

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 Sarah Bunch
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
April 4, 2017**

A meeting of the Fayetteville City Council was held on April 4, 2017 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports, and Discussion Items.

1. Nominating Committee Report - A&P Commission Nominees

Approved

Agenda Additions:

A. Consent:

1. Approval of the March 21, 2017 City Council Meeting Minutes.

Approved

2. **WINGS AVIONICS, INC.:** A resolution to approve a three-year lease agreement with Wings Avionics, Inc. for the airport hangar at 421 Ernest Lancaster Drive for rent in the amount of \$1,606.49 per month.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 81-17

3. **CATO SPRINGS TRAIL AIRSPACE PERMIT:** A resolution to approve an airspace permit agreement with the Arkansas State Highway and Transportation Department for the Cato Springs Trail Crossing of Highway 71 and Interstate 49.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 82-17

B. Unfinished Business: NONE

C. New Business:

1. **PROGRESSIVE TRAIL DESIGN, LLC:** A resolution to authorize a contract with Progressive Trail Design, LLC for the construction of new trails and improvements to existing trails in accordance with the Kessler Mountain Trails Master Plan in the amount of \$296,721.87, and to approve a project contingency in the amount of \$44,508.28.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 83-17

2. **VAC 17-5725 (SW OF JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS LOT 33):** An ordinance to approve VAC 17-5725 for property located at Lot 33 of Villas at Forest Hills, Southwest of West Jewell Road and North Salem Road to vacate an access easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5962

3. **AMEND §33.350 ACTIVE TRANSPORTATION ADVISORY COMMITTEE:** An ordinance to amend § 33.350 Purpose and Establishment of Article XXIII Active Transportation Advisory Committee of the Fayetteville Code to expand the scope of the committee's duties and to establish a time for the election of the committee chair.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5963

4. **AMEND §72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:** An ordinance to amend § 72.58 Off-Street Parking Facilities; Rules and Rates of the City Code to provide greater flexibility for event parking in city managed parking facilities, and to make technical revisions.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5964

D. City Council Agenda Session Presentations:

1. Agenda Session Presentation - Fayetteville Energy Action Plan by Peter Nierengarten

E. City Council Tour:

F. Announcements:

Adjournment: 6:09 p.m.

City Council Meeting:

April 4, 2017

Adjourn: 6:09 pm

Subject:	Roll				
<i>Alderman Tennant arrived at 5:40 pm</i>	Petty	✓			
	Tennant	✓			
	Bunch	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	<i>absent</i>			
	Mayor Jordan	✓			

8-0

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

Subject:	NOMINATING COMMITTEE REPORT-A&P COMMISSION NOMINEES				
Motion To:		<i>Approve</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Gray</i>			
Report <i>Approved</i>	Petty	<i>✓</i>			
	Tennant	<i>Absent</i>			
	Bunch	<i>✓</i>			
	La Tour	<i>Abstain</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>No</i>			
	Kinion	<i>Absent</i>			
	Mayor Jordan				

*4-1 Approved**Internal Motion - Majority of those present to approve.*

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

Subject:	Consent				
Motion To:					
Motion By:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>La Tour</i>			
A.1- A.3 <i>Approved</i> 81-17 82-17	Petty	<i>✓</i>			
	Tennant	<i>Absent</i>			
	Bunch	<i>✓</i>			
	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>absent</i>			
	Mayor Jordan				

6-0

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

Subject:	NONE				
Motion To:					
Motion By:					
Seconded:					
Unfinished Business	Petty				
	Tennant				
	Bunch				
	La Tour				
	Long				
	Gray				
	Marsh				
	Kinion				
	Mayor Jordan				

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

Subject:	PROGRESSIVE TRAIL DESIGN, LLC				
Motion To:		<i>Approve</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Marsh</i>			
C. 1 New Business <i>Approved</i> <i>83-17</i>	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Bunch	<i>✓</i>			
	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>Absent</i>			
	Mayor Jordan				

7-0

Subject:	VAC 17-5725 (SW OF JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS LOT 33)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>Tennant</i>	<i>Long</i>		
C. 2 New Business <i>Approved</i> <i>5962</i>	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Bunch	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		AMEND §33.350 ACTIVE TRANSPORTATION ADVISORY COMMITTEE			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Marsh</i>	<i>Gray</i>		
Seconded:		<i>Long</i>	<i>Marsh</i>		
C. 3 New Business <u><i>Approved</i></u> <i>5963</i>	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Bunch	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	
	Mayor Jordan				

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

Subject:		AMEND §72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>Long</i>	<i>Gray</i>		
C. 4 New Business <u><i>Approved</i></u> <i>5964</i>	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Bunch	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	
	Mayor Jordan				

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: April 5, 2017

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of April 4, 2017

1. A resolution to approve a three-year lease agreement with Wings Avionics, Inc. for the airport hangar at 421 Ernest Lancaster Drive for rent in the amount of \$1,606.49 per month
2. A resolution to approve an airspace permit agreement with the Arkansas State Highway and Transportation Department for the Cato Springs Trail Crossing of Highway 71 and Interstate 49
3. A resolution to authorize a contract with Progressive Trail Design, LLC for the construction of new trails and improvements to existing trails in accordance with the Kessler Mountain Trails Master Plan in the amount of \$296,721.87, and to approve a project contingency in the amount of \$44,508.28
4. An ordinance to approve VAC 17-5725 for property located at lot 33 of Villas at Forest Hills, southwest of West Jewell Road and North Salem Road to vacate an access easement
5. An ordinance to amend § 33.350 purpose and establishment of Article XXIII Active Transportation Advisory Committee of the Fayetteville code to expand the scope of the committee's duties and to establish a time for the election of the committee chair
6. An ordinance to amend § 72.58 off-street parking facilities; rules and rates of the City code to provide greater flexibility for event parking in city managed parking facilities, and to make technical revisions

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, April 4, 2017

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
Sarah Bunch Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

ELECTED OFFICIALS:

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

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****1.**[2017-0177](#)

NOMINATING COMMITTEE REPORT-A&P COMMISSION NOMINEES

Attachments: [1st Quarter 2017 A&P Commissioners Appointees](#)

Agenda Additions:**A. Consent:****A. 1**[2016-0572](#)

APPROVAL OF THE MARCH 21, 2017 CITY COUNCIL MEETING MINUTES.

A. 2[2017-0150](#)**WINGS AVIONICS, INC.:**

A RESOLUTION TO APPROVE A THREE YEAR LEASE AGREEMENT WITH WINGS AVIONICS, INC. FOR THE AIRPORT HANGAR AT 421 ERNEST LANCASTER DRIVE FOR RENT IN THE AMOUNT OF \$1,606.49 PER MONTH

Attachments: [Wings Avionics, Inc.](#)

A. 3[2017-0179](#)**CATO SPRINGS TRAIL AIRSPACE PERMIT:**

A RESOLUTION TO APPROVE AN AIRSPACE PERMIT AGREEMENT WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE CATO SPRINGS TRAIL CROSSING OF HIGHWAY 71 AND INTERSTATE 49

Attachments: [Cato Springs Trail Air Space Permit](#)

B. Unfinished Business: NONE

C. New Business:**C. 1** [2017-0158](#)**PROGRESSIVE TRAIL DESIGN, LLC:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH PROGRESSIVE TRAIL DESIGN, LLC FOR THE CONSTRUCTION OF NEW TRAILS AND IMPROVEMENTS TO EXISTING TRAILS IN ACCORDANCE WITH THE KESSLER MOUNTAIN TRAILS MASTER PLAN IN THE AMOUNT OF \$296,721.87, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$44,508.28

Attachments: [Progressive Trail Design, Inc.](#)

C. 2 [2017-0165](#)**VAC 17-5725 (SW OF JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS LOT 33):**

AN ORDINANCE TO APPROVE VAC 17-5725 FOR PROPERTY LOCATED AT LOT 33 OF VILLAS AT FOREST HILLS, SOUTHWEST OF WEST JEWELL ROAD AND NORTH SALEM ROAD TO VACATE AN ACCESS EASEMENT

Attachments: [VAC 17-5725 \(SW OF JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS](#)

C. 3 [2017-0137](#)**AMEND §33.350 ACTIVE TRANSPORTATION ADVISORY COMMITTEE:**

AN ORDINANCE TO AMEND § 33.350 **PURPOSE AND ESTABLISHMENT OF ARTICLE XXIII ACTIVE TRANSPORTATION ADVISORY COMMITTEE** OF THE FAYETTEVILLE CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

Attachments: [Amend 33.350 Purpose and Establishment of Article XXIII Active Transportation Advi](#)

C. 4 [2017-0166](#)**AMEND §72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:**

AN ORDINANCE TO AMEND § 72.58 **OFF-STREET PARKING FACILITIES; RULES AND RATES** OF THE CITY CODE TO PROVIDE GREATER FLEXIBILITY FOR EVENT PARKING IN CITY MANAGED PARKING FACILITIES, AND TO MAKE TECHNICAL REVISIONS

Attachments: [Amending 72.58](#)

D. City Council Agenda Session Presentations:**D. 1** [2017-0035](#)

**AGENDA SESSION PRESENTATION - FAYETTEVILLE ENERGY ACTION PLAN
BY PETER NIERENGARTEN**

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

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment then queue behind the podium. When the Mayor or Chair recognizes you, approach the podium and give your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn at the microphone for discussion of an agenda item.

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. City staff, City Council members, and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

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. A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, 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's 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 Telecommunications Device for the Deaf (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 on our website at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.

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

City of Fayetteville Staff Review Form

2017-0179

Legistar File ID

April 4th 2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

3/27/2017

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff requests the Mayor's signature on the attached Airspace Permit with the Arkansas State Highway and Transportation Department for the Cato Springs Trail crossing of Hwy 71 and I-49.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

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:

MEETING OF APRIL 4, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: March 28th, 2017

SUBJECT: 2017-0179 Air Space Permit – Cato Springs Trail

Staff requests walking this item on to the at the **March** , 28th Agenda session for the April 4th City Council meeting. The air space permit was received by the City from AHTD after the deadline and this permit is necessary for construction to begin on the Cato Springs Trail. The contractor is ready to begin construction as soon as the permit is approved.

RECOMMENDATION:

Staff requests the Mayor's signature on the attached Airspace Permit with the Arkansas State Highway and Transportation Department for the Cato Springs Trail crossing of Hwy 71 and I-49.

BACKGROUND:

Construction of the 2.9 mile Cato Springs Trail is well under way except for the segment within the AHTD right of way of Hwy 71 and I-49. In October of 2016, resolution 183-16 approved a contract with Boulder Construction, low bidder of Bid 16-53 for the construction of the portions of the Cato Springs trail within the AHTD right of way for a cost of \$2,873,116.00. Plans for the Cato Springs Trail were submitted to the AHTD in July of 2016 requesting the air space permit for the crossing of Hwy 71 and I-49. The attached Air Space was received by the City of Fayetteville on March 24th 2017 and is ready for the Mayor's signature to allow construction to begin on the section of the Cato Springs Trail within the AHTD right of way.

DISCUSSION:

The attached Air Space permit has been adapted to meet the language requested by the City Attorney regarding sovereign statutory immunity as shown in section 13. This section will require the City to take on a potential liability therefore this item has been brought before the City Council.

BUDGET/STAFF IMPACT:

Funding for the Cato Springs Trail was made possible by a 50:50 matching grant from the Walton Family Foundation with matching funds from the Capital Improvement Project for Trail Development. Funds have been obligated for the construction contract with Boulder Construction.

Attachments: Air Space Permit

AIRSPACE PERMIT

THE CATO SPRINGS MULTI-USE TRAIL

CITY OF FAYETTEVILLE

This Airspace Permit ("Permit") is based upon the authority granted the Arkansas State Highway Commission ("Commission") in Ark. Code Ann. § 27-67-304(b) (Rep. 1994), and the Arkansas State Highway and Transportation Department ("AHTD" or "Department"), pursuant to Commission Minute Order No. 2012-008, and is subject to the approval of the Federal Highway Administration ("FHWA"). The parties to this Permit are the Department and the City of Fayetteville, Arkansas ("City"). The City has requested use of certain lands owned by the Commission, as more particularly shown on vicinity location aerials in Exhibit "C" described in the legal descriptions contained in Attachments "A", and their corresponding construction plans contained in "B", for a multi-use trail that does not interfere with the public use of the property for highway purposes. This Permit shall supersede and replace all terms and conditions of any previous, if any, agreement between the City and the Department governing the use of the properties set forth in the Attachments hereto and made a part hereof.

The City proposes to construct and assume maintenance of a "Multi-Use Trail" crossing Interstate 49 and Hwy 71 in Washington County along Hwy 265, known as the Cato Springs Trail, to be constructed on and near the locations set forth as Attachment "C". The Department's District Engineer has made a determination that such use will not interfere with the public use of the property for highway purposes. The Commission will retain all right, title, interest, supervision, and jurisdiction in and over such lands. This Permit is a license only and does not convey or create any interest on the part of the City in the lands

set forth on Attachment "A-1".

The City further proposes to construct and assume maintenance of the proposed Cato Springs Trail by making improvements to Hwy 265 and crossing Interstate 49 and Hwy 71 in Washington County on and near the locations set forth in Attachment "C". The Department's District Engineer has made a determination that such use will not interfere with the public use of the property for highway purposes. The Commission will retain all right, title, interest, supervision, and jurisdiction in and over such lands. This Permit is a license only and does not convey or create any interest on the part of the City in the lands set forth on Attachment "A".

In addition, the City proposes to construct and assume maintenance of the proposed Cato Springs Trail on and near the locations set forth in Attachment "C". The Department's District Engineer has made a determination that such use will not interfere with the public use of the property for highway purposes. The Commission will retain all right, title, interest, supervision, and jurisdiction in and over such lands. This Permit is a license only and does not convey or create any interest on the part of the City in the lands set forth on Attachment "A".

The City understands and agrees that all costs will be borne by the City, that it will be responsible for all Federal Emergency Management Agency (FEMA) and U.S. Army Corps of Engineers (Corps), if any, permits and construction will be in accordance with the requirements contained in and on Attachment "B". The Commission will retain all right, title and interest in and to such lands. This Permit is a license only and does not convey or create any interest on the part of the City in the lands described herein.

The Department hereby authorizes, subject to final approval and concurrence by the

FHWA, the Commission, the District Engineer and the City to use the property set forth on Attachment "A" ("Property") for the terms, purposes and conditions herein set forth:

- 1) This Permit is expressly contingent upon the approval and concurrence of the FHWA.
- 2) This Permit shall be effective immediately upon its execution by the parties and is intended to be perpetual, beginning immediately upon its execution and subject to the terms and conditions contained herein; provided however, that either party shall have the right to terminate this Permit, with or without cause, upon sixty (60) days written notice to the other party.
- 3) The City shall use the Property only to construct a multi-use trail along Hwy 265 and crossing Interstate 49 and Hwy 71, which landscaping, irrigation, lighting and signage shall be shown on plans submitted to, and approved by the District Engineer, by issuance of a permit therefore, or such other use as is expressly approved in advance and in writing by the District Engineer. Facilities and improvements presently in place and approved under previous agreements between the Department and the City shall be deemed approved. The City shall not use the Property in any way that interferes with the Property's use for highway purposes. The City shall not access the property for maintenance from the shoulders or embankments of Interstate 49 and Hwy 71.
- 4) Notwithstanding any other provision regarding termination of this Permit, this Permit shall terminate upon five (5) days written notice to the City of Fayetteville, Arkansas, in the event that the City's use of the Property is changed without the prior written consent of the FHWA and the Department.
- 5) All improvements, excavation, construction, and any other condition on the Property shall comply with the then-current AHTD Standard Specifications where applicable, including those related to maintaining traffic flow and signs, and shall be subject to the approval of the AHTD District Engineer for the area. All such improvements, excavation, construction, and

other conditions shall also be subject to FHWA concurrence where and if applicable.

6) No permanent or temporary improvements or alterations shall be made in, on, or upon the site without the written consent and approval of the FHWA and the District Engineer.

7) The City shall be solely and exclusively responsible for all costs associated with the removal, modification, or relocation of any utility within the Property, which is caused by the City's use of the Property.

8) The City shall be solely and exclusively responsible for payment of all taxes and assessments that may be legally assessed on the Property as a result of any Permit issued hereunder.

9) No signs, displays, or devices, may be placed within the right of way without the written consent of the District Engineer. No signs, displays, or devices, other than traffic control signs complying with the FHWA Manual on Uniform Traffic Control Devices, shall be erected on the Property unless specifically permitted by the District Engineer. All signs during the construction and maintenance on the Property shall conform to the FHWA Manual on Uniform Traffic Control Devices, as amended. This paragraph shall not be construed to allow the placement of any signs without the permission of the District Engineer.

10) The City, at its sole expense, shall keep and maintain the greenway at all times in an orderly, clean, safe, and sanitary condition. The City shall comply with all applicable federal, state, and local laws, ordinances and regulations while using, or in possession of the Property, including without limitation all environmental laws and regulations and FHWA regulations regarding the Property's use.

11) The City shall submit all construction plans for any proposed improvements on the Property for approval by the District Engineer prior to commencing any work. Any work performed by the City on the Property shall not unduly interfere with the flow of traffic.

12) The City agrees to occupy and use the Property at its own risk and expense.

13) The City does not waive its sovereign statutory immunity, but acknowledges that the City has full legal responsibility for the proper design, construction, maintenance and operation of this multi-use trail along Hwy 265 rights of way. The City acknowledges that the Highway Department and Highway Commission have no duty or responsibility to users of this multi-use trail, and therefore can have no liability related to the design, construction, maintenance or operation of this multi-use trail. If the Arkansas Claims Commission ever grants a claim against the Highway Department or Highway Commission for an injury or other damage to a person using Property within this Air Space Permit area, the City agrees to pay this claim for the Highway Department or Highway Commission.

14) The Commission, the Department, and the FHWA, and any officer, employee or agent thereof, retain and shall have the right to enter the Property at any time without notice to the City.

15) The Commission and Department reserve, and shall have the right, at their sole discretion, to take immediate possession of the Property in case of any national or other emergency (including temporary emergencies such as weather emergencies, traffic accidents, hazardous material spills and other such events that may be hazardous or obstruct traffic), and for the protection and maintenance of the highway facility, in which event the terms of this Permit shall be suspended.

16) If the City violates any of the conditions contained in this Permit, or if the City discontinues use of the Property for more than sixty (60) days, the Department may, without notice, declare any Permit issued hereunder terminated.

17) Upon termination of this Permit (or any permit issued hereunder) for any reason, the City shall peaceably surrender the Property to the Commission in good order and repair,

excepting reasonable use and wear thereof, damage by earthquake, fire, public calamity, the elements, or other unavoidable casualty. The Property shall be restored to its previous condition at the expense of the City; provided, if any improvements are not removed after thirty (30) days written notice from the Department to the City, the Department may: (a) proceed to remove the improvements and restore the Property, and the City shall pay the Department upon demand the reasonable cost of removal and restoration; or, (b) the Commission may, in its sole and absolute discretion, elect to declare the improvements property of the Commission, whereupon all right, title and interest of the City therein shall forthwith terminate and vest in the Commission. No cost shall be attributed to the FHWA under any part of this Permit.

18) This Permit may not be assigned and all obligations and duties of the City hereunder shall be considered non-delegable.

19) The City, as a part of the consideration hereof, does hereby covenant and agree that no person shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the facilities on account of race, color, sex, national origin, or disability, and that in the construction of any improvements on, over, and under the Property, and the furnishing of services thereon, no person shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination on account of race, color, sex, national origin, or disability. The City further covenants that it shall use the Property in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Effectuation of Title VI of the Civil Rights Act of 1964, as amended. In the event of breach of any of the nondiscrimination covenants, the Department shall have the right to terminate this Permit or any permit issued hereunder without further notice.

20) The Property shall retain its character as a public right of way and the City may not charge any person a fee of any kind whatsoever to enter or use the Property, nor permit or sublease the exclusive use of the Property to any individual, entity, association, or organization of any kind whatsoever. No vending shall be allowed within the area of the Property.

21) It is understood that granting of this Permit to the City of Fayetteville, Arkansas, does not impair or relinquish the Commission's right to use the Property for right of way purposes for the construction, maintenance, or reconstruction of the traffic facility, nor shall use of the land under this Permit ever be construed as abandonment by the Commission of land acquired for highway purposes. The permitted use by the City shall remain subordinate to the Commission's ownership and use of the property for highway purposes.

22) It is understood by the parties that this Permit may be executed in any number of copies, each of which shall be deemed an original.

Executed on this _____ day of _____, 2017.

**ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT, PERMITOR**

By: _____
Scott E. Bennett, P.E.
Director of Highways and Transportation

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
)**ss**
COUNTY OF PULASKI)

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public, within and for the County and State aforesaid, duly commissioned and acting, Scott E. Bennett, to me well known as the Director of Highways and Transportation, who stated that he had executed the foregoing Airspace Permit for and on behalf of the Arkansas State Highway Commission, for the consideration and purposes therein mentioned and set forth and was authorized so to act by proper resolution of the Commission in Minute Order No. 2012-008, dated the 8th day of February, 2012.

WITNESS my hand and seal as such Notary Public on this _____ day of _____, 2017.

, Notary Public

My Commission Expires: _____

Executed on this _____ day of _____, 2017.

CITY OF FAYETTEVILLE, ARKANSAS PERMITEE

By: _____
Lioneld Jordan, Mayor

ATTEST: _____
Sondra Smith, City Clerk

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
 ss
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public, within and for the County and State aforesaid, duly commissioned and acting, Lioneld Jordan and Sondra Smith, and being the Mayor and City Clerk, respectively, of the City of Fayetteville, Arkansas, a Municipal Corporation, and who had been designated by said corporation to execute the above instrument, to me personally well known, who stated that they were the Mayor and the City Clerk of said city, a Municipal Corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and on behalf of said Municipal Corporation, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this _____ day of _____, 2017.

