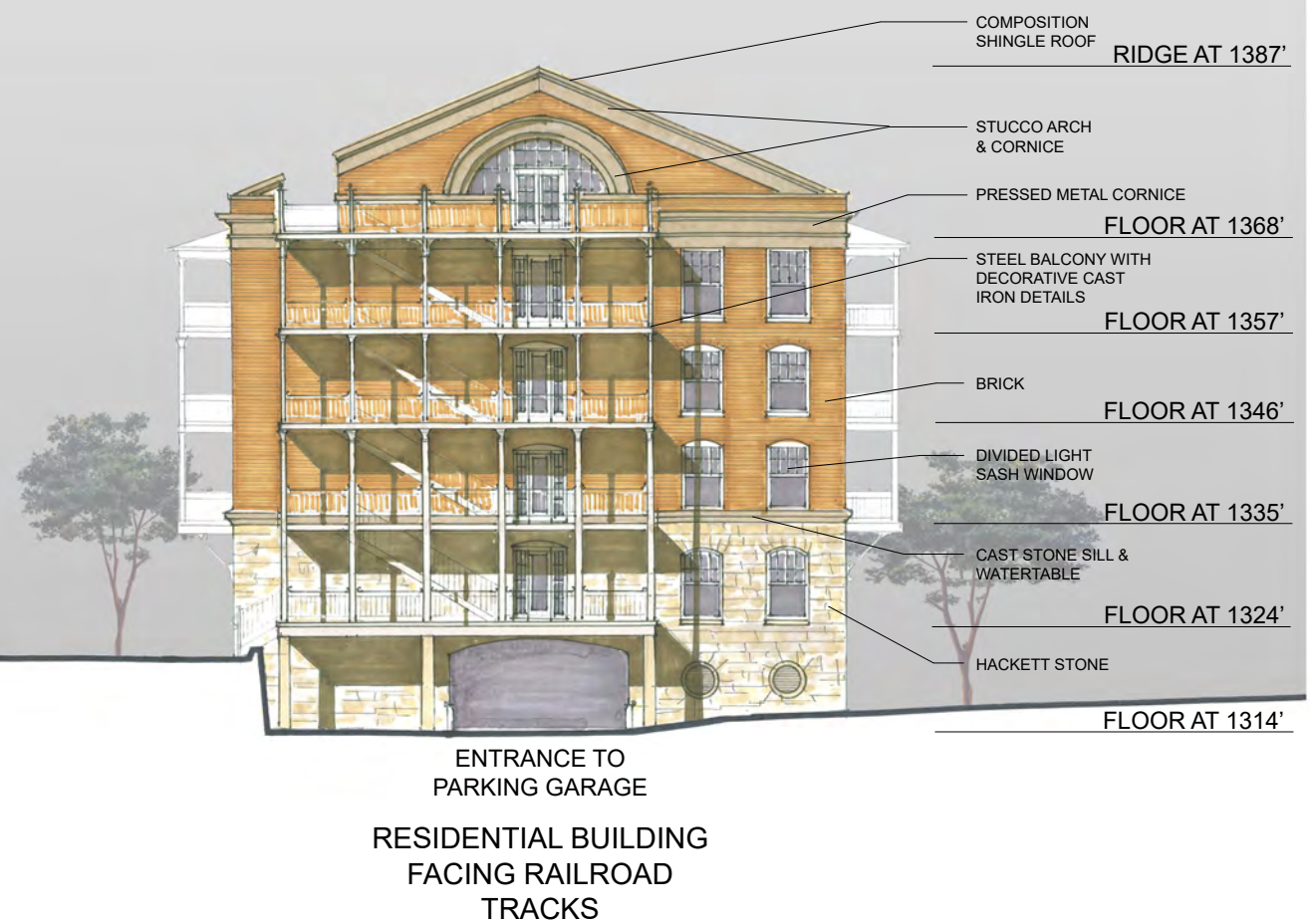
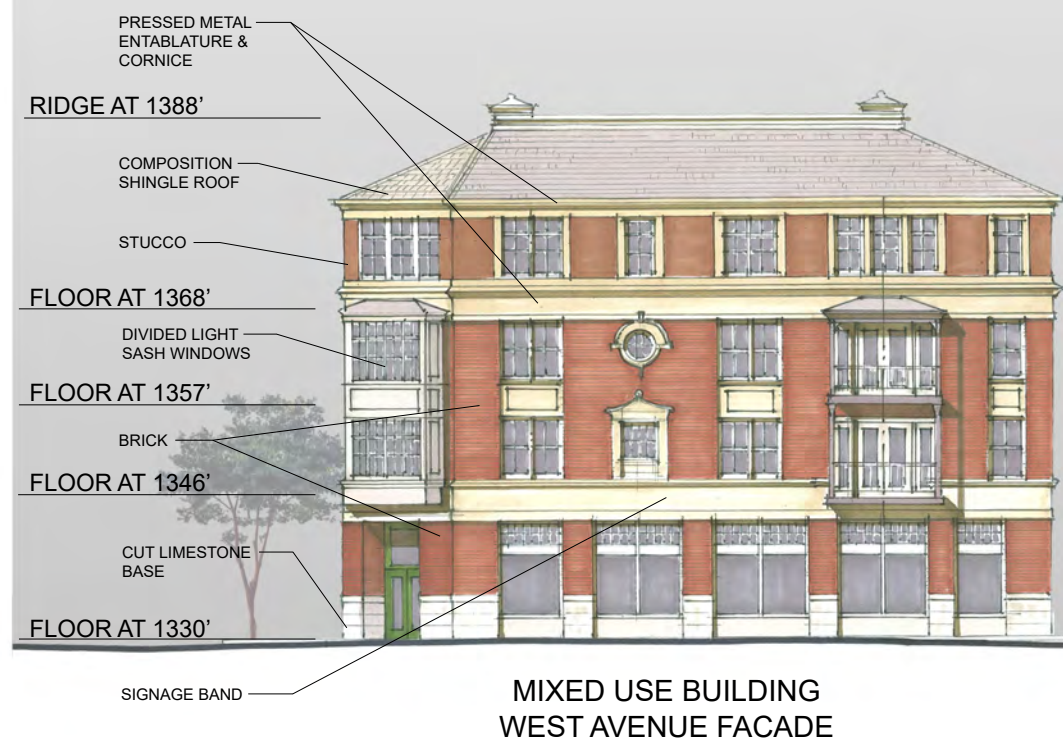


