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

Vacant
Ward 4 Position 2

City of Fayetteville Arkansas
City Council Meeting
November 21, 2017

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

Agenda Additions

1. **ELECT KYLE SMITH:** A resolution to elect Kyle Smith as City Council Member for Ward Four, Position Two of the City of Fayetteville.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 246-17

A. Consent:

1. Approval of the November 7, 2017 City Council Meeting Minutes.

   Approved

2. **PAYMENTUS CORPORATION:** A resolution to approve a contract with Paymentus Corporation in the amount of $5,000.00 expanding the scope of services to add a field displaying customer past due balances in the online utility billing system.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 239-17

3. **2017 BULLETPROOF VEST PARTNERSHIP PROGRAM:** A resolution to authorize acceptance of a fifty percent (50%) matching grant award from the 2017 Bulletproof Vest Partnership Program in the amount of $6,070.00 for the replacement of body armor vests for Fayetteville Police Officers, and to approve a budget adjustment.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 240-17

4. **FEDERAL AND STATE LAW ENFORCEMENT REVENUE:** A resolution to approve a budget adjustment in the total amount of $81,516.00 recognizing revenue associated with federal and state law enforcement forfeitures and insurance proceeds from a wrecked vehicle.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 241-17

5. **FAYETTEVILLE POLICE DEPARTMENT POLICIES:** A resolution to approve Fayetteville Police Department policies on grooming and uniform requirements and body-worn cameras.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 242-17

6. **BID #17-65 NABHOLZ ENVIRONMENTAL SERVICES, LLC:** A resolution to award bid #17-65 and authorize a contract with Nabholz Environmental Services, LLC in the amount of $257,802.00 for asbestos abatement services at the old city hospital as part of the Fayetteville Public Library Expansion Project, and to approve a project contingency in the amount of $40,000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 243-17

7. **COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA:** A resolution to approve a renewal of the contract with Community Access Television, Inc. d/b/a Your Media in the amount of $161,580.00 for the provision of public access television services and the operation of the public access television channel through 2018, contingent on approval of the 2018 annual city budget and work program.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 244-17

B. Unfinished Business:

1. **SMALL CELL COMMUNICATIONS FACILITIES:** An ordinance to enact § 110.03 small cell facilities and networks into chapter 110: telecommunication franchise, billposting, and small cell facilities and networks.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6009

2. **VIP CLUB:** An ordinance to approve the application of Sami Ammar Haddaji, on behalf of VIP Club for a permit to operate as a private club in the City of Fayetteville at 326 North West Avenue #6.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6010

C. New Business:

1. **UNIVERSITY OF ARKANSAS JOINT LEASE AGREEMENT TERMINATION:** A resolution to terminate the joint lease agreement between the City of Fayetteville and the Board of Trustees of the University of Arkansas for the city's use of 27.5 acres on Lewis Avenue and the university's use of 10.02 acres on Razorback Road, contingent upon approval by the board of trustees of the University of Arkansas.

   AT THE NOVEMBER 21, 2017 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED INDEFINTITLY ON THE FIRST READING.

2. **AMEND TELECOMMUNICATIONS BOARD:** An ordinance to amend Article IX Telecommunications Board in Chapter 33 Departments, Boards, Commissions, And Authorities of the city code to reduce the frequency of meetings from monthly to bi-monthly.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6011

3. **RZN 17-5950 (4847 W. WEDINGTON/LEISURE HOMES CORP.):** An ordinance to rezone that property described in rezoning petition rzn 17-5950 for approximately 1.83 acres located at 4847 West Wedington Drive from rsf-4, residential single family, 4 units per acre and nc, neighborhood conservation to rsf-18, residential single-family, 18 units per acre, for 1.27 acres and nc, neighborhood conservation for 0.56 acres.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6012

4. **VAC 17-5960 (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN):** An ordinance to approve vac 17-5960 for property located east of Barton Avenue and north of Huntsville Road to vacate a portion of a utility easement.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6013

5. **VAC 17-5963 (ROCK ST. BETWEEN WEST AVE. AND SCHOOL ST./ROCK ST. ROW):** An ordinance to approve vac 17-5963 for property located at Rock Street between West Avenue and School Street to vacate a portion of the Rock Street right-of-way.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6014

6. **CHAPTER 151 AND 161 UDC REVISIONS:** An ordinance to amend the unified development code to change building height restriction measurements from feet to stories in chapter 161 and to amend §151.01 definitions to define "story".

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6015

7. **REZONE COLLEGE AVENUE:** An ordinance to rezone all parcels within or near College Avenue as shown on exhibit c of the planning department's agenda memo comprising about 24.62 acres.

   AT THE NOVEMBER 21, 2017 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING.

8. **AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT:** An ordinance to amend §166.21 downtown design overlay district by amending the applicability section to include College Avenue overlay district and to enact §166.26 College Avenue overlay district.

   AT THE NOVEMBER 21, 2017 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING.

9. **2018 ANNUAL BUDGET AND WORK PROGRAM:** A resolution to adopt the 2018 Annual Budget and Work Program.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 245-17

D. City Council Agenda Session Presentations

E. City Council Tour: None

F. Announcements

Adjournment: 9:43 p.m.

City Council Meeting: November 21, 2017 **Adjourn:** 9:43 pm

Subject:	Roll				
	Kinion	✓			
	Petty	✓			
	Tennant	✓	(Arrived	late)	
	Bunch	Absent			
	La Tour	✓			
	~~Long~~	—			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan	✓			
		7-0			

Subject:	City Council Vacancy Ward 4 Position 2 – Long				
Motion To:		Add to Agenda	Appoint Council Member	Select Kyle Smith	Elect Kyle Smith
Motion By:		Kinion	Gray	Marsh	Kinion
Seconded:		Marsh	Marsh	Gray	Marsh
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	absent	N	N	N
	Bunch	absent	absent	absent	absent
	La Tour	✓	N	N	N
	~~Long~~	—	—	—	✓
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Mayor Jordan	✓		✓	
		6-0	* 4-0 Passed	5-0	5-2

Add: Vice Mayor to next agenda

* Internal Motion: Majority of Council members present

City Council Meeting: November 21, 2017

Subject:	**Consent**				
Motion To:		Approve			
Motion By:		Marsh			
Seconded:		La Tour			
Consent	**Kinion**	✓			
A. 1- A. 7	**Petty**	✓			
	Tennant	absent			
	Bunch	absent			
Approved	**La Tour**	✓			
239-17	**~~Long~~**	—			
	Gray	✓			
244-17	**Marsh**	✓			
	Mayor Jordan				

5-0

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

City Council Meeting: November 21, 2017

Subject:	SMALL CELL COMMUNICATIONS FACILITIES				
Motion To:		Amend	Approve		
Motion By:		La Tour			
Seconded:		Gray			
B. 1 Unfinished Business	**Kinion**	✓	✓		
	Petty	✓	✓		
	Tennant	absent	absent		
	Bunch	absent	absent		
	La Tour	✓	✓		
Approved	~~**Long**~~	—	—		
	Gray	✓	✓		
60009	**Marsh**	✓	✓		
	Mayor Jordan				
		5-0	5-0		