, Notary Public

My Commission Expires: _____

Attachment "A"

MULTI-PURPOSE PEDESTRIAN TRAIL CENTERLINE DESCRIPTION

HWY. 265 - ASHC JOB NO. 9497
&
HWY. 265 - ASHC JOB NO. 40039

WHEREAS, the City of Fayetteville, Washington County, Arkansas, has requested an Airspace Permit to use certain highway right-of-way, located in the City of Fayetteville, and owned by the Arkansas State Highway and Transportation Department, a 26 foot wide easement for the purpose of constructing a 12' wide Multi-Purpose Pedestrian Trail along Highway 265 going under Interstate 49 and over Highway 71, the centerline of said Pedestrian Trail described as follows:

A part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, and a part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and a part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and a part of SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ all within Section 29, Township 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows:

Commencing at Found AHTD monument being a 5" x 5" concrete monument at station 505+23.30 P.C., 40' RT. on the South right of way for Highway 265 shown on ASHC plans Job Number 9497:

thence leaving said South right of way on a radial bearing N51°57'32"W for a distance of 80.00 feet to the North right of way of Highway 265 at Station 505+23.30 P.C., 40' LT.;

thence along said North right of way S37°59'03"W a distance of 7.37 feet to Station 505+15.93 40' LT. for Highway 265 also Station 41+47.27 of the Cato Springs Pedestrian Trail being The POINT OF BEGINNING;

thence leaving said Westerly right-of-way along the centerline of the Multi-Purpose Pedestrian Trail 39.75 feet along a non-tangent curve to the North, said curve has a radius of 50.00 feet that bears N04°57'47"W, a delta angle of 45°32'57" and a chord which bears N62°15'45"E a distance of 38.71 feet to Station 41+87.01;

thence N39°29'16"E a distance of 25.51 feet to Station 42+12.53;

thence 226.30 feet along a tangent curve to the right, said curve has a radius of 1000.00 feet that bears S50°30'44"E, a delta angle of 12°57'58" and a chord which bears N45°58'15"E a distance of 225.82 feet to Station 44+38.83;

thence N52°27'14"E a distance of 282.48 feet to Station 47+21.31;

thence 85.86 feet along a tangent curve to the left, said curve has a radius of 400.00 feet that bears N37°32'46"W, a delta angle of 12°17'56" and a chord which bears N46°18'17"E a distance of 85.70 feet to Station 48+07.17;

thence N40°09'19"E a distance of 125.07 feet to Station 49+32.25;

thence 45.88 feet along a tangent curve to the left, said curve has a radius of 60.00 feet that bears N49°50'41"W, a delta angle of 43°49'00" and a chord which bears N18°14'49"E a distance of 44.77 feet

Attachment "A"

to Station 49+78.13;

thence N3°39'41"W a distance of 12.57 feet to Station 49+90.70;

thence 31.42 feet along a tangent curve to the right, said curve has a radius of 20.00 feet that bears N86°20'19"E, a delta angle of 90°00'00" and a chord which bears N41°20'18"E a distance of 14.14 feet to Station 50+22.12;

thence N86°20'19"E a distance of 24.95 feet to Station 50+47.07;

thence 11.34 feet along a tangent curve to the left, said curve has a radius of 10.00 feet that bears N03°39'41"W, a delta angle of 64°59'54" and a chord which bears N53°50'22"E a distance of 10.75 feet to Station 50+58.41;

thence N21°20'25"E a distance of 149.61 feet to Station 52+08.02;

thence 35.35 feet along a tangent curve to the right, said curve has a radius of 100.00 feet that bears S68°39'35"E, a delta angle of 20°15'08" and a chord which bears N31°27'59"E a distance of 35.16 feet to Station 52+43.37;

thence N41°35'33"E a distance of 114.30 feet to Station 53+57.67;

thence 59.24 feet along a tangent curve to the left, said curve has a radius of 500.00 feet that bears N48°24'27" W, a delta angle of 6°47'18" and a chord which bears N38°11'54"E a distance of 59.20 feet to Station 54+16.91;

thence N34°48'15"E a distance of 256.68 feet to Station 56+73.59;

thence 32.35 feet along a tangent curve to the left, said curve has a radius of 500.00 feet that bears N55°11'45"W, a delta angle of 3°42'27" and a chord which bears N32°57'02"E a distance of 32.35 feet to Station 57+05.95;

thence N31°05'48"E a distance of 69.14 feet to Station 57+75.09;

thence 46.63 feet along a tangent curve to the right, said curve has a radius of 500.00 feet that bears S58°54'12"E, a delta angle of 5°20'37" and a chord which bears N33°46'06"E a distance of 46.61 feet to Station 58+21.72;

thence N36°26'25"E a distance of 468.03 feet to Station 62+89.75;

thence 19.57 feet along a tangent curve to the left, said curve has a radius of 500.00 feet that bears N53°33'35"W, a delta angle of 2°14'33" and a chord which bears N35°19'08"E a distance of 19.57 feet to Station 63+09.31;

thence N34°11'52"E a distance of 353.05 feet to Station 66+62.37;

thence 30.13 feet along a tangent curve to the left, said curve has a radius of 200.00 feet that bears N55°48'08"W, a delta angle of 8°37'57" and a chord which bears N29°52'54"E a distance of 30.10 feet to Station 66+92.50;

Attachment "A"

thence N25°33'55"E a distance of 141.62 feet to Station 68+34.11;

thence 40.47 feet along a tangent curve to the left, said curve has a radius of 100.00 feet that bears N64°26'05"W, a delta angle of 23°11'05" and a chord which bears N13°58'22"E a distance of 40.19 feet to Station 68+74.58;

thence N2°22'50"E a distance of 74.70 feet to Station 69+49.28;

thence 43.33 feet along a tangent curve to the right, said curve has a radius of 30.00 feet that bears S87°37'10"E, a delta angle of 82°45'08" and a chord which bears N43°45'24"E a distance of 39.66 feet to Station 69+92.61;

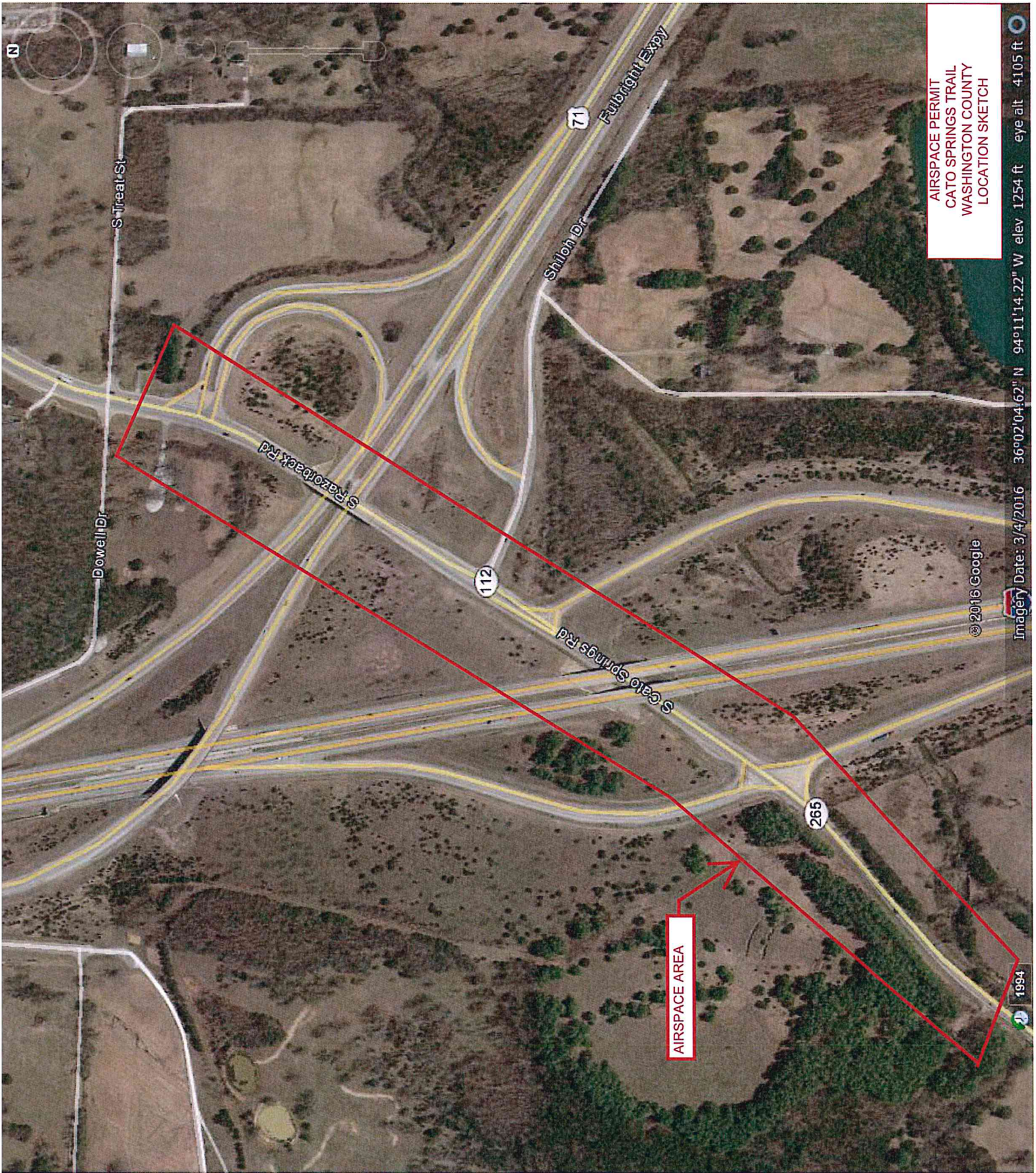
thence N85°07'58"E a distance of 149.43 feet to Station 71+42.04;

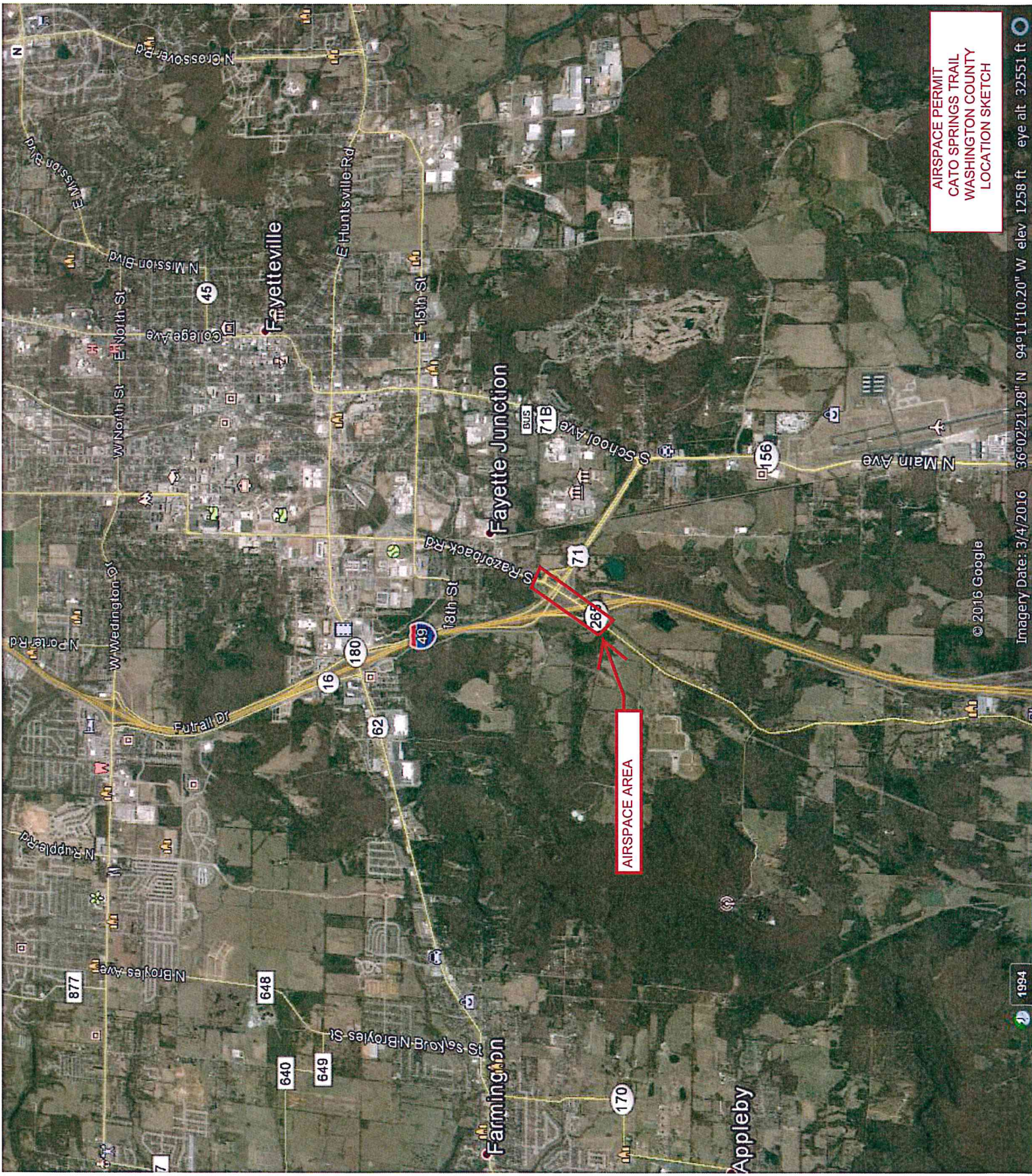
thence 8.67 feet along a tangent curve to the right, said curve has a radius of 100.00 feet that bears S04°52'02"E, a delta angle of 4°58'09" and a chord which bears N87°37'02"E a distance of 8.67 feet to Station 71+50.72 being the end of Cato Springs Multi-Purpose Trail Centerline at the Easterly right of way of Highway 265 at Station 533+32.83, 69.04' RT as shown on Arkansas State Highway Commission Job No. 40039;

thence S08°05'15" W a distance of 16.98 feet along said Easterly right of way of Highway 265;

thence continuing along said Easterly right of way S 70°06'02" E a distance of 151.53 feet to a found AHTD right of way monument, being a 5/8" rebar with a 1.5" diameter aluminum cap at Station 183+00.00, 70.00'RT, Ramp #1 from AHTD plans Job Number 4706 SEC.3, containing 78,070.8 square feet or 1.79 acres, more or less.

Exhibit "C"





AIRSPACE PERMIT
CATO SPRINGS TRAIL
WASHINGTON COUNTY
LOCATION SKETCH

© 2016 Google

Imagery Date: 3/4/2016 36°02'21.28" N 94°11'10.20" W elev 1258 ft eye alt 32551 ft

1994

\$\$\$USER\$\$\$
WORKSPACE\$\$\$
\$\$\$FILE\$\$\$

\$\$\$DATE\$\$\$
\$\$\$TIME\$\$\$

\$\$\$FILE\$\$\$



2049 E. Joyce Blvd.
Suite, 400
Fayetteville, AR 72703
(479) 527-9100

CATO SPRINGS TRAIL

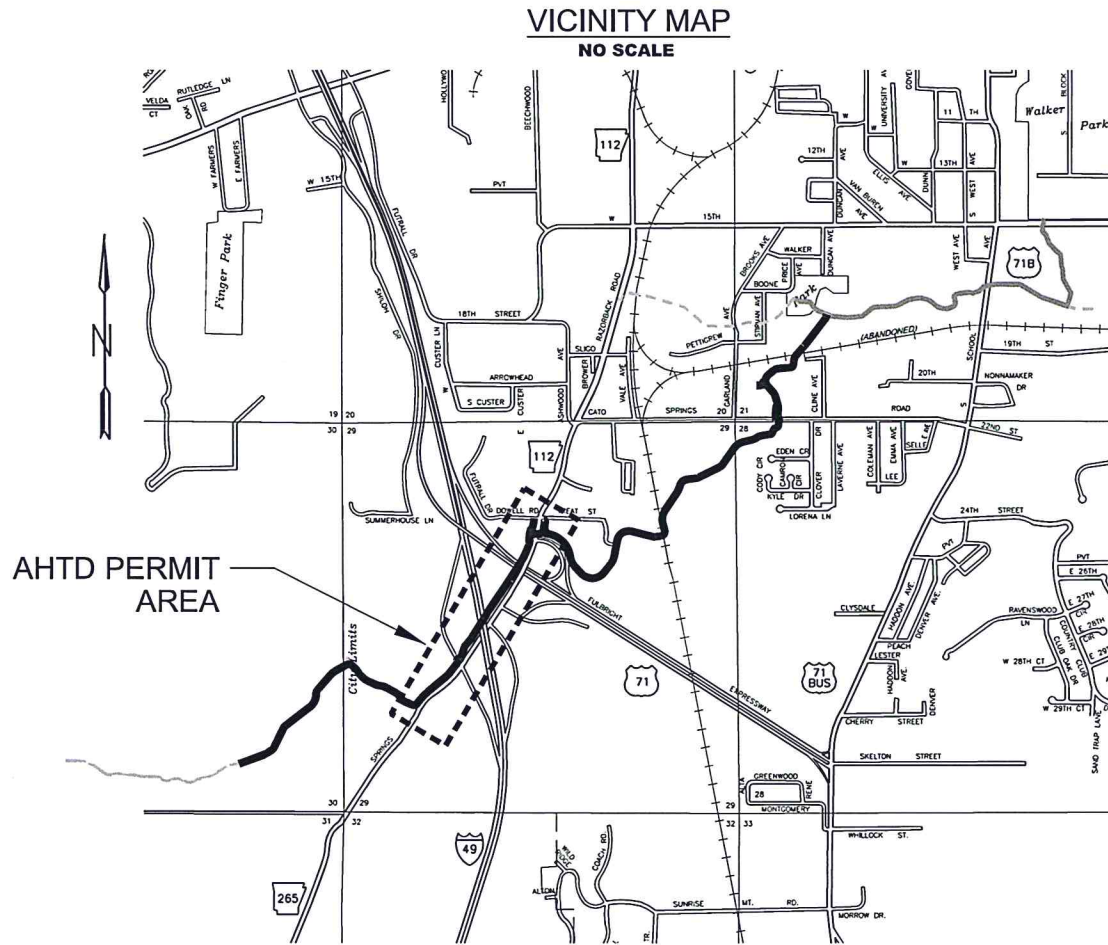
HIGHWAY 265 AND I-49/FULBRIGHT EXPRESSWAY

AIRSPACE EASEMENT PERMIT

ARKANSAS STATE HIGHWAY & TRANSPORTATION DEPARTMENT

DISTRICT 4

Attachment "B"



MAY, 2016

CONTENTS:

- 1.) AHTD AIRSPACE EASEMENT PERMIT COVER SHEET
- 2.) AHTD AIRSPACE EASEMENT CONTROL SHEET
- 3.) SITE PLAN AHTD AIRSPACE EASEMENT STA 41+47.27 TO STA 45+00
- 4.) SITE PLAN AHTD AIRSPACE EASEMENT STA 45+00 TO STA 50+47.07
- 5.) SITE PLAN AHTD AIRSPACE EASEMENT STA 50+47.07 TO STA 55+00
- 6.) SITE PLAN AHTD AIRSPACE EASEMENT STA 55+00 TO STA 60+00
- 7.) SITE PLAN AHTD AIRSPACE EASEMENT STA 60+00 TO STA 65+00
- 8.) SITE PLAN AHTD AIRSPACE EASEMENT STA 65+00 TO STA 69+92.61
- 9.) SITE PLAN AHTD AIRSPACE EASEMENT STA 69+92.61 TO STA 71+50.72

REV.	DATE	DESCRIPTION	BY

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS
CATO SPRINGS TRAIL
FAYETTEVILLE REGIONAL PARK
TO TOWN BRANCH TRAIL

AHTD AIRSPACE
EASEMENT PERMIT
COVER SHEET

JOB NO.: 14047100
DATE: MAY, 2016
DESIGNED BY: JAJ
DRAWN BY: TWM

BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY.

DRAWING NUMBER
G-001

SHEET
NUMBER **1**

SURVEY CONTROL POINTS (STATE PLANE, GRID COORDINATES, AR NORTH, NAVD88)					
POINT	NORTHING	EASTING	ELEVATION	FEATURE	DESCRIPTION
10	626815.453	665841.5236	1282.9944	CTL/BM	1/2" REBAR WITH GARVER CONTROL CAP
11	625628.3768	665085.6431	1269.3041	CTL/BM	1/2" REBAR WITH GARVER CONTROL CAP
12	625955.3186	665313.6311	1263.8958	CTL/BM	60D W/DISC GARVER CONTROL
13	626282.4114	665540.6261	1262.2132	CTL/BM	60D W/DISC GARVER CONTROL
14	627070.5397	665887.8274	1264.3845	CTL/BM	60D W/DISC GARVER CONTROL
15	626890.9444	666092.0181	1259.6676	CTL/BM	60D W/DISC GARVER CONTROL
16	627608.5424	666205.19	1275.6651	CTL/BM	60D W/DISC GARVER CONTROL
17	627078.143	666089.4575	1284.7835	CTL/BM	60D W/DISC GARVER CONTROL
20	630294.9591	670051.7818	1214.947	CTL/BM	60D GARVER CONTROL DISK NW HEADWALL T
21	630148.516	670339.3815	1215.9028	CTL/BM	1/2" REBAR WITH GARVER CONTROL CAP 8.5' S TRAIL
22	629378.1294	669804.2221	1229.5318	CTL/BM	MAG NAIL GARVER CONTROL DISK IN ASPH
23	628791.2134	669600.922	1232.2042	CTL/BM	1/2" REBAR WITH GARVER CONTROL CAP 5' S S/W
24	628849.6106	668598.4827	1237.1168	CTL/BM	1/2" REBAR WITH GARVER CONTROL CAP 3' N S/W

<u>AHTD REFERENCE:</u>	<u>CENTERLINE LENGTH:</u>	<u>EASEMENT ACREAGE:</u>
BEGINNING: AR. STATE. HWY.	3003.45 LF	78,070.8 SQ FT
COMM. JOB #9497		1.79 Ac. +/-
AR. STATE. HWY. COMM.JOB #9447		
AR. STATE. HWY. COMM.		
JOB#4706-3		
AR. STATE. HWY. COMM.		
JOB#R40013-10		
ENDING: AR. STATE. HWY. COMM.		
JOB #40039		

BASIS OF SURVEY:
BASIS OF SURVEY ARE THE LATEST (2009) COORDINATES FROM CITY OF FAYETTEVILLE MONUMENTS E-9 (NGS PID#BBBN95) AND D-9 (NGS PID#BBCL48) REPORTED TO BE NAD 83(2011) & NAVD88(Geoid12A) DATUMS, ARKANSAS STATE PLANE, NORTH ZONE (0301), U.S. SURVEY FOOT.

THE APPROXIMATE CENTER OF THE PROJECT IS CONTROL POINT 10.
THE STATE PLANE, GRID COORDINATES, FOR THIS POINT ARE SHOWN IN THE TABLE
ABOVE.
LAT= N36-02-08.48272
LONG= W94-11-12.19024
THE CONVERGENCE ANGLE AT CONTROL POINT 10 IS -1°16'20.82043".
THE COMBINATION ADJUSTMENT FACTOR IS 0.999909994.
THE POSITION OF THIS SCALE FACTOR IS CENTERED FROM CONTROL POINT 10 AND THE
ELEVATION USED FOR THIS FACTOR IS 1282.9944' NAVD 88.

BASIS OF BEARING:
BASIS OF SURVEY ARE THE LATEST (2009) COORDINATES FROM CITY OF FAYETTEVILLE MONUMENT E-9 (PID#BBBN95) AND MONUMENTS D-9 (PID#BBCL48) REPORTED TO BE NAD 83(2011) & NAVD88(Geoid12B) DATUMS, ARKANSAS STATE PLANE, NORTH ZONE (0301), U.S. SURVEY FOOT.