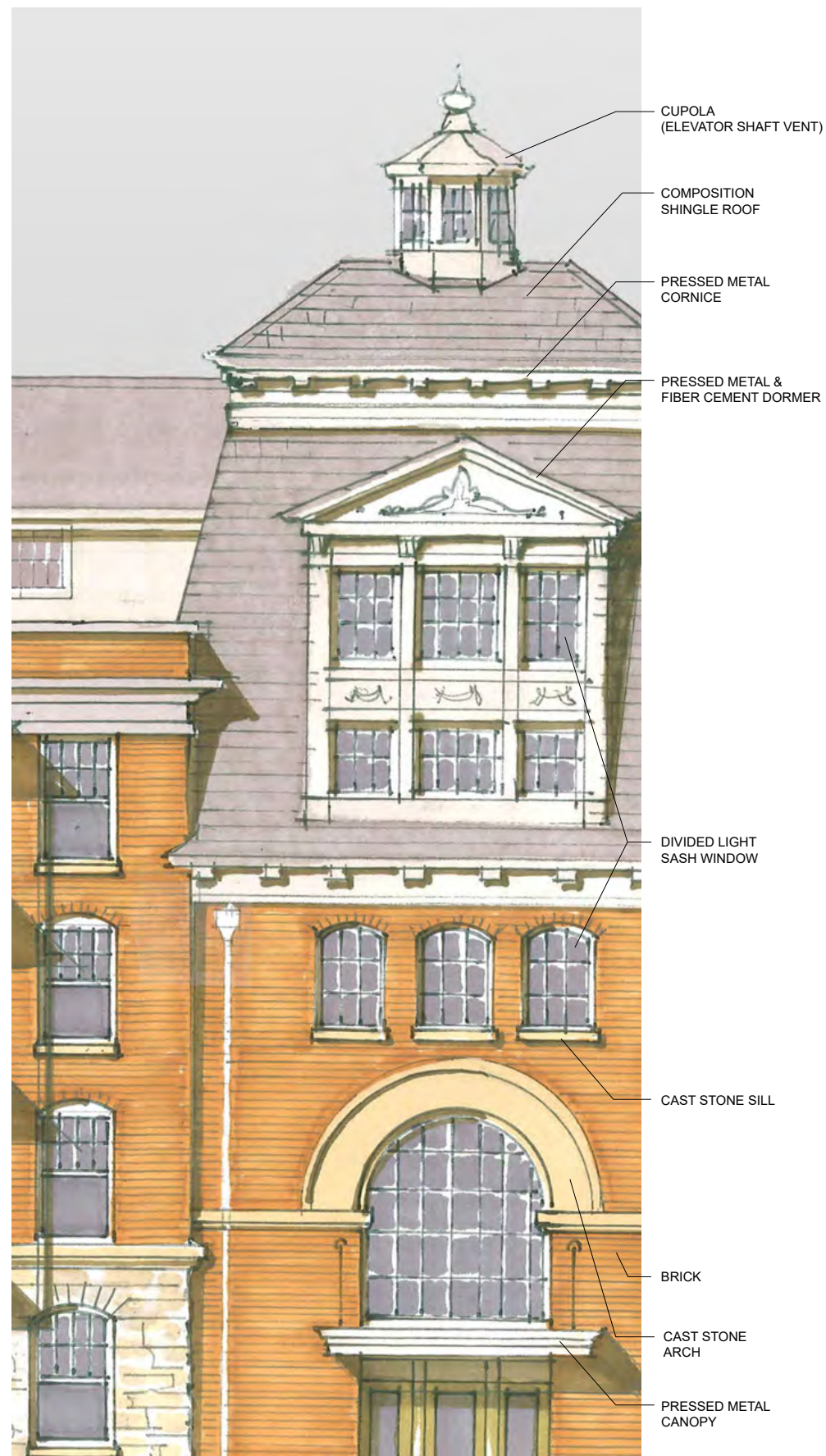
VIEW FROM TRAIL



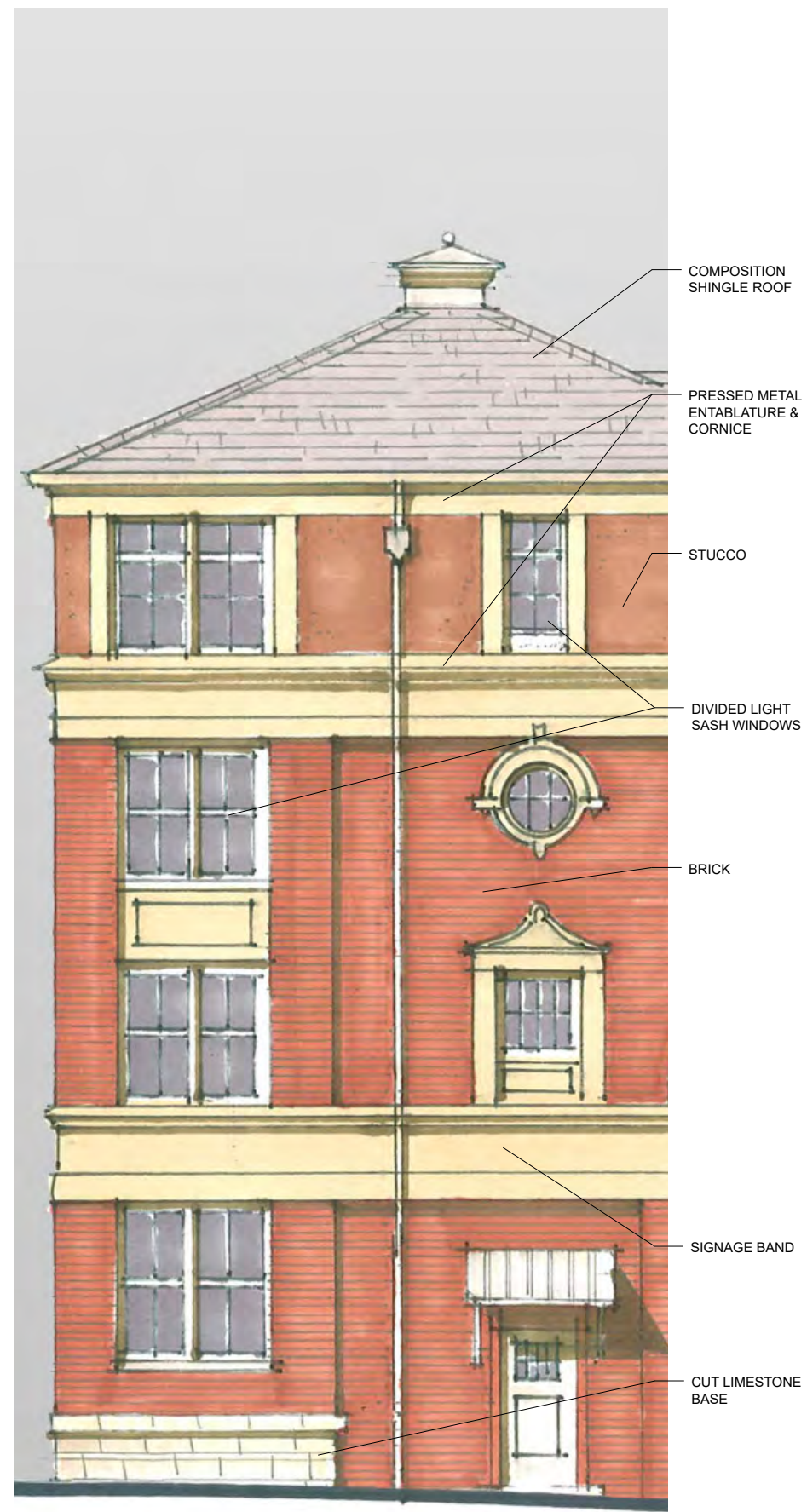








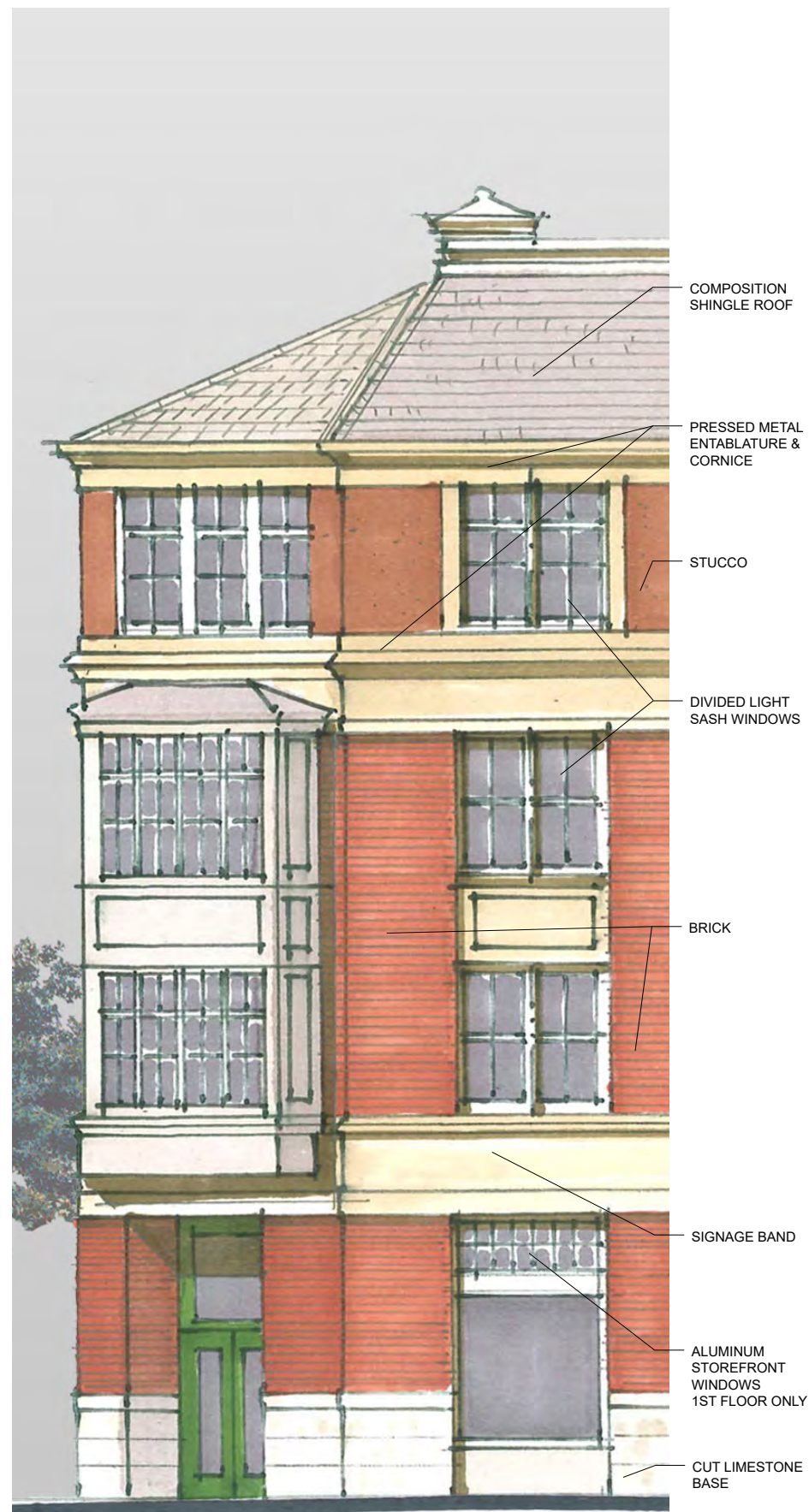
DETAIL OF ENTRY TOWER



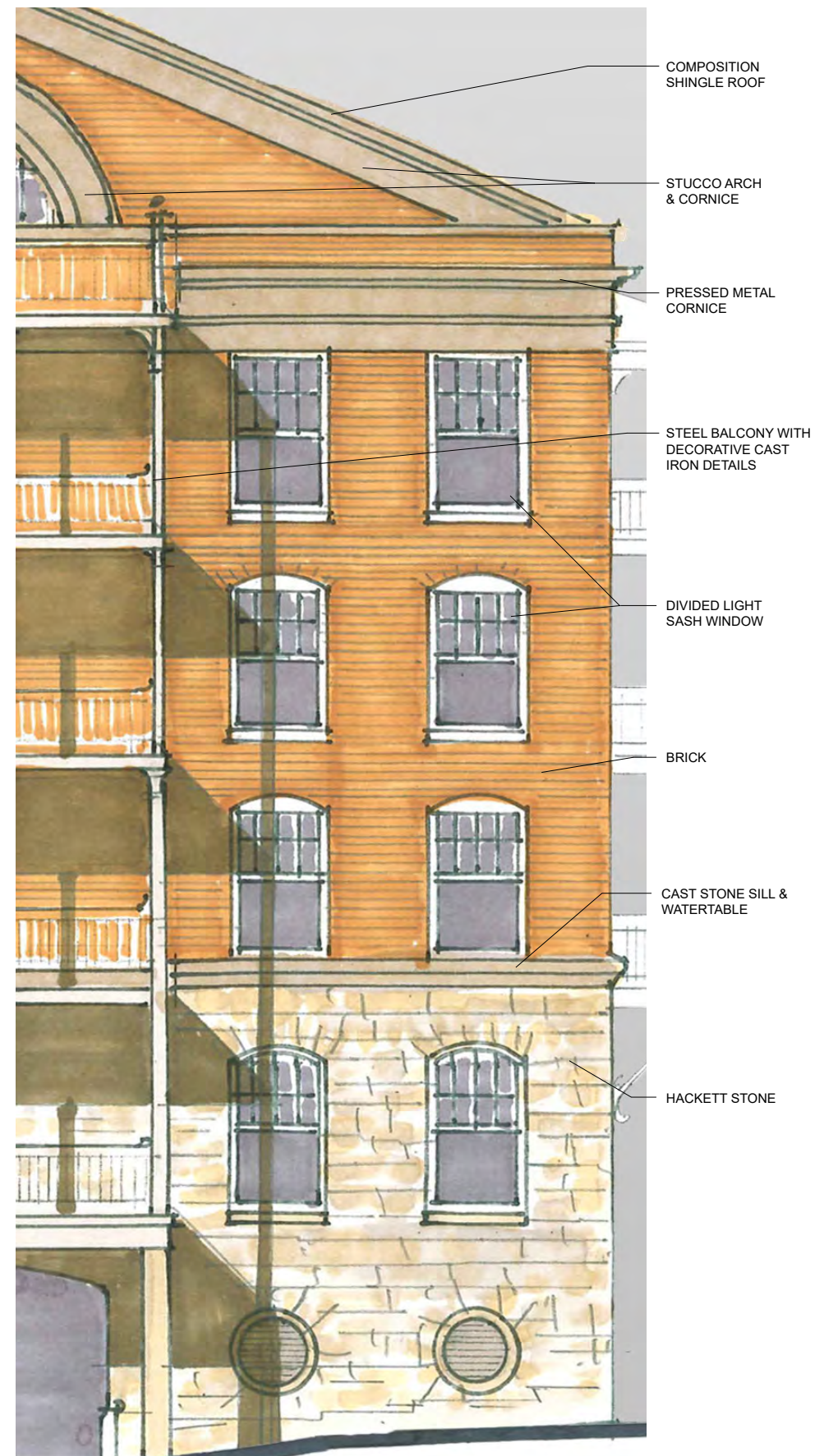
DETAIL OF MIXED USE BUILDING



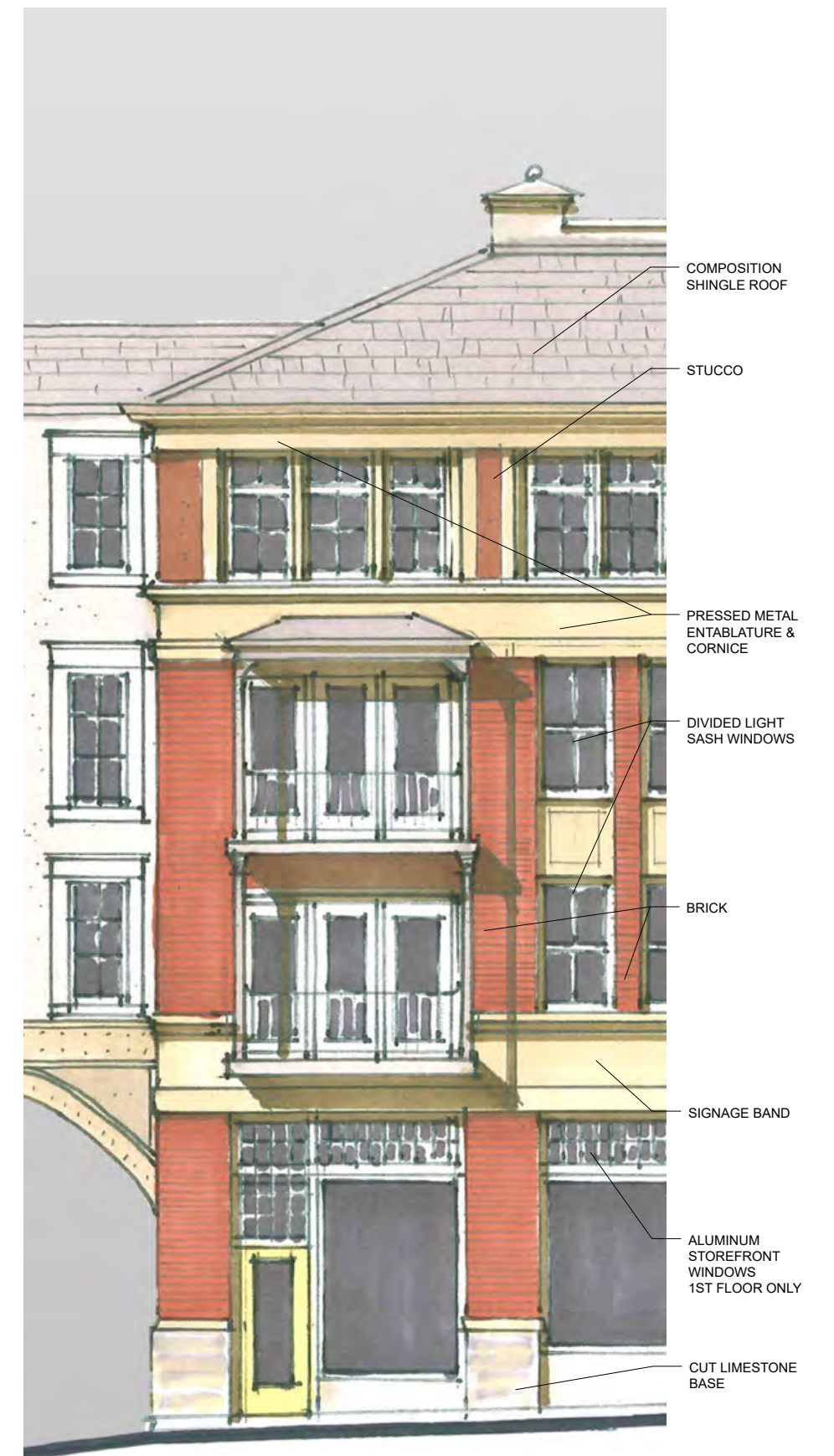
DETAIL OF TOWER



DETAIL OF CORNER ENTRY



DETAIL OF WEST FACADE



DETAIL OF SPRING STREET FACADE



BANK OF FAYETTEVILLE



EASON BUILDING



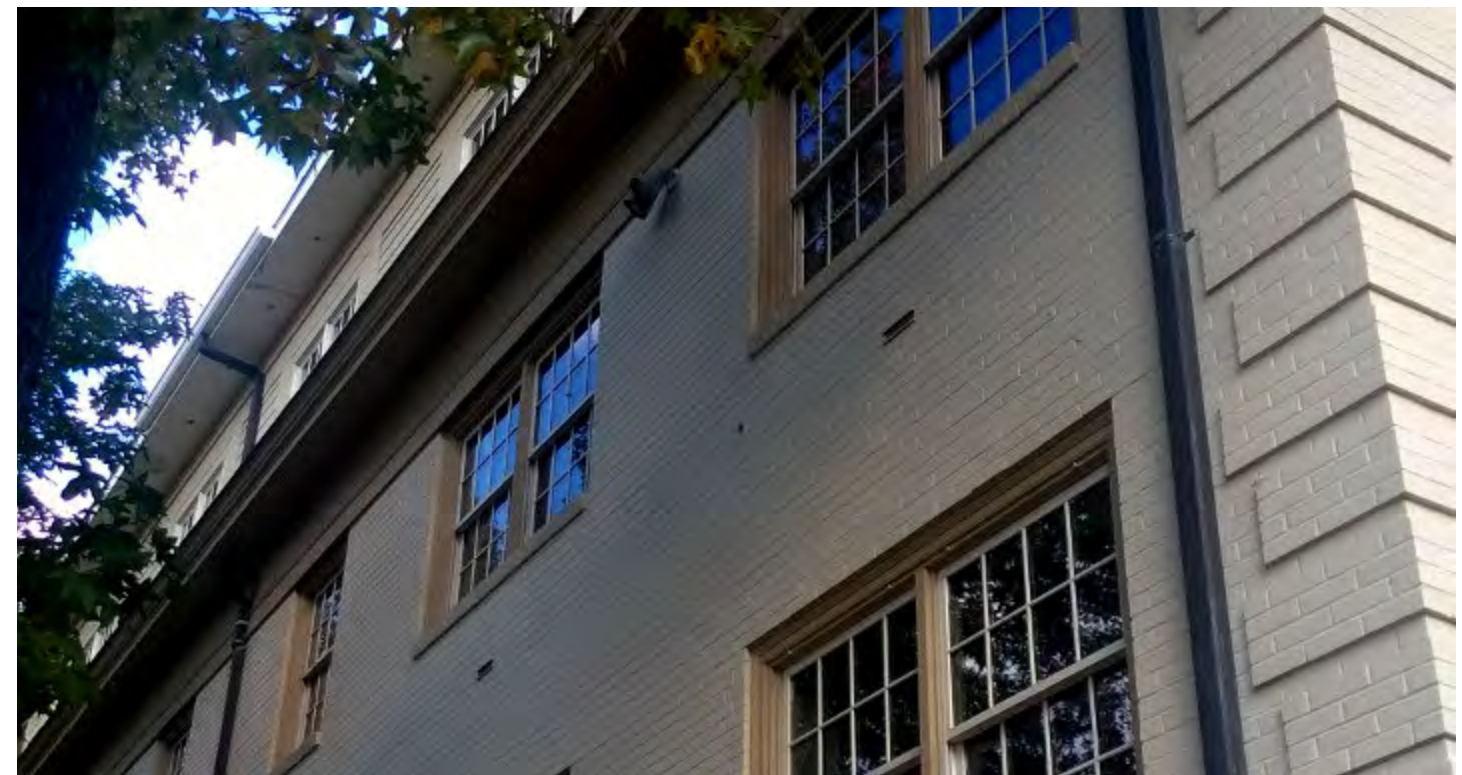
WASHINGTON COUNTY COURTHOUSE



EASON BUILDING



GUISINGER BUILDING



HERITAGE BUILDING



THREE SISTERS BUILDING



THREE SISTERS BUILDING

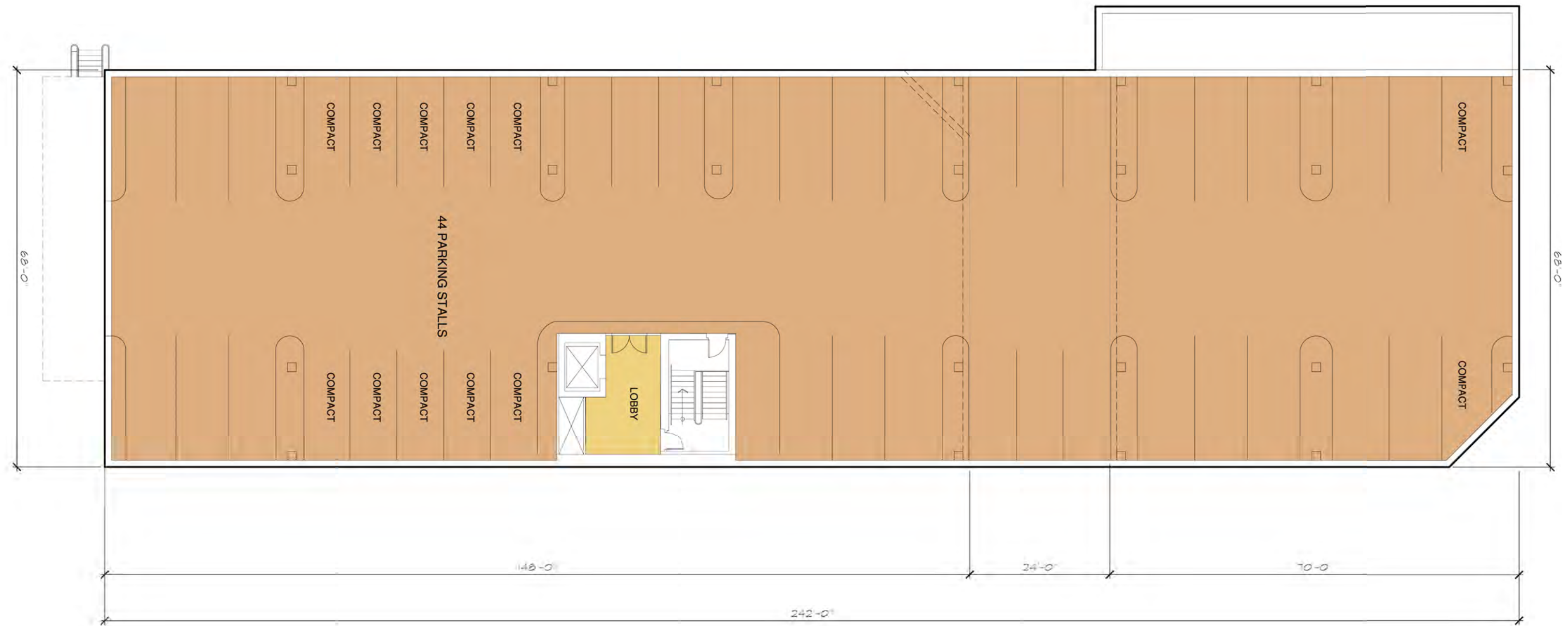










Exhibit F

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.

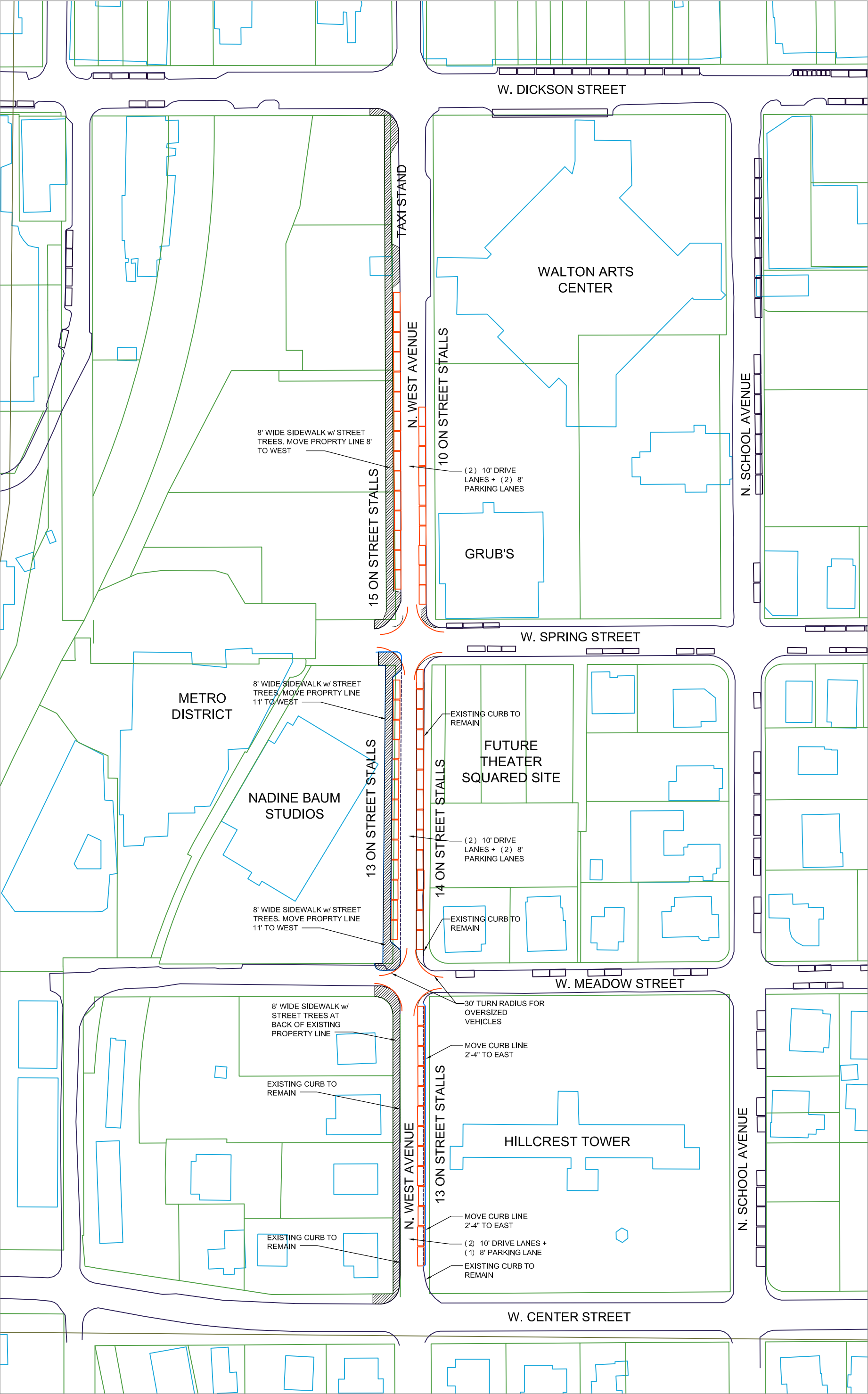


EXHIBIT G: POTENTIAL ON STREET PARKING AND PEDESTRIAN IMPROVEMENTS
65 POTENTIAL ON-STREET PARKING STALLS



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

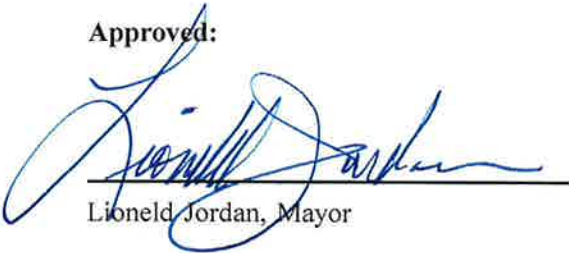
WHEREAS, the West Avenue Parking Lot was identified in the 2004 Downtown Master Plan as a "strategic location for infill development...with a parking garage and mix of uses lining the structure"; and

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:**

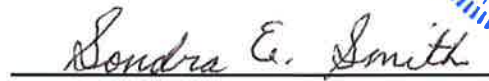
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to consider proposals for the development and improvement of the City's 2.8 acre property at the southwest corner of West Avenue and Dickson Street, which is currently used as the West Avenue Parking Lot.