Subject:	VIP CLUB				
Motion To:		Amend	and Read	3rd Read	Approve
Motion By:		Gray	Gray	Gray	
Seconded:		Kinion	Kinion	Kinion	
B. 2 Unfinished Business	**Kinion**	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	Absent	Absent	Absent	Absent
	Bunch	Absent	Absent	Absent	Absent
Approved	**La Tour**	✓	✓	✓	✓
	~~**Long**~~				
	Gray	✓	✓	✓	✓
60010	**Marsh**	✓	✓	✓	✓
	Mayor Jordan		✓	✓	
		5-0	6-0	6-0	5-0

City Council Meeting: **November 21, 2017**

Subject:	UNIVERSITY OF ARKANSAS JOINT LEASE AGREEMENT TERMINATION				
Motion To:		Table Ind.			
Motion By:		Kinion			
Seconded:		Marsh			
C. 1 New Business	**Kinion**	✓			
	Petty	✓			
	Tennant	Absent			
	Bunch	Absent			
Tabled Indefin.	**La Tour**	✓			
	~~**Long**~~	—			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan				
		5-0			

Subject:	AMEND TELECOMMUNICATIONS BOARD				
Motion To:		2nd Read	3rd Read	Approve	
Motion By:		Kinion	Kinion		
Seconded:		Marsh	Marsh		
C. 2 New Business	**Kinion**	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Bunch	Absent	Absent	Absent	
Approved	**La Tour**	✓	✓	✓	
	~~**Long**~~	—	—	—	
6011	**Gray**	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan	✓	✓		
		6-0	6-0	5-0	

City Council Meeting: November 21, 2017

Subject:	RZN 17-5950 (4847 W. WEDINGTON/LEISURE HOMES CORP.)				
Motion To:		2nd Read	3rd Read	Approve	
Motion By:		Marsh	La Tour		
Seconded:		La Tour	Marsh		
C. 3 New Business	**Kinion**	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Bunch	Absent	Absent	Absent	
	La Tour	✓	✓	✓	
Approved	**~~Long~~**	—	—	—	
	Gray	✓	✓	✓	
60012	**Marsh**	✓	✓	✓	
	Mayor Jordan	✓	✓		
		6-0	6-0	5-0	

Subject:	VAC 17-5960 (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN)				
Motion To:		2nd Read	3rd Read	Approve	
Motion By:		Gray	Marsh		
Seconded:		Marsh	Gray		
C. 4 New Business	**Kinion**	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Bunch	Absent	Absent	Absent	
Approved	**La Tour**	✓	✓	✓	
	~~Long~~	—	—	—	
	Gray	✓	✓	✓	
60013	**Marsh**	✓	✓	✓	
	Mayor Jordan	✓	✓		
		6-0	6-0	5-0	

City Council Meeting: November 21, 2017

Subject:	VAC 17-5963 (ROCK ST. BETWEEN WEST AVE. AND SCHOOL ST./ROCK ST. ROW)				
Motion To:		2nd Read	3rd Read	Approve	
Motion By:		Marsh	Gray		
Seconded:		Kinion	Marsh		
C. 5 New Business	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	Absent	Absent	Absent	
Approved	La Tour	✓	✓	✓	
	~~Long~~	—	—	—	
6014	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				
		6-0	6-0	6-0	

Subject:	CHAPTER 151 AND 161 UDC REVISIONS				
Motion To:		2nd Read	3rd Read	Approve	
Motion By:		Kinion	Kinion		
Seconded:		Marsh	Marsh		
C. 6 New Business	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	Absent	Absent	Absent	
Approved	La Tour	✓	✓	✓	
	~~Long~~	—	—	—	
6015	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				
		6-0	6-0	6-0	

City Council Meeting: **November 21, 2017**

Subject:	REZONE COLLEGE AVENUE				
Motion To:		2nd Read	3rd Read	Approve	
Motion By:					
Seconded:					
C. 7 New Business Left on the First Reading	**Kinion**				
	Petty				
	Tennant				
	Bunch	Absent	Absent	Absent	
	La Tour				
	~~Long~~	—	—	—	
	Gray				
	Marsh				
	Mayor Jordan				

Subject:	**AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT**				
Motion To:		2nd Read	3rd Read	Approve	
Motion By:					
Seconded:					
C. 8 New Business Left on the First Reading	**Kinion**				
	Petty				
	Tennant				
	Bunch	Absent	Absent	Absent	
	La Tour				
	~~Long~~	—	—	—	
	Gray				
	Marsh				
	Mayor Jordan				

City Council Meeting: November 21, 2017

Subject:	2018 ANNUAL BUDGET AND WORK PROGRAM				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Marsh			
C. 9 New Business	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Bunch	Absent			
	La Tour	✓			
Approved	~~Long~~	—			
	Gray	✓			
245-17	Marsh	✓			
	Mayor Jordan				

6-0

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

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Mayor Jordan**

THRU: **Sondra Smith,** City Clerk

FROM: **Kit Williams,** City Attorney

DATE: **November 22, 2017**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of November 21, 2017**

1. A resolution to approve a contract with Paymentus Corporation in the amount of $5,000.00 expanding the scope of services to add a field displaying customer past due balances in the online utility billing system.

2. A resolution to authorize acceptance of a fifty percent (50%) matching grant award from the 2017 Bulletproof Vest Partnership Program in the amount of $6,070.00 for the replacement of body armor vests for Fayetteville Police Officers, and to approve a budget adjustment.

3. A resolution to approve a budget adjustment in the total amount of $81,516.00 recognizing revenue associated with federal and state law enforcement forfeitures and insurance proceeds from a wrecked vehicle.

4. A resolution to approve Fayetteville Police Department policies on grooming and uniform requirements and body-worn cameras.

5. A resolution to award bid #17-65 and authorize a contract with Nabholz Environmental Services, LLC in the amount of $257,802.00 for asbestos abatement services at the Old City Hospital as part of the Fayetteville Public Library Expansion Project, and to approve a project contingency in the amount of $40,000.00.

6. A resolution to approve a renewal of the contract with Community Access Television, Inc. d/b/a Your Media in the amount of $161,580.00 for the provision of Public Access Television Services and the operation of the Public Access Television Channel through 2018, contingent on approval of the 2018 annual City Budget and Work Program.

7. An ordinance to enact § 110.03 **Small Cell Facilities and Networks** into Chapter 110: **Telecommunication Franchise, Billposting, and Small Cell Facilities and Networks**.

8. An ordinance to approve the application of Sami Ammar Haddaji, on behalf of VIP Club for a permit to operate as a private club in the city of Fayetteville at 326 North West Avenue #6.

9. An ordinance to amend Article IX **Telecommunications Board** in Chapter 33 **Departments, Boards, Commissions, and Authorities** of the city code to reduce the frequency of meetings from monthly to bi-monthly.

10. An ordinance to rezone that property described in rezoning petition RZN 17-5950 for approximately 1.83 acres located at 4847 West Wedington Drive from RSF-4, Residential Single Family, 4 units per acre and NC, Neighborhood Conservation to RSF-18, Residential Single-Family, 18 units per acre, for 1.27 acres and to NC, Neighborhood Conservation for 0.56 acres.

11. An ordinance to approve VAC 17-5960 for property located East of Barton Avenue and North of Huntsville Road to vacate a portion of a utility easement.

12. An ordinance to approve VAC 17-5963 for property located at Rock Street between West Avenue and School Street to vacate a portion of the Rock Street right-of-way.