EXISTING AHTD CENTERLINE AND RIGHT OF WAY ALIGNMENTS:
THE ALIGNMENT FOR AHTD CENTERLINE AND RIGHT OF WAY ON THE SOUTH
END OF THE PROJECT IS ESTABLISHED FROM AHTD PLANS JOB NUMBER 9497,
USING FOUND AHTD RIGHT OF WAY MONUMENTS.

THE ALIGNMENT FOR AHTD CENTERLINE AND RIGHT OF WAY ON THE NORTH
END OF THE PROJECT IS ESTABLISHED FROM AHTD PLANS JOB NUMBERS 40039
& 4706 SEC3 USING FOUND AHTD RIGHT OF WAY MONUMENTS.

THE ALIGNMENT FOR AHTD CENTERLINE BETWEEN THE SOUTH AND THE NORTH
END COULD NOT BE PRECISELY RE -ESTABLISHED DUE TO LOST EVIDENCE AND
MATHEMATICAL DISCREPANCIES OF JOB NUMBERS 9447 & R40013 SEC10.

A BEST FIT WAS REQUIRED BETWEEN STA. 513+78 PT OF THE SOUTH END (JOB 9497) AND STA. 529+40 OF THE NORTH END (JOBS 40039 & 4706 SEC.3).

CENTERLINE CONSTRUCTION CATO SPRINGS TRAIL				
NO.	NORTHING	EASTING	TYPE	STATION
8001	625179.4916	664483.6922	POB/PC	41+47.27
	625181.3077	664504.6055	PI	41+68.26
8002	625229.3042	664479.3666	CC	
8003	625197.5085	664517.9546	PT	41+87.01
8004	625217.1989	664534.1791	PC	42+12.53
	625304.8993	664606.4424	PI	46+26.17
8005	624581.2851	665305.9392	CC	
8006	625374.1494	664696.5411	PT	44+38.83
8007	625546.2931	664920.5105	PC	47+21.31
	625572.5560	664954.6801	PI	47+64.41
8008	625863.4388	664676.7512	CC	
8009	625605.4945	664982.4712	PT	48+07.18
8010	625701.0879	665063.1259	PC	49+32.25
	625719.5305	665078.6865	PI	49+56.38
8011	625739.7795	665017.2679	CC	
8012	625743.6112	665077.1455	PT	49+78.13
8013	625756.1544	665076.3428	PC	49+90.70
	625776.1136	665075.0655	PI	50+10.70
8014	625757.4317	665096.3020	CC	
8015	625777.3908	665095.0247	PT	50+22.12
8016	625778.9843	665119.9248	PC	50+47.07
	625779.3911	665126.2823	PI	50+53.44
8017	625788.9638	665119.2862	CC	
8018	625785.3248	665128.6005	PT	50+58.41
8019	625924.6780	665183.0448	PC	52+08.02
	625941.3133	665189.5440	PI	52+25.88
8020	625888.2876	665276.1884	CC	
8021	625954.6704	665201.3999	PT	52+43.37
8022	626040.1527	665277.2746	PC	53+57.67
	626062.3309	665296.9601	PI	53+87.32
8023	626372.0669	664903.3321	CC	
8024	626086.6804	665313.8861	PT	54+16.91
8025	626297.4462	665460.3948	PC	56+73.59
	626310.7338	665469.6313	PI	56+89.78
8026	626582.8327	665049.8408	CC	
8027	626324.5908	665477.9893	PT	57+05.95
8028	626383.7940	665513.6983	PC	57+75.09
	626403.7734	665525.7490	PI	57+98.42
8029	626125.5521	665941.8468	CC	
8030	626422.5437	665539.6080	PT	58+21.72
8031	626799.0622	665817.6091	PC	62+89.75
	626806.9343	665823.4215	PI	62+99.53
8032	627096.0538	665415.3704	CC	
8033	626815.0279	665828.9214	PT	63+09.31
8034	627107.0389	666027.3555	PC	66+62.37
	627119.5241	666035.8398	PI	66+77.46
8035	627219.4492	665861.9351	CC	
8036	627133.1414	666042.3540	PT	66+92.50
8037	627260.8914	666103.4664	PC	68+34.11
	627279.3963	666112.3187	PI	68+54.63
8038	627304.0454	666013.2570	CC	
8039	627299.8917	666113.1707	PT	68+74.58
8040	627374.5293	666116.2736	PC	69+49.28
	627400.9328	666117.3712	PI	69+75.71
8041	627373.2832	666146.2477	CC	
8042	627403.1750	666143.7022	PT	69+92.61
8043	627415.8543	666292.5968	PC	71+42.04
	627416.2224	666296.9203	PI	71+46.38
8044	627316.2149	666301.0817	CC	
8045	627416.2147	666301.2594	PT	71+50.72

NOTE:
ALL DISTANCES SHOWN ARE GRID DISTANCES.



REV.	DATE	DESCRIPTION	BY

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS
CATO SPRINGS TRAIL
FAYETTEVILLE REGIONAL PARK
TO TOWN BRANCH TRAIL

AHTD AIRSPACE EASEMENT CONTROL SHEET

JOB NO.: 14047100
DATE: MAY, 2016
DESIGNED BY: JAJ
DRAWN BY: JAJ

BAR IS ONE INCH ON
ORIGINAL DRAWING

0 1"

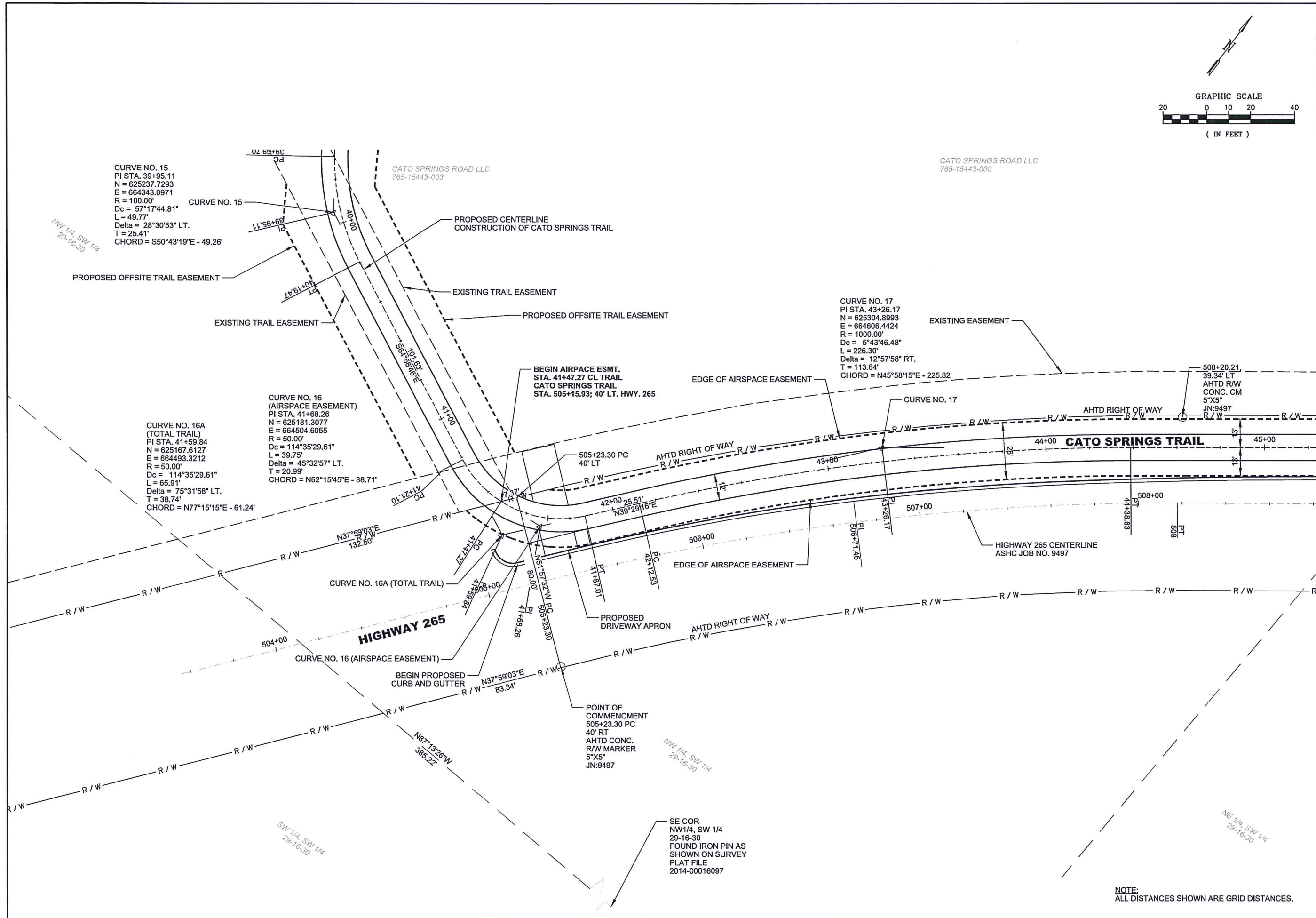
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY.

DRAWING NUMBER

G-002

SHEET
NUMBER **2**

\$\$\$USER\$\$\$
WORKSPACE\$\$\$WORKSPACE\$\$\$
\$\$\$FILE\$\$\$



NOTE:
ALL DISTANCES SHOWN ARE GRID DISTANCES.



BY	DESCRIPTION	DATE	REV.

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS
CATO SPRINGS TRAIL
FAYETTEVILLE REGIONAL PARK
TO TOWN BRANCH TRAIL

SITE PLAN AHTD
AIRSPACE EASEMENT
STA 41+47.27 TO STA
45+00

JOB NO.: 14047100
DATE: MAY, 2016
DESIGNED BY: JAJ
DRAWN BY: JAJ

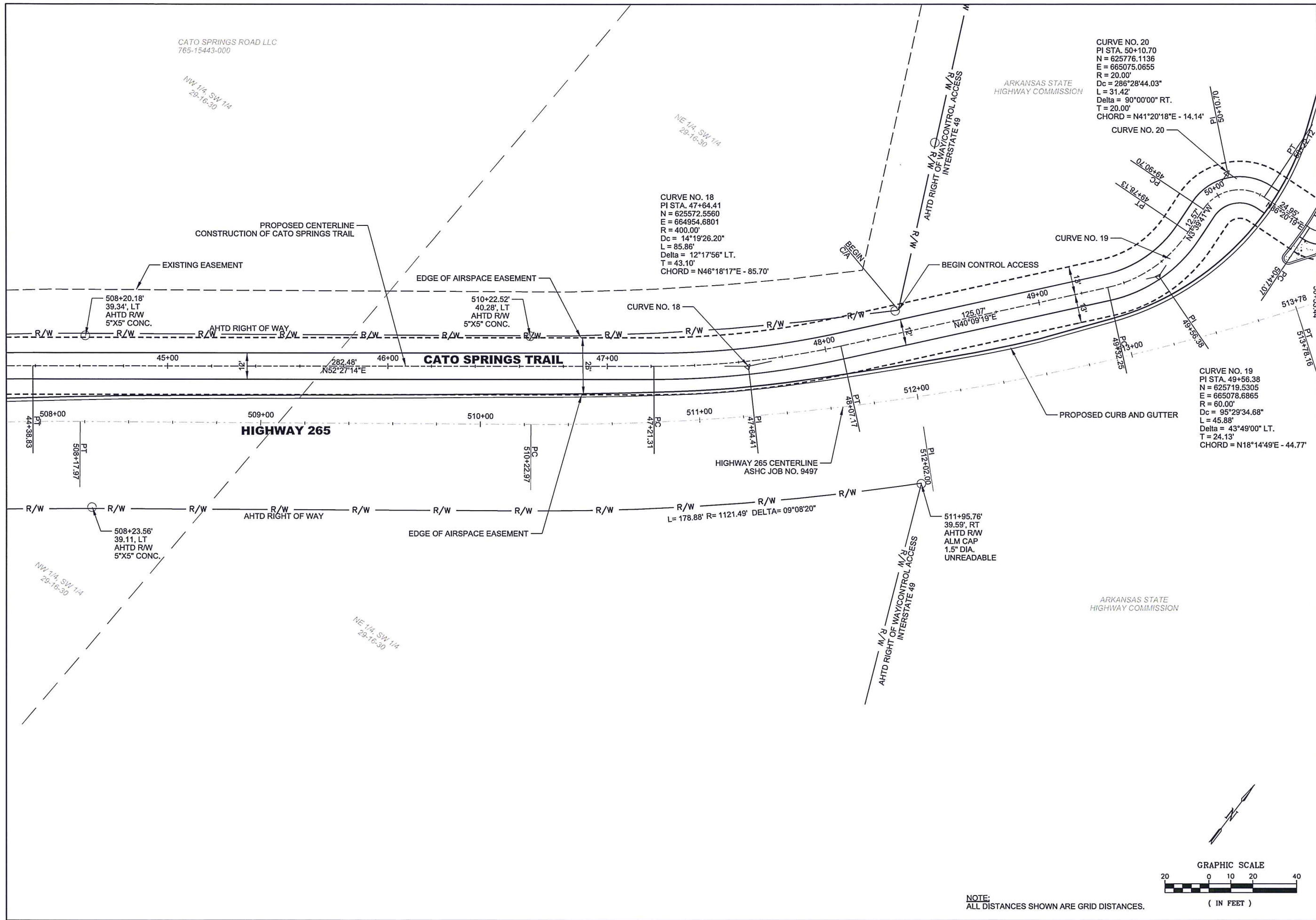
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY.

DRAWING NUMBER

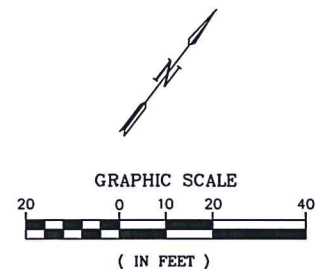
V-101

SHEET
NUMBER 03

\$\$\$USER\$\$\$
WORKSPACE\$\$\$WORKSPACE\$\$\$
\$\$\$FILE\$\$\$



NOTE:
ALL DISTANCES SHOWN ARE GRID DISTANCES.



REV.	DATE	DESCRIPTION

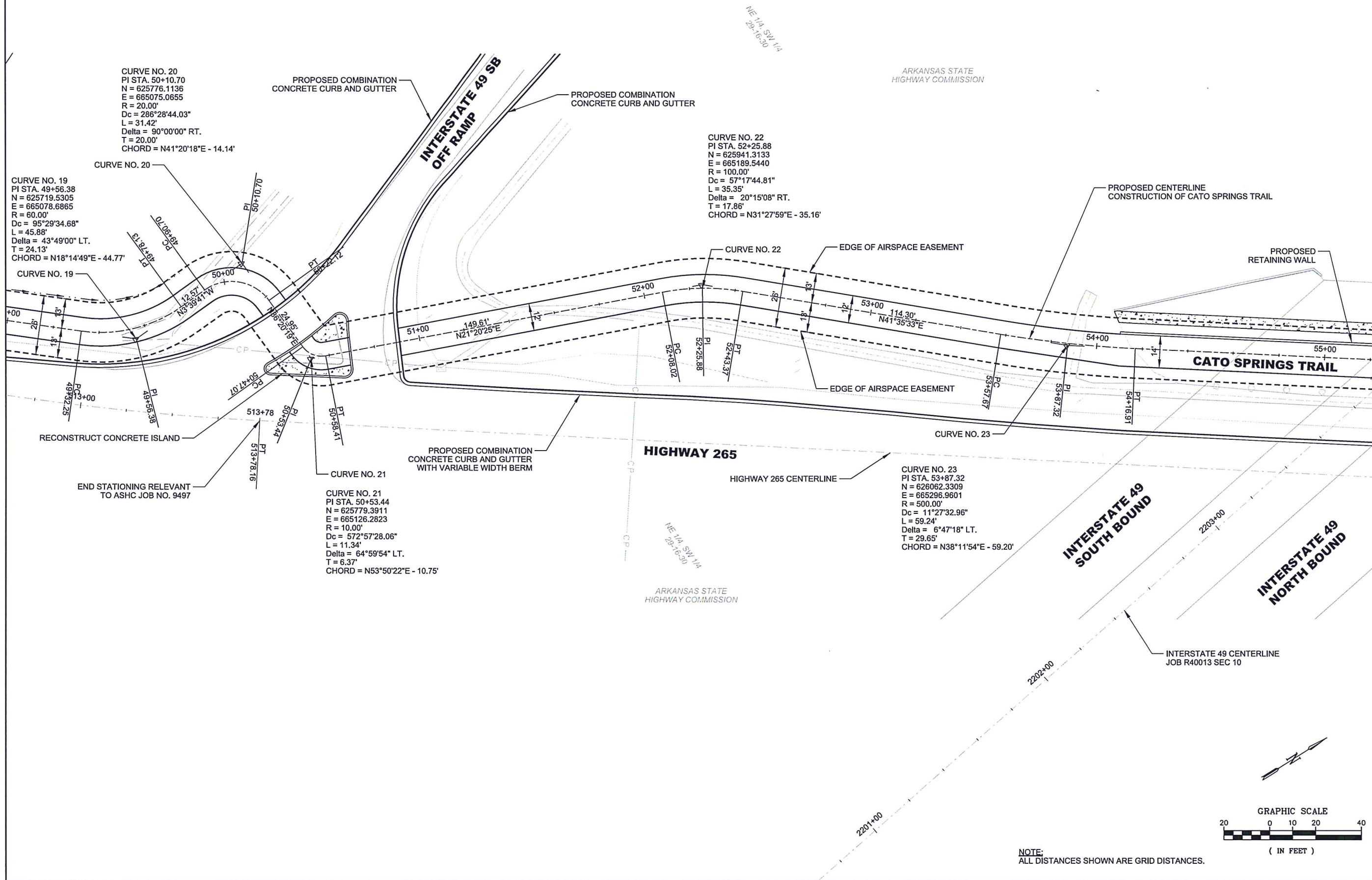
CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS
CATO SPRINGS TRAIL
FAYETTEVILLE REGIONAL PARK
TO TOWN BRANCH TRAIL

SITE PLAN AHTD
AIRSPACE EASEMENT
STA 45+00 TO STA
50+47.07

JOB NO.: 14047100
DATE: MAY, 2016
DESIGNED BY: JAJ
DRAWN BY: JAJ

BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY.
DRAWING NUMBER
V-102
SHEET
NUMBER **04**

SSUSERS\$
WORKSPACE\$WORKSPACE\$
SSFILES\$



REV	DATE	DESCRIPTION	BY

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS
CATO SPRINGS TRAIL
FAYETTEVILLE REGIONAL PARK
TO TOWN BRANCH TRAIL

SITE PLAN AHTD
AIRSPACE EASEMENT
STA 50+47.07 TO STA
55+00

JOB NO.: 14047100
DATE: MAY, 2016
DESIGNED BY: JAJ
DRAWN BY: JAJ

BAR IS ONE INCH ON
ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY.

DRAWING NUMBER

V-103

SHEET
NUMBER **05**

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

CATO SPRINGS TRAIL
FAYETTEVILLE REGIONAL PARK
TO TOWN BRANCH TRAIL

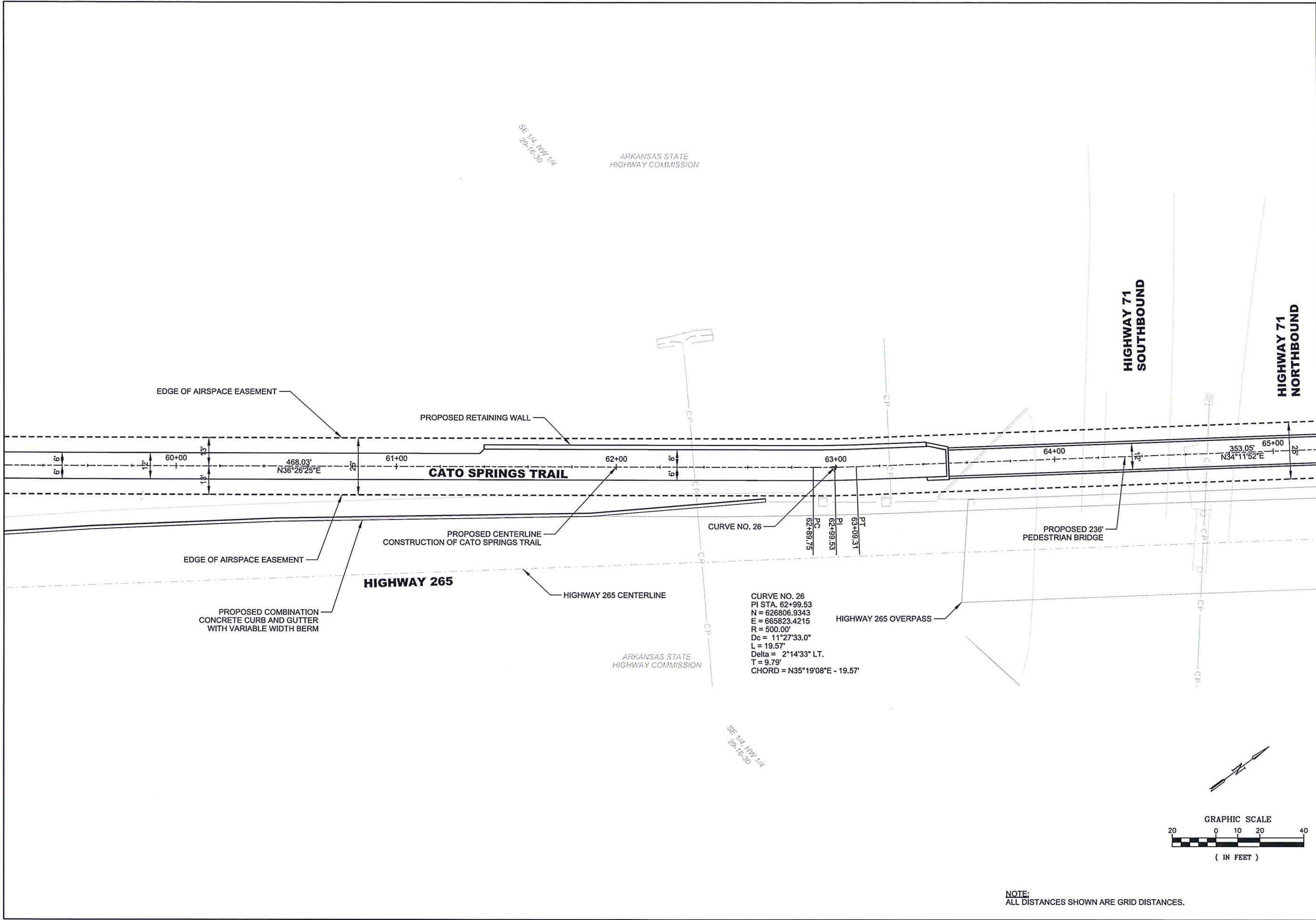
SHEET **06**
NUMBER



\$\$\$USERS\$
WORKSPACE\$\$\$
FILES\$

\$\$\$DATE\$\$\$
WORKSPACE\$\$\$
FILES\$

\$\$\$TIME\$\$\$
WORKSPACE\$\$\$
FILES\$



REV.	DATE	DESCRIPTION	BY

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

CATO SPRINGS TRAIL
FAYETTEVILLE REGIONAL PARK
TO TOWN BRANCH TRAIL

SITE PLAN AHTD
AIRSPACE EASEMENT
STA 60+00 TO STA
65+00

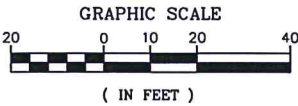
JOB NO.: 14047100
DATE: MAY, 2016
DESIGNED BY: JAJ
DRAWN BY: JAJ

BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY.