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

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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

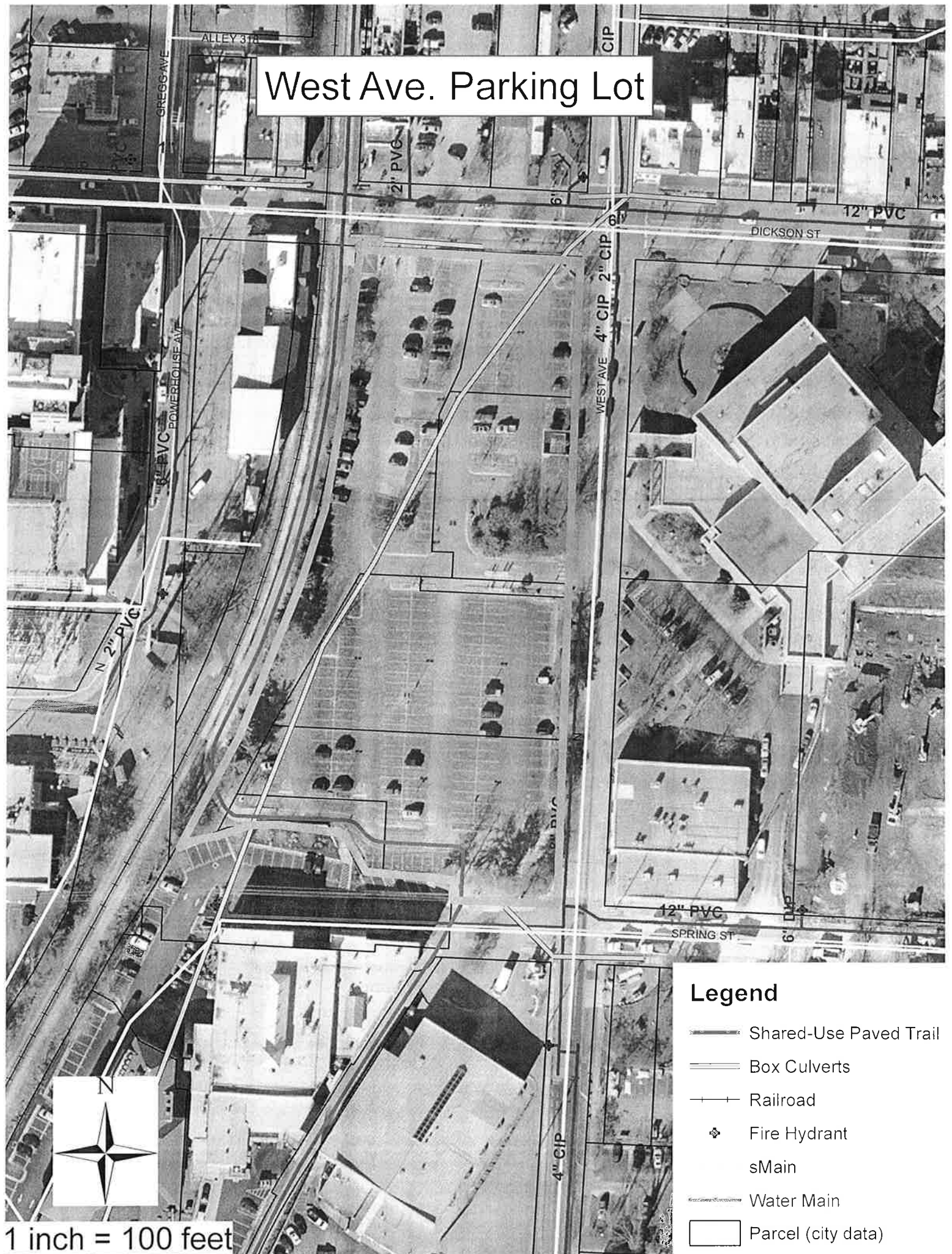
1 inch = 500 feet

Legend

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



West Ave. Parking Lot

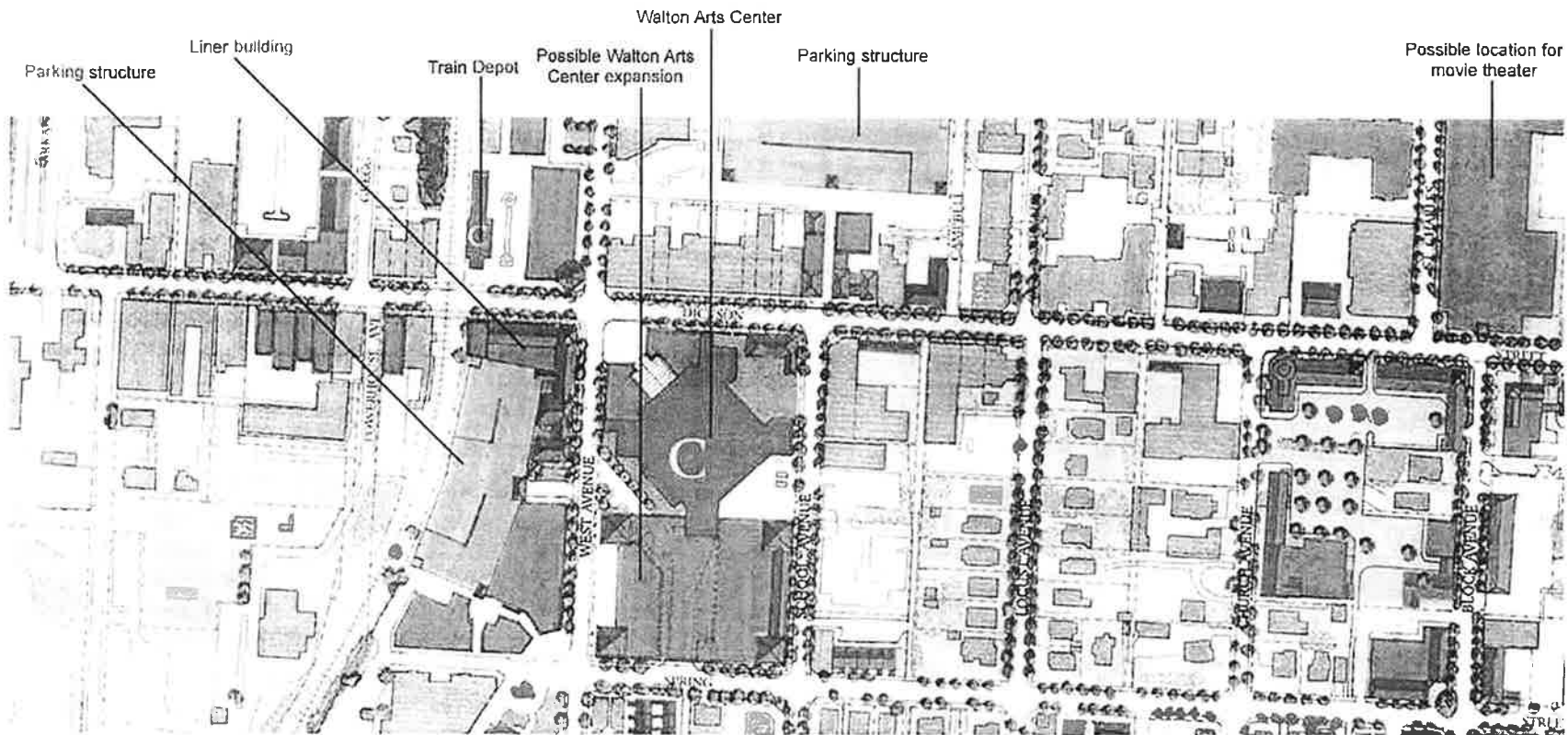


Legend

- Shared-Use Paved Trail
- Box Culverts
- Railroad
- Fire Hydrant
- sMain
- Water Main
- Parcel (city data)

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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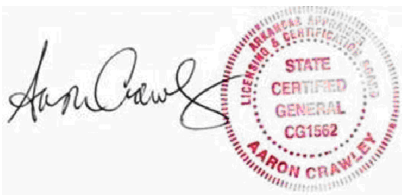
Section 1 - Summary of Salient Facts

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.

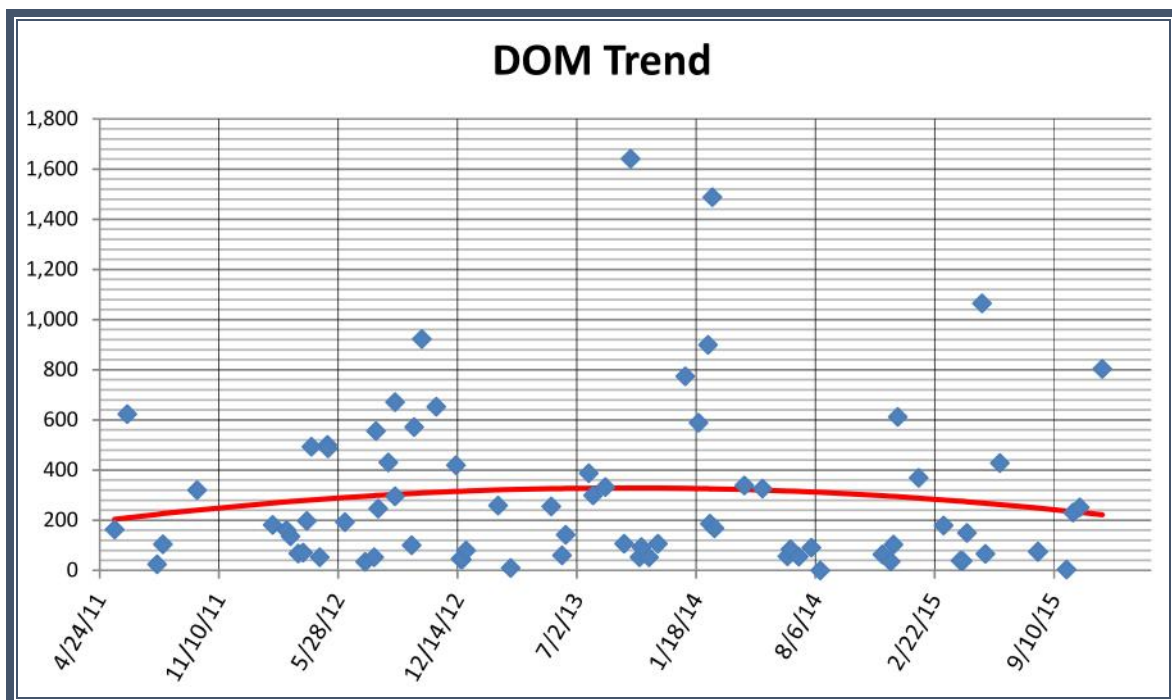
The reasonable exposure period is a function of price, time, and use. It is not an isolated estimate of time alone. Exposure time is different for various types of real estate and under various market conditions.

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

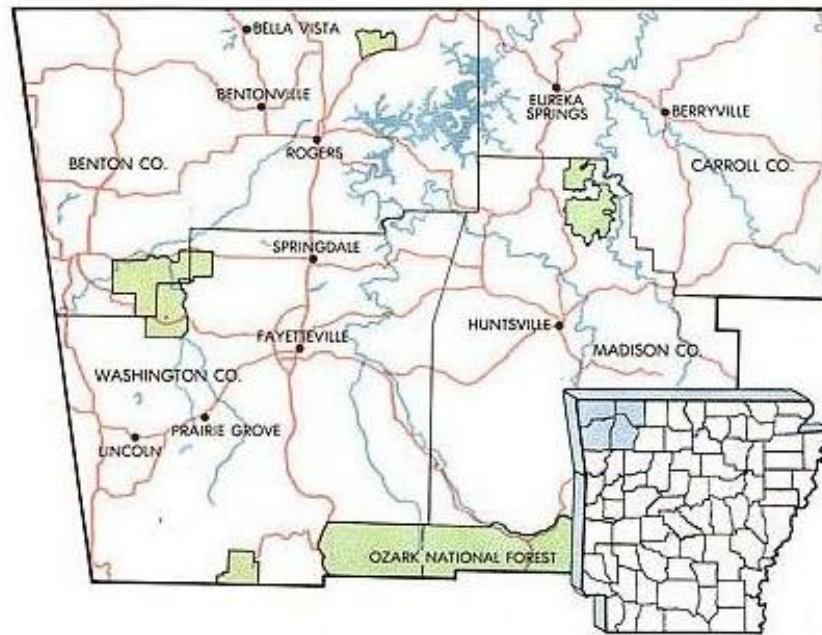
¹ Uniform Standards of Professional Appraisal Practice, Page I-7; Federal Reserve System, 12 CFR Parts 208 and 225, Sec. 225.62; Office of the Comptroller of the Currency, 12 CFR Part 34, Sec. 34.42; FDIC, 12 CFR Part 323, Sec. 323.2; Office of Thrift Supervision, 12 CFR Part 564, Sec. 564.2; National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



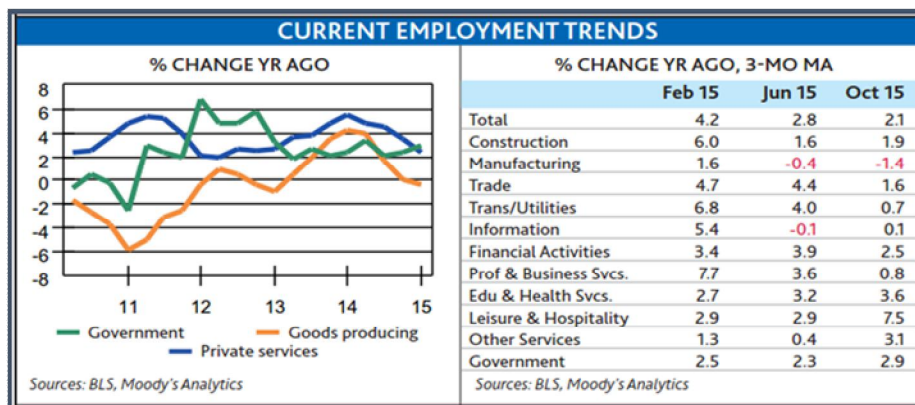
The following data is a brief explanation of the current market conditions for the Fayetteville-Springdale – Rogers MSA. The data was obtained from Moody’s Economy.com.

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.

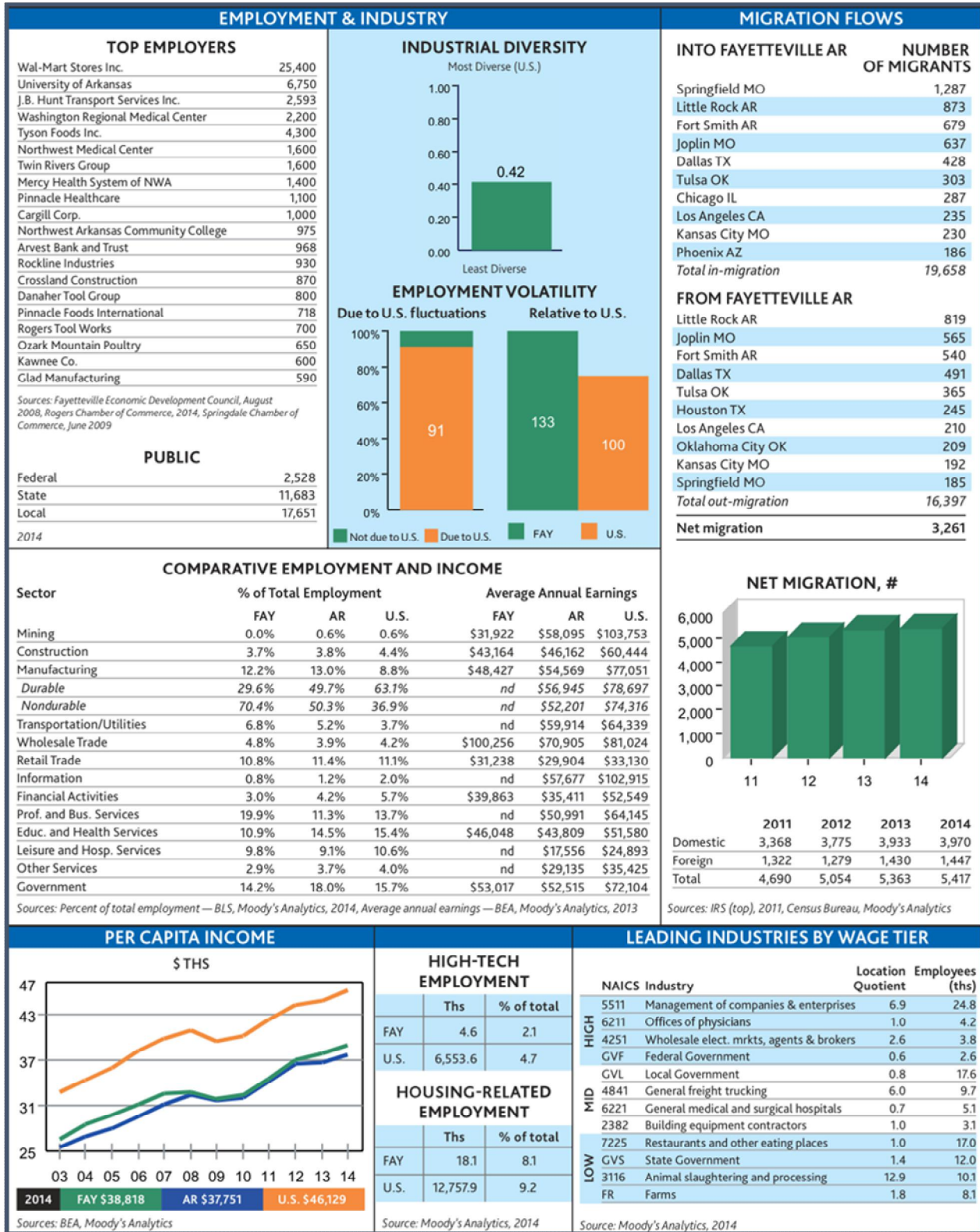
ECONOMIC HEALTH CHECK						
3-MO MA						
	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15
Employment, change, ths	0.2	0.3	0.1	0.1	0.1	0.4
Unemployment rate, %	4.2	4.2	4.2	4.1	3.9	3.8
Labor force participation rate, %	64.7	64.8	64.7	64.7	64.7	64.8
Employment-to-population ratio, %	62.0	62.1	62.0	62.1	62.2	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 Highest=1 Lowest=401
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.”

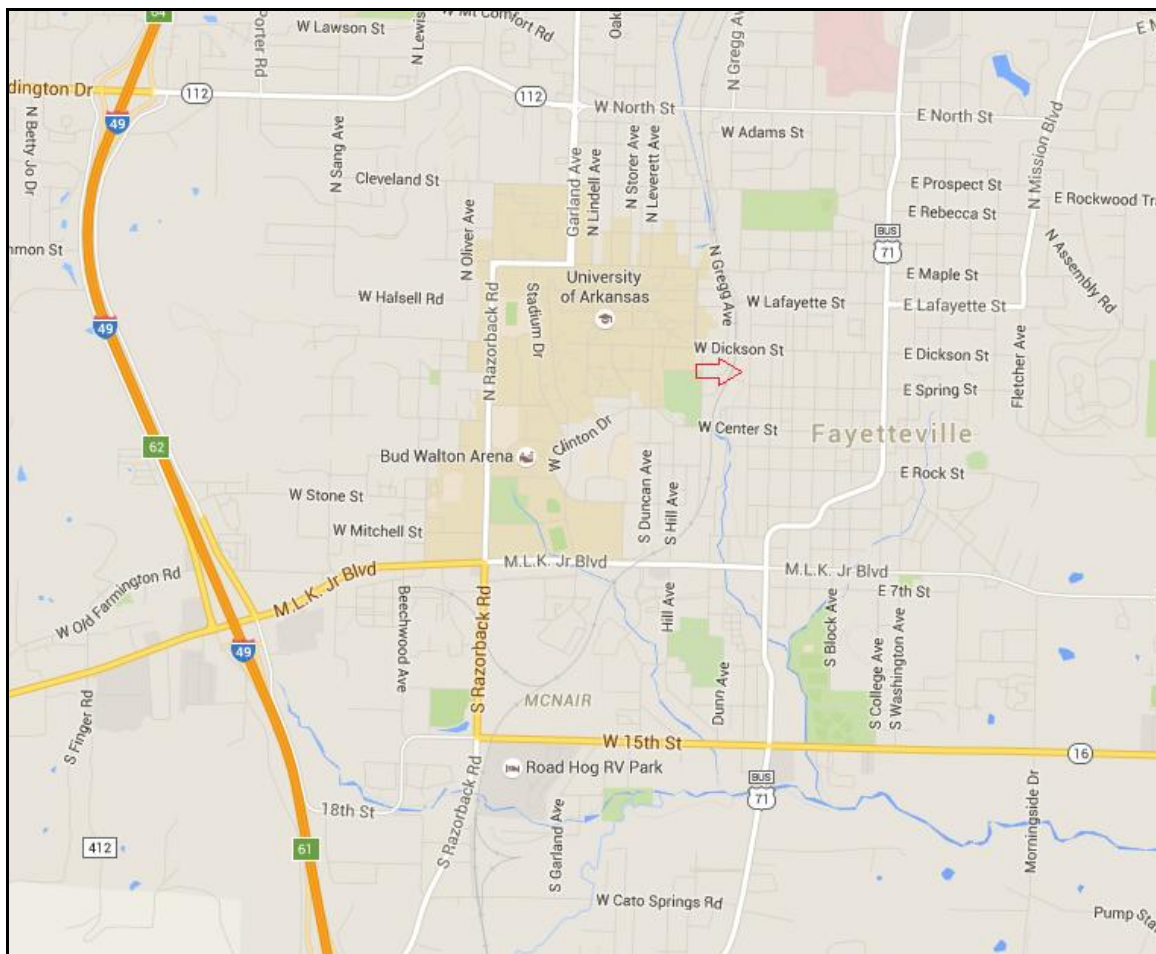
Neighborhood Data

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.