13. An ordinance to amend the Unified Development Code to change building height restriction measurements from feet to stories in Chapter 161 and to amend §151.01 **Definitions** to define "story".

14. A resolution to adopt the 2018 Annual Budget and Work Program.

15. A resolution to elect Kyle Smith as City Council Member for Ward Four, Position Two of the City of Fayetteville.

City of Fayetteville, Arkansas

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

City Council Meeting Final Agenda

Tuesday, November 21, 2017

5:30 PM

City Hall Room 219

City Council Members

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:

Agenda Additions:

A. Consent:

A. 1 2016-0587

APPROVAL OF THE NOVEMBER 7, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 2017-0614

PAYMENTUS CORPORATION:

A RESOLUTION TO APPROVE A CONTRACT WITH PAYMENTUS CORPORATION IN THE AMOUNT OF $5,000.00 EXPANDING THE SCOPE OF SERVICES TO ADD A FIELD DISPLAYING CUSTOMER PAST DUE BALANCES IN THE ONLINE UTILITY BILLING SYSTEM

Attachments: PAYMENTUS CORPORATION

A. 3 2017-0621

2017 BULLETPROOF VEST PARTNERSHIP PROGRAM:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2017 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF $6,070.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2017 BULLETPROOF VEST PARTNERSHIP PROGRAM

BA_2017 BULLETPROOF VEST PARTNERSHIP PROGRAM

A. 4 2017-0561

FEDERAL AND STATE LAW ENFORCEMENT REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $81,516.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND INSURANCE PROCEEDS FROM A WRECKED VEHICLE

Attachments: FEDERAL AND STATE LAW ENFORCEMENT REVENUE

BA_FEDERAL AND STATE LAW ENFORCEMENT REVENUE

A. 5 2017-0636

FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES ON GROOMING AND UNIFORM REQUIREMENTS AND BODY-WORN CAMERAS

Attachments: FAYETTEVILLE POLICE DEPARTMENT POLICIES

A. 6 2017-0620

BID #17-65 NABHOLZ ENVIRONMENTAL SERVICES, LLC:

A RESOLUTION TO AWARD BID #17-65 AND AUTHORIZE A CONTRACT WITH NABHOLZ ENVIRONMENTAL SERVICES, LLC IN THE AMOUNT OF $257,802.00 FOR ASBESTOS ABATEMENT SERVICES AT THE OLD CITY HOSPITAL AS PART OF THE FAYETTEVILLE PUBLIC LIBRARY EXPANSION PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $40,000.00

Attachments: BID #17-65 NABHOLZ ENVIRONMENTAL SERVICES, LLC

A. 7 2017-0619

COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA:

A RESOLUTION TO APPROVE A RENEWAL OF THE CONTRACT WITH COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA IN THE AMOUNT OF $161,580.00 FOR THE PROVISION OF PUBLIC ACCESS TELEVISION SERVICES AND THE OPERATION OF THE PUBLIC ACCESS TELEVISION CHANNEL THROUGH 2018, CONTINGENT ON APPROVAL OF THE 2018 ANNUAL CITY BUDGET AND WORK PROGRAM

Attachments: COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA

B. Unfinished Business:

B. 1 2017-0532

SMALL CELL COMMUNICATIONS FACILITIES:

AN ORDINANCE TO ENACT § 110.03 **SMALL CELL FACILITIES AND NETWORKS** INTO CHAPTER 110: **TELECOMMUNICATION FRANCHISE, BILLPOSTING, AND SMALL CELL FACILITIES AND NETWORKS**

Attachments: SMALL CELL COMMUNICATIONS FACILITIES

ADDITIONAL_SMALL CELL COMMUNICATIONS FACILITIES

At the November 7, 2017 City Council Meeting this ordinance was tabled to November 21, 2017 City Council Meeting and left on the third reading. At the October 17, 2017 City Council Meeting this ordinance was left on the second reading. At the October 3, 2017 City Council Meeting this ordinance was left on the first reading.

B. 2 2017-0616

VIP CLUB:

AN ORDINANCE TO APPROVE THE APPLICATION OF SAMI AMMAR HADDAJI, ON BEHALF OF VIP CLUB FOR A PERMIT TO OPERATE AS A PRIVATE CLUB IN THE CITY OF FAYETTEVILLE AT 326 NORTH WEST AVENUE #6

Attachments: VIP CLUB

At the November 7, 2017 City Council Meeting this ordinance was left on the first reading.

C. New Business:

C. 1 2017-0624

UNIVERSITY OF ARKANSAS JOINT LEASE AGREEMENT TERMINATION:

A RESOLUTION TO TERMINATE THE JOINT LEASE AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE CITY'S USE OF 27.5 ACRES ON LEWIS AVENUE AND THE UNIVERSITY'S USE OF 10.02 ACRES ON RAZORBACK ROAD, CONTINGENT UPON APPROVAL BY THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS

Attachments: UNIVERSITY OF ARKANSAS JOINT LEASE AGREEMENT TERMINATION

C. 2 2017-0618

AMEND TELECOMMUNICATIONS BOARD:

AN ORDINANCE TO AMEND ARTICLE IX **TELECOMMUNICATIONS BOARD** IN CHAPTER 33 **DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES** OF THE CITY CODE TO REDUCE THE FREQUENCY OF MEETINGS FROM MONTHLY TO BI-MONTHLY

Attachments: AMEND TELECOMMUNICATIONS BOARD

C. 3 2017-0626

RZN 17-5950 (4847 W. WEDINGTON/LEISURE HOMES CORP.):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5950 FOR APPROXIMATELY 1.83 ACRES LOCATED AT 4847 WEST WEDINGTON DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND NC, NEIGHBORHOOD CONSERVATION TO RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE, FOR 1.27 ACRES AND NC, NEIGHBORHOOD CONSERVATION FOR 0.56 ACRES

Attachments: RZN 17-5950: (4847 W. WEDINGTON/LEISURE HOMES CORP.)

C. 4 2017-0617

VAC 17-5960 (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN):

AN ORDINANCE TO APPROVE VAC 17-5960 FOR PROPERTY LOCATED EAST OF BARTON AVENUE AND NORTH OF HUNTSVILLE ROAD TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: VAC 17-5960: (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN:

C. 5 2017-0627

VAC 17-5963 (ROCK ST. BETWEEN WEST AVE. AND SCHOOL ST./ROCK ST. ROW):

AN ORDINANCE TO APPROVE VAC 17-5963 FOR PROPERTY LOCATED AT ROCK STREET BETWEEN WEST AVENUE AND SCHOOL STREET TO VACATE A PORTION OF THE ROCK STREET RIGHT-OF-WAY

Attachments: VAC 17-5963 (ROCK ST. BETWEEN WEST AVE. AND SCHOOL ST./ROCK ST. R

C. 6 2017-0646

CHAPTER 151 AND 161 UDC REVISIONS:

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CHANGE BUILDING HEIGHT RESTRICTION MEASUREMENTS FROM FEET TO STORIES IN CHAPTER 161 AND TO AMEND §151.01 **DEFINITIONS** TO DEFINE "STORY"

Attachments: CHAPTER 151 AND 161 UDC REVISIONS

C. 7 2017-0650

REZONE COLLEGE AVENUE:

AN ORDINANCE TO REZONE ALL PARCELS WITHIN OR NEAR COLLEGE AVENUE AS SHOWN ON EXHIBIT C OF THE PLANNING DEPARTMENT'S AGENDA MEMO COMPRISING ABOUT 24.62 ACRES

Attachments: REZONE COLLEGE AVENUE

C. 8 2017-0648

AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT:

AN ORDINANCE TO AMEND §166.21 **DOWNTOWN DESIGN OVERLAY DISTRICT** BY AMENDING THE APPLICABILITY SECTION TO INCLUDE COLLEGE AVENUE OVERLAY DISTRICT AND TO ENACT §166.26 **COLLEGE AVENUE OVERLAY DISTRICT**

Attachments: AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT

C. 9 2017-0641

2018 ANNUAL BUDGET AND WORK PROGRAM:

A RESOLUTION TO ADOPT THE 2018 ANNUAL BUDGET AND WORK PROGRAM

Attachments: 2018 ANNUAL BUDGET AND WORK PROGRAM

ADDITIONAL_2018 ANNUAL BUDGET AND WORK PROGRAM

D. City Council Agenda Session Presentations:

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.