DRAWING NUMBER
V-105

SHEET
NUMBER **07**

SHEET
NUMBER **08**





REV.	DATE	DESCRIPTION	BY

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS
CATO SPRINGS TRAIL
FAYETTEVILLE REGIONAL PARK
TO TOWN BRANCH TRAIL

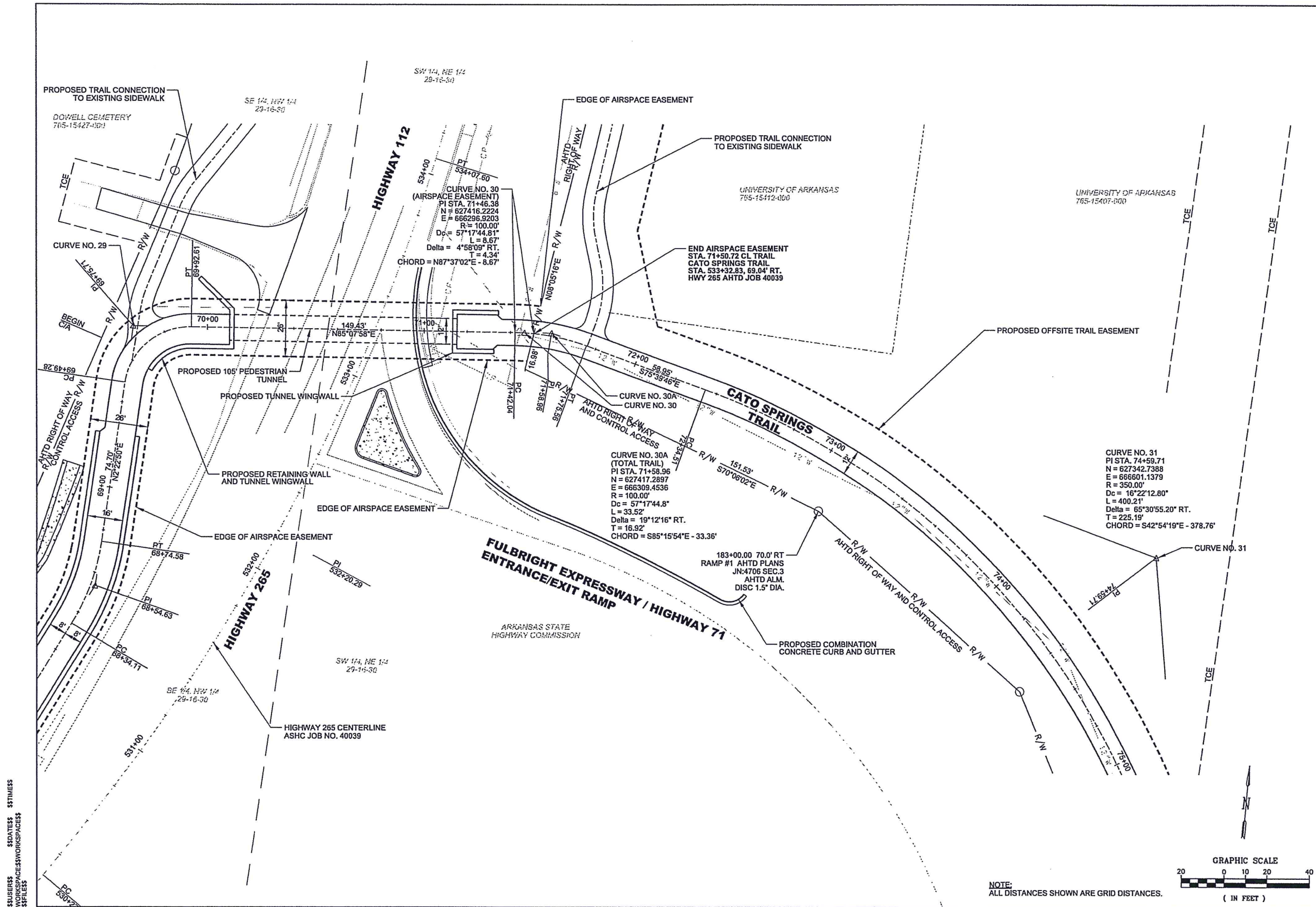
SITE PLAN AHTD
AIRSPACE EASEMENT
STA 69+92.61 TO STA
71+50.72

JOB NO.: 14047100
DATE: MAY, 2016
DESIGNED BY: JAJ
DRAWN BY: JAJ

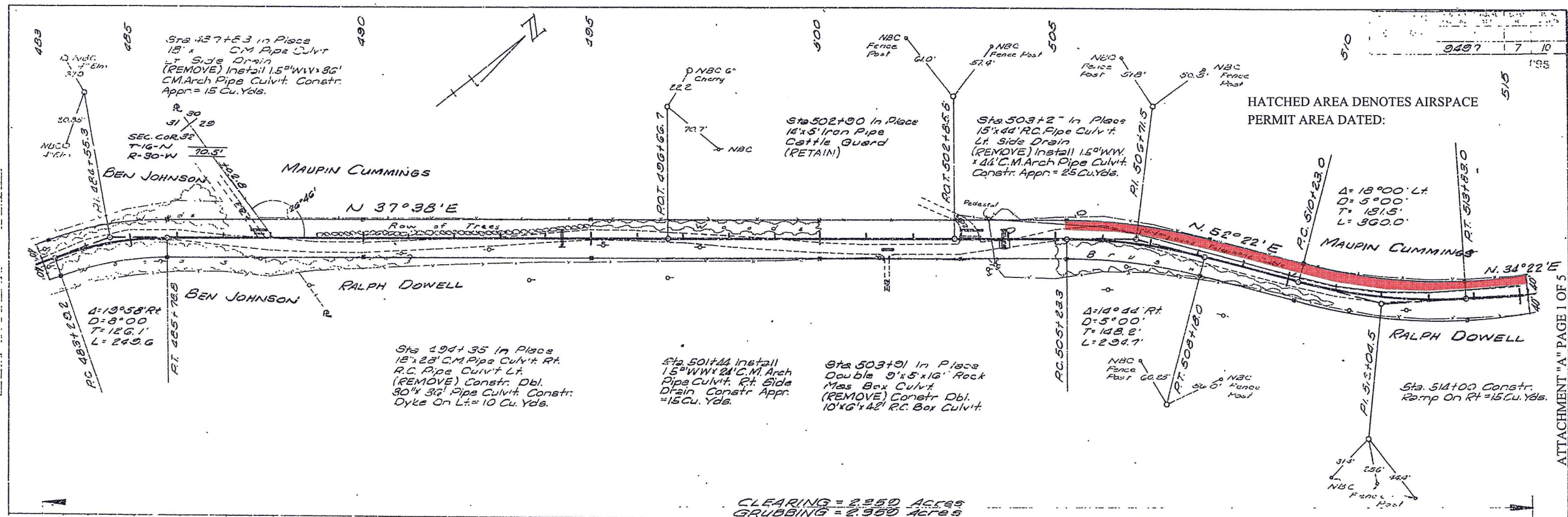
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALES ACCORDINGLY.

DRAWING NUMBER
V-107
SHEET
NUMBER **09**

ATTACHMENT "B" PAGE 9 OF 9



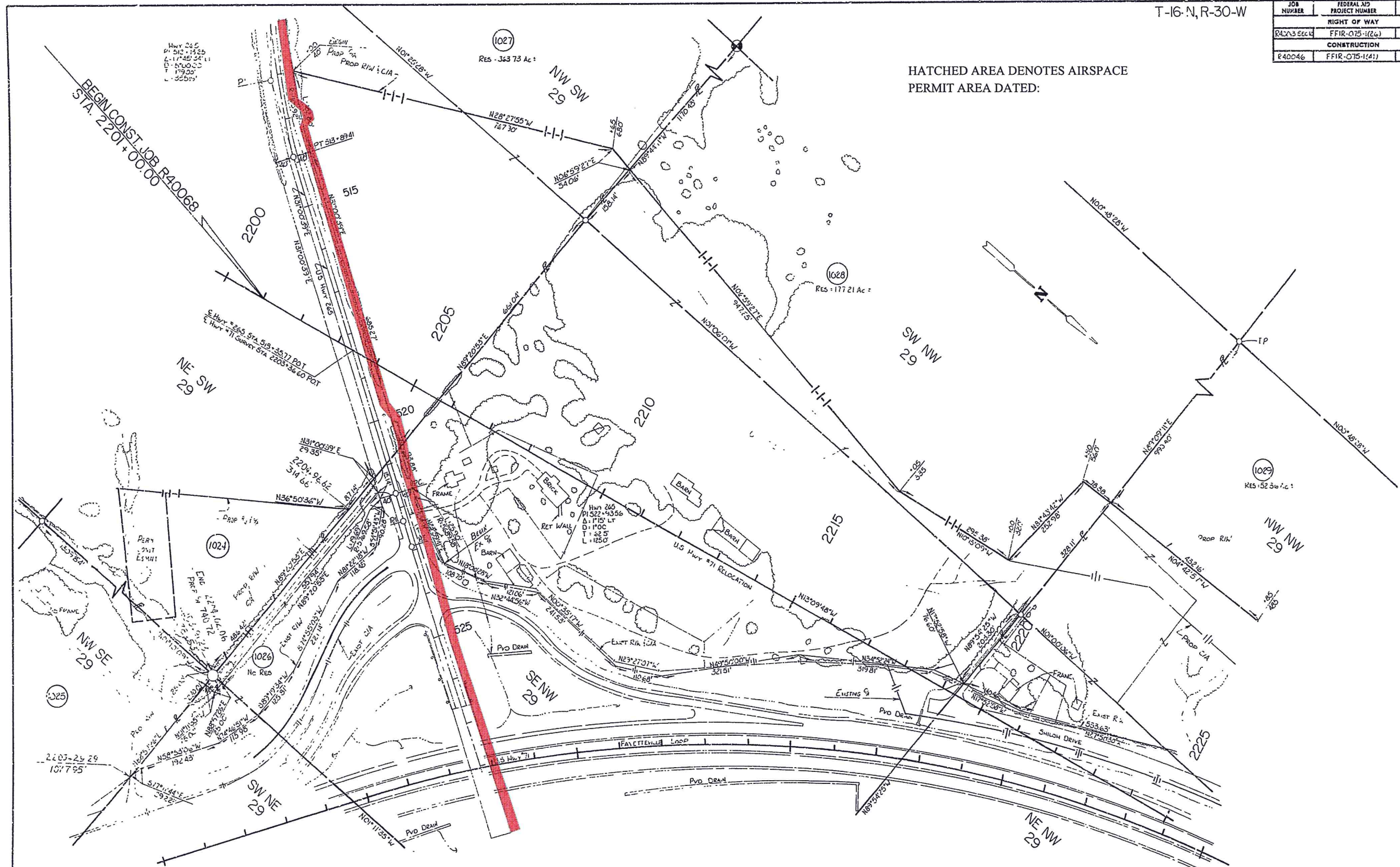
PLAN	SECTION	DETAIL	NOTES
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100



T-16-N, R-30-W

JOB NUMBER	FEDERAL AID PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
R40046	FFIR-075-1(26)	10	11
CONSTRUCTION			
FFIR-075-1(41)			

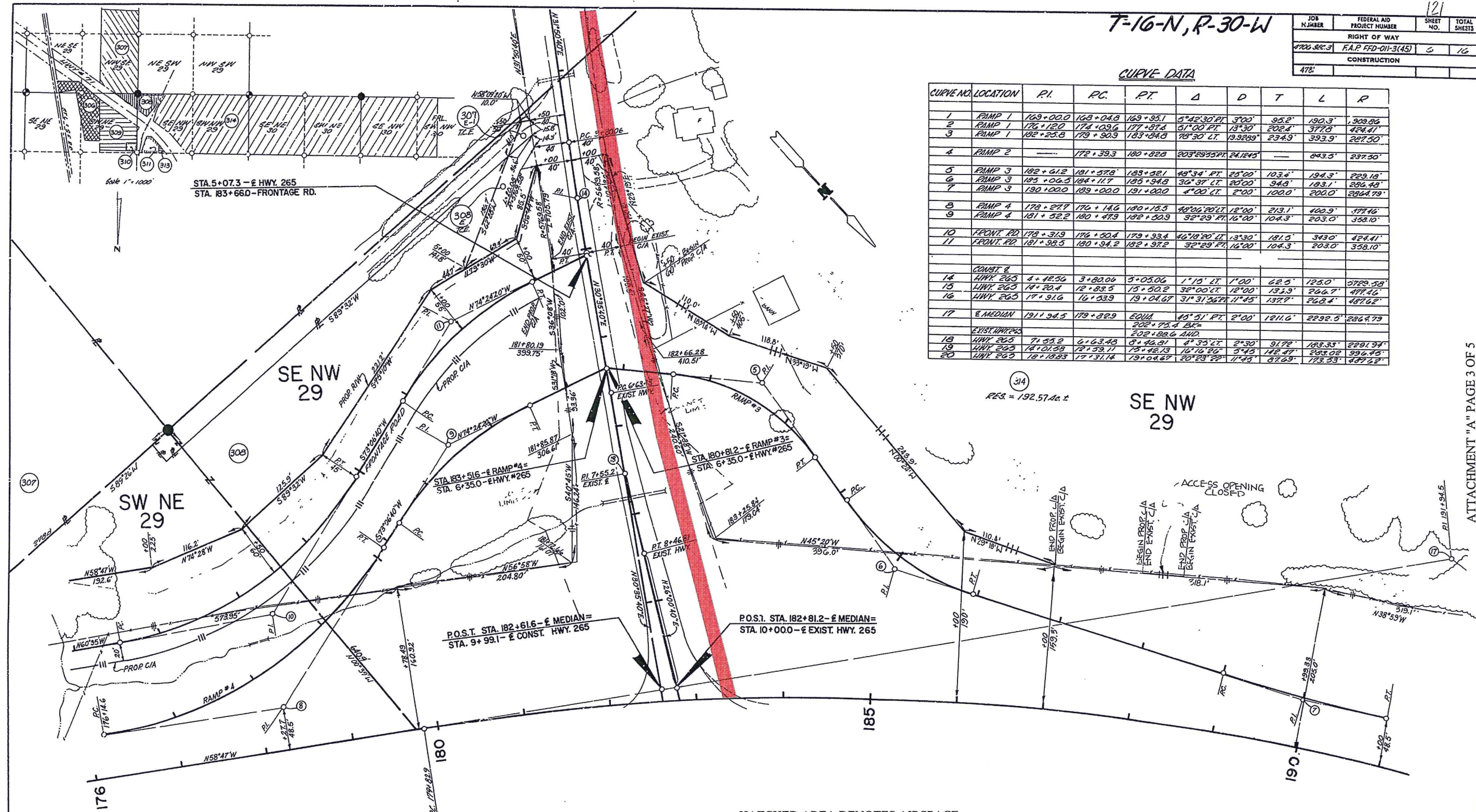
HATCHED AREA DENOTES AIRSPACE
PERMIT AREA DATED:



ATTACHMENT "A" PAGE 2 OF 5

NO	DATE	DESCRIPTION	BY	CHKD
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42				
43				
44				
45				
46				
47				
48				
49				
50				
51				
52				
53				
54				
55				
56				
57				
58				
59				
60				
61				
62				
63				
64				
65				
66				
67				
68				
69				
70				
71				
72				
73				
74				
75				
76				
77				
78				
79				
80				
81				
82				
83				
84				
85				
86				
87				
88				
89				
90				
91				
92				
93				
94				
95				
96				
97				
98				
99				
100				

GREENLAND-FAYETTEVILLE BYPASS
ARKANSAS STATE HIGHWAY COMMISSION
RIGHT OF WAY MAP
JOB R40013 Sec. 10 WASHINGTON CO.
Scale 1" = 100'



T-16-N, R-30-W

JOB NO.	FEDERAL AID PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
4706 SEC. 3	F.A.P. FFD-011-3(45)	5	16
CONSTRUCTION			
478:			

CURVE DATA

CURVE NO.	LOCATION	P.I.	P.C.	P.T.	Δ	D	T	L	R
1	RAMP 1	169+00.0	168+04.8	169+95.1	5°42'30" PT	3'00"	95.2'	190.3'	309.86'
2	RAMP 1	176+12.0	174+09.6	177+87.6	51°00' PT	13'30"	202.4'	377.8'	424.41'
3	RAMP 1	182+25.8	179+90.9	183+84.8	18°30' LT	19.3289'	234.9'	393.9'	287.50'
4	RAMP 2	---	172+39.3	180+82.8	203°29'35" PT	24.1245'	---	643.5'	297.30'
5	RAMP 3	182+61.2	181+57.8	183+92.1	48°34' PT	25'00"	103.4'	194.3'	229.18'
6	RAMP 3	185+06.5	184+11.7	185+94.8	36°37' LT	20'00"	94.9'	183.1'	206.48'
7	RAMP 3	190+00.0	189+00.0	191+00.0	4°00' LT	2'00"	100.0'	200.0'	286.79'
8	RAMP 4	178+27.7	176+14.6	180+15.5	46°06'20" LT	12'00"	213.1'	400.9'	177.46'
9	RAMP 4	181+52.2	180+47.9	182+50.9	32°29' PT	16'00"	104.3'	203.0'	358.10'
10	FRONT RD	178+31.9	176+50.4	179+93.4	46°18'20" LT	13'30"	181.5'	343.0'	424.41'
11	FRONT RD	181+98.5	180+94.2	182+97.2	32°29' PT	16'00"	104.3'	203.0'	358.10'
12	CONST. E	---	---	---	---	---	---	---	---
13	HWY 265	4+12.56	3+82.04	5+05.06	1°19' LT	1'00"	62.5'	125.0'	3789.58'
14	HWY 265	14+20.4	12+83.5	15+50.2	32°00' LT	12'00"	133.9'	266.7'	477.46'
15	HWY 265	17+91.6	16+53.9	19+04.67	31°31'36" LT	11'45"	137.7'	268.4'	487.62'
16	E MEDIAN	191+94.5	179+82.9	EQUA	45°51' PT	2'00"	1211.6'	2292.5'	2864.79'
17	EXIST HWY 265	---	---	---	---	---	---	---	---
18	HWY 265	71+53.2	61+63.48	81+46.81	4°35'21" LT	2'30"	91.72'	183.35'	2291.94'
19	HWY 265	14+01.59	12+53.17	15+42.13	18°16'20" LT	5'45"	142.47'	288.02'	996.45'
20	HWY 265	18+18.83	17+31.14	19+04.67	20°23'22" LT	11'45"	87.69'	173.53'	487.62'

RES. = 192.57.46 ±

HATCHED AREA DENOTES AIRSPACE PERMIT AREA DATED:

NO.	DATE	REVISIONS	BY	CHKD	PARCEL NO.	OWNER	TITLE NO.	PARCEL TO ACQUIRE	AREA IN ACRES	PARCEL TO ACQUIRE	AREA IN SQ. FEET	REMARKS
1	6-21-79	Added TCE's 307E-1, 308E	G.A.	G.A.	314	ROBERT L. DONELL	10	194. ±	1.43 ±			
DRAWN FLOYD RIPPOND II												
CHECKED R. JOHNSON												

HWY. 71 SOUTH — HWY 16.
FAYETTEVILLE BYPASS
ARKANSAS STATE HIGHWAY COMMISSION
RIGHT OF WAY MAP
4706 SEC. 3 WASHINGTON CO.
SCALE: 1"=50'

ATTACHMENT "A" PAGE 3 OF 5

176

180

185

T-16-N, R-30-W

190

192

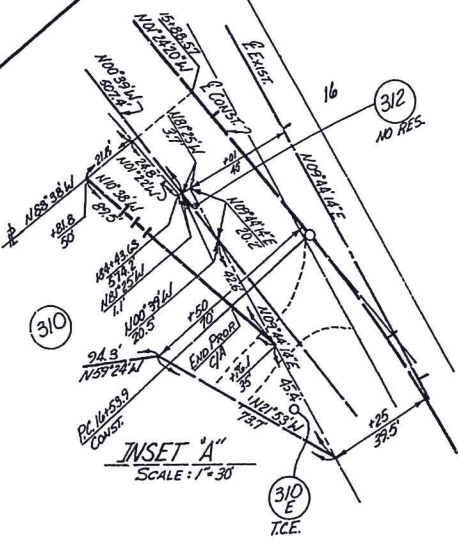
JOB NUMBER	FEDERAL AID PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
4706 SEC.3	F.A.P. FFD-011-31451	7	16
4781	CONSTRUCTION		

HATCHED AREA DENOTES AIRSPACE PERMIT AREA DATED:

SW NE 29

SE NW 29

NE N'W 29



ATTACHMENT "A" PAGE 4 OF 5

313	ROBERT L. DOWELL	10	0.36±			ACCESS TAKING ONLY
312	DOUGLAS L. DOWELL	49-REV		37±	37±	
311	DOUGLAS L. DOWELL	49-REV	3.7±			ACCESS TAKING ONLY
310	CLAUDE L. & LELA DOWELL 1/4	10-A	1.0±	0.03±		T.C.E. 310E C. 0.15 AC±
		TITLE	PARCEL	TO ACQUIRE	PARCEL	TO ACQUIRE
		NO.	AREA IN ACRES	AREA IN SQ. FEET		REMARKS

HWY. 71 SOUTH — HWY. 16
FAYETTEVILLE BYPASS
ARKANSAS STATE HIGHWAY COMMISSION
RIGHT OF WAY MAP
4706 SEC.3 WASHINGTON CO.
SCALE: 1"=50'

THE EXISTING R/W SHOWN IS WITHIN THE LIMITS OF THE R/W COVERED BY THE FOLLOWING COURT ORDER

JOB NO.	HWY.	COURT ORDER - GENE L. THRASHER CO. JUDGE	BOOK	PAGE	DATE
9497	265	COURT ORDER - GENE L. THRASHER CO. JUDGE	L	190	10-12-66
9458	16	DEEDS			
4864	16	DEEDS			