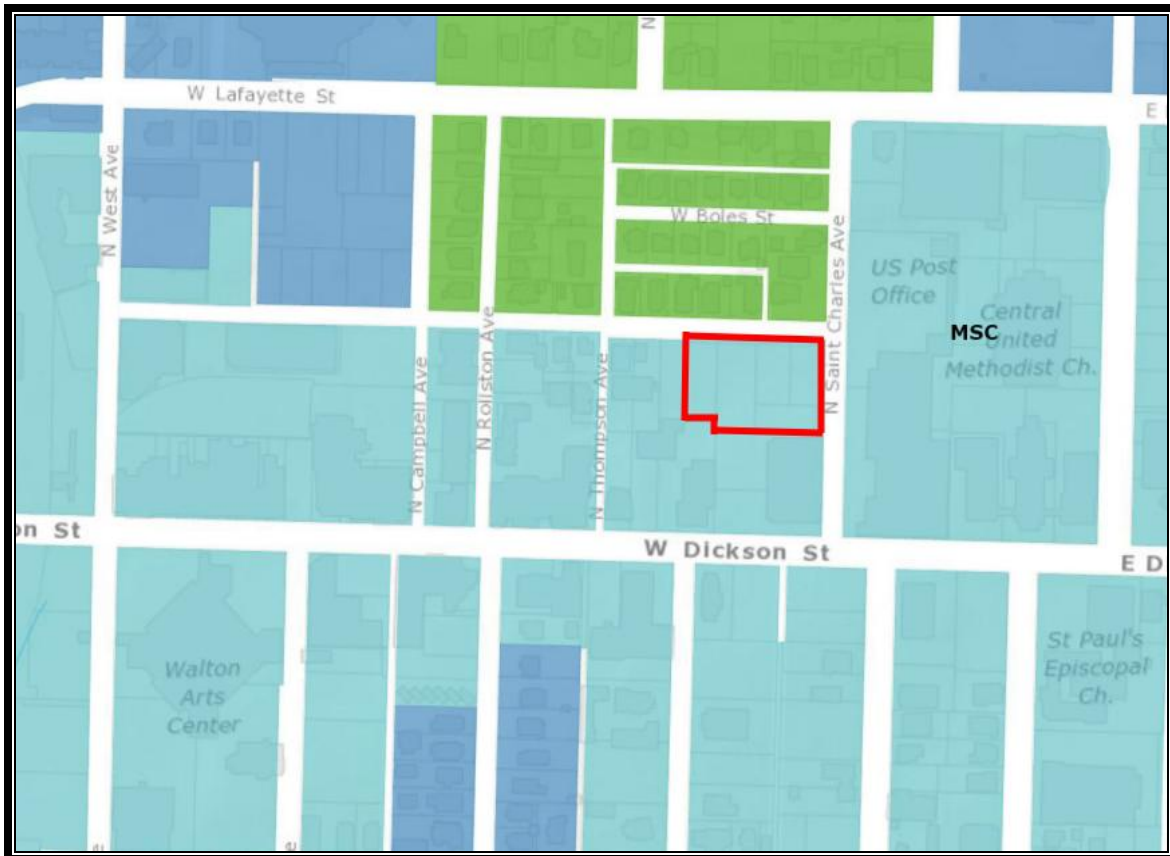
Sale Collection Results

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.

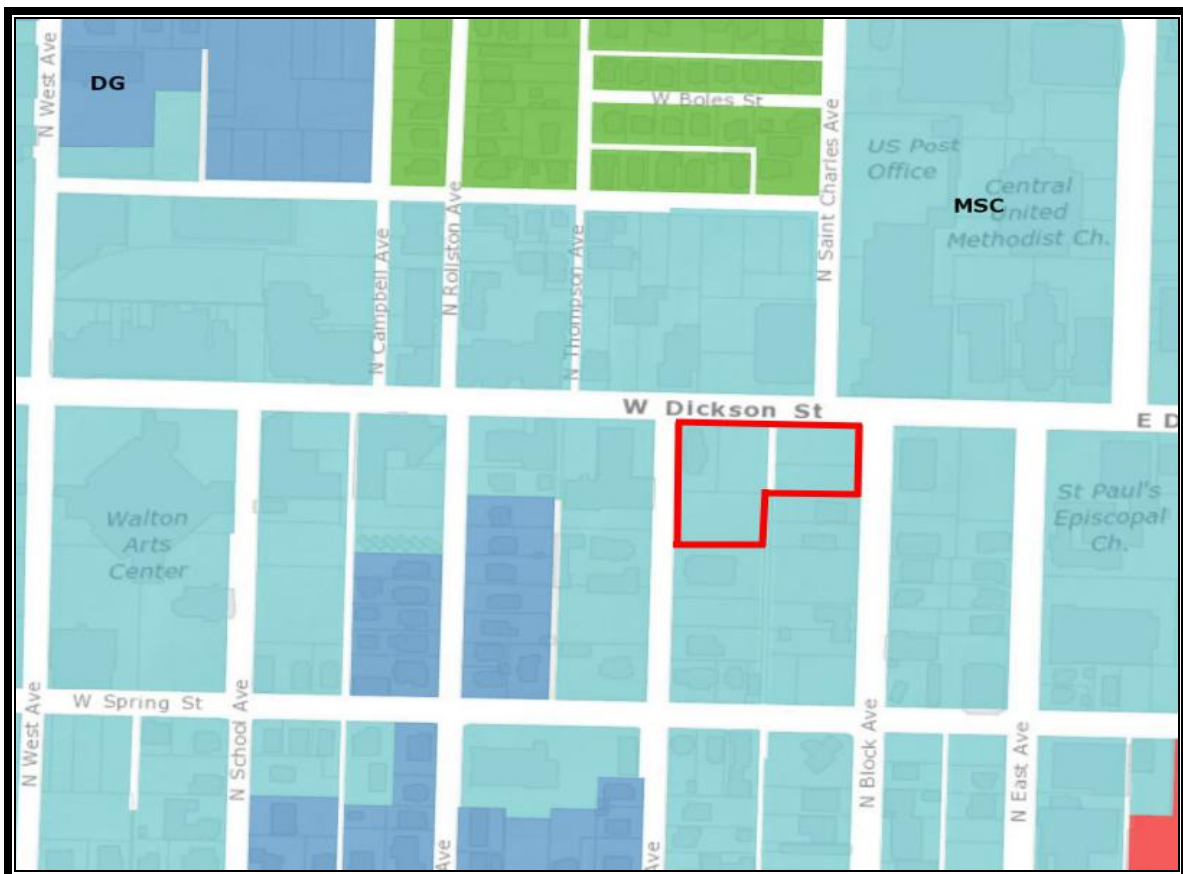
Land Sale #1

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.



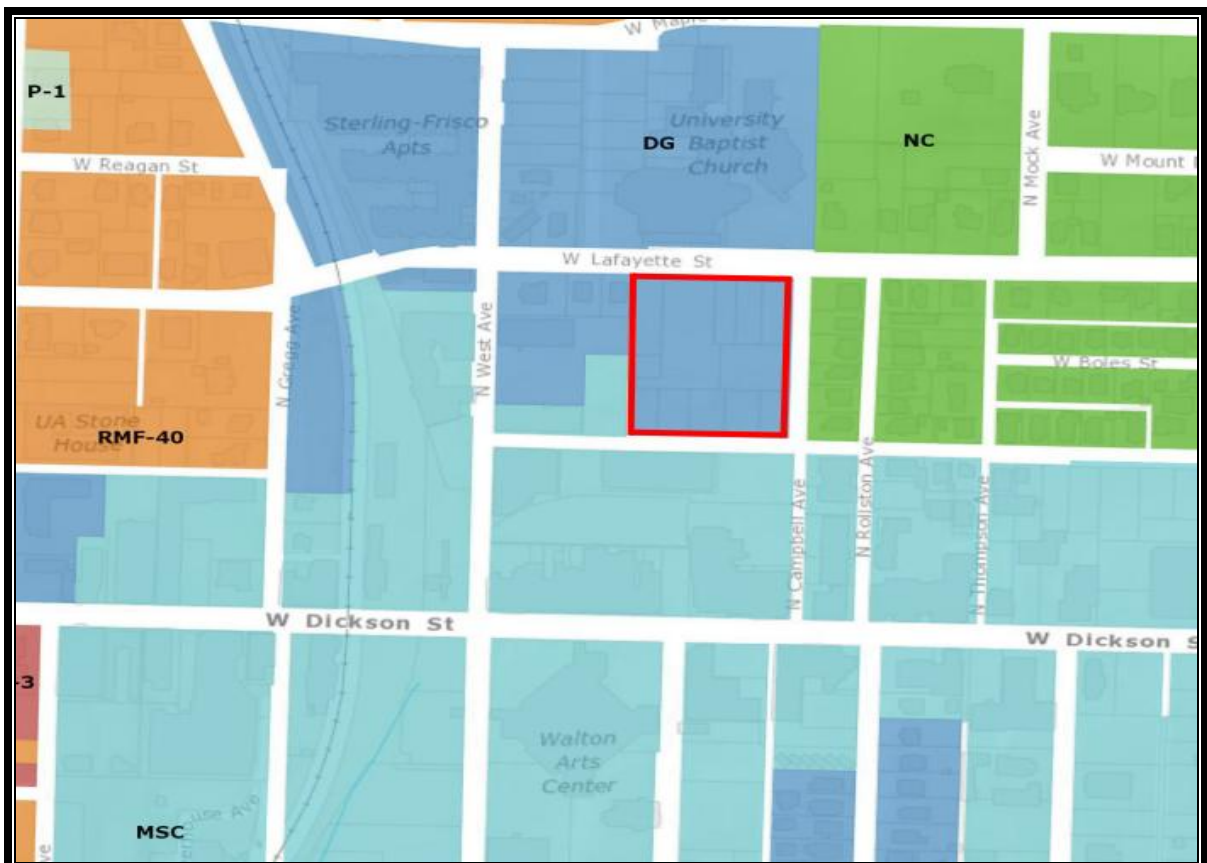
Land Sale #2

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.



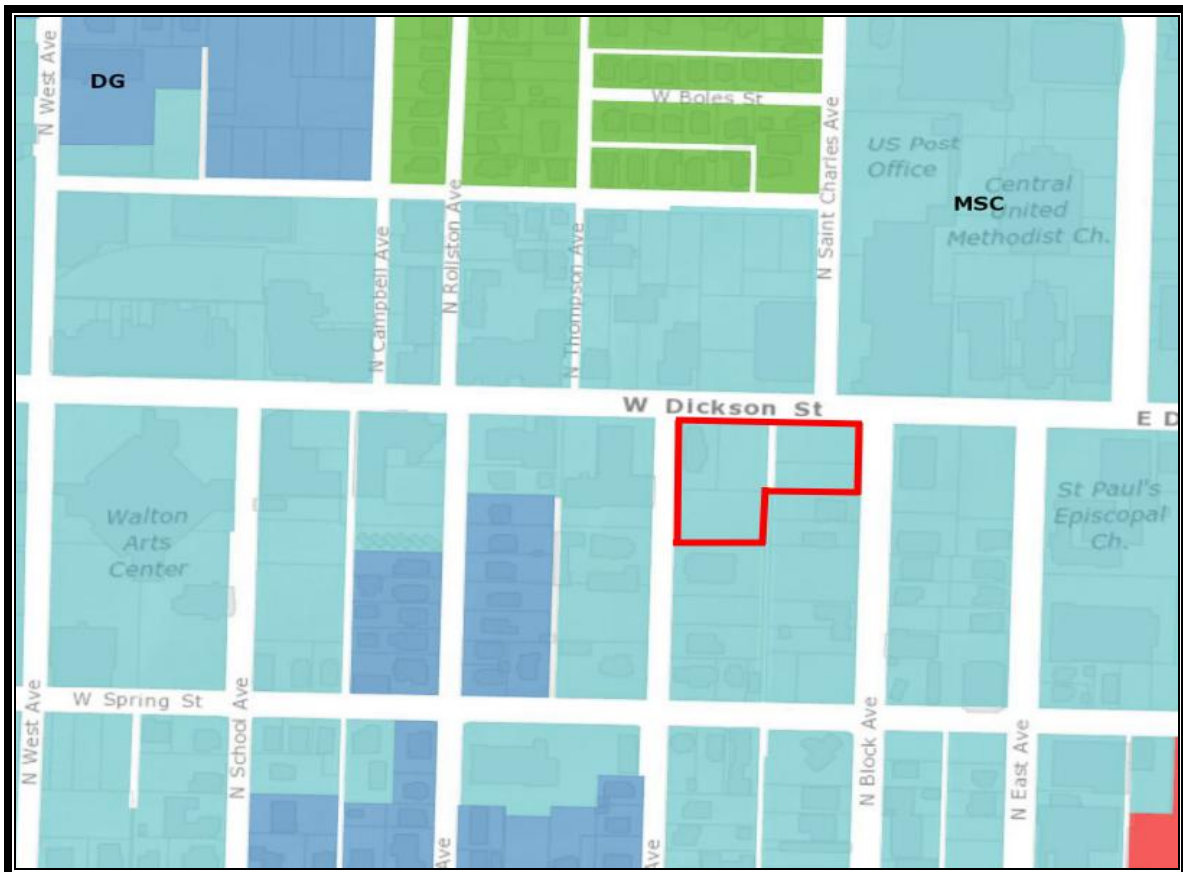
Land Sale #3

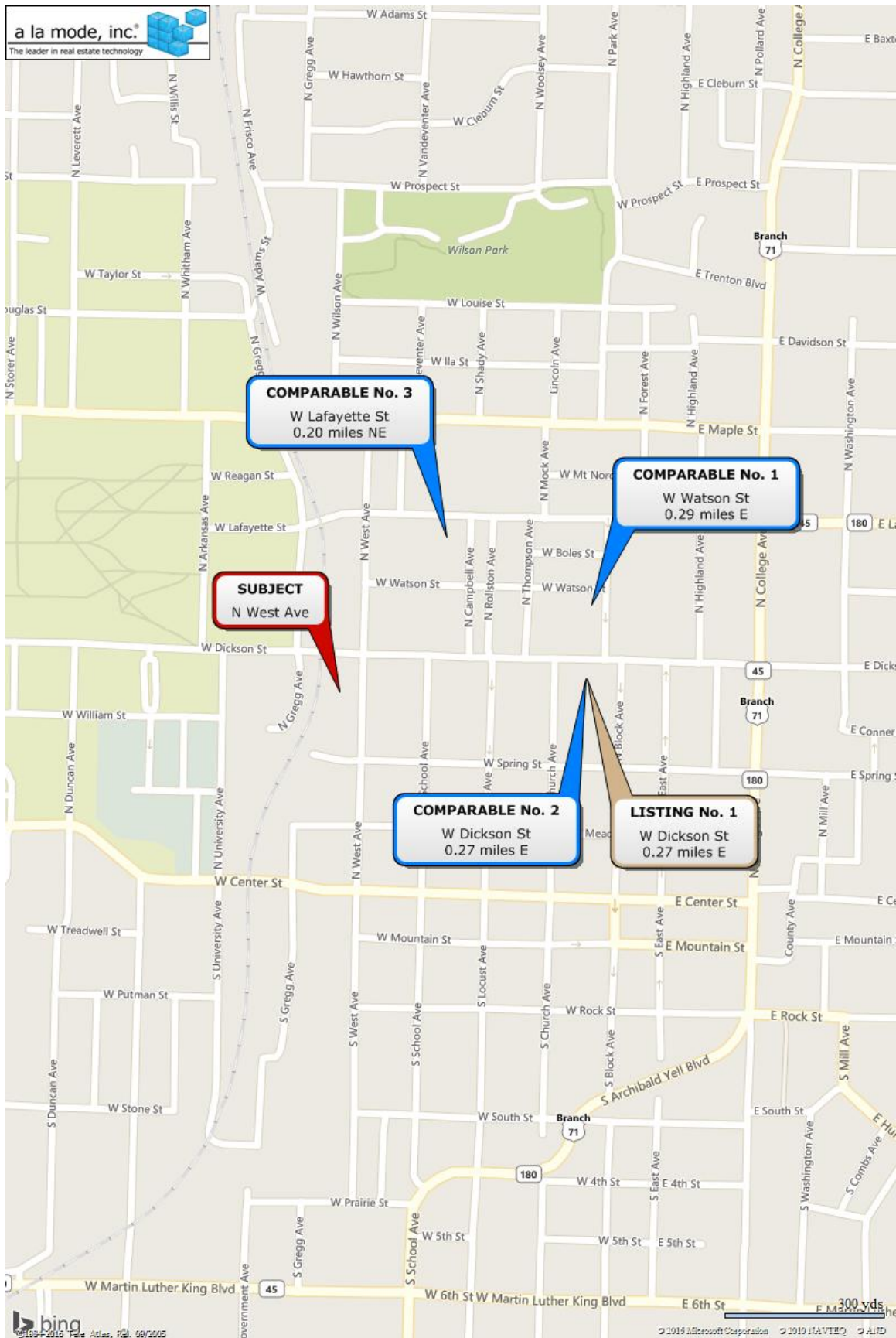
Location: W. Lafayette Street, Fayetteville, AR
Legal Description: Lots 1 and 16, and part of Lot 15, all in Block 6, County Court Addition, an Addition to the City of Fayetteville, Washington County, Arkansas.
Tax ID # 765-04351-000; 765-04352-000; 765-04353-000; 765-04354-000; 765-04359-000; 765-04380-000; 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

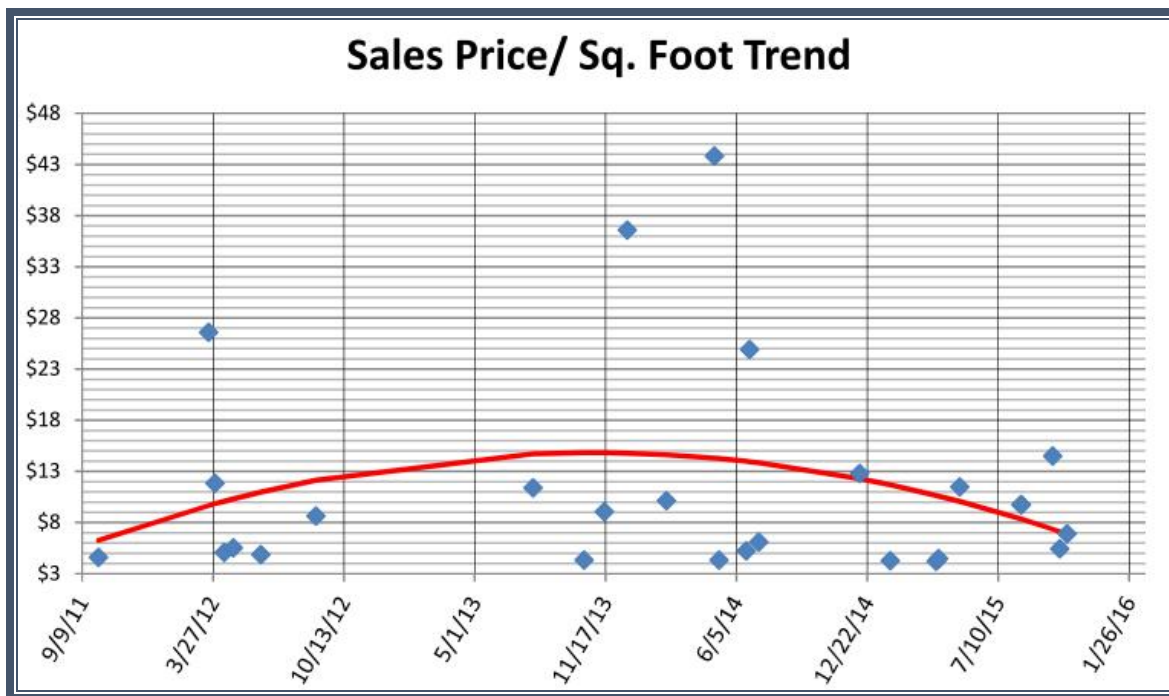
Discussion and Analysis:

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.