Unfinished 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 City Council. 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 City Council member 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 a City Council member 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 Devise 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.

EXHIBIT A

110.03 Small Cell Facilities and Networks

(A) Definitions: As used in § 110.03, the following terms shall have the meanings set out below:

(1) *Administrative Review* means non-discretionary evaluation of an Application by the Zoning and Development Administrator. This process is not subject to a public hearing or conditional or special review process.

(2) *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of telecommunications services:

(a) *Distributed antenna system (DAS)* means a network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.

(b) *Small Cell Facility* means a Telecommunications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(c) *Small Cell Network* means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

(3) *Applicant* means any person or entity that is engaged in the business of providing wireless services or the wireless infrastructure required for wireless services.

(4) *Competing local exchange carrier* means a telecommunications provider that has received a certificate of public convenience and necessity from the Arkansas Public Service Commission under the authority of Ark. Code Ann. § 23-17-409 and is authorized to install equipment and operate within the public rights of way or on public or private property in the City of Fayetteville. This shall include distributed antenna systems, small cell facilities and small cell networks.

(5) *Person* means any individual, resident, citizens, business firm, corporation, partnership, governmental agency, or institution.

(6) *Stealth technology* means systems, components and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.

(7) *Streets* means all streets, roads, highways, alleys, rights-of-way, public *utility* easements, public property, public ways and air space over such streets, roads, alleys, public rights-of-way, public utility easements, public property and public ways located within the geographic limits of the city.

(8) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information sent and received, whether wired or wireless.

(9) *Telecommunications facilities or facilities* means all conduits, manholes, poles, antennas, transceivers, wires, cable (including fiber optic cable), technology, and appurtenances owned or utilized by a telecommunications provider or third party infrastructure provider and located in, under or over the streets of the city or on public or private property and utilized in the provision of telecommunications services. This includes without limit, towers of all types, and base stations, including but not limited to buildings, church steeples, water towers, signs, poles, streetlights, traffic signals, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

(10) *Telecommunications Provider or provider* means any person, firm, corporation, partnership or other business entity, other than the city, that provides telecommunications services within or without the geographic

boundaries of the city by utilizing telecommunications facilities to provide telecommunications services. This shall include competing local exchange carriers or businesses that install small cell facilities on behalf of telecommunications providers.

(11) *Telecommunications services or services* means any service delivering telecommunications by a telecommunications provider that the provider is authorized to provide under federal, state and local law, except that these terms do not include cable service as defined by the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. §521 et seq., and the Telecommunications Act of 1996.

(B) Compliance with State and Federal Regulations. Applicant shall comply with all applicable state and federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator. Applicant shall not be required to enter into any franchise agreement with the City.

(C) Consolidated Application. An applicant may file one consolidated application for a small cell network of up to ten (10) individual small cell facilities of a substantially similar design every seven calendar days. The City may require a separate application for any small cell facilities that are not of a substantially similar design. The form of the permit Application is located on the City's website under Small Cell Facilities and Networks.

(D) An applicant shall submit with the application all documentation or other evidence required by the Zoning and Development Administrator to sufficiently establish the structural soundness of proposed facilities.

(E) Administrative Approval of Co-Located Facilities and Facilities Located on Existing Structures. The Zoning and Development Administrator, following an Administrative Review, may approve the following facility installations:

(1) Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than five feet above the existing structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the existing structure, when such additional height is necessary for improved functionality or safety.

(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade to the extent technically feasible in order to limit their impact

on the building's silhouette. Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline.

(b) Facilities Placed on Sides of Buildings. Facilities which are side-mounted on buildings shall be camouflaged (such as in a light fixture), shrouded, painted or constructed of materials to match the color of the building material directly behind them, and shall not extend above the roof line or extend more than two (2) feet from the façade of the building. The Zoning and Development Administrator may grant a variance of up to three (3) additional feet from the façade of a building when such additional clearance is necessary for improved functionality or safety.

(2) Locating on Existing Tower Not Previously Approved Through §163.13 of the U.D.C. Existing towers that do not have facilities may not add such capability without securing a conditional use permit, except as otherwise allowed by 47 U.S.C. § 1455.

(3) Locating on Existing Towers Previously Approved Through §163.13. Additional facilities may be placed upon any tower already approved through §163.14 of the U.D.C. so long as such additional facilities would not violate any requirements of the conditional use permit or other provisions of §163.13.

(4) Replacement of Existing Structures. If installation of facilities requires the removal and replacement of an existing structure, such as a pole, the new structure shall be considered an existing structure for the purposes of this section as long as the replacement structure is the same height as the existing structure, is constructed of substantially similar material or is a camouflaged/stealth structure, and the replacement structure is located within five (5) feet of the location of the original structure. The provisions of § 110.02(E) shall govern the standards of and procedures for construction or installation of replacement facilities within the public rights of way. The facilities may extend up to five feet above the replacement structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the replacement structure, when such additional height is necessary for improved functionality or safety.

(5) The applicant must submit a letter of intent indicating the intent and agreement to allow co-location of facilities or installation of facilities on an existing structure.

(6) If proposed facilities are not or cannot be adequately camouflaged, the City may require the installation of new stealth facilities.

(7) Any disturbance of City infrastructure (such as, but not limited to, streets, sidewalks, and utilities) shall be repaired and restored by the applicant at its expense and to a condition at least as good as that existing before the work causing such disturbance was commenced.

(8) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the

amount of $250.00 for each facility co-located or installed on an existing structure in the public rights-of-way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

(9) Variances. In order to receive a variance under this subsection, an applicant must show that strict enforcement would make it difficult to provide service due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(F) Administrative Approval of New Facilities in Public Rights of Way. Providers proposing the construction or installation of new facilities in the public rights of way (specifically excluding the replacement of existing structures) shall comply with following requirements:

(1) Construction Maintenance. The provisions of § 110.02(E), with the exception of §§ 110.02(E)(3) and (E)(10), shall govern the process of approval for the construction or installation of any new facilities within the public rights of way.