DIRECTION DISTANCE		RADIUS LENGTH	
L2	N 11° 47' 11" E 45.40	C1	447.62
L4	N 08° 04' 53" E 27.10	C5	527.62
L5	S 86° 37' 38" E 48.78		
L6	N 88° 21' 44" W 6.61		
L30	S 8° 04' 53" W 24.01		
L31	N 66° 54' 44" W 49.39		
L32	N 23° 32' 5" E 24.43		
L33	S 85° 46' 18" E 26.83		
L34	S 2° 31' 5" W 4.76		
L35	S 2° 31' 5" W 29.88		
L36	N 86° 57' 25" W 40.05		
L38	S 28° 11' 31" W 53.11		
L39	S 41° 34' 2" W 40.31		
L40	S 34° 26' 32" E 15.26		
L41	S 33° 29' 18" E 29.79		
L42	S 86° 37' 38" E 52.13		
L76	N 23° 32' 5" E 27.63		
L86	N 70° 13' 8" W 18.61		

DESCRIPTION OF ACQUIRED PROPERTY AS RECORDED IN THE COUNTY CIRCUIT CLERK'S OFFICE. SEE DEED RECORD INFORMATION BELOW

JOB NUMBER	FEDERAL AID PROJECT NUMBER	SHT. NO.	TOTAL SHTS.
40039	STPEGC-9142(5)	3	6
CONSTRUCTION			

T-16-N, R-30-W

HATCHED AREA DENOTES AIRSPACE PERMIT AREA DATED:

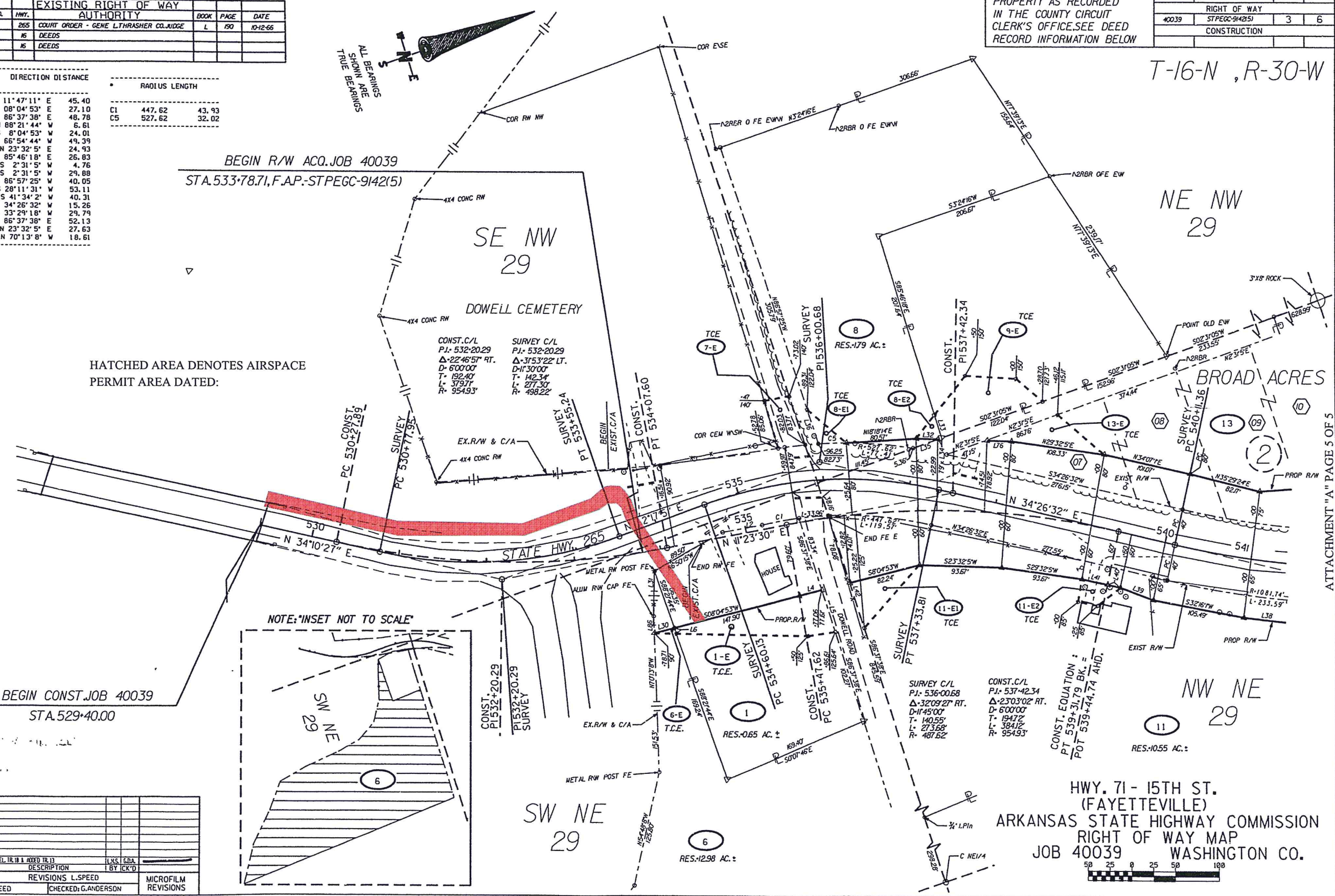
BEGIN CONST. JOB 40039
STA. 529+40.00

NOTE: INSET NOT TO SCALE

HWY. 71 - 15TH ST.
(FAYETTEVILLE)
ARKANSAS STATE HIGHWAY COMMISSION
RIGHT OF WAY MAP
JOB 40039
WASHINGTON CO.

ATTACHMENT "A" PAGE 5 OF 5

NO.	DATE	DESCRIPTION	BY	CHK'D
1	2-13-76	DEL. R/W & ADDED R/W	L.S.	G.A.
9-94		REVISIONS L.SPEED		
DRAWN: L.SPEED			CHECKED: G. ANDERSON	MICROFILM REVISIONS



A.3

Added at Agenda Session 3-28-17

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AIRSPACE PERMIT AGREEMENT WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE CATO SPRINGS TRAIL CROSSING OF HIGHWAY 71 AND INTERSTATE 49

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 Airspace Permit Agreement with the Arkansas State Highway and Transportation Department, a copy of which is attached to this Resolution, so that the Cato Springs Trail can use Highway 71 and Interstate 49 right of way near South Razorback Road and South Cato Springs Road and authorizes Mayor Jordan to sign the agreement.

PASSED and APPROVED this 4th day of April, 2017.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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 Sarah Bunch
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
March 21, 2017**

A meeting of the Fayetteville City Council was held on March 21, 2017 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, Sarah Bunch, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Tennant was absent. Alderman Bunch arrived at 5:36 p.m.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Parks and Recreation Advisory Board Annual Report, Presented by Chairman Richie Lamb:

Chairman Richie Lamb gave a brief presentation of the Parks and Recreation Advisory Board Annual Report.

Mayor Jordan: Thank you for your work and the work of the board. You all do tremendous work.

Nominating Committee Report:

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

A copy of the report is attached.

Alderman Kinion moved to approve the Nominating Committee Report as read. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Petty, Bunch, Long, Gray, and Marsh voting yes. Alderman La Tour abstained. Alderman Tennant was absent.

Agenda Additions:

Enact Article XXX Animal Services Advisory Board: An ordinance to enact Article XXX Animal Services Advisory Board in Chapter 33 Departments, Boards, Commissions and Authorities of the Fayetteville Code, and to declare an emergency.

Alderman Kinion moved to add the ordinance to the agenda. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Kinion: We have held open the veterinary position job for several years. We have qualified professionals in the profession that could serve in the capacity to represent veterinary medicine. The Nominating Committee recommends approval.

Alderman La Tour: There was probably a reason for having someone licensed as a veterinarian to fill the position. There is a big difference between a licensed veterinarian and someone who has worked for a veterinarian, who is not licensed and not gone through the training. What is the purpose of the veterinarian professional?

Alderman Long: I chaired that board for many years. After Dr. Charlie Blomberg resigned from the Animal Services Board there was no one willing to apply that was a veterinarian due to the amount of time. Dr. Blomberg being a veterinarian in the community, who was not a practicing physician in animal care, worked in a different industry. He was able to give his time after hours. Dr. Blomberg also worked in our Animal Services Division as a fill in veterinarian. If we can fill the job with someone who is from that practice area, it can bring extra perspective to the board. This is a wise move.

Alderman Bunch: How many years has it been since the position has been filled?

Alderman Kinion: Around three.

Alderman Bunch: Did you ever have any trouble filling it before?

Alderman Kinion: We have only had one person. This is going to offer the opportunity to bring someone from the professional community in. We have had applicants in the profession in the past and we do again.

Alderman Bunch: I spoke with a veterinarian and encouraged him to apply for this position. He said he works all day, has after hours, and didn't have the time to do it. I believe this is a good move.

Alderman Kinion moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Kinion seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

Alderman La Tour: Explain to me what the emergency is. We have been this way for three years.

Alderman Kinion: We have applicants currently waiting to fill the position. This committee does not meet monthly. It meets four or six times a year. This will allow the current nominee to step into the role, be trained, and attend the next meeting of the Animal Services Committee.

Alderman Marsh moved to approve an Emergency Clause. Alderman Long seconded the motion. Upon roll call the Emergency Clause passed 6-1. Alderman Kinion, Petty, Bunch, Long, Gray, and Marsh voting yes. Alderman La Tour voting no. Alderman Tennant was absent.

Emergency Clause Approved

Ordinance 5959 as Recorded in the office of the City Clerk

Consent:

Approval of the March 7, 2017 City Council Meeting Minutes.

Approved

State Contract Furniture Purchases: A resolution to authorize the purchase of office furniture on an as-needed basis from various vendors and for varying unit prices utilizing state procurement contract SP-13-0230R through December 31, 2017, and contract SP-14-0094 through March 19, 2019, and any future renewal periods of these contracts.

Resolution 69-17 as recorded in the office of the City Clerk

Verizon Wireless: A resolution to authorize a contract with Verizon Wireless, pursuant to a State of Arkansas and Western States Contracting Alliance contract, for the purchase of wireless communication services, and to authorize the city's enrollment in the Verizon Wireless Enterprise Messaging Access Gateway Service.

Resolution 70-17 as recorded in the office of the City Clerk

Grant Thornton LLP: A resolution to approve a contract with Grant Thornton LLP in the amount of \$95,500.00 to provide independent audit services to the City of Fayetteville.

Resolution 71-17 as recorded in the office of the City Clerk

Wheeler Lumber, LLC: A resolution to award Bid No. 17-27 and approve a contract with Wheeler Lumber, LLC for the purchase of two prefabricated bridges for installation on the Cato Springs Trail in the amount of \$126,050.00 plus applicable sales taxes, and to approve a budget adjustment.

Resolution 72-17 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$11,319.00 and increasing the related expense budget.

Resolution 73-17 as recorded in the office of the City Clerk

CH2M Hill Engineers, Inc.: A resolution to approve a change order to the out-of-scope agreement with CH2M Hill Engineers, Inc. in the amount of \$50,000.00 to continue work on a Use Attainability Analysis for the White River, to approve a project contingency in the amount of \$10,000.00, and to approve a budget adjustment.

Resolution 74-17 as recorded in the office of the City Clerk

Paymentus Corporation: A resolution to approve a contract with Paymentus Corporation in the amount of \$7,500.00 expanding the existing scope of services to include an upgrade of the city's utility billing system.

Resolution 75-17 as recorded in the office of the City Clerk

Ellingson Contracting Change Order #4: A resolution to approve Change Order No. 4 to the contract with JBZ, Inc. d/b/a Ellingson Contracting in the amount of \$87,541.00 for renovations to the Senior Center's HVAC ducting and construction of a new drink bar and parking lot, and to approve an additional project contingency in the amount of \$13,000.00.

Resolution 76-17 as recorded in the office of the City Clerk

South Delta Aviation, Inc. 4230 South School: A resolution to approve a three year lease agreement with South Delta Aviation, Inc. for the airport hangar at 4230 South School Avenue for rent in the amount of \$1,350.00 per month.

Resolution 77-17 as recorded in the office of the City Clerk

South Delta Aviation, Inc. 4248 South School: A resolution to approve a three year lease agreement with South Delta Aviation, Inc. for the airport hangar at 4248 South School Avenue for rent in the amount of \$3,000.00 per month.

Resolution 78-17 as recorded in the office of the City Clerk

Alderman Kinion moved to accept the Consent Agenda as read. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

Unfinished Business: None

Public Hearing:

Green Cab Taxi Company: A resolution to approve the sale and transfer of a Certificate of Public Convenience and Necessity to Green Cab Taxi Company.

Mayor Jordan opened the Public Hearing.

Jamie Fields, Police Department gave a brief description of the resolution.

Anthony McBride, Applicant 1200 Kensington Drive, Centerton, AR was in attendance.

There was no public comment.

Alderman La Tour: Is Mr. McBride the new provider to Green Cab?

Anthony McBride: Yes, sir.

Alderman La Tour: Congratulations. How many cabs?

Anthony McBride: We have about 15 vehicles operating all over Northwest Arkansas. We operate three to four in Fayetteville.

A brief discussion followed about Green Cab Taxi Company's calling procedure.

Mayor Jordan closed the Public Hearing.

Alderman Long moved to approve the resolution. Alderman Kinion seconded the motion. Upon roll call the resolution passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

Resolution 79-17 as recorded in the office of the City Clerk

Ambassador Transportation Services, LLC: A resolution to transfer a Certificate of Public Convenience and Necessity from Destiny Limousines, LLC to Ambassador Transportation Services, LLC for the operation of three (3) to six (6) taxicabs in the City of Fayetteville.

Mayor Jordan opened the Public Hearing.

Jamie Fields, Police Department gave a brief description of the resolution. She stated Billy Deatherage was the applicant.

William Threet: I did a search on the Secretary of State website. The LLC is not owned by Billy Deatherage. The LLC is owned by another individual. Ambassador Transportation Services, LLC is not a name he can legally operate under.

City Attorney Kit Williams: On a transfer of certificate the code says it requires the consent of the City Council. It is up to the City Council if they want to agree to this transfer.

Alderman Long: Do you work for one of those two cab companies?

William Threet: No, I don't.

Alderman Long: Do you work for a different cab company?

William Threet: Yes, sir.

Alderman Petty: I don't think you can look up the owner's LLC in Arkansas. I believe that information is protected. You can look up the registered agent on the Arkansas Secretary of State

website. The registered agent is usually the attorney for an LLC. Without more information, I don't see how we could believe the LLC belonged to anyone other than the name on the application.

Mayor Jordan closed the Public Hearing.

Alderman Kinion moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

Resolution 80-17 as recorded in the office of the City Clerk

New Business:

T2 Systems Canada, Inc.: An ordinance to waive the requirements of formal competitive bidding and approve a contract with T2 Systems Canada, Inc. through December 31, 2017, with automatic renewals for up to three additional one year terms for the continued use of software and services required for the city's parking pay stations in the amount of \$100.00 per pay station per month plus applicable taxes.

City Attorney Kit Williams read the ordinance.

Justin Clay, Parking Manager gave a brief description of the ordinance.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

Ordinance 5960 as Recorded in the office of the City Clerk

RZN 17-5714: (515 E Township St/M. Mahan): An ordinance to rezone that property described in Rezoning Petition RZN 17-5714 for approximately 0.50 acres located at 515 East Township

Street from RSF-4, Residential Single-Family, 4 units per acre to NC, Neighborhood Conservation.

City Attorney Kit Williams read the ordinance.

Andrew Garner, Planning Director gave a brief description of the ordinance. Staff recommends approval. The Planning Commission voted unanimously in favor of the request.

Blake Jorgensen, Jorgensen & Associates stated he was available for questions.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Kinion, Petty, Bunch, La Tour, Long, Gray, and Marsh voting yes. Alderman Tennant was absent.

Ordinance 5961 as Recorded in the office of the City Clerk

Announcements:

Susan Norton, Communications & Marketing Director: The roundabout at the intersection of School Avenue and Spring Street has been removed. The four way stop signs have been reinstated.

There will be meetings held by city staff to update Floodplain Maps on March 28, 2017 from 10:30 a.m. to 1:30 p.m. and from 4:00 p.m. to 7:00 p.m. at City Hall.

There will be road closures on Gregg Avenue until April 7, 2017 for sidewalk construction.

Fireworks notification has been issued for the Razorback baseball games.

City Attorney Kit Williams: After victories at the Circuit Court level and twice at the Court of Appeals, the Supreme Court has ruled in our favor that we did everything properly when we deeded the City Hospital land to Washington Regional. The City of Fayetteville Public Library will be able to purchase this land from Washington Regional and expand the library.

Alderman La Tour: There will be a prayer vigil in front of Planned Parenthood on Highway 265 from 6:00 a.m. to 6:00 p.m. if you would like to come join us, peacefully.

City Council Agenda Session Presentations:

Agenda Session Presentation: Seven Hills Presentation.

City Council Tour: None

Adjournment: 6:21 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, March 28, 2017

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
Sarah Bunch Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

ELECTED OFFICIALS:

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

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. [2017-0177](#)

NOMINATING COMMITTEE REPORT-A&P COMMISSION NOMINEES

Attachments: [1st Quarter 2017 A&P Commissioners Appointees](#)

Agenda Additions

A. Consent:

A. 1 [2016-0572](#)

APPROVAL OF THE MARCH 21, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 [2017-0150](#)

WINGS AVIONICS, INC.:

A RESOLUTION TO APPROVE A THREE YEAR LEASE AGREEMENT WITH WINGS AVIONICS, INC. FOR THE AIRPORT HANGAR AT 421 ERNEST LANCASTER DRIVE FOR RENT IN THE AMOUNT OF \$1,606.49 PER MONTH

Attachments: [Wings Avionics, Inc.](#)

B. Unfinished Business: NONE

C. New Business:

C. 1 [2017-0158](#)**PROGRESSIVE TRAIL DESIGN, LLC:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH PROGRESSIVE TRAIL DESIGN, LLC FOR THE CONSTRUCTION OF NEW TRAILS AND IMPROVEMENTS TO EXISTING TRAILS IN ACCORDANCE WITH THE KESSLER MOUNTAIN TRAILS MASTER PLAN IN THE AMOUNT OF \$296,721.87, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$44,508.28

Attachments: [Progressive Trail Design, Inc.](#)

C. 2 [2017-0165](#)**VAC 17-5725 (SW OF JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS LOT 33):**

AN ORDINANCE TO APPROVE VAC 17-5725 FOR PROPERTY LOCATED AT LOT 33 OF VILLAS AT FOREST HILLS, SOUTHWEST OF WEST JEWELL ROAD AND NORTH SALEM ROAD TO VACATE AN ACCESS EASEMENT

Attachments: [VAC 17-5725 \(SW OF JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS\)](#)

C. 3 [2017-0137](#)**AMEND §33.350 ACTIVE TRANSPORTATION ADVISORY COMMITTEE:**

AN ORDINANCE TO AMEND § 33.350 **PURPOSE AND ESTABLISHMENT OF ARTICLE XXIII ACTIVE TRANSPORTATION ADVISORY COMMITTEE** OF THE FAYETTEVILLE CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

Attachments: [Amend 33.350 Purpose and Establishment of Article XXIII Active Transportation Advi](#)

C. 4 [2017-0166](#)**AMEND §72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:**

AN ORDINANCE TO AMEND § 72.58 **OFF-STREET PARKING FACILITIES; RULES AND RATES** OF THE CITY CODE TO PROVIDE GREATER FLEXIBILITY FOR EVENT PARKING IN CITY MANAGED PARKING FACILITIES, AND TO MAKE TECHNICAL REVISIONS

Attachments: [Amending 72.58](#)

D. City Council Agenda Session Presentations:**D.1** [2017-0035](#)**AGENDA SESSION PRESENTATION - FAYETTEVILLE ENERGY ACTION PLAN
BY PETER NIERENGARTEN****E. City Council Tour:****F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment then queue behind the podium. When the Mayor or Chair recognizes you, approach the podium and give your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn at the microphone for discussion of an agenda item.

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. City staff, City Council members, and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

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. A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, 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's 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.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0177

Agenda Date: 4/4/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 1.

NOMINATING COMMITTEE REPORT-A&P COMMISSION NOMINEES

At the March 20th, 2017 A&P Commission meeting, the commission recommended that the City Council approve the following:

Chrissy Sanderson, Tourism Industry

Robert Rhoads, Public at Large

From: [Molly Rawn](#)
To: [CityClerk](#)
Cc: [Matthew Petty](#)
Subject: New A&P Commissioners pending approval
Date: Tuesday, March 21, 2017 4:49:58 PM

Hello,

Please note that at the March 20th, 2017 A&P Commission meeting, the commission recommended that the City Council approve the following:

Chrissy Sanderson, Tourism Seat
Robert Rhoads, Commissioner At-Large

Please advise if there are other steps I need to take to have this added to the City Council agenda

Thanks,

Molly

Molly Rawn
Executive Director
Experience Fayetteville
mrrawn@experiencefayetteville.com
Main: (479) 521-5776 ext. 300



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0572

Agenda Date: 4/4/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE MARCH 21, 2017 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0150

Agenda Date: 4/4/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

WINGS AVIONICS, INC.:

A RESOLUTION TO APPROVE A THREE YEAR LEASE AGREEMENT WITH WINGS AVIONICS, INC. FOR THE AIRPORT HANGAR AT 421 ERNEST LANCASTER DRIVE FOR RENT IN THE AMOUNT OF \$1,606.49 PER MONTH

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 three year lease agreement with Wings Avionics, Inc., a copy of which is attached to this Resolution and made a part hereof, for the airport hangar at 421 Ernest Lancaster Drive for rent in the amount of \$1,606.49 per month.

City of Fayetteville Staff Review Form

2017-0150

Legistar File ID

4/4/2017

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

Terry Gulley

3/16/2017

Aviation /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval and signature of the Mayor on a lease agreement with Wings Avionics, 421 Ernest Lancaster Drive, Fayetteville, AR 72701, ph 479-587-0005.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 4, 2017

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Terry Gulley, Transportation Services Director

DATE: March 16, 2017

SUBJECT: **Wings Avionics Corporate Hangar Lease**

RECOMMENDATION:

Staff recommends approval and signature of the Mayor on a lease agreement between the City of Fayetteville and Wings Avionics.

DISCUSSION:

Wings Avionics has been a tenant on the airfield since 1997.

BUDGET/STAFF IMPACT:

This lease will provide \$19,277.88 in revenue to the airport per year.

Attachments:

SRF
SRM
Corporate Hangar Lease Agreement
Exhibit A-Corporate Hangar Layout

LEASE AGREEMENT

This **LEASE AGREEMENT** made this _____ day of _____, 2017, by and between the City of Fayetteville, Arkansas, hereinafter called "City", and Wings Avionics, Inc., 421 Ernest Lancaster Drive, Fayetteville, AR 7201, 479-587-0005, hereinafter called "Wings Avionics."