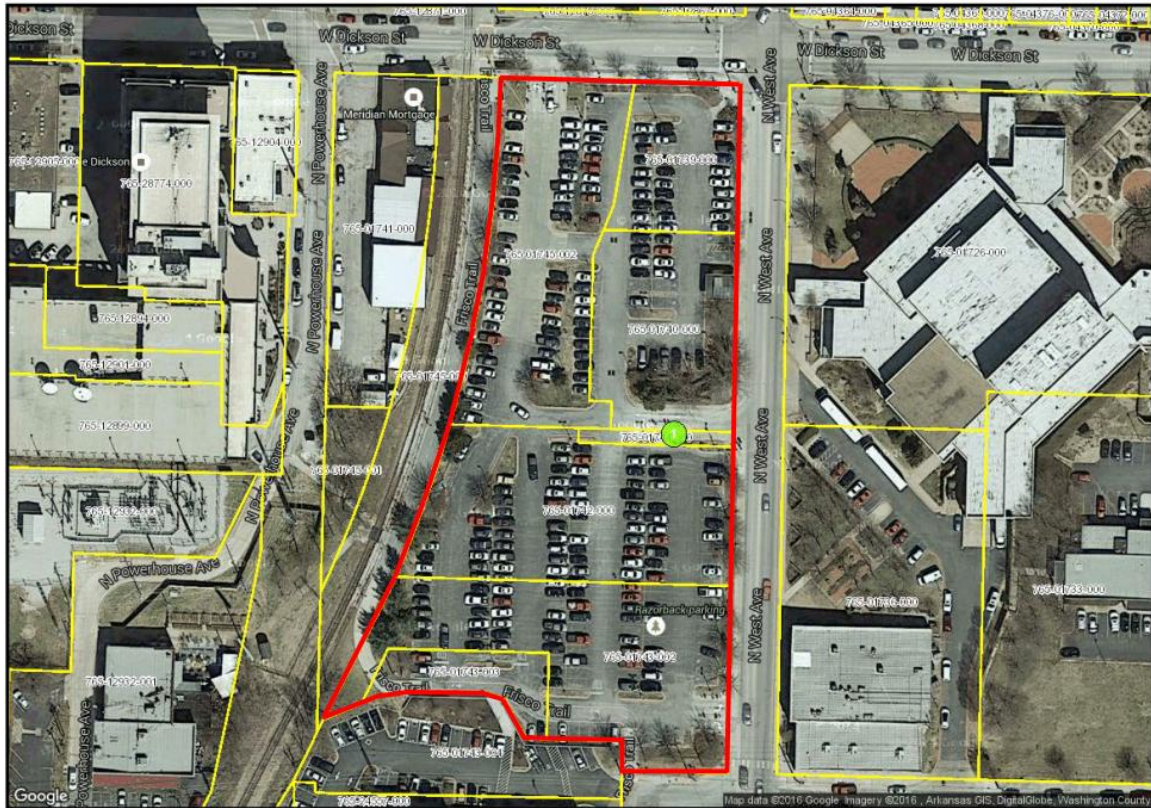


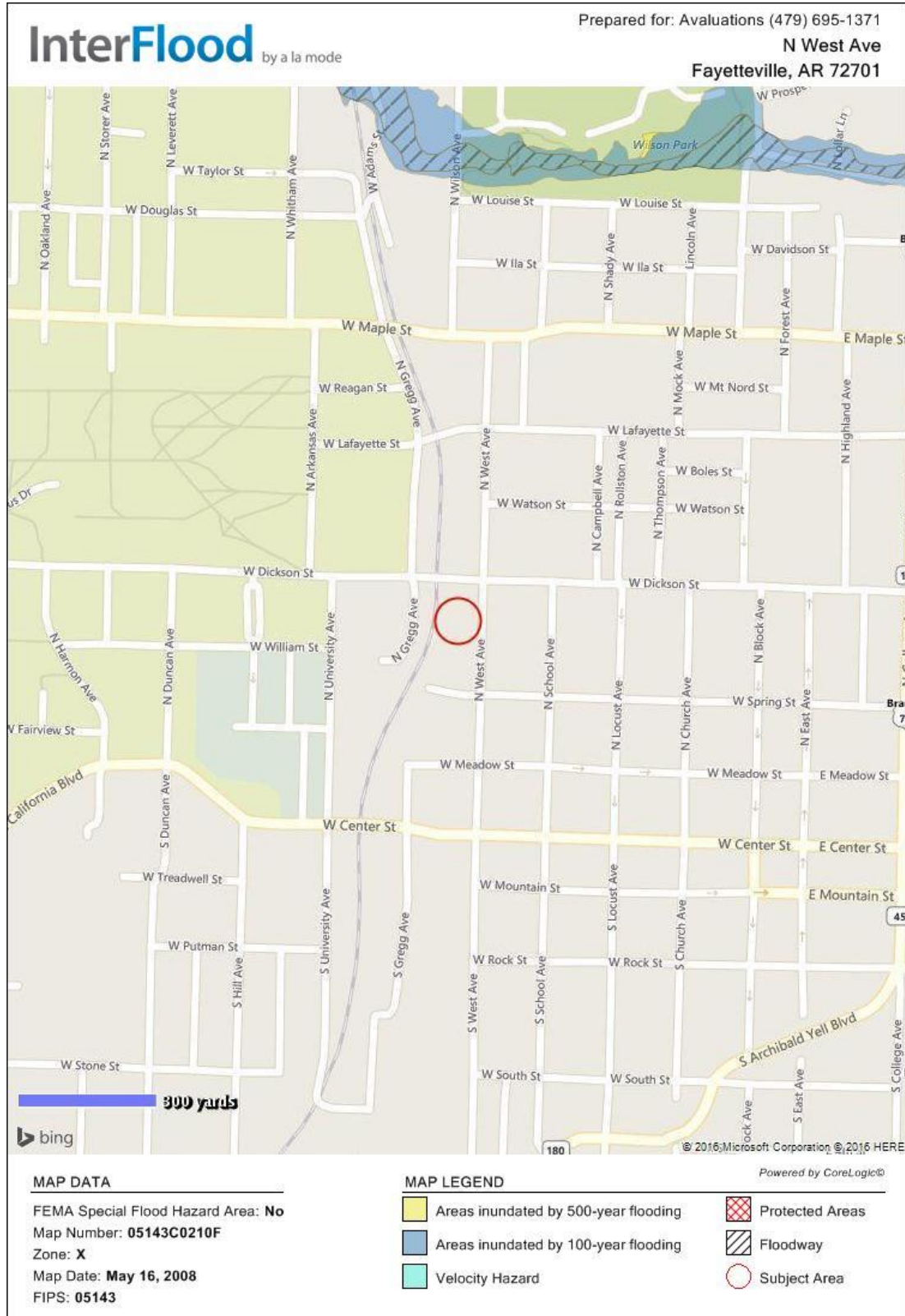
Looking northerly down N. West Avenue, subject on the left.



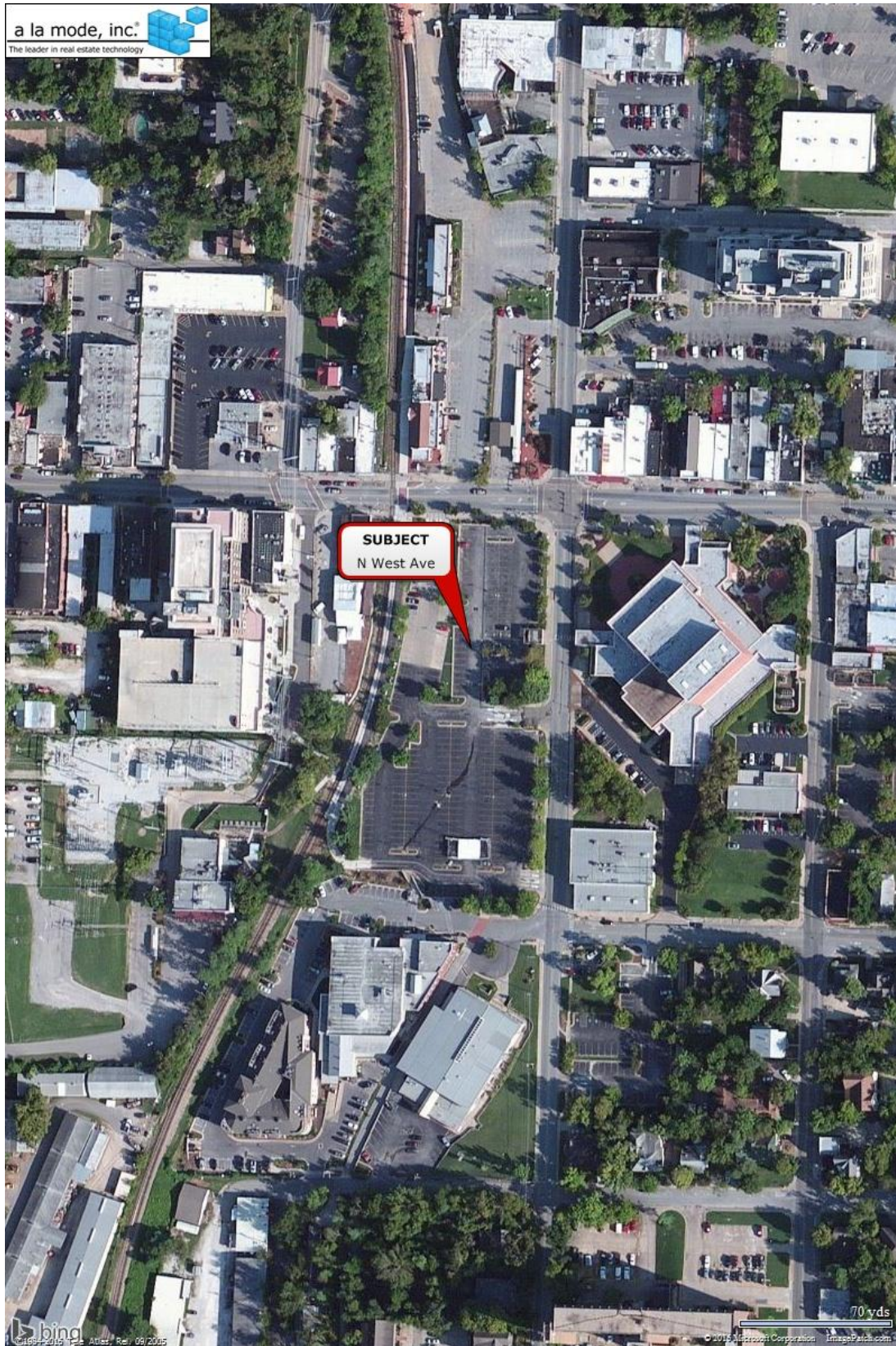
Looking westerly along W. Dickson Street, subject on the left.

Parcel Map:



Flood Map:

Aerial Map:



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 <u><i>David H. Anderson</i></u> 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
<u><i>David H. Anderson</i></u> Chairman, AAL & CB	



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0340

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

BAYYARI MUSIC PLAYGROUND DONATION:

A RESOLUTION TO ACCEPT A DONATION IN THE AMOUNT OF \$30,000.00 FROM FADIL BAYYARI TO CONSTRUCT THE DAVID LYLE BAYYARI MUSIC PLAYGROUND AT WILSON PARK, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Fadil Bayyari has donated \$30,000.00 to the City to fund the construction of a music playground at Wilson Park in memory of his son, David Lyle Bayyari, and the project has been recommended for approval unanimously by the Parks and Recreation Advisory Board.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts a donation in the amount of \$30,000.00 from Fadil Bayyari to construct the David Lyle Bayyari Music Playground at Wilson Park and expresses its sincere appreciation to Mr. Bayyari for the donation.

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

City of Fayetteville Staff Review Form

2016-0340

Legistar File ID

8/2/2016

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

Connie Edmonston

7/13/2016

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Resolution to accept \$30,000 donation from Fadil Bayyari to build a music playground at Wilson Park, name the donation "David Lyle Bayyari Music Playground", and approve a budget adjustment.

Budget Impact:

2250.9255.5806.00

Parks Development

Account Number

Fund

13001.1604

David Lyle Bayyari Music Playground

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 30,000.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 30,000.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF AUGUST 2, 2016

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM; Connie Edmonston, Parks and Recreation Director
DATE: July 12, 2016
SUBJECT: Wilson Park Music Playground Donation

RECOMMENDATION:

Resolution to accept \$30,000 donation from Fadil Bayyari to build a music playground at Wilson Park, name the donation "David Lyle Bayyari Music Playground", and approve a budget adjustment.

BACKGROUND:

Fadil Bayyari met with Parks and Recreation Staff to discuss his passion to build a music playground at Wilson Park in memory of his son who enjoyed playing at Wilson Park. Mr. Bayyari has donated \$30,000 to build the music playground and has requested to name it "David Lyle Bayyari Music Playground."

DISCUSSION:

A music playground is composed of outdoor musical instruments such as chimes, met-allophones, various drums and plus other possibilities that attracts children and adults of all ages. Please see an example of these instruments at: <https://www.playlsi.com/en/commercial-playground-equipment/playgrounds/rhapsody-outdoor-musical-instruments> Outdoor music playgrounds are becoming very popular in many cities throughout the United States. A music playground would be a great addition to Wilson Park that would add a new element of music to our existing parks system.

Parks and Recreation Advisory Board reviewed the proposal and approved it unanimously at their July 11, 2016 monthly meeting. Staff recommends to approve the donation to build the music playground and to name it "David Lyle Bayyari Music Playground". This request is in accordance with the Naming Park Facilities Policy found in §97.088(B)(2)(d) Exhibit "B" because Mr. Bayyari's donation contributed significantly to the development of a facility.

Renovation of the Wilson Park playground is a capital project for 2016. A matching grant in the amount of \$150,000 was awarded by Arkansas Parks and Tourism Outdoor Recreation Grant Program to replace the existing playground structures. The music playground will be incorporated into this new design. Project is projected to start this fall.

BUDGET/STAFF IMPACT:

The budget impact of approving the donation would have a positive impact on the budget by providing \$30,000 for improvements to Wilson Park. This playground should have little impact on staff time except to periodically inspect the playground and repair unexpected elements since it is new.

Attachments:

Staff Review Form

Resolution

Budget Adjustment

Parks and Recreation Advisory Board July 11, 2016 Meeting Minutes

Request Letter from Mr. Fadil Bayyari

BAYYARI

PROPERTIES & CONSTRUCTION

2025-B Creekview

Fayetteville, AR 72704

Ofc (479) 521-9800 FAX (479) 521-9802

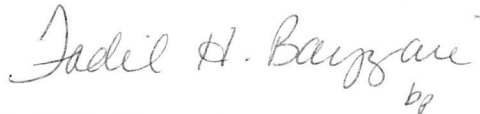
e-mail: bayyariproperties@gmail.com

July 12, 2016

City of Fayetteville,

I am requesting to donate \$30,000 to the Parks and Recreation Department to build a music playground in Wilson Park in honor of my son. I further request to name the donation the "David Lyle Bayyari Music Playground" in memory of my son who enjoyed Wilson Park throughout his life.

Respectfully submitted,

A handwritten signature in cursive script that reads "Fadil H. Bayyari". Below the signature, the letters "bp" are written in a smaller, simpler script.

Fadil H. Bayyari

/bp

**Parks and Recreation Advisory Board Meeting
July 11, 2016 at 5:30 p.m.
City Administration Building Room 111
113 West Mountain Street
Fayetteville, AR**

Members: Richie Lamb, David Priest, Wade Colwell, Terry Lawson, Chuck Maxwell, Kyle McHan, Phillip McKnight, David Proffitt, JL Jennings

City Staff: Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; Alison Jumper, Park Planning Superintendent; Chanel Pennington, Operations Assistant; John Crow, Recreation Superintendent

Donation of a Music Park at Wilson Park – Connie Edmonston, Parks & Recreation Director

CE: Fadil Bayyari has requested to donate \$30,000 to build a music park at Wilson Park. He is requesting to name the music park the “David Lyle Bayyari Music Park” in memory of his son who enjoyed Wilson Park. Park Planners will collaborate with Mr. Bayyari on the location and design of the music park in Wilson Park.

Parks Staff Recommendation: Approve the donation of \$30,000 to build a music park at Wilson Park and to name the area “David Lyle Bayyari Music Park” according to Ordinance §97.088(B)(2)(d)Exhibit “B” – Naming Park Facilities.

PRAB Motion: Priest made a motion to approve the donation of \$30,000 and naming of Wilson Park as recommended by staff. McKnight seconded the motion. Motion passed, 5-0-0.

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

Budget Year	Division: Parks & Recreation	Adjustment Number
2016	Dept.: Parks & Recreation	
	Requestor: Alan Bearden	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Request for approval to receive/recognize a donation from Bayyari Properties of \$30,000 for use to add a Music Playground at Wilson Park. The donation will be used to purchase and install this playground equipment. There are no requirements for the City to provide additional funds.

RESOLUTION/ORDINANCE	COUNCIL DATE:	8/2/2016
	LEGISTAR FILE ID#:	2016-0340
	<i>Liz Hutchens</i>	
	7/18/2016 1:24 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	30,000	30,000					v.20160624
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
2250.0925.4809.00	-	30,000	13001	1604	RE	Donations	
2250.9255.5806.00	30,000	-	13001	1604	EX	Park Improvements	
	-	-					
	-	-					
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City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0341

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 2

THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT:

A RESOLUTION TO APPROVE AN AGREEMENT WITH THE ROTARY CLUB OF FAYETTEVILLE REGARDING THE FUNDING FOR AND NAMING OF THE ROTARY CLUB OF FAYETTEVILLE PLAYGROUND AT THE KESSLER MOUNTAIN REGIONAL PARK, TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A DONATION FROM THE ROTARY CLUB OF FAYETTEVILLE AND ITS MEMBERS IN THE AMOUNT OF \$150,000.00 FOR THE PROJECT CONTINGENT UPON RECEIPT OF THE FUNDS, AND TO EXPRESS THE CITY COUNCIL'S INTENT TO PROVIDE MATCHING FUNDS IN AN AMOUNT OF \$120,000.00 TOWARD THE PLAYGROUND PROJECT CONTINGENT ON APPROVAL OF THE 2017 BUDGET

WHEREAS, the Rotary Club of Fayetteville has raised \$100,000.00 toward the construction of a playground at the Kessler Mountain Regional Park and has pledged to contribute an additional \$50,000.00 by the end of 2016.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an Agreement with the Rotary Club of Fayetteville regarding the funding for and naming of the Rotary Club of Fayetteville Playground at the Kessler Mountain Regional Park.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, recognizing a donation from the Rotary Club of Fayetteville and its members in the amount of \$150,000.00 for the Fayetteville Rotary Club Playground, contingent upon receipt of the funds, and expresses its sincere appreciation for the donation.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to provide matching funds for the playground project in the amount of \$120,000.00, contingent on final approval of the 2017 Budget.

City of Fayetteville Staff Review Form

2016-0341

Legistar File ID

8/2/2016

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

Connie Edmonston

7/12/2016

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Resolution to approve an agreement with the Rotary Club of Fayetteville regarding funding for and naming of the "Rotary Club of Fayetteville Playground" at the Kessler Mountain Regional Park. Approval of a budget adjustment to recognize the revenues from the donation.

Budget Impact:

2250.9255.5806.00

Parks Development

Account Number

Fund

02002.1601

Rotary Club Playground Donation

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 150,000.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 150,000.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: The agreement states the City would provide matching funds in the amount of \$120,000 toward the Rotary Club's playground project contingent on approval of the 2017 budget.

MEETING OF AUGUST 2, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM; Connie Edmonston, Parks and Recreation Director

DATE: July 12, 2016

SUBJECT: Rotary Club of Fayetteville Playground at Kessler Mountain Regional Park

RECOMMENDATION:

Resolution to approve an agreement with the Rotary Club of Fayetteville regarding funding for and naming of the Rotary Club of Fayetteville Playground at the Regional Park. Approval of a budget adjustment to recognize the revenues from the donation.