(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other telecommunications facilities in the block for the proposed location, but in no event taller than thirty (30) feet above grade for residential and local streets, forty (40) feet for collector streets, or fifty (50) feet for arterial streets. The Zoning and Development Administrator may grant a variance not to exceed ten (10) additional feet when such additional height is necessary for improved functionality or safety. In order to receive a variance under this subsection, an applicant must also show that strict enforcement would make it difficult to provide services due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(4) Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, incorporation

within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible. The Zoning and Development Administrator may approve the installation of a standard utility pole in areas where such installation will not degrade the streetscape but any facilities shall be camouflaged to the greatest extent possible. Camouflaging and stealth technology shall be required in all residential areas, improvement districts (including, but not limited to, the Dickson Street area and College Avenue improvement corridor), and any area in which utilities have been installed or relocated underground. Understanding that new technologies are anticipated to change the components of telecommunications facilities, the Administrator may determine if a telecommunications facility or component of a telecommunications facility is designed to be stealth.

(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.

(6) Distance between new facilities. New non-camouflaged or non-stealth facilities shall be spaced a minimum of five hundred feet (500') from any other new non-camouflaged or non-stealth facility approved under subsection (F). New camouflaged facilities or new facilities utilizing stealth technology to fit within the streetscape (e.g., incorporated within a street light) shall not be subject to this distance requirement.

(7) Information Required to Process Requests for New Facilities.

(a) Provide a map of the geographic area that your project will serve;

(b) Provide a map that shows other existing facilities that are used by the telecommunications provider who is making the application;

(c) Provide a map that shows other potential standalone locations for your facility that have been explored;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed facility, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography.;

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to install your facility on existing structures. The applicant should demonstrate a good faith effort to locate facilities on existing structures and/or co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant

that has not demonstrated a good faith effort with respect to this requirement.

(g) Describe whether you will or will not accommodate equipment of other telecommunications providers that could co-locate on your facility. Describe how such accommodation will impact both your pole and your ground mounted facilities. Provide documentation of your provider's willingness or unwillingness to accommodate other providers who may be able to co-locate on your facility.

(G) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

(1) The City shall supply written notice to the Applicant within thirty days of receipt of an Application clearly and specifically delineating any missing documents or information.

(2) Applicant shall submit any supplemental documentation and information to the City.

(3) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.

(4) Second or subsequent notices may not specify missing documents or information that were not identified in the original notice of incompleteness.

(5) This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.

(H) New Structures on Private Property. Telecommunications providers proposing the construction or installation of new poles or towers on privately owned property in the City shall comply with the provisions of § 163.13 ***Wireless Communications Facilities*** and shall obtain a conditional use permit.

(I) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities. For purposes of this subsection, public property shall not include any public right of way or structures in any public right of way. Small cell facilities installed in the public right of way or on structures in the public right of way shall pay only the fees set forth in subsection (E) and shall not be charged additional fees under this subsection.

(J) Permit Expiration. Permits issued for the construction or installation of any telecommunication facilities under this chapter shall expire after a period of six (6) months unless construction or installation of the permitted facility has been initiated.

(K) Appeals. An Applicant may appeal to the City Council a decision or interpretation made in the Administrative Review process by the Zoning and Development Administrator. Appeals shall follow the procedure set forth in Section 155.02 of the Unified Development Code. Pedestrian access and safety. All facilities shall be installed in such a manner not to impede, restrict, or adversely impact pedestrian or

vehicular safety or convenience, or violate any provision of the Americans with Disabilities Act.

(L) Emergency removal or relocation of facilities. The City retains the right to cut or move any facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. City shall notify the provider after cutting or removing any facility within its rights-of-way. If circumstances permit, the City shall notify the provider in advance of any cutting or removal and give the provider an opportunity to move its own facilities.

Handed out at Agenda Session
11-14-17

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Mayor Jordan**
City Council

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **November 14, 2017**

RE: **Small Cell Facilities ordinance – Administration Recommendation**

Based on the comments received from the interested providers, the Administration recommends adopting the following changes:

1. The addition of "to the extent technically feasible" to (E)(1)(a) regarding the step-back requirement for facilities placed on top of buildings. The Administration recognizes that technical feasibility may play a role in the placement of these facilities on the top of buildings.
2. Replace the last sentence in (E)(2) with "except as otherwise allowed by 47 U.S.C. §1455." The intent of the last sentence is similar to but not exactly the same as the "substantial modification" standard set by federal law. It makes sense to align with the federal standard on this.
3. Renumber the existing (F)(8) to (G). Since this will apply to both (E)and (F), it should not have been included in (F).
4. Insert "not" in the existing (F)(8)(d), which would be the new (G)(4). This was an oversight in the initial drafting.
5. The providers are concerned about squatters claiming sites without having any intent to deploy. To address this, the Administration recommends adopting a permit expiration of 120 days if installation or construction has not been initiated.

EXHIBIT A

110.03 Small Cell Facilities and Networks

(A) Definitions: As used in § 110.03, the following terms shall have the meanings set out below:

(1) *Administrative Review* means non-discretionary evaluation of an Application by the Zoning and Development Administrator. This process is not subject to a public hearing or conditional or special review process.

(2) *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of telecommunications services:

(a) *Distributed antenna system (DAS)* means a network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.

(b) *Small Cell Facility* means a Telecommunications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

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(7) *Streets* means all streets, roads, highways, alleys, rights-of-way, public *utility* easements, public property, public ways and air space over such streets, roads, alleys, public rights-of-way, public utility easements, public property and public ways located within the geographic limits of the city.

(8) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information sent and received, whether wired or wireless.

(9) *Telecommunications facilities or facilities* means all conduits, manholes, poles, antennas, transceivers, wires, cable (including fiber optic cable), technology, and appurtenances owned or utilized by a telecommunications provider or third party infrastructure provider and located in, under or over the streets of the city or on public or private property and utilized in the provision of telecommunications services. This includes without limit, towers of all types, and base stations, including but not limited to buildings, church steeples, water towers, signs, poles, streetlights, traffic signals, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

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(B) Compliance with State and Federal Regulations. Applicant shall comply with all applicable state and federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator. Applicant shall not be required to enter into any franchise agreement with the City.

(C) Consolidated Application. An applicant may file one consolidated application for a small cell network of up to ten (10) individual small cell facilities of a substantially similar design every seven calendar days. The City may require a separate application for any small cell facilities that are not of a substantially similar design. The form of the permit Application is located on the City's website under Small Cell Facilities and Networks.

(D) An applicant shall submit with the application all documentation or other evidence required by the Zoning and Development Administrator to sufficiently establish the structural soundness of proposed facilities.

(E) Administrative Approval of Co-Located Facilities and Facilities Located on Existing Structures. The Zoning and Development Administrator, following an Administrative Review, may approve the following facility installations:

(1) Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than five feet above the existing structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the existing structure, when such additional height is necessary for improved functionality or safety.

(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade to the extent technically feasible in order to limit their impact

on the building's silhouette. Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline.

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(2) Locating on Existing Tower Not Previously Approved Through §163.13 of the U.D.C. Existing towers that do not have facilities may not add such capability without securing a conditional use permit, except as otherwise allowed by 47 U.S.C. § 1455. ~~Antennas may be replaced by similar antennas at the same height and for the same basic usage as the antennas being replaced.~~

(3) Locating on Existing Towers Previously Approved Through §163.13. Additional facilities may be placed upon any tower already approved through §163.14 of the U.D.C. so long as such additional facilities would not violate any requirements of the conditional use permit or other provisions of §163.13.