WHEREAS, City is the owner of an airport known as the Fayetteville Executive Airport, Drake Field, herein referred to as the "Airport"; and

WHEREAS, City is the owner of an aircraft hangar at the Airport; and

WHEREAS, Wings Avionics desires to lease said corporate aircraft hangar

NOW, THEREFORE, the parties, in consideration of the mutual covenants contained herein, hereby agree as follows:

1. City leases to Wings Avionics, and Wings leases from City, the corporate aircraft hangar located at 421 Ernest Lancaster Dr., Fayetteville, Arkansas, as reflected on "Exhibit A" attached hereto and made a part hereof.

2. Wings Avionics is granted the use, in common with others similarly authorized, of the airport, together with all facilities, equipment, improvements, and services which have been, or may hereafter, be provided at, or in connection with the Airport from time to time including, but not limited to, the landing field, and any extensions hereof or additions thereto, roadways, runways, ramps, aprons, taxiways, flood lights, landing lights, beacons, control tower, signals, radio aids, and all other conveniences for flying, landings and take-offs.

3. Wings Avionics shall have at all times the full and free right in ingress to and egress from the demised premises and facilities referred to herein for Wings Avionics, its employees, customers, passengers, guests, and other invitees. Such rights shall also extend to persons or organizations supplying materials or furnishing services to Wings Avionics.

4. Term: Subject to earlier termination as hereinafter provided, the initial term of this agreement shall be for Three (3) year commencing on the 5th day of April, 2017, and ending on the 21st day of March, 2019.

This Lease Agreement may be terminated by either party with a thirty (30) day written notice.

5. Rent: Wings Avionics agrees to pay the City for the use of the premises, facilities, rights, and

privileges granted hereunder the sum of: Sixteen Hundred Six Dollars & Forty-Nine Cents with a CPI + 1% increase beginning March 1, 2018, with the increase being contingent on the completion of the roof rehabilitation reflected in Bid 17-25 or "Exhibit B".

The initial lease payment is due and payable upon execution of this Lease Agreement, and all subsequent monthly lease payments shall be payable in advance on, or before, the 1st day of each month. In addition to any remedy available to it hereunder, the City may impose as additional rentals a delinquency charge on all overdue payments, at the maximum rate allowed by law.

6. City shall maintain and keep in good repair so much of the Airport premises as are not under the exclusive control of Wings Avionics. Wings Avionics shall, at the termination, surrender or forfeiture of this lease, return said premises in same or better condition premises were at the beginning of the lease, normal wear and tear excepted.

7. Wings Avionics shall provide for and supply at its expense all janitor service with respect to the demised premises, and shall pay for all utilities serving the demised premises, including, but not limited to heat, light, gas, electricity, and water, sewer and trash removal.

8. Improvements: Wings Avionics shall bear the cost of all improvements or additions made to the interior or exterior of the building on the leased premises. No improvements or additions to any part of the leased premises shall be made by Wings Avionics without the prior written approval of the Airport Manager, whose consent will not be unreasonably withheld. Any signs or antennas to be erected on or attached to the leased premises must have the prior written approval of the Airport Manager and conform to all City Ordinances.

9. Maintenance: The City shall be responsible only for major maintenance of the existing equipment, i.e. replacement of heating unit and other equipment in place in the facility which includes, roof, hangar door motors, exterior walls, exterior plumbing, paved ramp and paved parking lot. The City agrees that if the roof or any part of the exterior walls or exterior plumbing of said building thereof shall become defective or damaged at any time during the term due to ordinary wear and tear and not due to negligence of Wings Avionics, or Wings Avionics's agents or invites, upon notice from Wings Avionics, the City will immediately cause repairs to be made and restore the defective portions to good condition. If the damage is so extensive as to render such building untenable, the rent payable hereunder shall be proportionally paid up to the time of such damage and shall thenceforth cease until such time as the premises shall be fully restored. If the demised premises are completely destroyed, City may reconstruct the hangar at the City's own cost and the rent payable hereunder shall be adjusted as set forth above, or City may, at its option, cancel this agreement, such cancellation to be effective as of the date the hangar was destroyed, and the rent adjusted as set forth above. Routine maintenance of the hangar doors shall remain the responsibility of the City. Wings Avionics shall not make any alterations to the controls of the hangar doors.

10. Wings Avionics agrees to observe and obey City's Ordinances and Regulations with respect to use of the demised premises and Airport; provided, however, such Ordinances and Regulations shall be consistent with safety and with all city, county, and state rules, regulations, including all

current fire codes, and orders of the Federal Aviation Administration with respect to aircraft operations at the Airport, and provided further, such Ordinances and Regulations shall be consistent with the provisions of this agreement or the procedures prescribed or approved from time to time by the Federal Aviation Administration with respect to the operation of Wings Avionics's aircraft at the Airport.

“The Minimum Standards for Fayetteville Executive Airport, Drake Field” herein referred to as Airport Minimum Standards are made part of this lease by reference as if included word for word.

11. Wings Avionics agrees that it shall use the premises for the implementation and conducting of an aeronautical business activity. Wings Avionics agrees that it shall use the premises only for the storage of airplanes and materials and equipment necessarily related to the operation of said aeronautical business activity and that no other vehicles, equipment or supplies shall be stored on the premises unless expressly agreed to by the City. Wings Avionics further agrees not to store any flammable material on the demised premises, other than a limited supply of oils and agents necessary for current aircraft maintenance and repair, or in any way endanger or violate the provisions of the City's standard commercially available property insurance policy or the requirements of same. Such violations shall constitute a material breach of this Agreement.

12. Hazardous Substance: Wings Avionics shall not cause or permit any Hazardous Substance to be used or stored on or in the Leased Premises without first obtaining the City's written consent. If hazardous Substances are used, stored, generated, or disposed of on or in the Leased Premises or if the Leased Premises or any other Airport property becomes contaminated in any manner for which Wings Avionics is responsible or legally liable, Wings Avionics shall indemnify and hold harmless the City, its officers, directors, agents, servants, and employees from any and all claims, damages, fines, judgments, penalties, costs, liabilities, or losses including all reasonable costs for investigation and defense thereof, (including but not limited to attorney's fees, court costs, and expert fees, and without limitation, decrease in value of the Lease Premises, damages caused by loss or restriction of rentable or usable space as a part of the Leased Premises arising during or after the term hereof and arising as a result of that contamination by Wings Avionics, Wings Avionics agents, employees, and invitees. This indemnification includes, without limitation, all cost incurred because of any investigation of the Airport or any cleanup, removal, or restoration mandated by a federal, state, local agency or political subdivision.

13. If the demised premises are partially damaged by fire or other casualty which is not due to the negligence or fault of the Wings Avionics, said premises shall be repaired with due diligence by City at City's expense. If the damage is so extensive as to render such building untenable, the rent payable hereunder shall be proportionally paid up to the time of such damage and shall thenceforth cease until such time as the premises shall be fully restored. If the demised premises are completely destroyed, City may reconstruct the hangar at the City's own cost and the rent payable hereunder shall be adjusted as set forth above, or City may, at its option, cancel this agreement, such cancellation to be effective as of the date the hangar was destroyed, and the rent adjusted as set forth above.

14. Wings Avionics shall maintain in force during the Term and any extended term public liability

and property damage insurance in comprehensive form as reasonably may be required by the City and specified in the Airport Minimum Standards. The insurance shall be issued by an insurer licensed to do business in the State of Arkansas.

Concurrent with the execution of this Agreement, Wings Avionics shall provide proof of insurance coverage by providing a Certificate of Lessee's Insurance coverage, a copy of the declarations page on the insurance policy, and a copy of all endorsements. The Certificates of Insurance, or endorsements attached thereto, shall provide that; (a) insurance coverage shall not be canceled, changed in coverage, or reduced in limits without at least thirty (30) days prior written notice to the City; (b) the City and the Airport and their trustees, agents, officers, servants, and employees are named as additional insured; (c) the policy shall be considered primary as regards to any other insurance coverage the City may possess, including any self-insured retention or deductible the City may have, and any other insurance coverage the City may possess shall be considered excess insurance only; (d) the limits of liability required therein are on an occurrence basis.

15. Wings Avionics agrees to indemnify City against any and all liabilities, losses, suits, claims, judgments, fines, penalties, demands or expenses, including all reasonable costs for investigation and defense thereof, (including but not limited to attorney's fees, court costs, and expert fees, for injuries to persons or damage to property caused by Wings Avionics s use or occupancy of the lease premises; provided, however, that Wings Avionics shall not be liable for any injury, damage or loss arising from the negligence of City or its agents or employees; and provided further, that each party shall give prompt and timely notice of any claim made or suit instituted which in any way directly or indirectly affects or might affect either party, and each party shall have the right to compromise and defend the same to the extent of its own interest. This clause shall not be construed to waive that tort immunity as set forth under Arkansas Law.

16. Wings Avionics agrees that it will not discriminate by segregation or otherwise against any person or persons because of race, creed, color, religion, national origin, sex, marital status, or handicap in the furnishing, or by refusing to furnish, to such persons the use of any facility, including any and all services, privileges, accommodations, and activities provided thereby. Nothing herein shall require the furnishing to the general public of the use of any facility customarily furnished by the City solely to tenants, their employees, customers, patients, client, guests, and invites.

17. Assigning, Subletting and Encumbering. Wings Avionics shall not assign this Agreement in whole or in part, nor sublease all or any part of the Leased Premises, nor permit other persons to occupy said Leased Premises or any part thereof, not grant any license or concession for all or any part of said Leased Premises, without the prior written consent of the Airport Manager, which consent shall not be unreasonably withheld. Any consent by the Airport to an assignment or subletting of this Agreement shall not constitute a waiver of the necessity of obtaining that consent as to any subsequent assignment. Any assignment for the benefit of Wings Avionics's creditors or otherwise by operation of law shall not be effective to transfer or assign Wings Avionics's interest under this Agreement unless the Airport shall have first consented thereto in writing. Neither Wings Avionics's interest in this Agreement, not any estate created hereby in Wings Avionics nor any interest herein or therein, shall pass to any trustee or receiver or assignee for the

benefit of creditors or otherwise by operation of law except as may specifically be provided in the Bankruptcy Code. If any of the corporate shares of stock of Wings Avionics are transferred, or if any partnership interests of Wings Avionics are transferred, by sale, assignment, bequest, inheritance, operation of law, or otherwise, so as to result in a change of the control, assets, value, ownership, or structure of Wings Avionics, same shall be deemed an assignment for the purposes of this Section 17 and shall require the Airport's prior consent, and Wings Avionics shall notify the Airport of any such change or proposed change.

18. On the expiration or other termination of this lease Wings Avionics's right to use the demised premises shall cease, and Wings Avionics shall vacate the premises without unreasonable delay. All property installed, erected, or placed by Wings Avionics in, on, or about the premises leased hereunder shall be deemed to be personal property and shall remain the property of Wings Avionics. Wings Avionics shall have the right at any time during the term of this agreement, or any renewal or extension hereof, and for an additional period of fourteen (14) days after the expiration or other termination of this agreement, to remove any or all of such property, subject, however, to Wings Avionics's obligation to repair all damage, if any, resulting from such removal. Any and all property not removed by Wings Avionics prior to the expiration of the aforesaid fourteen (14) day period shall thereupon become a part of the land on which it is located and title hereto shall thereupon vest in City.

19. City may enter the premises leased to Wings Avionics at any reasonable time for any purpose necessary or incidental to the performance of its obligations or Wings Avionics's obligations hereunder.

20. Wings Avionics shall maintain the demised premises in a clean and orderly fashion at all times. Wings Avionics shall be responsible for the upkeep and mowing of the leased property.

21. Wings Avionics shall not start or operate aircraft engines within the aircraft hangar leased hereby and shall not allow such operations by any other person.

22. Wings Avionics agrees that habitation of the hangar building as a residence is prohibited.

23. Any notice or consent required by this Agreement shall be sufficient if sent by Certified Mail, return receipt requested, postage paid, to the following address:

CITY OF FAYETTEVILLE

Airport Administration Office
4500 S. School Avenue, Suite F
Fayetteville, Arkansas 72701
Phone: 718-7642

Wings Avionics, Inc.

421 Ernest Lancaster Drive
Fayetteville, Arkansas 72701
Phone: (479) 587-0005

24. This agreement shall be construed under the laws of the State of Arkansas.

25. All the covenants, conditions, and provisions under this agreement shall extend to and bind the legal representative, successors, and assigns of the respective parties hereof.

IN WITNESS WHEREOF, the parties have executed this Lease on the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS:

By: _____
Lioneld Jordan, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk Treasurer

WINGS AVIONICS:

By: Rhonda Johnson
President
Title

ATTEST: KR Johnson
EEO
Title



Wings Avionics



FAYETTEVILLE - DRAKE FIELD
FAYETTEVILLE, ARKANSAS

EXHIBIT A

FIGURE NUMBER

EXB-A



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0158

Agenda Date: 4/4/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

PROGRESSIVE TRAIL DESIGN, LLC:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH PROGRESSIVE TRAIL DESIGN, LLC FOR THE CONSTRUCTION OF NEW TRAILS AND IMPROVEMENTS TO EXISTING TRAILS IN ACCORDANCE WITH THE KESSLER MOUNTAIN TRAILS MASTER PLAN IN THE AMOUNT OF \$296,721.87, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$44,508.28

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a contract with Progressive Trail Design, LLC for the construction of new trails and improvements to existing trails in accordance with the Kessler Mountain Trails Master Plan in the amount of \$296,721.87, and further approves a project contingency in the amount of \$44,508.28.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0165

Agenda Date: 4/4/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

VAC 17-5725 (SW OF JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS LOT 33):

AN ORDINANCE TO APPROVE VAC 17-5725 FOR PROPERTY LOCATED AT LOT 33 OF VILLAS AT FOREST HILLS, SOUTHWEST OF WEST JEWELL ROAD AND NORTH SALEM ROAD TO VACATE AN ACCESS 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 access 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 an access 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 conditions:

1. Any costs associated with relocation of or damage to utilities and new easement dedication shall be at the owner/developer's expense.
2. The existing alley associated with Lots 1-15 of the Town Homes at Forest Hills shall be extended northwards to access Salem Road via the Villas at Forest Hills subdivision, as indicated in the Forest Hills PZD Master Development Plan and approved by City Engineering staff in association with the grading permit for the Villas. The requested vacation shall not be approved until completion of the connection and its dedication and acceptance as public right-of-way by the City of Fayetteville.

City of Fayetteville Staff Review Form

2017-0165

Legistar File ID

4/4/2017

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

Jeremy Pate

3/17/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 17-5725: Vacation (SW OF W. JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS LOT 33, 440): Submitted by MORRISON-SHIPLEY ENGINEERS, INC. for property located SW OF W. JEWELL RD. & N. SALEM RD. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 24.43 acres. The request is to vacate an access 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:

MEETING OF APRIL 4, 2017

TO: Mayor and City Council

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: March 17, 2017

SUBJECT: **VAC 17-5725: Vacation (SW OF W. JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS LOT 33, 440):** Submitted by MORRISON-SHIPLEY ENGINEERS, INC. for property located SW OF W. JEWELL RD. & N. SALEM RD. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 24.43 acres. The request is to vacate an access easement.

RECOMMENDATION:

Planning Division staff and the Planning Commission recommend approval of **VAC 17-5725** with the following conditions:

Condition of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. The existing alley associated with Lots 1-15 of the Town Homes at Forest Hills shall be extended northwards to access Salem Road via the Villas at Forest Hills subdivision, as indicated in the Forest Hills PZD Master Development Plan and approved by City Engineering staff in association with the grading permit for the Villas. The requested vacation shall not be approved until completion of the connection and its dedication and acceptance as public right-of-way by the City of Fayetteville.

BACKGROUND:

According to Washington County records, the subject easement was recorded in January of 2016 to act as a northern access drive/outlet for the public alley serving Lots 1-15 of the Town Homes of Forest Hills. At the time, the access easement was recorded to temporarily serve the public alley rather than dedicate further right-of-way, with the intent of subsequently vacating the access easement, and connecting the alley to the Villas at Forest Hills to the north in accordance with the Forest Hills Master Development Plan. Infrastructure installation is currently underway for the Villas at Forest Hills, including the aforementioned extension of the existing public alley northward.

Proposal: The applicant proposes vacation of an access easement as depicted on the attached Exhibit 'A' and Exhibit 'B'.

DISCUSSION:

On March 13, 2017 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 9-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

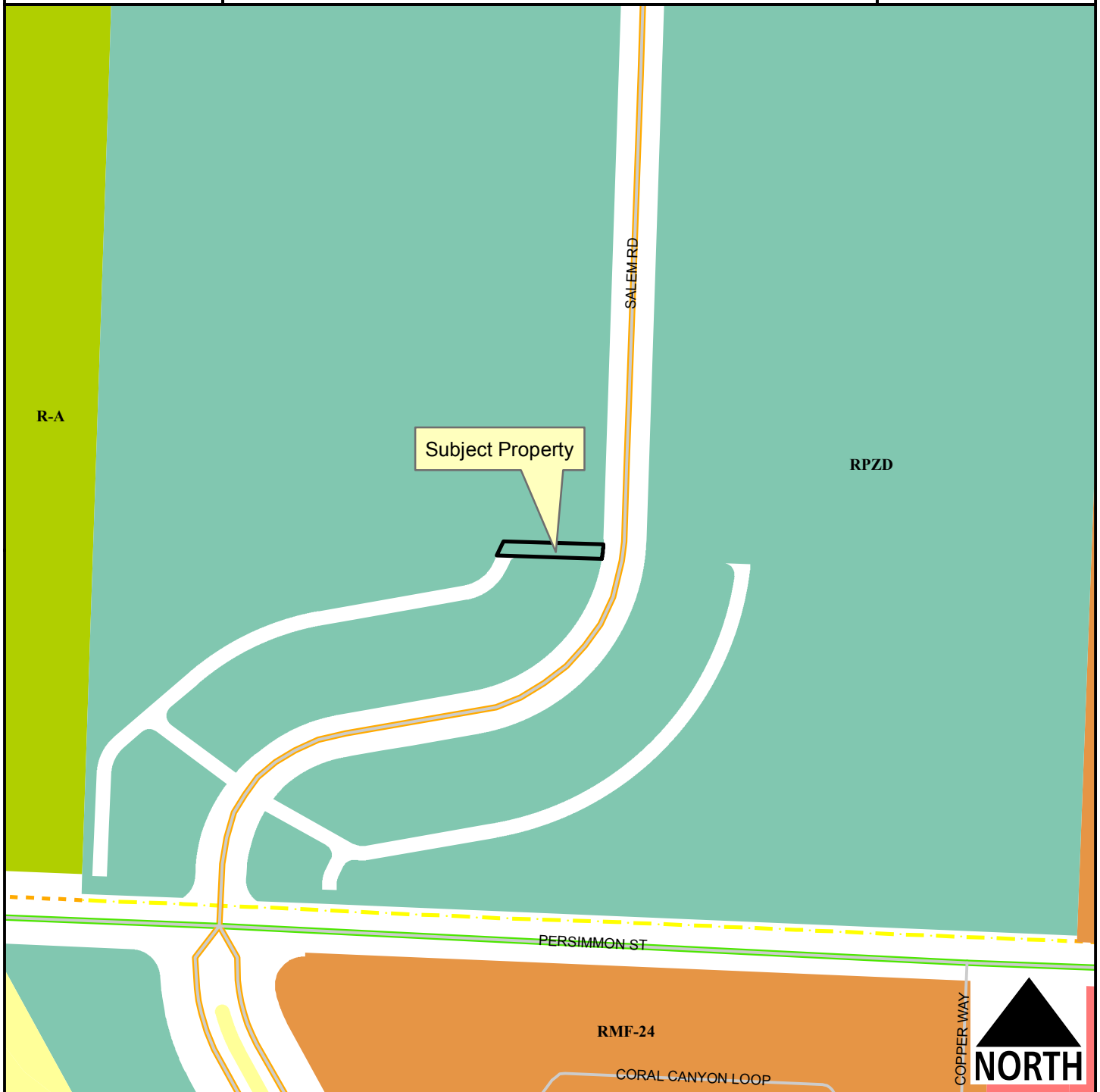
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

VAC 17-5725

VILLAS AT FOREST HILLS LOT 33

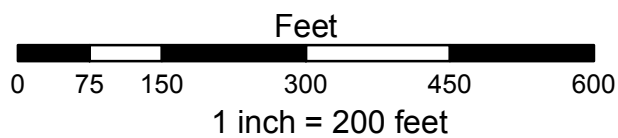
17-5725
EXHIBIT 'A'

Close Up View



Legend

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



- Residential-Agricultural
- RSF-4
- RMF-24
- C-2
- Commercial, Industrial, Residential

17-5725
EXHIBIT 'B'

The 20' Access Easement across part of Lot 33, Town Homes at Forest Hills, Lots 1 thru 34, as filed for record, File Number 0024-00000093, January 6, 2016, more particular described as follows:

BEGINNING at the Southeast Corner of said Lot 33; thence North 88°05'20" West along the south line of said Lot 33 a distance of 144.09 feet; thence leaving said south line, North 25°11'24" East a distance of 21.77 feet; thence South 88°05'20" East a distance of 137.12 feet to the west right-of-way line of Salem Road and the east line of said Lot 33; thence 20.07 feet along the arc of a non-tangent curve to the right, said curve having a radius of 220.50 feet and being subtended by a chord bearing and distance of South 06°34'39" West, 20.07 feet to the Point of Beginning.

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Project Number:

Public Hearing Date:

FEE: \$200.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

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

Application:

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

Applicant (person making request):

Name: Charles Palmer

Forest Hills Partners, LLC

Address: 6301 Cliff Drive

Ft. Smith, AR 72917

Phone: (479) 494-5682

Email:

Fax: ()

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

Name: Patrick Foy

Morrison Shipley Engineers

Address: 2407 SE Cottonwood Street

Bentonville, AR 72712

Phone: (479) 273-2209

Email: pfoy@morrisonshipley.com

Fax: ()

Site Address / Location: Southwest corner of Salem and Jewell in The villas at Forest Hills (Lot 33)

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

See Attached.

Current Zoning District: PZD

Assessors Parcel Number(s) for subject property: 765-29853-000

FINANCIAL INTERESTS

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

Forest Hills Partners, LLC.

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

Name (printed): Charles Palmer (owner) Date: 2-10-17

Signature: Charles Palmer

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): Patrick Foy (Applicant) Address: _____

Signature: Patrick Foy _____

Date: 2/13/17 Phone: () _____

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: Jonathan Curth, Senior Planner

MEETING DATE: March 13, 2017 (Updated with Planning Commission Results)

SUBJECT: **VAC 17-5725: Vacation (SW OF W. JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS LOT 33, 440):** Submitted by MORRISON-SHIPLEY ENGINEERS, INC. for property located SW OF W. JEWELL RD. & N. SALEM RD. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 24.43 acres. The request is to vacate an access easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 17-5725** to City Council with a recommendation for approval with conditions.