BACKGROUND:

In March of 2015, the City of Fayetteville began constructing the first phase of the Kessler Mountain Regional Park including construction of three baseball fields, six soccer fields, two restroom/concession buildings, great lawn area, parking lots, utility infrastructure and road and parking lot construction. Unfortunately, there was not enough funding in Phase I to include a playground until the Rotary Club of Fayetteville came forward with a proposal to help fund the playground.

Throughout the years, the Rotary Club of Fayetteville has been an engaged supporter of the Parks and Recreation Department by making donations for park improvements such as a park bridge, pavilion, ballfield top dresser, bleacher shade structures, temporary ballfield fencing as well as other improvements to the softball complexes at Gary Hampton and Lake Fayetteville Softball Complexes. This year, the Rotary Club's goal was to make a big impact on the community by helping to fund a playground at the new 620 acre Kessler Mountain Regional Park.

DISCUSSION:

The Rotary Club has offered to continue their support by raising \$150,000 for the playground at the Kessler Mountain Regional Park. In the attached agreement, the Club pledges \$100,000 by July 31, at least \$20,000 by October 31 and the remaining funds by December 31, 2016. The City would contribute \$120,000 to the playground in the 2017 annual budget contingent upon City Council approval. The Club also requests to name the new playground "Rotary Club of Fayetteville Playground." They have currently raised \$100,000 of the \$150,000 for the playground.

The Rotary Club presented their proposal to the Parks and Recreation Advisory Board at the July 11th meeting where they wholeheartedly approved and praised the Rotary Club for their continual support of Parks and Recreation. Park Staff will seek grants to assist with this project.

BUDGET/STAFF IMPACT:

The budget impact of approving the donation would have a positive impact on the budget by providing \$150,000 in additional funding to the City. Without this donation, the playground would have been postponed until a date in the future. Park Staff will utilize this generous donation to apply for grants to generate matching funds for the playground expansion and other park needs. This playground should have little impact on staff time except to periodically inspect the playground and repair unexpected elements since it is new.

Attachments:

Staff Review Form

Resolution

Agreement

Budget Adjustment

Parks and Recreation Advisory Board July 11, 2016 Meeting Minutes

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AGREEMENT WITH THE ROTARY CLUB OF FAYETTEVILLE REGARDING THE FUNDING FOR AND NAMING OF THE ROTARY CLUB OF FAYETTEVILLE PLAYGROUND AT THE REGIONAL PARK, TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A DONATION FROM THE ROTARY CLUB OF FAYETTEVILLE AND ITS MEMBERS IN THE AMOUNT OF \$150,000.00 FOR THE PROJECT CONTINGENT UPON RECEIPT OF THE FUNDS, AND TO EXPRESS THE CITY COUNCIL'S INTENT TO PROVIDE MATCHING FUNDS IN AN AMOUNT OF \$120,000.00 TOWARD THE PLAYGROUND PROJECT CONTINGENT ON APPROVAL OF THE 2017 BUDGET

WHEREAS, the Rotary Club of Fayetteville has raised \$100,000.00 toward the construction of a playground at the Regional Park and has expressed its intent to raise additional funds of \$50,000.00 over the next year.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an Agreement with the Rotary Club of Fayetteville regarding the funding for and naming of the Rotary Club of Fayetteville Playground at the new Regional Park.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, recognizing a donation from the Rotary Club of Fayetteville and its members in the amount of \$150,000.00 for the Fayetteville Rotary Club Playground, contingent upon receipt of the funds, and expresses its sincere thanks for the donation.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to provide matching funds for the playground project in the amount of \$120,000.00, contingent on final approval of the 2017 Budget.

PASSED and **APPROVED** this _____ day of August, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AGREEMENT
Between City of Fayetteville, Arkansas
and
Rotary Club of Fayetteville

On this _____ day of August, 2016, the City of Fayetteville (hereinafter "City") and the Rotary Club of Fayetteville (hereinafter "Rotary Club"), for their Agreement to share in the costs of construction of a playground at the new Regional Park, agree to the following facts, proposals and commitments:

1. The Rotary Club will make an initial \$100,000.00 contribution to the City on or before July 31, 2016, for the construction of a playground in the northeast corner of the Regional Park near the Great Lawn, the design of which shall be developed collaboratively between the Rotary Club and the City.
2. The Rotary Club pledges to contribute an additional amount of \$50,000 no later than December 31, 2016, with at least \$20,000 of that amount payable to the City no later than October 31, 2016.
3. The City intends to contribute matching funds of \$120,000.00 for the project, contingent upon City Council approval of the 2017 Annual City Budget.
4. The Rotary Club and the City pledge to cooperate, as appropriate, in identifying and applying for additional grant funds to be applied to the playground project over and above the above-referenced contributions from the Rotary Club and the City.
5. The City agrees to name the new playground the "Rotary Club of Fayetteville Playground" and install appropriate identifying signage.
6. The City will install a plaque or other wall signage recognizing the contributions of the Rotary Club and its members, the design of which shall be developed collaboratively between the Rotary Club and City staff with final approval by the City Council, in accordance with § 97.088(B)(2) of the Fayetteville City Code.

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____
LIONELD JORDAN, Mayor

Date: _____

ATTEST:

By: _____
Sondra E. Smith, City Clerk

**ROTARY CLUB OF
FAYETTEVILLE**

By: _____
HARRISON PITTMAN,
President

Date: 7/13/16

WITNESS:

By: _____
Name: **MARK CAMARICO**

**Parks and Recreation Advisory Board Meeting
July 11, 2016 at 5:30 p.m.
City Administration Building Room 111
113 West Mountain Street
Fayetteville, AR**

Members Present: Richie Lamb, David Priest, Terry Lawson, Phillip McKnight, David Proffitt,

City Staff: Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; Alison Jumper, Park Planning Superintendent; Chanel Pennington, Operations Assistant; John Crow, Recreation Superintendent

Rotary Club of Fayetteville Playground Proposal – Connie Edmonston, Parks and Recreation Director

Throughout the years, the Rotary Club of Fayetteville has been a supporter of the Parks and Recreation Department by hosting the annual FayRo Girls Softball Tournament and providing donations for park improvements including a bridge, pavilion, ballfield top dresser, bleacher shade structures, temporary ballfield fencing, and other improvements to the softball fields at Gary Hampton and Lake Fayetteville Softball complexes.

Proposal: Rotary Club of Fayetteville has raised \$100,000 to aid in the development of a playground at Kessler Mountain Regional Park. In conjunction with the donation, the Rotary Club and the City of Fayetteville propose to enter into an agreement outlining the responsibilities of each party as they relate to the playground development. See attached agreement.

Additionally, the Rotary Club is requesting to name the playground the “Rotary Club of Fayetteville Playground.”

Parks Staff Recommendation: Approve the agreement with the Rotary Club of Fayetteville as submitted and to name the new playground “Rotary Club of Fayetteville Playground.” This is in accordance with Naming Park Facilities Policy found in §97.088(B)(2)(d)Exhibit “B” because the Rotary Club “contributed significantly to the acquisition or development of a facility.” The Rotary Club would work with the City in the design of a plaque or wall signage recognizing their contribution. Final approval would be by the City Council in accordance with §97.088(B)(2) –Exhibit “A” Bronze Category. Final approval would go to City Council at their August 2 meeting. Harrison Pittman, President of the Rotary Club of Fayetteville will be present to explain their request or answer any questions.

PRAB Motion: McKnight motioned to approve the agreement with the Rotary Club of Fayetteville as submitted. Priest seconded the motion. Motion passed, 5-0-0.

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

Budget Year	Division: Parks & Recreation	Adjustment Number
2016	Dept.: Parks & Recreation	
	Requestor: Alan Bearden	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approval to receive/recognize a donation from the Rotary Club of Fayetteville of \$150,000 to be used to in construction of a new playground at Regional Park. The first \$100,000 of the donation will be made by the end of this month (July 31, 2016). The remaining \$50,000 of the donation will be made by December 31, 2016. The City intends to match this donation with \$120,000 to be, contingent upon City Council approval of the 2017 Annual City Budget.

RESOLUTION/ORDINANCE	COUNCIL DATE:	8/2/2016
	LEGISTAR FILE ID#:	2016-0341
	<i>Liz Hutchens</i>	
	7/18/2016 1:25 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	150,000	150,000					v.20160624
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
2250.0925.4809.00	-	150,000	02002	1601	RE	Donations	
2250.9255.5806.00	150,000	-	02002	1601	EX	Park Improvements	
	-	-					
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City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0346

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

VAC 16-5494 (3641 W. WEDINGTON DR./OZARKS ELECTRIC CO-OP):

AN ORDINANCE TO APPROVE VAC 16-5494 SUBMITTED BY CRAFTON-TULL ENGINEERS, INC. FOR PROPERTY LOCATED AT 3641 WEST WEDINGTON DRIVE TO VACATE A PORTION OF A UTILITY EASEMENT

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of a utility easement is not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates a portion of a utility easement as described in Exhibit B attached to the Planning Department's memo.

Section 2. A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3. This vacation approval is subject to the following condition:

Any costs associated with relocation of or damage to utilities and the new easement dedication shall be at the owner/developer's expense.

City of Fayetteville Staff Review Form

2016-0346

Legistar File ID

8/2/2016

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

Jeremy Pate

7/15/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 16-5494: Vacation (3641 W. WEDINGTON DR./OZARKS ELEC. CO-OP, 440): Submitted by CRAFTON-TULL ENGINEERS, INC. for property located at 3641 W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 10.90 acres. The request is to vacate a portion of a utility easement.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 2, 2016

TO: Mayor and City Council

FROM: Andrew Garner, City Planning Director

DATE: July 15, 2016

SUBJECT: **VAC 16-5494: Vacation (3641 W. WEDINGTON DR./OZARKS ELEC. CO-OP, 440):** Submitted by CRAFTON-TULL ENGINEERS, INC. for property located at 3641 W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 10.90 acres. The request is to vacate a portion of a utility easement.

RECOMMENDATION:

Planning Division staff and the Planning Commission recommend approval of **VAC 16-5494** with the following condition:

Condition of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

BACKGROUND:

The subject property contains several parcels totaling approximately 36 acres. The property is located at 3641 Wedington Drive. The Ozarks Electric office building and material storage area is located on the property. As depicted on the attached Exhibit 'A' and Exhibit 'B', the applicant proposes vacation of a portion of utility easement to allow for expansion of the Ozarks Electric building.

DISCUSSION:

On June 13, 2016 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 9-0-0 as a consent agenda item.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

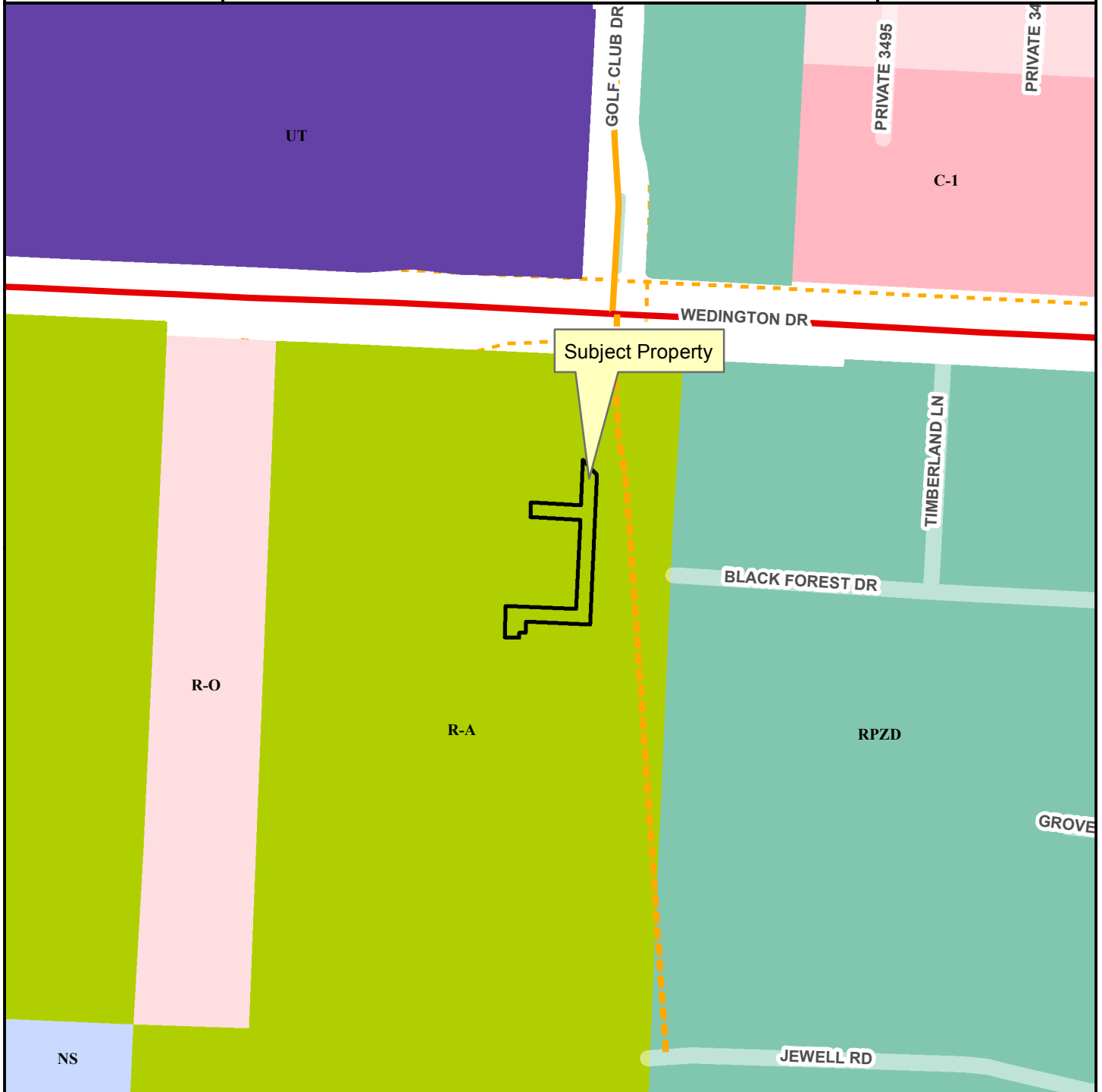
16-5494
EXHIBIT 'A'

VAC 16-5494

OZARKS ELEC CO-OP

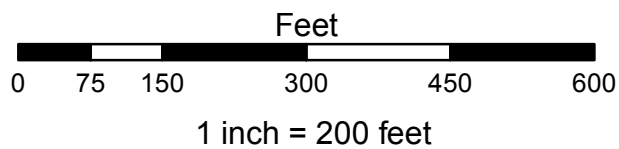


Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- Residential-Office
- C-1
- Urban Thoroughfare
- Neighborhood Services
- Commercial, Industrial, Residential

16-5494
EXHIBIT 'B'

DESCRIPTION EASEMENT VACATION AREA:

PART OF LOT 2 LOT LINE ADJUSTMENT-COMBINATION PLAT OF PLAT RECORD 2007-12333, RECORDED IN PLAT RECORD BOOK 2007 AT PAGE 00029947, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MARKING THE WEST QUARTER CORNER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, SAID POINT BEING ON THE NORTH LINE OF LOT 2 OF SAID LOT LINE ADJUSTMENT-COMBINATION PLAT OF PLAT RECORD 2007-12333;

THENCE ALONG SAID NORTH LINE THE FOLLOWING THREE COURSES:

THENCE S87°24'03"E 346.74 FEET;

THENCE N02°48'56"E 9.17 FEET;

THENCE S87°20'36"E 102.02 FEET;

THENCE LEAVING SAID NORTH LINE S02°36'54"W 38.61 FEET TO THE EAST LINE OF A 20 FOOT UTILITY EASEMENT AS RECORDED IN PLAT RECORD BOOK 2002 AT PAGE 180083;

THENCE ALONG SAID EAST LINE S02°36'54"W 144.34 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST LINE S02°36'54"W 205.03 FEET TO THE SOUTH LINE OF SAID 20 FOOT UTILITY EASEMENT;

THENCE ALONG SAID SOUTH LINE THE FOLLOWING THREE COURSES:

THENCE N87°23'54"W 88.03 FEET;

THENCE S01°39'46"W 15.84 FEET;

THENCE N88°20'14"W 8.54 FEET TO THE EAST LINE OF A 20 FOOT UTILITY EASEMENT AS RECORDED IN PLAT RECORD BOOK 0023 AT PAGE 332;

THENCE ALONG SAID EAST LINE S02°03'24"W 6.77 FEET;

THENCE LEAVING SAID EAST LINE N87°23'30"W 20.00 FEET TO THE WEST LINE OF A 20 FOOT UTILITY EASEMENT AS RECORDED IN PLAT RECORD BOOK 0023 AT PAGE 332;

THENCE ALONG SAID WEST LINE N02°03'24"E 42.75 FEET TO THE NORTH LINE OF SAID 20 FOOT UTILITY EASEMENT;

THENCE ALONG THE NORTH LINE S87°23'54"E 96.66 FEET TO THE WEST LINE OF A 20 FOOT UTILITY EASEMENT AS RECORDED IN PLAT RECORD BOOK 2002 AT PAGE 180083;

THENCE ALONG SAID WEST LINE THE FOLLOWING FIVE COURSES:

THENCE N02°36'54"E 122.60 FEET;

THENCE N86°30'14"W 68.86 FEET;

THENCE N03°29'46"E 20.00 FEET;

THENCE S86°30'14"E 68.55 FEET;

THENCE N02°36'54"E 62.43 FEET;

THENCE LEAVING SAID WEST LINE S42°23'06"E 28.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.19 ACRES, MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR FACT.

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):

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

Name: OZARKS ELECTRIC COOP.

Name: TOM HENNELLY, P.E.

Address: 3641 W. WEDINGTON DR.
FAYETTEVILLE, AR
72704

Address: 901 N. 47TH ST. STE#200
ROGERS, AR
72756

Phone: (800) 521-6144

Phone: (479) 878-2419

Email: _____

Email: THOMAS.HENNELLY@CRAFTONTULL.COM

Fax: ()

Fax: ()

Site Address / Location: 3641 W. WEDINGTON DR. FAYETTEVILLE, AR

Legal description of area to be vacated (attach separate sheet if necessary):

SEE ATTACHED LEGAL DESCRIPTION

Current Zoning District: R-A & R-O

Assessors Parcel Number(s) for subject property: 765-13729-000, 765-13744-000, 765-16249-010,
765-16250-002

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): TOM HENNELLY, P.E.

Date: 06-14-2016

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): Todd D. Townsend

Address: PO Box 848

Signature: 

Fayetteville, AR 72702

Date: 6/17/16

Phone: (479) 684-4650

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.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: July 11, 2016 *Updated with Planning Commission results*

SUBJECT: **VAC 16-5494: Vacation (3641 W. WEDINGTON DR./OZARKS ELEC. CO-OP, 440):** Submitted by CRAFTON-TULL ENGINEERS, INC. for property located at 3641 W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 36 acres. The request is to vacate a portion of a utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 16-5494** to City Council with a recommendation for approval with conditions.

BACKGROUND:

The subject property contains several parcels containing totaling approximately 36 acres. The property is located at 3641 Wedington Drive. The Ozarks Electric office building and material storage area is located on the property. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Slim Chicken's restaurant; undeveloped	R-A; R-PZD (Links); C-1
South	Mountain Ranch Residential Subdivision	RSF-4
East	Forest Hills mixed commercial	C-PZD (Forest Hills)
West	First United Pentecostal Church; Undeveloped	R-A; NS

Proposal: The applicant proposes vacation of a portion of utility easement to allow for expansion of the Ozarks Electric building.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections
AEP/SWEPCO	No objections
Source Gas	No objections

AT&T	No objections
Ozarks Electric	No objections
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC 16-5494** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

Planning Commission Action: ☐ Approved ☒ Forwarded ☐ Denied

Meeting Date: July 11, 2016

Motion: Belden

Second: Autry

Vote: 9-0-0

Note: Recommend approval

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close Up Map

June 17, 2016

Planning Division
City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

Re: Ozarks Electric Easement Vacation Request
Fayetteville, AR
CTA Job No. 16105600

This is the letter for the formal Easement Vacation Requests for the proposed Ozarks Electric Coop. addition. The project is located at 3641 W. Wedington Drive. A vacation of an existing 20' utility easement is requested for this project. The proposed additions will be located on top of the location of an existing waterline and utility easement. We will be relocating the waterline to allow for the construction of the addition. The new alignment will allow more than adequate distance from the proposed building additions. Please see the attached legal descriptions and exhibits for details.