(4) Replacement of Existing Structures. If installation of facilities requires the removal and replacement of an existing structure, such as a pole, the new structure shall be considered an existing structure for the purposes of this section as long as the replacement structure is the same height as the existing structure, is constructed of substantially similar material or is a camouflaged/stealth structure, and the replacement structure is located within five (5) feet of the location of the original structure. The provisions of § 110.02(E) shall govern the standards of and procedures for construction or installation of replacement facilities within the public rights of way. The facilities may extend up to five feet above the replacement structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the replacement structure, when such additional height is necessary for improved functionality or safety.

(5) The applicant must submit a letter of intent indicating the intent and agreement to allow co-location of facilities or installation of facilities on an existing structure.

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(8) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located or installed on an existing structure in the public rights-of-way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

(9) Variances. In order to receive a variance under this subsection, an applicant must show that strict enforcement would make it difficult to provide service due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(F) Administrative Approval of New Facilities in Public Rights of Way. Providers proposing the construction or installation of new facilities in the public rights of way (specifically excluding the replacement of existing structures) shall comply with following requirements:

(1) Construction Maintenance. The provisions of § 110.02(E), with the exception of §§ 110.02(E)(3) and (E)(10), shall govern the process of approval for the construction or installation of any new facilities within the public rights of way.

(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other telecommunications facilities in the block for the proposed location, but in no event taller than thirty (30) feet above grade for residential and local streets, forty (40) feet for collector streets, or fifty (50) feet for arterial streets. The Zoning and Development Administrator may grant a variance not to exceed ten (10) additional feet when such additional height is necessary for improved functionality or safety. In order to receive a variance under this subsection, an applicant must also show that strict enforcement would make it difficult to provide services due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(4) Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible. The Zoning and Development Administrator may approve the installation of a standard utility pole in areas where such installation will not degrade the streetscape but any facilities shall be camouflaged to the greatest extent possible. Camouflaging and stealth technology shall be required in all residential areas, improvement districts (including, but not limited to, the Dickson Street area and College Avenue improvement corridor), and any area in which utilities have been installed or relocated underground. Understanding that new technologies are anticipated to change the components of telecommunications facilities, the Administrator may determine if a telecommunications facility or component of a telecommunications facility is designed to be stealth.

(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.

(6) Distance between new facilities. New non-camouflaged or non-stealth facilities shall be spaced a minimum of five hundred feet (500') from any other new non-camouflaged or non-stealth facility approved under subsection (F). New camouflaged facilities or new facilities utilizing stealth technology to fit within the streetscape (e.g., incorporated within a street light) shall not be subject to this distance requirement.

(7) Information Required to Process Requests for New Facilities.

- (a) Provide a map of the geographic area that your project will serve;
- (b) Provide a map that shows other existing facilities that are used by the telecommunications provider who is making the application;
- (c) Provide a map that shows other potential standalone locations for your facility that have been explored;
- (d) Provide a scaled site plan containing information showing the property boundaries, proposed facility, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography.;
- (e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to install your facility on existing structures. The applicant should demonstrate a good faith effort to locate facilities on existing structures and/or co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant that has not demonstrated a good faith effort with respect to this requirement.

(g) Describe whether you will or will not accommodate equipment of other telecommunications providers that could co-locate on your facility. Describe how such accommodation will impact both your pole and your ground mounted facilities. Provide documentation of your provider's willingness or unwillingness to accommodate other providers who may be able to co-locate on your facility.

~~(8)~~(G) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

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~~(a)~~(1) The City shall supply written notice to the Applicant within thirty days of receipt of an Application clearly and specifically delineating any missing documents or information.

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~~(b)~~(2) Applicant shall submit any supplemental documentation and information to the City.

~~(c)~~(3) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.

~~(d)~~(4) Second or subsequent notices may not specify missing documents or information that were not identified in the original notice of incompleteness.

~~(e)~~(5) This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.

~~(G)~~(H) New Structures on Private Property. Telecommunications providers proposing the construction or installation of new poles or towers on privately owned property in the City shall comply with the provisions of § 163.13 ***Wireless Communications Facilities*** and shall obtain a conditional use permit.

(I) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities. For purposes of this subsection, public property shall not include any public right of way or structures in any public right of way. Small cell facilities installed in the public right of way or on structures in the public right of way shall pay only the fees set forth in subsection (E) and shall not be charged additional fees under this subsection.

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~~(H)~~(J) Permit Expiration. Permits issued for the construction or installation of any telecommunication facilities under this chapter shall expire after a period of six (6) months unless construction or installation of the permitted facility has been initiated.

~~(I)~~(K) Appeals. An Applicant may appeal to the City Council a decision or interpretation made in the Administrative Review process by the Zoning and Development Administrator. Appeals shall follow the procedure set forth in Section 155.02 of the Unified Development Code. Pedestrian access and safety. All facilities shall be installed in such a manner not to impede, restrict, or adversely impact pedestrian or vehicular safety or convenience, or violate any provision of the Americans with Disabilities Act.

~~(J)~~(L) Emergency removal or relocation of facilities. The City retains the right to cut or move any facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. City shall notify the provider after cutting or removing any facility within its rights-of-way. If circumstances permit, the City shall notify the provider in advance of any cutting or removal and give the provider an opportunity to move its own facilities.

Handed out at Agenda Session
11-14-17

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Mayor Jordan**
City Council

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **November 14, 2017**

RE: **Small Cell Facilities ordinance – Provider Comments**

Attached are the comments we received from Mobilitie (by email) and AT&T/Verizon/T-Mobile (in a Word document). We also met with representatives of AT&T and T-Mobile this afternoon to go over their suggested changes. The Administration has agreed with some but not with others.

Agreed Suggestions

1. The addition of "to the extent technically feasible" to (E)(1)(a) regarding the step-back requirement for facilities placed on top of buildings. The Administration recognizes that technical feasibility may play a role in the placement of these facilities on the top of buildings.
2. Replace the last sentence in (E)(2) with "except as otherwise allowed by 47 U.S.C. §1455." The intent of the last sentence is similar to but not exactly the same as the "substantial modification" standard set by federal law. It makes sense to align with the federal standard on this.
3. Renumber the existing (F)(8) to its own lettered paragraph. Since this will apply to both (E)and (F), it should not have been included in (F).
4. Insert "not" in the existing (F)(8)(d). This was an oversight in the initial drafting.
5. The providers are concerned about squatters claiming sites without having any intent to deploy. To address this, the Administration recommends adopting a permit expiration of 120 days if installation or construction has not been initiated.

Other Suggestions

The Administration does not support many of the other changes requested by the providers. These include:
Mobilitie suggested specifically defining "camouflage" contending that it is too broad as currently drafted. When a word is not defined, the dictionary definition controls. Camouflage is somewhat broad but the intent is to not bind the hands of either providers or staff in designing facilities that are compatible with surrounding property.

AT&T/Verizon/T-Mobile made several suggestions:

1. The suggested definition of co-locate in subsection (A) does not fit with either the industry definition we were given by AT&T several weeks ago or the dictionary definition.
2. The suggested definition of technically feasible in subsection (A) is unnecessary.
3. The differentiation between "utility pole" and "wireless support structure" in subsection (A) and used throughout their recommended draft is unnecessary and rather than providing clarity, as is the stated goal, it seems more confusing. Facilities is defined broadly in the ordinance to capture all potential types of installations.
4. The insertion of "reasonable" or "reasonably" throughout the document is unnecessary. The Administration believes that staff will apply this ordinance reasonably and fairly and applicants will have an opportunity to appeal to the City Council if they believe a staff interpretation or application is unreasonable.
5. The administration strongly recommends against the suggestion to move the variance procedure in (F)(3), where it applies only to height, to a more universal application. The Administration does not recommend allowing variances to the other standards set in the ordinance.
6. The administration strongly recommends against weakening the distance requirement in (F)(6). If the suggested language was adopted, the priority on aesthetic concerns would be gutted.