BACKGROUND:

The subject access easement is on the west side of Salem Road between Jewell and Persimmon Roads to the north and south respectively. The access easement and all surrounding properties are a part of the larger Forest Hills Planned Zoning District (R-PZD 07-2793), which was approved in June of 2008. According to Washington County records, the subject easement was recorded in January of 2016 to act as a northern access drive/outlet for the public alley serving Lots 1-15 of the Town Homes of Forest Hills. At the time, the access easement was recorded to temporarily serve the public alley rather than dedicate further right-of-way, with the intent of subsequently vacating the access easement, and connecting the alley to the Villas at Forest Hills to the north in accordance with the Forest Hills Master Development Plan. Infrastructure installation is currently underway for the Villas at Forest Hills, including the aforementioned extension of the existing public alley northward. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Residential Infrastructure for the Villas at Forest Hills	R-PZD, Residential Planned Zoning District (Forest Hills)
South	Town Homes at Forest Hills	R-PZD, Residential Planned Zoning District (Forest Hills)
East	Undeveloped; Town Homes at Forest Hills	R-PZD, Residential Planned Zoning District (Forest Hills)
West	Residential Infrastructure for the Villas at Forest Hills	R-PZD, Residential Planned Zoning District (Forest Hills)

Proposal: The applicant requests to vacate a 20-foot access easement that was previously recorded to provide a temporary northern access to Jewell Road for the public alley serving Lots 1-15 of the Town Homes of Forest Hills. The easement will not be necessary to facilitate access after the completion of infrastructure construction and dedication associated with the Villas at Forest Hills.

DISCUSSION:

Vacation Approval: The applicant owns both parcels adjacent to the access easement. Outside approvals to vacate this easement are not required.

Public Comment:

No public comment has been received. Although a public notification sign was posted, there was not a requirement to notify adjacent property owners due to the all properties adjoining the access easement being owned by one individual.

RECOMMENDATION: Staff recommends forwarding **VAC 17-5725** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities or the adjacent existing structure shall be at the owner/developer's expense; and
2. The existing alley associated with Lots 1-15 of the Town Homes at Forest Hills shall be extended northwards to access Salem Road via the Villas at Forest Hills subdivision, as indicated in the Forest Hills PZD Master Development Plan and approved by City Engineering staff in association with the grading permit for the Villas. The requested vacation shall not be approved until completion of the connection and its dedication and acceptance as public right-of-way by the City of Fayetteville.

Planning Commission Action: ☒ **Approved** ☐ **Forwarded** ☐ **Denied**

Meeting Date: March 13, 2017

Motion: Hoffman

Second: Hoskins

Vote: 9-0-0

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter
- Petition to Vacate
- Easement Vacation Exhibit
- Updated and Approved Off-site Alley Connection
- Forest Hills Master Development Plan Site Layout
- One Mile Map
- Close Up Map
- Current Land Use Map



MORRISON SHIPLEY

ENGINEERS • SURVEYORS

CUP 17-5725

Request Letter

February 13, 2017

City of Fayetteville
Planning Commission
125 W. Mountain St.
Fayetteville, AR 72701

Re: Access Easement Vacation on Lot 33 of Forest Hills

Dear Planning Commission,

Morrison-Shipley Engineers on behalf of Mr. Palmer would like to respectfully request the existing Access Easement be vacated, located on Lot 33 of Forest Hills. The subject property is located at the southwest corner of Salem and Jewell off Wedington. There was an alley way built during the construction of The Townhomes at Forest Hills. During the construction process it was realized it makes more sense to provide connectivity between The Villas at Forest Hills and The Townhomes at Forest Hills. The entrance to The Villas is right over 100' to the west of the alley way so it was determined to remove the alley way entrance and vacate the alley way to limit the amount of curb cuts onto Salem. Attached, please find the Access Easement Vacation Exhibit with Legal Description, a map and list of adjacent owners, and a petition from the owners. Comments from adjacent owners were not obtain since Mr. Palmer is the owner of both properties easement is located within Lot 5. The petition from the owners will act as comments from adjacent owners if needed.

If you have any questions or need additional information, please contact me at (479)273-2209.

Sincerely,

Morrison-Shipley Engineers, Inc.

Patrick Foy, E.I.
Project Manger

CUP 17-5725

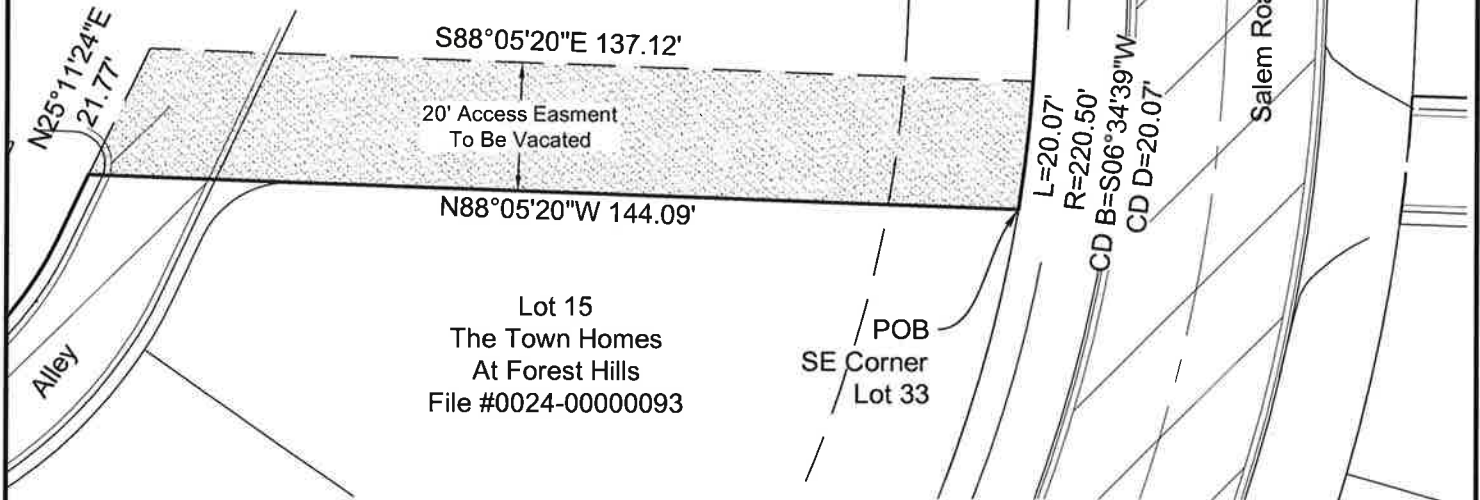
Easement Vacation Exhibit



Lot 33
The Town Homes
At Forest Hills
File #0024-00000093

20' Utility Easement
Per Plat 2010-00001296

N. Salem Road
Existing Road Right-Of-Way
Per Plat: 20100001296



The 20' Access Easement across part of Lot 33, Town Homes at Forest Hills, Lots 1 thru 34, as filed for record, File Number 0024-00000093, January 6, 2016, more particular described as follows:

BEGINNING at the Southeast Corner of said Lot 33; thence North 88°05'20" West along the south line of said Lot 33 a distance of 144.09 feet; thence leaving said south line, North 25°11'24" East a distance of 21.77 feet; thence South 88°05'20" East a distance of 137.12 feet to the west right-of-way line of Salem Road and the east line of said Lot 33; thence 20.07 feet along the arc of a non-tangent curve to the right, said curve having a radius of 220.50 feet and being subtended by a chord bearing and distance of South 06°34'39" West, 20.07 feet to the Point of Beginning.



MORRISON SHIPLEY
ENGINEERS • SURVEYORS

2407 SE Cottonwood Street • Bentonville, AR 72712 • 479.273.2209 • morrisonshipley.com

ACCESS EASEMENT VACATION
LOT 33
THE TOWN HOMES AT FOREST HILLS

Fayetteville, Washington County, Arkansas

Drawn By:	TJL
Date:	02.10.17
Project No.:	WAP-57
Drawing Name:	Final Plat

CUP 17-5725

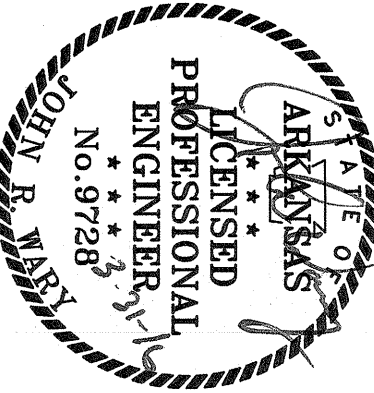
Update and Approved
Off-site Alley Connection

Revision	By	Date
Adjusted Alley To Tie To Townhomes	JDS	03.14.16
Demo Existing Townhomes Alley	JDS	03.14.16
Adjusted Alley #1 Radius	JDS	03.28.16

MORRISON SHIPLEY

ENGINEERS • SURVEYORS

2407 SE Oakwood Street • Bentonville, AR 72712 • 479.273.2209 • morrisonshipley.com



Drawn By:	TLL
Approved By:	JRW
Date:	02-29-16
Project No.:	WAP-57

Vertical Scale:	—
Horizontal Scale:	50
Plotting Scale:	1
Drawing Name:	

THE VILLAS
AT FOREST HILLS

Fayetteville, Washington County, Arkansas

GRADING AND
EROSION CONTROL PLAN

Issued for Construction

OFFSITE MATERIAL SOURCE

Borrow Site: _____

Disposal Site: _____

Permit Number: _____

Updated offsite alley connection

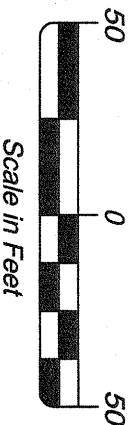
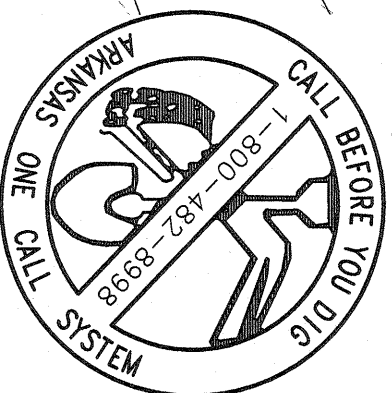
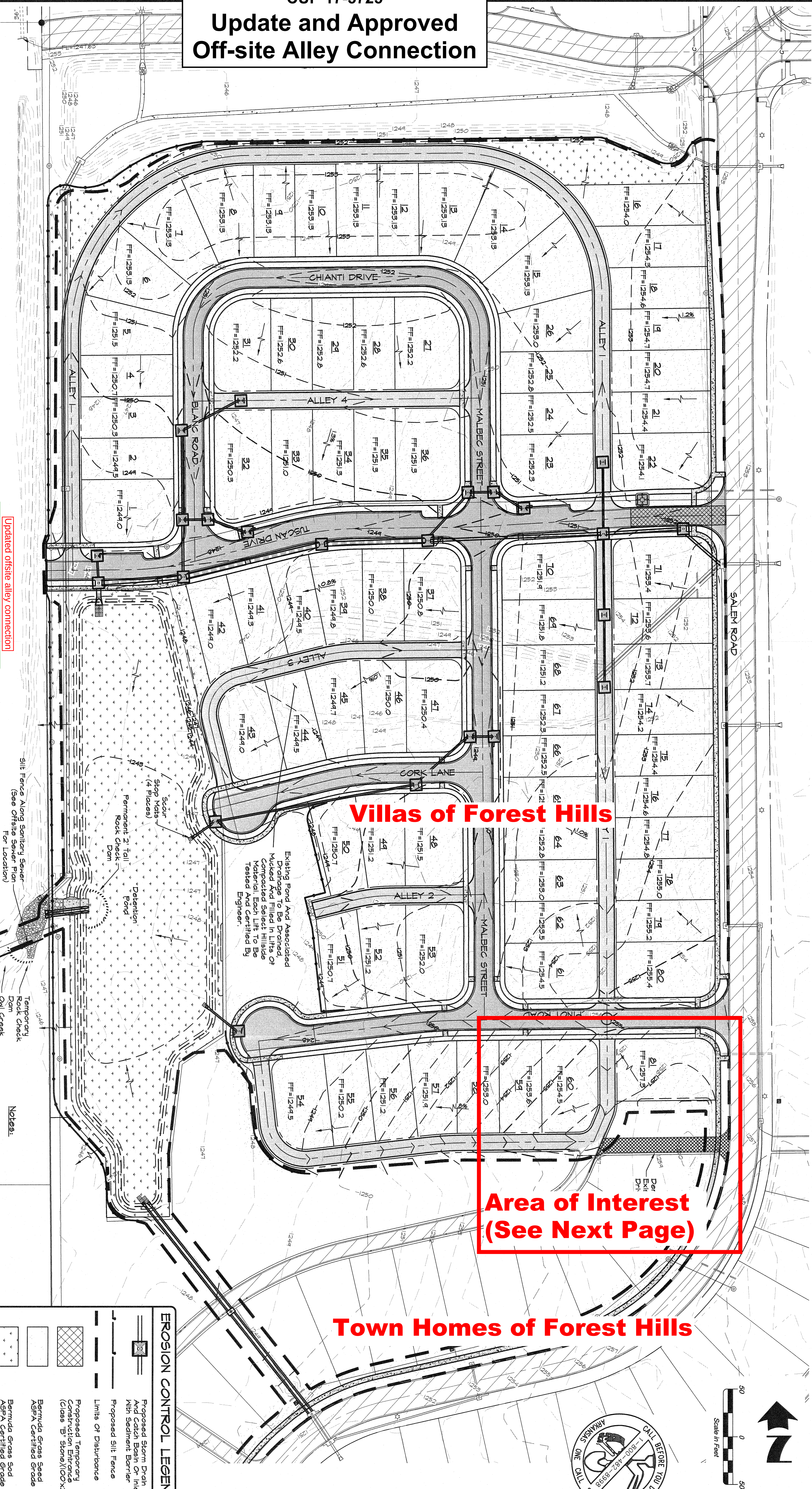
REVIEWED FOR MINIMUM COMPLIANCE
WITH CITY OF FAYETTEVILLE
ENGINEERING DESIGN CRITERIA
Corey W. Granderson, P.E.
04/13/2016

Stormwater Outflow:
Flows into Owl Creek, Then
Approximately 4.5 Miles to Goose
Creek, Then Approximately 2.4 Miles
To The Illinois River

- Notes:
- All Finish Floor Elevations Are Minimum.
 - Existing Pond And Associated Drainage To Be Drained, Mucked And Filled In Lifts Of Compacted Select Hillside Material. Each Lift To Be Tested And Certified By Engineer.

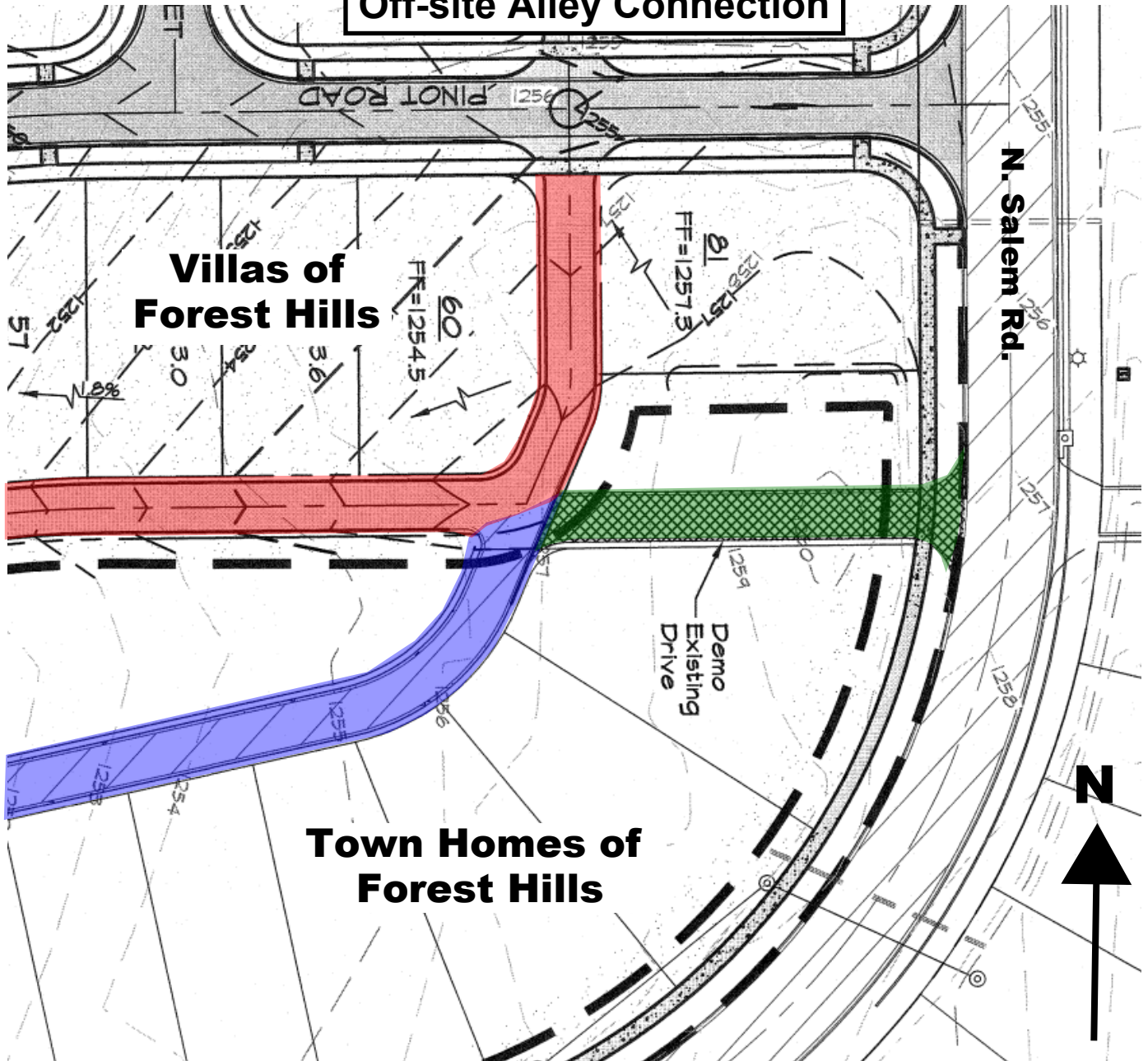
EROSION CONTROL LEGEND

- Proposed Storm Drain And Catch Basin Or Inlet With Sediment Barrier
- Proposed Silt Fence
- Limits Of Disturbance
- Proposed Temporary Construction Erosion Control (Cuts 15' Stone)(100x120')
- Bermuda Grass Seed
- AsFA Certified Grade
- Bermuda Grass Sod
- AsFA Certified Grade
- Concrete Washout Area
- Rock Check Dam



CUP 17-5725

Update and Approved Off-site Alley Connection

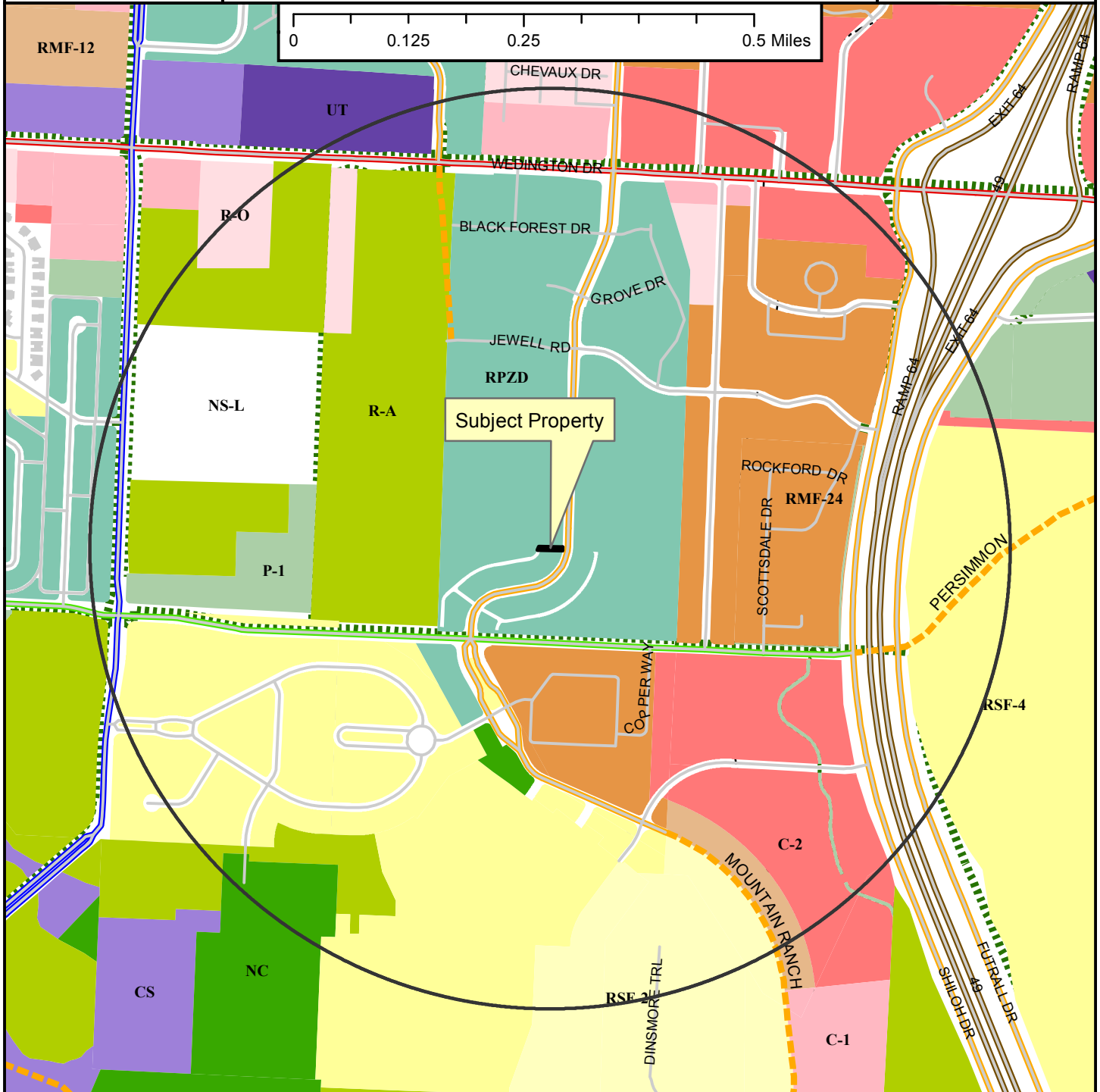
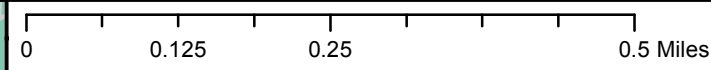


-  Subject Access Easement
-  Existing Alley
-  Proposed Alley (Under Construction)