Should you have any questions or require any additional information, please feel free to contact us at your convenience.

Sincerely,
Crafton Tull



Matthew Loos, E.I.
Project Engineer

PETITION FOR EASEMENT VACATION

PETITION TO VACATE AN EASEMENT LOCATED IN LOT 2 OF 7-16-30 FAYETTEVILLE OUTLOTS, 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 easement hereinafter sought to be abandoned and vacated lying in Lot 2 of 7-16-30 Fayetteville Outlots, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

Description Easement Vacation Area

PART OF LOT 2 LOT LINE ADJUSTMENT-COMBINATION PLAT OF PLAT RECORD 2007-12333, RECORDED IN PLAT RECORD BOOK 2007 AT PAGE 00029947, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MARKING THE WEST QUARTER CORNER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, SAID POINT BEING ON THE NORTH LINE OF LOT 2 OF SAID LOT LINE ADJUSTMENT-COMBINATION PLAT OF PLAT RECORD 2007-12333;

THENCE ALONG SAID NORTH LINE THE FOLLOWING THREE COURSES:

THENCE S87°24'03"E 346.74 FEET;

THENCE N02°48'56"E 9.17 FEET;

THENCE S87°20'36"E 102.02 FEET;

THENCE LEAVING SAID NORTH LINE S02°36'54"W 38.61 FEET TO THE EAST LINE OF A 20 FOOT UTILITY EASEMENT AS RECORDED IN PLAT RECORD BOOK 2002 AT PAGE 180083;

THENCE ALONG SAID EAST LINE S02°36'54"W 144.34 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST LINE S02°36'54"W 205.03 FEET TO THE SOUTH LINE OF SAID 20 FOOT UTILITY EASEMENT;

THENCE ALONG SAID SOUTH LINE THE FOLLOWING THREE COURSES:

THENCE N87°23'54"W 88.03 FEET;

THENCE S01°39'46"W 15.84 FEET;

THENCE N88°20'14"W 8.54 FEET TO THE EAST LINE OF A 20 FOOT UTILITY EASEMENT AS RECORDED IN PLAT RECORD BOOK 0023 AT PAGE 332;

THENCE ALONG SAID EAST LINE S02°03'24"W 6.77 FEET;

THENCE LEAVING SAID EAST LINE N87°23'30"W 20.00 FEET TO THE WEST LINE OF A 20 FOOT UTILITY EASEMENT AS RECORDED IN PLAT RECORD BOOK 0023 AT PAGE 332;

THENCE ALONG SAID WEST LINE N02°03'24"E 42.75 FEET TO THE NORTH LINE OF SAID 20 FOOT UTILITY EASEMENT;

THENCE ALONG THE NORTH LINE S87°23'54"E 96.66 FEET TO THE WEST LINE OF A 20 FOOT UTILITY EASEMENT AS RECORDED IN PLAT RECORD BOOK 2002 AT PAGE 180083;

THENCE ALONG SAID WEST LINE THE FOLLOWING FIVE COURSES:

THENCE N02°36'54"E 122.60 FEET;

THENCE N86°30'14"W 68.86 FEET;

THENCE N03°29'46"E 20.00 FEET;

THENCE S86°30'14"E 68.55 FEET;

THENCE N02°36'54"E 62.43 FEET;

THENCE LEAVING SAID WEST LINE S42°23'06"E 28.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.19 ACRES, MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR FACT.

That the abutting real estate affected by said abandonment of the easement is Lot 2 of 7-16-30 Fayetteville Outlots, 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 easement.

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 5th day of JULY, 2016.

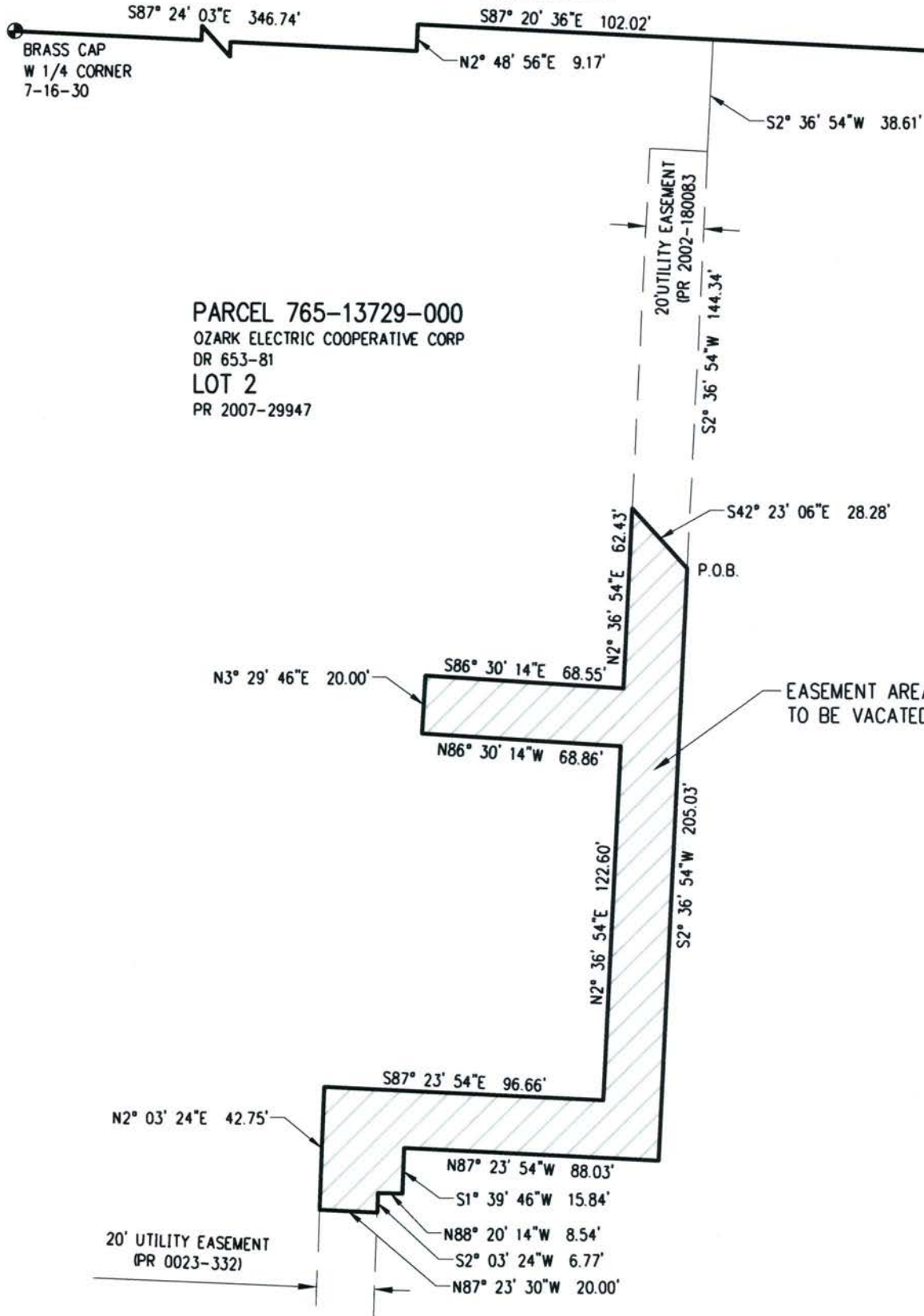
TOOD D. TOWNSEND
Printed Name

[Signature]
Signature

Printed Name

Signature

EXHIBIT



PARCEL 765-13729-000
 OZARK ELECTRIC COOPERATIVE CORP
 DR 653-81
 LOT 2
 PR 2007-29947

NOTE:
 THIS EASEMENT VACATION EXHIBIT IS A GRAPHICAL REPRESENTATION OF
 THE EASEMENT VACATION DESCRIPTION, AND DOES NOT CONSTITUTE A
 BOUNDARY SURVEY.



Crafton Tull
 architecture | engineering | surveying

901 N. 47th St., Suite 200
 Rogers, Arkansas 72756

479.636.4838
 www.craftontull.com

PROJECT NO.:	DRAWN BY:	DATE:	SHEET:	CHECKED:
		06/14/2016	1 OF 1	

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 06/22/2016

UTILITY COMPANY: Cox Communications

APPLICANT NAME: CRAFTON TULL APPLICANT PHONE: 479-878-2487

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:

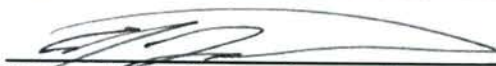
General location / Address 3641 W. WEDINGTON DR. FAYETTEVILLE, AR

- ☐ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
Any damage to or relocation of our existing facilities will be at the owers/developers expense.



Signature of Utility Company Representative

Construction & Planning Manager

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 06/22/2016

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: CRAFTON TULL APPLICANT PHONE: 479-878-2487

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 3641 W. WEDINGTON DR. FAYETTEVILLE, AR

☐ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Thong L
Signature of Utility Company Representative

DISTRIBUTION ENGINEER
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 06/22/2016

UTILITY COMPANY: SOURCE GAS

APPLICANT NAME: CRAFTON TULL APPLICANT PHONE: 479-878-2487

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 3641 W. WEDINGTON DR. FAYETTEVILLE, AR

- ☐ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Title

Supervisor - Gas Operations

December 2014
Page 5

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 06/22/2016

UTILITY COMPANY: AT&T

APPLICANT NAME: CRAFTON TULL APPLICANT PHONE: 479-878-2487

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 3641 W. WEDINGTON DR. FAYETTEVILLE, AR

☐ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
If any AT&T facilities are damaged or require relocation will be the responsibility
of the owner/ developer.

JEFF HAMILTON

Digitally signed by JEFF HAMILTON
DN: cn=JEFF HAMILTON, o=AT&T, ou=CONSTRUCTION/
ENGINEERING, email=jh5430@att.com, c=US
Date: 2016.06.22 12:15:15 -0500

Signature of Utility Company Representative

MGR OSP PIng & Engrg Design

Title

December 2014
Page 5

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 06/22/2016

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: CRAFTON TULL APPLICANT PHONE: 479-878-2487

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 3641 W. WEDINGTON DR. FAYETTEVILLE, AR

- ☐ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Mike Phipps
Signature of Utility Company Representative

System Staking Tech
Title

December 2014
Page 5

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 06/22/2016

UTILITY COMPANY: FAYETTEVILLE WATER & SEWER

APPLICANT NAME: CRAFTON TULL APPLICANT PHONE: 479-878-2487

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:

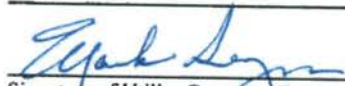
General location / Address 3641 W. WEDINGTON DR. FAYETTEVILLE, AR

☐ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

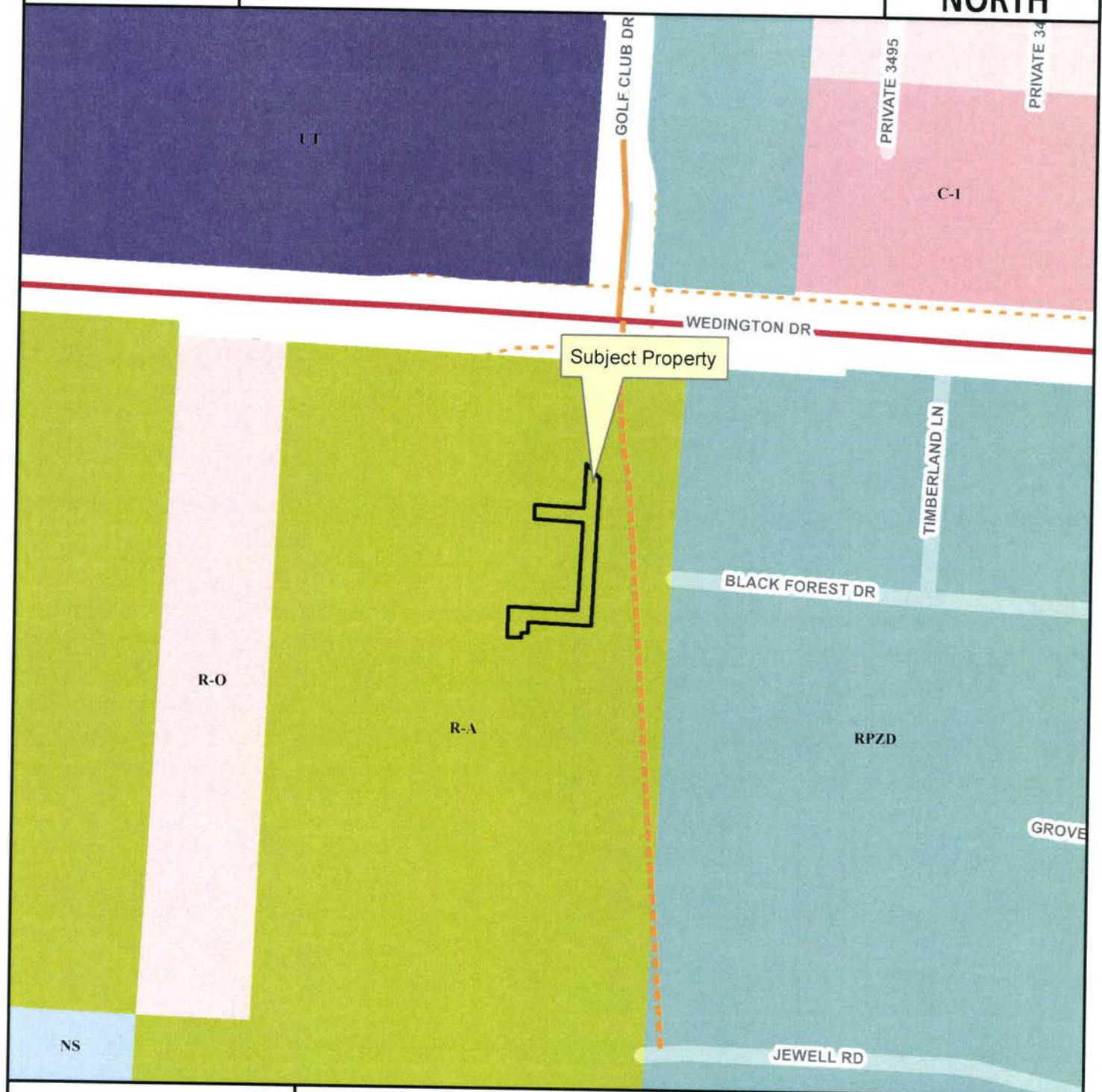

Signature of Utility Company Representative

W.E.S. OPERATIONS MANAGER
Title

VAC 16-5494

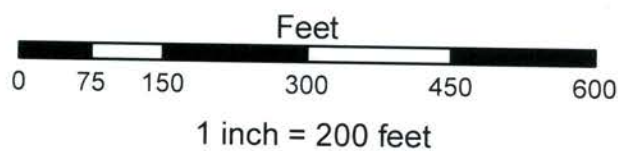
Close Up View

OZARKS ELEC CO-OP



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- Residential-Office
- C-1
- Urban Thoroughfare
- Neighborhood Services
- Commercial, Industrial, Residential

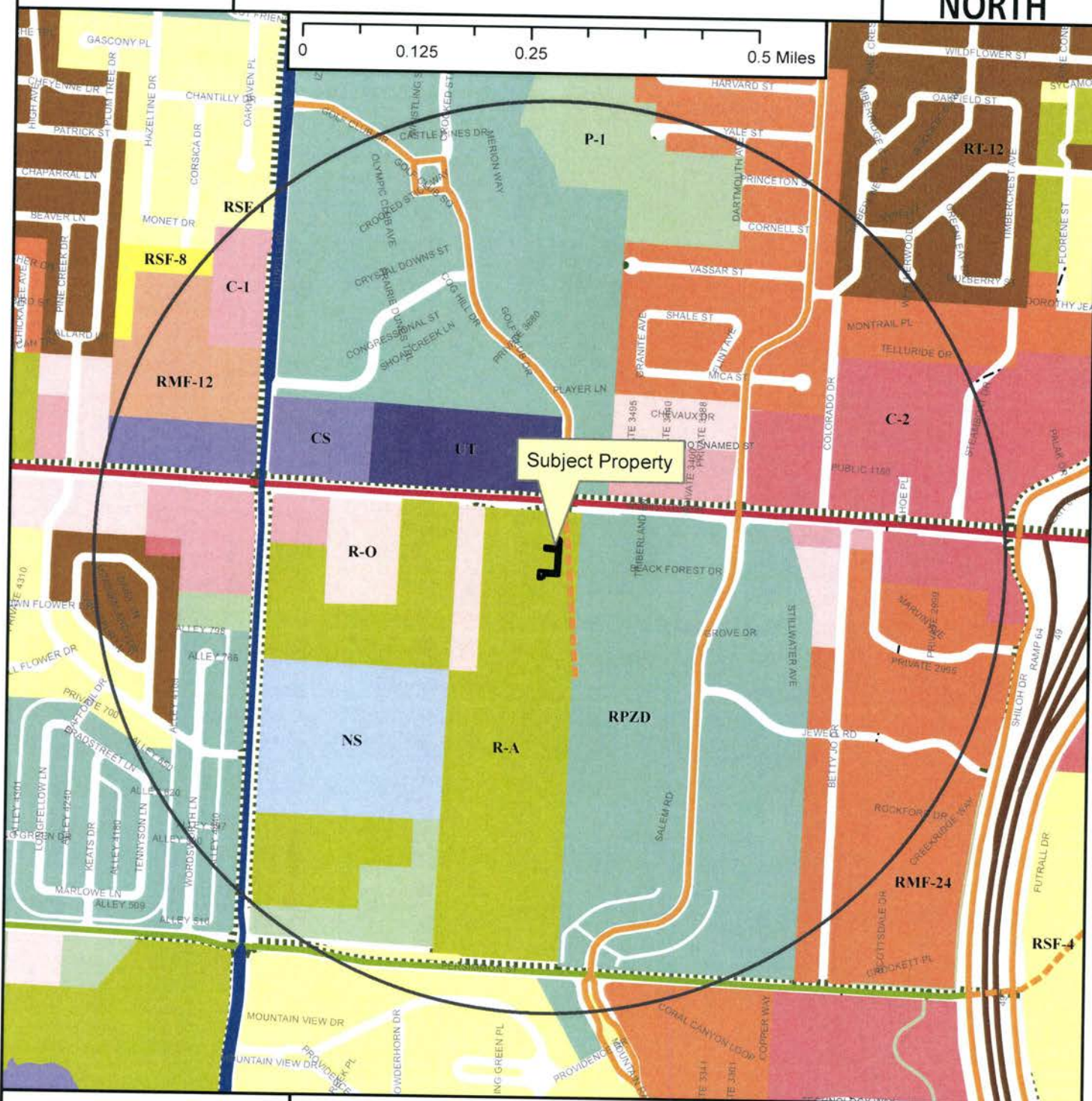
VAC 16-5494

One Mile View

OZARKS ELEC CO-OP



0 0.125 0.25 0.5 Miles



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Building Footprint



Zoning

- RESIDENTIAL SINGLE-FAMILY**
 - RT-12 Residential Two and Three-family
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- 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

- COMMERCIAL**
 - Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
- INSTITUTIONAL**
 - P-1



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0344

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 4

2017 EMPLOYEE BENEFITS PACKAGE:

A RESOLUTION TO APPROVE THE 2017 EMPLOYEE BENEFITS PACKAGE

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 2017 employee benefits package as recommended in the staff memorandum attached to this Resolution.