Pennington, Blake Mobilitie

From: Neil Bora <nbora@mobilitie.com>
Sent: Friday, November 10, 2017 9:58 AM
To: Pennington, Blake
Cc: James Mikles
Subject: RE: Small Cell ordinance - Exhibit A as amended 11/7/17
Attachments: EXHIBIT A - Small Cell Facilities and Networks - Amended and Incorporated 11.7.17 - CLEAN VERSION.DOCX; EXHIBIT A - HIGHLIGHTED CHANGES.DOCX

Blake,

Thanks for sending this over. Just to be clear, these highlights are the only changes since the last comment period? If so, these are acceptable except for one section.

Section F(6):

> "Distance between new facilities. New non-camouflaged or non-stealth facilities shall be spaced a minimum of five hundred feet (500') from any other new non-camouflaged or non-stealth facility approved under subsection (F). New camouflaged facilities or new facilities utilizing stealth technology to fit within the streetscape (e.g., incorporated within a street light) shall not be subject to this distance requirement."

Mobilitie understands that the preference is to camouflage technology, and we can certainly do so. However, the description of camouflage is very broad in the section. Throughout the country municipalities are considering camouflage to mean equipment all painted the same color. If that is the case, we can certainly agree to this section. However, the code describes camouflage as:

> "Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent possible including, but not limited to, *use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible."*

My concern is that instead of being asked to paint the equipment on the pole the same color as the pole/surrounding infrastructure or being asked to put the equipment in a box, we will be asked to do the latter requirements (incorporation within street lights, placement within trees).

If we can get a clear definition on "camouflage" as painting the equipment the same color or having ancillary equipment within a box on the pole, we can certainly agree to this. However, the code is very broad on this requirement.

My suggestion is to clarify these camouflage requirements because the current description in the code is overly broad and ranges from practical to improbable from an industry standpoint.

Really appreciate all of your help with these.

Thanks,

Neil Bora
Government Relations Manager
nbora@mobilitie.com
(469)744-0218

AT&T/Verizon/T-Mobile comments

EXHIBIT A

110.03 Small Cell Facilities and Networks

(A) Definitions: As used in § 110.03, the following terms shall have the meanings set out below:

(1) *Administrative Review* means non-discretionary evaluation of an Application by the Zoning and Development Administrator. This process is not subject to a public hearing or conditional or special review process.

(2) *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of telecommunications services:

(a) *Distributed antenna system (DAS)* means a network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.

(b) *Small Cell Facility* means a Telecommunications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment,

power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(c) *Small Cell Network* means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

(3) *Applicant* means any person or entity that is engaged in the business of providing wireless services or the wireless infrastructure required for wireless services.

~~(3)~~(4) *Co-locate* means to install, mount, maintain, modify, operate, or replace telecommunication facilities where technically feasible. "Collocation" has a corresponding meaning.

~~(4)~~(5) ~~*Competing*~~ *Competitive local exchange carrier* means a telecommunications provider that has received a certificate of public convenience and necessity from the Arkansas Public Service Commission under the authority of Ark. Code Ann. § 23-17-409 and is authorized to install equipment and operate within the public rights of way or on public or private property in the City of Fayetteville. This shall include distributed antenna systems, small cell facilities and small cell networks.

~~(5)~~(6) *Person* means any individual, resident, citizens, business firm, corporation, partnership, governmental agency, or institution.

~~(6)~~(7) *Stealth technology* means systems, components and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.

(8) *Streets* means all streets, roads, highways, alleys, rights-of-way, public *utility* easements, public property, public ways and air space over such streets, roads, alleys, public rights-of-way, public utility easements, public property and public ways located within the geographic limits of the city.

"Technically Feasible" means that by virtue of engineering or spectrum usage the proposed placement of a small cell facility, or its design or site location, can be implemented without a reduction in the functionality of the small cell facility.

~~(7)~~(9)

~~(8)~~(10) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information sent and received, whether wired or wireless.

~~(9)~~(11) *Telecommunications facilities or facilities* means all conduits, manholes, poles, antennas, transceivers, wires, cable (including fiber optic cable), technology, and appurtenances owned or utilized by a telecommunications provider or third party infrastructure provider and located in, under or over the streets of the city or on public or private property and utilized in the provision of telecommunications services. This includes without limit, towers of all

Commented [A1]: Co-locate and collocation are used repeatedly below. Intent here is to simply add the commonly accepted definition of those terms. This definition does not affect substance of the provisions below, but rather ensures use of commonly understood meaning. This definition tracks applicable federal law.

Commented [A2]: Revision here to conform definition to commonly used term in the industry.

types, and base stations, including but not limited to buildings, church steeples, water towers, signs, poles, streetlights, traffic signals, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

~~(10)~~(12) *Telecommunications Provider or provider* means any person, firm, corporation, partnership or other business entity, other than the city, that provides telecommunications services within or without the geographic boundaries of the city by utilizing telecommunications facilities to provide telecommunications services. This shall include competing local exchange carriers or businesses that install small cell facilities on behalf of telecommunications providers.

(13) *Telecommunications services or services* means any service delivering telecommunications by a telecommunications provider that the provider is authorized to provide under federal, state and local law, except that these terms do not include cable service as defined by the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. §521 et seq., and the Telecommunications Act of 1996.

(14) "Utility Pole" means a pole or similar structure that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, or for the Collocation of Small Cell Facilities; provided, however, such term shall not include Wireless Support Structures or electric transmission structures.

"Wireless Support Structure" means a structure, such as a monopole; tower, either guyed or self-supporting; billboard; building; or other existing or proposed structure designed to support or capable of supporting telecommunications facilities, other than a structure designed solely for the collocation of small cell facilities. Such term shall not include a Utility Pole.

~~(11)~~(15)

Commented [A3]: As explained below, given the breadth of the term facility (see preceding definition), we felt it would be helpful to add definitions for utility pole and wireless support structure to provide clarity as to when subsections (E) and (F) below apply.

(B) Compliance with State and Federal Regulations. Applicant shall comply with all applicable state and federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator. Applicant shall not be required to enter into any franchise agreement with the City.

(C) Consolidated Application. An applicant may file one consolidated application for a small cell network of up to ten (10) individual small cell facilities of a substantially similar design every seven calendar days. The City may require a separate application for any small cell facilities that are not of a substantially similar design.

The form of the permit Application is located on the City's website under Small Cell Facilities and Networks.

(D) An applicant shall submit with the application all documentation or other evidence required by the Zoning and Development Administrator to sufficiently establish the structural soundness of proposed facilities.

(E) Administrative Approval of Co-Located Facilities and Facilities Co-Located on Existing Wireless Support Structures or Utility Poles. The Zoning and Development Administrator, following an Administrative Review, may approve the following facility installations:

(1) Co-Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than five feet above the existing structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the existing structure, when such additional height is necessary for improved functionality or safety.