VAC 17-5725

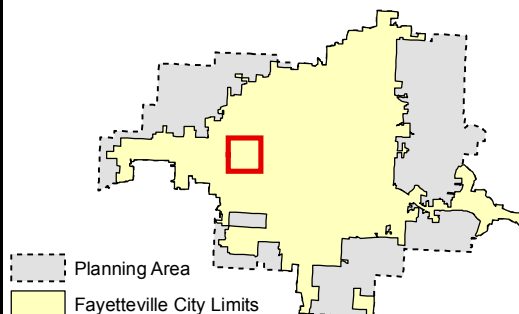
One Mile View

VILLAS AT FOREST HILLS LOT 33



Legend

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

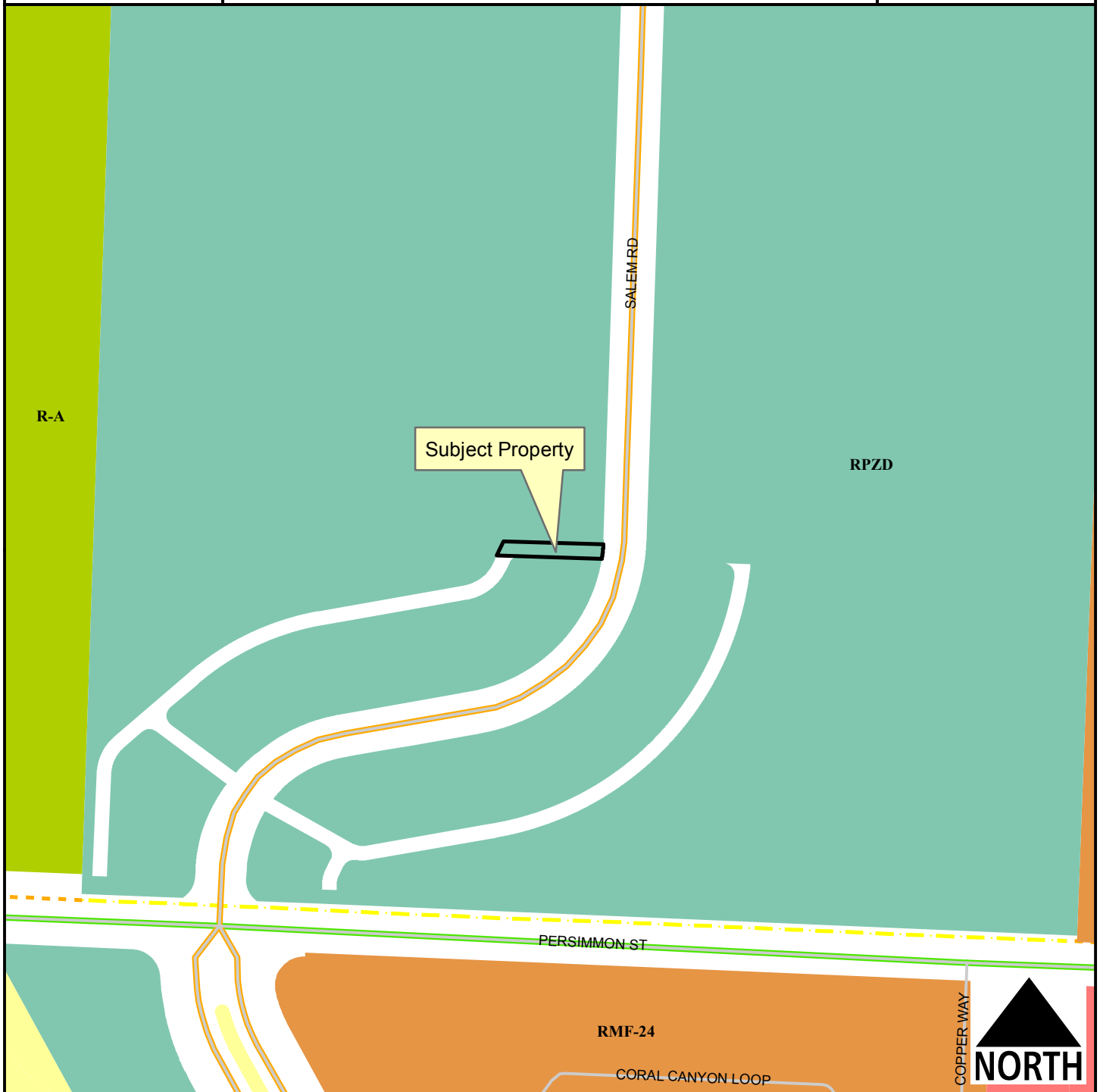


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
- E-1
- 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

VAC 17-5725

Close Up View

VILLAS AT FOREST HILLS LOT 33



Legend

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

Feet

0 75 150 300 450 600

1 inch = 200 feet

- Residential-Agricultural
- RSF-4
- RMF-24
- C-2
- Commercial, Industrial, Residential

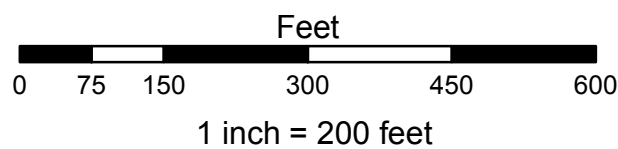
VAC 17-5725

Current Land Use

VILLAS AT FOREST HILLS LOT 33



- Streams
- Street
- COLLECTOR
- MINOR ARTERIAL
- Shared Use Paved Trail
- Trail (Proposed)
- VAC17-5725
- County Parcels
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0137

Agenda Date: 4/4/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

AMEND §33.350 ACTIVE TRANSPORTATION ADVISORY COMMITTEE:

AN ORDINANCE TO AMEND § 33.350 **PURPOSE AND ESTABLISHMENT OF ARTICLE XXIII ACTIVE TRANSPORTATION ADVISORY COMMITTEE** OF THE FAYETTEVILLE CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 33.350 **Purpose and Establishment** of Article XXIII **Active Transportation Advisory Committee** and enacts a new § 33.350 as follows:

"There is hereby established the Active Transportation Advisory Committee. The eight voting committee members shall elect a Chair at the first annual meeting each year. This committee may make recommendations to the Transportation Committee on active transportation projects and issues that have been referred to them by the Administration or Transportation Committee, including but not limited to:

(A) Yearly trail, sidewalk, and paving overlay construction program plans. Review of overlay plans will be focused on incorporation of active transportation facilities.

(B) 5-year trail construction prioritization plan.

(C) Major sidewalk projects, trails and other projects where major changes to existing street cross sections are planned. The review will be at the preliminary stage and will include typical cross sections and preliminary horizontal and vertical alignments. Neither the Transportation Committee nor the Administration need to delay projects or wait for this advisory committee's recommendations.

(D) Changes, additions, or deletions to the Active Transportation Plan and the Sidewalk Master Plans.

(E) A member of the Active Transportation Advisory Committee shall present reports and recommendations to the Transportation Committee at least quarterly. The Active Transportation Committee shall host bi-annual guided tours focused on opportunities for active transportation infrastructure improvements. The tours may serve as two of the quarterly reports."

City of Fayetteville Staff Review Form

2017-0137

Legistar File ID

April 4th, 2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

3/2/2017

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

An ordinance to amend 33.350 Purpose and Establishment of Article XXIII Active Transportation Advisory Committee of the Fayetteville Code to expand the scope of the committee's duties and to establish a time for the election of a committee chair.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

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 # Ord. No. 5343

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 4TH, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: March 2nd, 2017

SUBJECT: **2017-0137 Active Transportation Advisory Committee – Ordinance Amendment**

RECOMMENDATION:

An ordinance to amend 33.350 Purpose and Establishment of Article XXIII Active Transportation Advisory Committee of the Fayetteville Code to expand the scope of the committee's duties and to establish a time for the election of a committee chair.

BACKGROUND:

On March 1st, the Fayetteville Active Transportation Committee unanimously supported amending the language of section 33.350 to clarify the committee's duties and expand communication between the Active Transportation Committee and the Transportation Committee as shown in the proposed amended ordinance below. The committee recommends forwarding the amended ordinance language to the Transportation Committee and City Council with a recommendation of approval.

The current ordinance for the Active Transportation Advisory Committee was last updated in 2010 when it was changed from the Sidewalk and Trail Task Force. The proposed language will clarify that recommendations from the Active Transportation Advisory Committee be forwarded to the Transportation Committee. The current language has recommendations going to the Transportation Division or Parks Board.

DISCUSSION:

The Active Transportation Advisory Committee discussed the need for additional coordination and information sharing between the two committees. The goal of the increased communication is to provide input on transportation projects early in the design phase to avoid project delays and potential changes later in the projects. This should result in making better transportation projects without necessarily increasing project costs.

To increase communication, the Active Transportation Advisory Committee recommends having a member give quarterly reports to the Transportation Committee and hosting bi-annual guided

tours focused on opportunities for active transportation infrastructure improvements. The tours will serve as two of the quarterly reports.

“We will grow a livable transportation network” is a top priority for our city outlined in the City Plan 2030. It is towards attainment of this goal that the Active Transportation Advisory Committee proposes improved coordination between the two committees.

BUDGET/STAFF IMPACT:

No cost for this item. The Active Transportation Advisory Committee members will give the quarterly reports/tours so this should not result in an increase in staff time.

Attachments:

Ordinance to Amend 33.350

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 33.350 **PURPOSE AND ESTABLISHMENT** OF ARTICLE XXIII **ACTIVE TRANSPORTATION ADVISORY COMMITTEE** OF THE FAYETTEVILLE CODE TO EXPAND THE SCOPE OF THE COMMITTEE’S DUTIES AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 33.350 **Purpose and Establishment** of Article XXIII **Active Transportation Advisory Committee** and enacts a new § 33.350 as follows:

“There is hereby established the Active Transportation Advisory Committee. The eight voting committee members shall elect a Chair at the first annual meeting each year. This committee may make recommendations to the Transportation Committee on active transportation projects and issues that have been referred to them by the Administration or Transportation Committee, including but not limited to:

(A) Yearly trail, sidewalk, and paving overlay construction program plans. Review of overlay plans will be focused on incorporation of active transportation facilities.

(B) 5-year trail construction prioritization plan.

(C) Major sidewalk projects, trails and other projects where major changes to existing street cross sections are planned. The review will be at the preliminary stage and will include typical cross sections and preliminary horizontal and vertical alignments. Neither the Transportation Committee nor the Administration need to delay projects or wait for this advisory committee’s recommendations.

(D) Changes, additions, or deletions to the Active Transportation Plan and the Sidewalk Master Plans.

(E) A member of the Active Transportation Advisory Committee shall present reports and recommendations to the Transportation Committee at least quarterly. The Active Transportation Committee shall host bi-annual guided tours focused on opportunities for active transportation infrastructure improvements. The tours may serve as two of the quarterly reports.”

PASSED and **APPROVED** this ____th day of April, 2017.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0166

Agenda Date: 4/4/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

AMEND §72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:

AN ORDINANCE TO AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES OF THE CITY CODE TO PROVIDE GREATER FLEXIBILITY FOR EVENT PARKING IN CITY MANAGED PARKING FACILITIES, AND TO MAKE TECHNICAL REVISIONS

WHEREAS, § 72.58(H)(5) of the City Code restricts event parking to the West Avenue Parking Lot for Walton Arts Center events expected to draw at least 600 patrons and requires the Walton Arts Center to provide personnel for parking activities during those events; and

WHEREAS, the City should have the flexibility to conduct event parking in both the Entertainment District and Downtown Business District; and

WHEREAS, the City Code should also be updated to use the correct name of the West Avenue Lot and include the Spring Street Parking Deck as a parking facility in the Entertainment District.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 72.58(H)(5) of the Fayetteville City Code and enacts § 72.58(O) as follows:

“(O) Event Parking. The Parking Division may implement event parking in City managed parking facilities as deemed necessary by the Mayor or his designee. Such event parking will require a person desiring to park a vehicle in a designated event parking facility to pay a fee of \$5.00. The City of Fayetteville shall provide sufficient personnel to staff event parking.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals the introductory paragraph of § 72.58(H) and enacts a new introductory paragraph correcting the name of the West Avenue Lot and adding references to the Spring Street Parking Deck so that it reads as follows:

“(H) City Parking Lots, Parking Decks and Paid On-street Parking Spaces Within the Entertainment District Parking Zone. For parking in the West Avenue Lot, South Lot, East Lot, North Lot, Spring Street Parking Deck and all paid on-street parking spaces within the Entertainment District Parking Zone, the following parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or lots:”

City of Fayetteville Staff Review Form

2017-0166

Legistar File ID

4/4/2017

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

Justin Clay

3/17/2017

Parking & Telecommunications /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Amending Section 72:58(H)(5) of the City Code to provide greater flexibility in determining when, how, and where event parking may be conducted.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item?

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$

-

Does item have a cost?

Item Cost

Budget Adjustment Attached?

Budget Adjustment

Remaining Budget

\$

-

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Peter Nierengarten, Sustainability & Parking Director

FROM: Justin Clay, Parking Manager

DATE: March 17, 2017

SUBJECT: Event Parking

RECOMMENDATION:

Staff recommends amending Section 72:58(H)(5) of the City Code to provide greater flexibility in determining when, how, and where event parking may be conducted.

BACKGROUND:

Currently, event parking may only be conducted in the Entertainment District in the West Ave. parking lot upon request from the Walton Arts Center when 600 or more patrons are expected to attend an event at the Walton Arts Center. The fee for event parking is \$5.00 per vehicle.

DISCUSSION:

Walton Arts Center staff has recently requested that the City lower its tickets sold threshold required to initiate event parking from 600 tickets sold to 500 tickets sold and to conduct event parking in both the West Ave. lot and Spring St. Parking Deck for each event parking occurrence. Staff notes that event parking has been conducted in both locations for 50 of the past 51 event parking occurrences in order to accommodate the volume of vehicles participating in event parking (both eventgoers and the general public) and staff has no objection to lowering the threshold on a trial basis to monitor utilization and cost-effectiveness.

Furthermore, staff recommends to take this opportunity in amending the City Code to provide greater flexibility in the event parking program by:

1. Removing references to specific Walton Arts Center events altogether and state that event parking may be conducted as deemed necessary by the Mayor or his designee;
2. Removing references to specific lots and districts where event parking can be conducted allowing for event parking to occur in both the Entertainment and Downtown Business Districts ; and
3. Updating the language regarding personnel to reflect that staffing is conducted by the City, not Walton Arts Center staff.

BUDGET/STAFF IMPACT:

No budget or staff impact. Current utilization suggests that changes in event parking resulting from the aforementioned requests will remain cost-effective. Staff will continue to monitor

revenues generated by event parking as compared to ticket thresholds to ensure current revenue levels are maintained.



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0035

Agenda Date: 4/4/2017

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: D. 1

**AGENDA SESSION PRESENTATION - FAYETTEVILLE ENERGY ACTION PLAN BY
PETER NIERENGARTEN**

*Agenda Session - Addition
Consent*

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, March 28, 2017

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
Sarah Bunch Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

ELECTED OFFICIALS:

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

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. 2017-0177

NOMINATING COMMITTEE REPORT-A&P COMMISSION NOMINEES

Attachments: 1st Quarter 2017 A&P Commissioners Appointees

— Mark
Kinion

Agenda Additions

A. Consent:

~~A.1~~ 2016-0572

APPROVAL OF THE MARCH 21, 2017 CITY COUNCIL MEETING MINUTES.

~~A.2~~ 2017-0150

WINGS AVIONICS, INC.:

A RESOLUTION TO APPROVE A THREE YEAR LEASE AGREEMENT WITH WINGS AVIONICS, INC. FOR THE AIRPORT HANGAR AT 421 ERNEST LANCASTER DRIVE FOR RENT IN THE AMOUNT OF \$1,606.49 PER MONTH

Attachments: Wings Avionics, Inc.

B. Unfinished Business: NONE

C. New Business:

C. 1 2017-0158**PROGRESSIVE TRAIL DESIGN, LLC:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH PROGRESSIVE TRAIL DESIGN, LLC FOR THE CONSTRUCTION OF NEW TRAILS AND IMPROVEMENTS TO EXISTING TRAILS IN ACCORDANCE WITH THE KESSLER MOUNTAIN TRAILS MASTER PLAN IN THE AMOUNT OF \$296,721.87, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$44,508.28

Attachments: Progressive Trail Design, Inc.

C. 2 2017-0165**VAC 17-5725 (SW OF JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS LOT 33):**

AN ORDINANCE TO APPROVE VAC 17-5725 FOR PROPERTY LOCATED AT LOT 33 OF VILLAS AT FOREST HILLS, SOUTHWEST OF WEST JEWELL ROAD AND NORTH SALEM ROAD TO VACATE AN ACCESS EASEMENT

Attachments: VAC 17-5725 (SW OF JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS

C. 3 2017-0137**AMEND §33.350 ACTIVE TRANSPORTATION ADVISORY COMMITTEE:**

AN ORDINANCE TO AMEND § 33.350 PURPOSE AND ESTABLISHMENT OF ARTICLE XXIII ACTIVE TRANSPORTATION ADVISORY COMMITTEE OF THE FAYETTEVILLE CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

Attachments: Amend 33.350 Purpose and Establishment of Article XXIII Active Transportation Advi:

C. 4 2017-0166**AMEND §72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:**

AN ORDINANCE TO AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES OF THE CITY CODE TO PROVIDE GREATER FLEXIBILITY FOR EVENT PARKING IN CITY MANAGED PARKING FACILITIES, AND TO MAKE TECHNICAL REVISIONS

Attachments: Amending 72.58

Add: Airspace Permit (Consent) A.3

D. City Council Agenda Session Presentations:**D. 1 2017-0035****AGENDA SESSION PRESENTATION - FAYETTEVILLE ENERGY ACTION PLAN
BY PETER NIERENGARTEN****E. City Council Tour:****F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment then queue behind the podium. When the Mayor or Chair recognizes you, approach the podium and give your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn at the microphone for discussion of an agenda item.

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. City staff, City Council members, and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

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. A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, 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's 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.

A.3

Added at Agenda Session 3-28-17

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AIRSPACE PERMIT AGREEMENT WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE CATO SPRINGS TRAIL CROSSING OF HIGHWAY 71 AND INTERSTATE 49

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 Airspace Permit Agreement with the Arkansas State Highway and Transportation Department, a copy of which is attached to this Resolution, so that the Cato Springs Trail can use Highway 71 and Interstate 49 right of way near South Razorback Road and South Cato Springs Road and authorizes Mayor Jordan to sign the agreement.

PASSED and APPROVED this 4th day of April, 2017.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Pre-Agenda Meeting 3-22-17

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, April 4, 2017

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

Sarah Bunch Ward 3

John S. La Tour Ward 4

Alan Long Ward 4

ELECTED OFFICIALS:

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

✓ 1. 2017-0177

NOMINATING COMMITTEE REPORT-A&P COMMISSION NOMINEES

Attachments:1st Quarter 2017 A&P Commissioners Appointees

Agenda Additions

Will add term end dates when Molly from
A+P Sends them.

A. Consent:

✓ A. 1 2016-0572

APPROVAL OF THE MARCH 21, 2017 CITY COUNCIL MEETING MINUTES.

~~A. 2~~ 2017-0132

MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, PLLC AMENDMENT 6:

Don is
dissaproving.
more to
the 4/18/17
meeting.

A RESOLUTION TO APPROVE AMENDMENT NO. 6 TO THE CONTRACT WITH MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, PLLC IN THE AMOUNT OF \$50,000.00 FOR ADDITIONAL LEGAL SERVICES RELATED TO THE WHITE RIVER WATER QUALITY STANDARDS PETITION TO THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$10,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD AMENDMENT 6

BA - Mitchell Williams Legal Services Amendment 6

✓ ~~A.3~~ 2017-0150

A.2

WINGS AVIONICS, INC.:

A RESOLUTION TO APPROVE A THREE YEAR LEASE AGREEMENT WITH WINGS AVIONICS, INC. FOR THE AIRPORT HANGAR AT 421 ERNEST LANCASTER DRIVE FOR RENT IN THE AMOUNT OF \$1,606.49 PER MONTH

Attachments: Wings Avionics, Inc.

✓ **B. Unfinished Business: NONE**

C. New Business:

✓ C.1 2017-0158

PROGRESSIVE TRAIL DESIGN, LLC:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH PROGRESSIVE TRAIL DESIGN, LLC FOR THE CONSTRUCTION OF NEW TRAILS AND IMPROVEMENTS TO EXISTING TRAILS IN ACCORDANCE WITH THE KESSLER MOUNTAIN TRAILS MASTER PLAN IN THE AMOUNT OF \$296,721.87, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$44,508.28

Attachments: Progressive Trail Design, Inc.

✓ C.2 2017-0165

VAC 17-5725 (SW OF JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS LOT 33):

AN ORDINANCE TO APPROVE VAC 17-5725 FOR PROPERTY LOCATED AT LOT 33 OF VILLAS AT FOREST HILLS, SOUTHWEST OF WEST JEWELL ROAD AND NORTH SALEM ROAD TO VACATE AN ACCESS EASEMENT

Attachments: VAC 17-5725 (SW OF JEWELL RD. & N. SALEM RD./VILLAS AT FOREST HILLS)

✓ C. 3 2017-0137**AMEND §33.350 ACTIVE TRANSPORTATION ADVISORY COMMITTEE:**

AN ORDINANCE TO AMEND § 33.350 PURPOSE AND ESTABLISHMENT OF ARTICLE XXIII ACTIVE TRANSPORTATION ADVISORY COMMITTEE OF THE FAYETTEVILLE CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

Attachments: Amend 33.350 Purpose and Establishment of Article XXIII Active Transportation Adv:

✓ C. 4 2017-0166**AMEND §72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:**

AN ORDINANCE TO AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES OF THE CITY CODE TO PROVIDE GREATER FLEXIBILITY FOR EVENT PARKING IN CITY MANAGED PARKING FACILITIES, AND TO MAKE TECHNICAL REVISIONS

Attachments: Amending 72.58

D. City Council Agenda Session Presentations:D. 1 2017-0035

**AGENDA SESSION PRESENTATION - FAYETTEVILLE ENERGY ACTION PLAN
BY PETER NIERENGARTEN**

E. City Council Tour:**F. Announcements:****G. Adjournment**

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment then queue behind the podium. When the Mayor or Chair recognizes you, approach the podium and give your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn at the microphone for discussion of an agenda item.

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. City staff, City Council members, and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

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. A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, 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's 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.

Nominating Committee

Members – Chair Mark Kinion, Sarah Marsh, Sarah Bunch and Alan Long

Advertising & Promotion (A&P) Commission Appointments

At the March 20, 2017 Advertising and Promotion Commission meeting, the Commission recommended that the City Council approve the following appointments for the Advertising and Promotion Commission:

Chrissy Sanderson, Tourism Industry - One unexpired term ending 03/31/20

Robert Rhoads, Public at Large - One term ending 03/31/21

UNOFFICIAL