City of Fayetteville Staff Review Form

2016-0344

Legistar File ID

8/2/2016

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

Brenda Reed

7/14/2016

Human Resources /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends that Council approve the proposed 2017 employee benefits renewals, as discussed in the memo.

Budget Impact:

xxxx.xxxx.51xx.xx

Citywide

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 5,045,552.00

Funds Obligated \$ -

Current Balance \$ 5,045,552.00

Does item have a cost? Yes

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 5,045,552.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 2, 2016

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Brenda Reed, HR Director
DATE: July 26, 2016
SUBJECT: Employee Benefits Renewals for 2017

RECOMMENDATION:

Staff recommends Council approve renewal of employee benefits for 2017 as outlined below and in the attached spreadsheets.

DISCUSSION:

Staff and Gallagher Benefit Services, the City's benefits broker, have reviewed annual renewals for employee insurance plans. Employee benefit renewals are brought forward now to ensure the annual open enrollment may proceed according to schedule.

Health Insurance

The City's claims history for the 12 month look back period, (6/1/2015-5/31/2016), reflects a 98.2% utilization rate of claims paid versus premium paid. Maintaining a utilization rate below 100% has helped keep the premium increase for 2017 at a low 5.6%. As a benchmark comparison, the national medical and pharmacy annual trend factor is 8%. The City's benefits broker states that 4.1% of our 5.6% renewal increase is driven by Health Care Reform fee requirements.

Staff recommends the 5.6% increase dollar amount be shared between the City and City employees with the same premium cost sharing allocation percentages as 2016. Please refer to the attached spreadsheets for details.

Due to the low premium increase and the inherent disruption to employees anytime their health insurance coverage changes, Staff and the broker recommend renewing with Blue Cross Blue Shield rather than taking competitive bids for health insurance for 2017.

Flexible Spending Accounts

Staff recommends American Fidelity replace DataPath as the administrator for Flexible Spending Accounts with no cost for fees and services.

Health Savings Accounts

Staff recommends First Security Bank continue as the administrator of Health Savings Accounts.

COBRA

Staff recommends WageWorks replace DataPath for COBRA/Statutory Insured administration with a cost savings of \$0.25 PEPM.

City Paid Life and LTD Benefits

Staff recommends replacing The Standard with One America to provide City Paid Life Insurance and Long Term Disability insurance for employees with a cost savings of \$24,834.72.

Employee Paid Dental Insurance

Currently dental insurance is provided through Delta Dental. Delta Dental has offered a renewal for 2017 with no premium increase. Staff recommends renewing with Delta Dental.

Employee Paid Vision Insurance

Currently vision insurance is provided through Superior Vision. Staff recommends renewing with Superior Vision with a minimal premium increase of 4% with a rate guarantee of 4 years.

Voluntary Employee Paid Benefits

Staff recommends replacing The Standard with One America for optional, employee paid Short Term Disability coverage and Employee Paid Life Insurance. There will be no increase in rates for these two products for 2017.

Supplemental Benefits Paid by Employees

Staff recommends offering additional supplemental benefits to employees through American Fidelity.

Disability Income Insurance
Accident Only Insurance
Cancer Insurance
Critical Illness Insurance

Life Insurance
AF Term Life Insurance
AF Permanent Life Insurance

BUDGET/STAFF IMPACT:

These planned insurance/benefit items are being budgeted for in the City's 2017 budget.

Attachments:

- 2016 & 2017 Health Insurance Cost Comparison
- 2017 Health Insurance Annualized Cost

2016 & 2017 Health Insurance Cost Comparison

TRADITIONAL PPO						
	MONTHLY CALCULATIONS					
PPO Rate Tier	Total Monthly Premiums	Monthly Employee Contribution	Monthly Employer Contribution	Employee Cost Share %		
2016 Single	\$441.42	\$96.28	\$345.14	21.81%		
2016 Family	\$1,169.73	\$420.00	\$749.73	35.91%		
2017 Single	\$466.14	\$101.66	\$364.48	21.81%		
2017 Family	\$1,235.23	\$443.56	\$791.67	35.91%		
HIGH DEDUCTIBLE HEALTH PLAN (HDHP)						
	MONTHLY CALCULATIONS					
HDHP Rate Tier	Total Monthly Premiums	Monthly Employee Contribution	Monthly Employer Contribution	Employee Cost Share %	Employer's Monthly Health Savings Account Contribution	Total Employer Monthly Contribution (Premium + Health Savings Account Contribution)
2016 Single	\$232.86	\$20.18	\$212.68	8.67%	\$70.80	\$283.48
2016 Family	\$617.02	\$59.28	\$557.74	9.61%	\$156.66	\$714.40
2017 Single	\$245.90	\$21.32	\$224.58	8.67%	\$70.80	\$295.38
2017 Family	\$651.57	\$62.62	\$588.96	9.61%	\$156.66	\$745.62

2017 Health Insurance Annualized Cost

	ANNUALIZED CALCULATIONS		
	Current Employee Participants (Excludes COBRA and Statutory Insureds, since they pay 100% for their coverage)	Current <u>ANNUAL</u> Cost to City at 2016 rates (Excluding Health Savings Account Contributions, which would not increase in 2017)	<u>ANNUAL</u> Cost to City at 2017 rates based on Current 2016 Employee Participants (Excluding Health Savings Account Contributions)
PPO Individual	90	\$372,751.20	\$393,638.40
PPO Family	46	\$413,850.96	\$437,001.84
HDHP Individual	175	\$446,628.00	\$471,618.00
HDHP Family	340	\$2,275,579.20	\$2,402,916.00
TOTAL	651	\$3,508,809.36	\$3,705,174.24
<u>Additional</u> Cost to City for 2017			\$196,364.88



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0352

Agenda Date: 8/2/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

AMEND §164.23 SINGLE-FAMILY INFILL STANDARDS:

AN ORDINANCE TO AUTHORIZE THE CITY COUNCIL TO GRANT A VARIANCE IN THE SINGLE FAMILY INFILL STANDARDS TO SUPPORT ATTAINABLE, AFFORDABLE HOUSING

WHEREAS, the City Council has long supported an increase in the amount of affordable and attainable housing available to Fayetteville workers and their families; and

WHEREAS, City Plan 2025, adopted by the City Council, expressed "Housing Concerns" because housing costs were increasing faster than incomes "which significantly impact the ability of home ownership for many potential home buyers"; and

WHEREAS, City Plan 2030, unanimously adopted by the City Council in July of 2011, expressed the identical "Housing Concerns" of "housing affordability" as City Plan 2025; and

WHEREAS, the City Council placed within City Plan 2030 a new general guiding principle: "Goal 6 We will create opportunities for attainable housing," to emphasize how important attainable and affordable housing is to our citizens and City; and

WHEREAS, a provision concerning garage placement within the newly adopted Single Family Infill Standards can in some circumstances significantly and unnecessarily raise the costs of home construction and impair the affordability and attainability of housing; and

WHEREAS, the City Council should be able to consider and grant a reasonable variance to such provision which would preserve the legitimate aesthetic concerns, but allow home builders to offer attainable houses to our citizens.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends § 164.23 **Single-Family Infill Standards** (B)(1)(b) by adding the following at the end of this subsection:

"The City Council may grant a variance to this requirement to ensure affordable and attainable housing can be constructed for our citizens."

AGENDA REQUEST FORM

FOR: Council Meeting of August 2, 2016

FROM:

City Council Member Martin Schoppmeyer

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AUTHORIZE THE CITY COUNCIL TO GRANT A
VARIANCE IN THE SINGLE FAMILY INFILL STANDARDS TO SUPPORT
ATTAINABLE, AFFORDABLE HOUSING

APPROVED FOR AGENDA:



City Council Member Martin Schoppmeyer

7.20.16
Date



City Attorney Kit Williams
(as to form)

July 20, 2016
Date

Williams, Kit

From: Mark Marquess <markm@riverwoodhomesnwa.com>
Sent: Wednesday, July 20, 2016 2:37 PM
To: Williams, Kit; Schoppmeyer, Martin
Cc: markm@riverwoodhomesnwa.com; 'Charles W Sloan DbA Sloan'
Subject: Change to ordinance 164.23 Single family Infill Standards

Kit and Marty,

Please consider this a formal request for a variance to the Fayetteville Code of Ordinances, section 164.23 – Single-family Infill Standards. We would support an amendment to change the Single-family Infill Standards 164.23 to modify the 46' – 69' street frontage garage placement and setback standards. This would create a significant hardship for the builders ability to provide attainable priced housing. It would increase the cost several thousand dollars to the home buyer.

Riverwood Homes will assist and seek support from other local and regional homebuilders to show approval for this ordinance.

Thank you,

MARK MARQUESS
RIVERWOOD HOMES, LLC
3420 N. Plainview Ave.
Fayetteville, AR 72703
479-435-2088 Phone
markm@riverwoodhomes.com

Agenda Session

7-26-16

Move C.4 to Consent

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, July 26, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

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

ELECTED OFFICIALS:

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

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions****A. Consent:**

A.1 2015-0652

APPROVAL OF THE JULY 19, 2016 CITY COUNCIL MEETING MINUTES.

A.2 2016-0322

UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH UTILITY SERVICE COMPANY, INC. IN THE AMOUNT OF \$22,736.00 FOR STRUCTURAL REPAIRS TO THE BAXTER WATER TANK, TO APPROVE AN ADDITIONAL PROJECT CONTINGENCY IN THE AMOUNT OF \$56,675.50, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3
UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3 BA

A.3 2016-0333

2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT FOR FEDERAL AND STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$242,610.00, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

Attachments: 2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT (

✓A. 4 2016-0348**ICON ENTERPRISES, INC. D/B/A CIVICPLUS:**

A RESOLUTION TO APPROVE A ONE (1) YEAR AMENDED CONTRACT WITH ICON ENTERPRISES, INC. D/B/A CIVICPLUS FOR WEBSITE CONTENT MANAGEMENT SYSTEM SERVICES IN THE AMOUNT OF \$18,228.55 FOR THE FIRST YEAR WITH AUTOMATIC RENEWALS FOR THREE (3) ADDITIONAL ONE (1) YEAR TERMS WITH A PRICE INCREASE OF FIVE PERCENT (5%) EACH TIME THE CONTRACT IS RENEWED, AND TO APPROVE A PROJECT CONTINGENCY OF \$5,000.00 EACH YEAR THE CONTRACT IS IN EFFECT

Attachments: ICON ENTERPRISES, INC. D/B/A CIVICPLUS

✓A. 5 2016-0337**AUDIO-VISUAL RENOVATION:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT TO MOVE FUNDS FROM VARIOUS AUDIO-VISUAL SUB-PROJECTS TO MASTER PROJECT 13004 CITY HALL AUDIO-VISUAL RENOVATION

Attachments: SRF SRM BA master13004 2016-0337-2
 BA BUDGET ADJUSTMENT FORM LEGISTAR 071416

✓A. 6 2016-0349**OFF-STREET PARKING DISTRICT AND THE DICKSON STREET
IMPROVEMENT DISTRICT PARKING REVENUES:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING INCREASED PARKING REVENUES IN THE OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMENT DISTRICT

Attachments: OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMENT
 OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMENT

~~A.1~~ 2016-0345**ARKANSAS HISTORIC PRESERVATION PROGRAM GRANT AGREEMENT:**

A RESOLUTION TO APPROVE A GRANT AGREEMENT WITH THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$9,030.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2016-0345 CC packet
ARKANSAS HISTORIC PRESERVATION PROGRAM GRANT AGREEMENT BA

B. Unfinished Business:~~B.1~~ 2016-0328**RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5442 FOR APPROXIMATELY 99.10 ACRES LOCATED AT 2514 WEST LORI ROAD FROM R-A, RESIDENTIAL AGRICULTURAL; RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURAL AND NS, NEIGHBORHOOD SERVICES

(LEFT ON FIRST READING)

Attachments: RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE)

This ordinance was left on the First Reading at the July 19, 2016 City Council meeting.

~~B.2~~ 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

This resolution was tabled at the June 21, 2016 City Council Meeting to the July 5, 2016 City Council Meeting. This resolution was tabled at the July 5, 2016 City Council Meeting to the August 2, 2016 City Council Meeting.

C. New Business:

~~C.1~~ 2016-0340

BAYYARI MUSIC PLAYGROUND DONATION:

A RESOLUTION TO ACCEPT A DONATION IN THE AMOUNT OF \$30,000.00 FROM FADIL BAYYARI TO CONSTRUCT THE DAVID LYLE BAYYARI MUSIC PLAYGROUND AT WILSON PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: BAYYARI MUSIC PLAYGROUND DONATION
BAYYARI MUSIC PLAYGROUND DONATION_BA

~~C.2~~ 2016-0341

THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT:

A RESOLUTION TO APPROVE AN AGREEMENT WITH THE ROTARY CLUB OF FAYETTEVILLE REGARDING THE FUNDING FOR AND NAMING OF THE ROTARY CLUB OF FAYETTEVILLE PLAYGROUND AT THE KESSLER MOUNTAIN REGIONAL PARK, TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A DONATION FROM THE ROTARY CLUB OF FAYETTEVILLE AND ITS MEMBERS IN THE AMOUNT OF \$150,000.00 FOR THE PROJECT CONTINGENT UPON RECEIPT OF THE FUNDS, AND TO EXPRESS THE CITY COUNCIL'S INTENT TO PROVIDE MATCHING FUNDS IN AN AMOUNT OF \$120,000.00 TOWARD THE PLAYGROUND PROJECT CONTINGENT ON APPROVAL OF THE 2017 BUDGET

Attachments: THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT
THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT_BA

~~C.3~~ 2016-0346

VAC 16-5494 (3641 W. WEDINGTON DR./OZARKS ELECTRIC CO-OP):

AN ORDINANCE TO APPROVE VAC 16-5494 SUBMITTED BY CRAFTON-TULL ENGINEERS, INC. FOR PROPERTY LOCATED AT 3641 WEST WEDINGTON DRIVE TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: VAC 16-5494 (3641 W. WEDINGTON DR./OZARKS ELEC. CO-OP)

Consent C.4

2016-0344to
A.8**2017 EMPLOYEE BENEFITS PACKAGE:**

A RESOLUTION TO APPROVE THE 2017 EMPLOYEE BENEFITS PACKAGE

Attachments: 2017 EMPLOYEE BENEFITS PACKAGE

C.5

2016-0352to
C.4**AMEND §164.23 SINGLE-FAMILY INFILL STANDARDS:**

AN ORDINANCE TO AUTHORIZE THE CITY COUNCIL TO GRANT A VARIANCE IN THE SINGLE FAMILY INFILL STANDARDS TO SUPPORT ATTAINABLE, AFFORDABLE HOUSING

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

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

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Old business and new business.

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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 7/20/16

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, August 2, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

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

ELECTED OFFICIALS:

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

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions****A. Consent:****✓ A. 1 2015-0652**

APPROVAL OF THE JULY 19, 2016 CITY COUNCIL MEETING MINUTES.

✓ A. 2 2016-0322**UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH UTILITY SERVICE COMPANY, INC. IN THE AMOUNT OF \$22,736.00 FOR STRUCTURAL REPAIRS TO THE BAXTER WATER TANK, TO APPROVE AN ADDITIONAL PROJECT CONTINGENCY IN THE AMOUNT OF \$56,675.50, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3
UTILITY SERVICE COMPANY, INC. CHANGE ORDER NO. 3 BA

✓ A. 3 2016-0333**2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT FOR FEDERAL AND STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$242,610.00, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

Attachments: 2016-2017 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT (

NB
C.1
A. 4 2016-0340**BAYYARI MUSIC PLAYGROUND DONATION:**

A RESOLUTION TO ACCEPT A DONATION IN THE AMOUNT OF \$30,000.00 FROM FADIL BAYYARI TO CONSTRUCT THE DAVID LYLE BAYYARI MUSIC PLAYGROUND AT WILSON PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: BAYYARI MUSIC PLAYGROUND DONATION
 BAYYARI MUSIC PLAYGROUND DONATION_BA

NB
C.2
A. 5 2016-0341**THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT:**

A RESOLUTION TO APPROVE AN AGREEMENT WITH THE ROTARY CLUB OF FAYETTEVILLE REGARDING THE FUNDING FOR AND NAMING OF THE ROTARY CLUB OF FAYETTEVILLE PLAYGROUND AT THE KESSLER MOUNTAIN REGIONAL PARK, TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING A DONATION FROM THE ROTARY CLUB OF FAYETTEVILLE AND ITS MEMBERS IN THE AMOUNT OF \$150,000.00 FOR THE PROJECT CONTINGENT UPON RECEIPT OF THE FUNDS, AND TO EXPRESS THE CITY COUNCIL'S INTENT TO PROVIDE MATCHING FUNDS IN AN AMOUNT OF \$120,000.00 TOWARD THE PLAYGROUND PROJECT CONTINGENT ON APPROVAL OF THE 2017 BUDGET

Attachments: THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT
 THE ROTARY CLUB OF FAYETTEVILLE AGREEMENT_BA

✓ A. 6 2016-0348**ICON ENTERPRISES, INC. D/B/A CIVICPLUS:**

A RESOLUTION TO APPROVE A ONE (1) YEAR AMENDED CONTRACT WITH ICON ENTERPRISES, INC. D/B/A CIVICPLUS FOR WEBSITE CONTENT MANAGEMENT SYSTEM SERVICES IN THE AMOUNT OF \$18,228.55 FOR THE FIRST YEAR WITH AUTOMATIC RENEWALS FOR THREE (3) ADDITIONAL ONE (1) YEAR TERMS WITH A PRICE INCREASE OF FIVE PERCENT (5%) EACH TIME THE CONTRACT IS RENEWED, AND TO APPROVE A PROJECT CONTINGENCY OF \$5,000.00 EACH YEAR THE CONTRACT IS IN EFFECT

Attachments: ICON ENTERPRISES, INC. D/B/A CIVICPLUS

✓ A. 7 2016-0337
ATS**AUDIO-VISUAL RENOVATION:**

A RESOLUTION TO

Attachments: SRF_SRM_BA_master13004_2016-0337-2
BA_BUDGET_ADJUSTMENT_FORM_LEGISTAR_071416

✓ A. 8 2016-0349

**OFF-STREET PARKING DISTRICT AND THE DICKSON STREET
IMPROVEMENT DISTRICT PARKING REVENUES:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING
INCREASED PARKING REVENUES IN THE OFF-STREET PARKING DISTRICT AND
THE DICKSON STREET IMPROVEMENT DISTRICT

Attachments: OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMENT
OFF-STREET PARKING DISTRICT AND THE DICKSON STREET IMPROVEMENT

✓ A. 9 2016-0345

ARKANSAS HISTORIC PRESERVATION PROGRAM GRANT AGREEMENT:

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HISTORIC PRESERVATION PROGRAM FOR A CERTIFIED LOCAL GOVERNMENT
GRANT IN THE AMOUNT OF \$9,030.00, AND TO APPROVE A BUDGET
ADJUSTMENT

Attachments: 2016-0345 CC packet
ARKANSAS HISTORIC PRESERVATION PROGRAM GRANT AGREEMENT_BA

B. Unfinished Business:

B. 1 2016-0328**RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE):**

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(LEFT ON FIRST READING)Attachments:RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE)C. 1 Additional RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE)

Left on the First Reading

C. New Business:**~~C. 1~~ 2016-0346****VAC 16-5494 (3641 W. WEDINGTON DR./OZARKS ELECTRIC CO-OP):**

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A RESOLUTION TO APPROVE THE 2017 EMPLOYEE BENEFITS PACKAGE

Attachments:2017 EMPLOYEE BENEFITS PACKAGE**D. City Council Agenda Session Presentations:****E. City Council Tour:****F. Announcements:**

Add West Avenue
Parking lot
B. 2
2016-0294

A C. 5 will
be added per
Kit. from
alderman
Schoppmeyer

G. Adjournment**NOTICE TO MEMBERS OF THE AUDIENCE**

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