(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every reasonable effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade to the extent technically feasible in order to limit their impact on the building's silhouette. Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline.

(b) Facilities Placed on Sides of Buildings. Facilities which are side-mounted on buildings shall be reasonably camouflaged (such as in a light fixture), shrouded, painted or constructed of materials to match the color of the building material directly behind them, and shall not extend above the roof line or extend more than two (2) feet from the façade of the building. The Zoning and Development Administrator may grant a variance of up to three (3) additional feet from the façade of a building when such additional clearance is necessary for improved functionality or safety.

(2) Co-Locating on Existing Tower Not Previously Approved Through §163.13 of the U.D.C. Existing towers that do not have facilities may not add such capability without securing a conditional use permit, except as otherwise allowed by 47 U.S.C. § 1455~~. Antennas may be replaced by similar antennas at the same height and for the same basic usage as the antennas being replaced~~.

(3) Co-Locating on Existing Towers Previously Approved Through §163.13. Additional facilities may be placed upon any tower already approved through

Commented [A4]: See comments above and below regarding addition of these two terms.

Commented [A5]: We request the phrase "reasonable" be used to place some boundary on the efforts that must be made to conceal the facility. We've proposed this addition in a couple of other places.

Commented [A6]: We suggest that the notion of technically feasible be incorporated into the step back requirement, as such requirements can affect site functionality depending on extent.

Commented [A7]: 6409 addresses different variations of this type of situation under federal law. As a result, we recommend including a general reference to that provision to capture all those scenarios.

§163.14 of the U.D.C. so long as such additional facilities would not violate any requirements of the conditional use permit or other provisions of §163.13.

(4) Replacement of Existing Wireless Support Structures and Utility Poles. If installation of facilities requires the removal and replacement of an existing structure, such as a pole, the new structure shall be considered an existing structure for the purposes of this section as long as the replacement structure is the same height as the existing wireless support structure or utility pole, is constructed of substantially similar material or is a camouflaged/stealth structure, and the replacement structure is located within five (5) feet of the location of the original structure. The provisions of § 110.02(E) shall govern the standards of and procedures for construction or installation of replacement ~~facilities~~ wireless support structures or utility poles within the public rights of way. The facilities may extend up to five feet above the replacement structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the replacement structure, when such additional height is necessary for improved functionality or safety.

(5) The applicant must submit a letter of intent indicating the intent and agreement to allow co-llocation of facilities or installation of facilities on an existing structure.

(6) If proposed facilities are not or cannot be adequately camouflaged, the City may require the installation of new stealth facilities.

(7) Any disturbance of City infrastructure (such as, but not limited to, streets, sidewalks, and utilities) shall be repaired and restored by the applicant at its expense and to a condition at least as good as that existing before the work causing such disturbance was commenced.

(8) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located or installed on an existing structure in the public rights-of-way. ~~If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.~~

(9) Variances. In order to receive a variance under this subsection, an applicant must show that strict enforcement would make it difficult to provide service due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(F) Administrative Approval of ~~New~~ Facilities Located on New Utility Poles in Public Rights of Way. Providers proposing the construction or installation of new ~~facilities~~ utility poles to support small cell facilities in the public rights of way (specifically

Commented [A8]: Change made to track new definitions suggested above.

Commented [A9]: We have three concerns with the provisions related to dark fiber.

1) Arkansas law already contains provisions on franchises and what compensation may be required of a telecom provider. The dark fiber requirement is not consistent with Ark. Code Ann. 14-200-101.
2) The dark fiber provision is discriminatory in violation of the federal Telecom act at 47 USC 253.
3) State law also controls when an entity is required to obtain a franchise.

Given these provisions of state/federal, it is our recommendation that this provision be dropped.

Commented [A10]: As we've discussed, the definition of facilities above is quite broad covering both antennas, poles, towers, etc., so this provision could be read as precluding the placement of new facilities as broadly defined. Our understanding of the intent here was to limit the installation of new utility poles. We've suggested a new defined term for utility pole and wireless support structure that we believe should be used here to more accurately reflect what we believe the underlying intent of this subsection to be.

excluding the replacement of existing ~~structures~~wireless support structures or utility poles) shall comply with following requirements:

(1) Construction Maintenance. The provisions of § 110.02(E), with the exception of §§ 110.02(E)(3) and (E)(10), shall govern the process of approval for the construction or installation of any new ~~facilities~~ utility poles within the public rights of way.

(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way. ~~If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.~~

(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other utility poles ~~telecommunications facilities~~ in the block for the proposed location, but in no event taller than thirty (30) feet above grade for residential and local streets, forty (40) feet for collector streets, or fifty (50) feet for arterial streets. The Zoning and Development Administrator may grant a variance not to exceed ten (10) additional feet when such additional height is necessary for improved functionality or safety. In order to receive a variance under this subsection, an applicant must also show that strict enforcement would make it difficult to provide services due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(4) Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent reasonably possible including, but not limited to, use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible. The Zoning and Development Administrator may approve the installation of a standard utility pole in areas where such installation will not degrade the streetscape but any facilities shall be camouflaged to the greatest extent reasonably possible. Camouflaging and stealth technology shall be required in all residential areas, improvement districts (including, but not limited to, the Dickson Street area and College Avenue improvement corridor), and any area in which utilities have been installed or relocated underground. Understanding that new technologies are anticipated to change the components of telecommunications facilities, the Administrator may

Commented [A11]: See prior comment re: fiber.

Commented [A12]: Other "telecommunications" facilities may not be at the top portion of a pole. Additionally, as noted above, the definition of "telecommunication facilities" is very broad.

Commented [A13]: Suggest moving this discussion to its on subsection below. Like the preceding Section (E), we believe the intent here is to describe the variance requirement standards generally in this subsection (E) as opposed to the variance process for just height.

Commented [A14]: We request the phrase reasonable be used to place some boundary on the efforts that must be made to conceal the facility.

determine if a telecommunications facility or component of a telecommunications facility is designed to be stealth.

(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.

(6) Distance between new ~~facilities~~utility poles. New non-camouflaged or non-stealth ~~facilities~~ utility poles shall be spaced a minimum of five hundred feet (500') from any other new non-camouflaged or non-stealth ~~facility~~ utility pole approved for that provider under subsection (F). New camouflaged facilities or new facilities utilizing stealth technology to fit within the streetscape (e.g., incorporated within a street light) shall not be subject to this distance requirement.

Commented [A15]: This will prevent "squatting" by one provider in areas in which new wood poles are appropriate and do not disturb the aesthetics of the area. It will also eliminate claims of discrimination under the federal Telecom act at 47 USC 253

(7) Information Required to Process Requests for Facilities to be Located on New ~~Facilities~~Utility Poles.

(a) Provide a map of the geographic area that your project will serve;

(b) Provide a map that shows other existing facilities that are used by the telecommunications provider who is making the application;

Commented [A16]: A provider would have previously provided the information in (b) to the city with prior applications. Requiring it to be resubmitted would be duplicative. We suggest that this requirement be removed.

(c) Provide a map that shows other potential standalone locations for your facility that have been explored;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed facility, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography.;

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to install your facility on existing structures. The applicant should demonstrate a good faith effort to locate facilities on existing structures and/or co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant that has not demonstrated a good faith effort with respect to this requirement.

(g) Describe whether you will or will not accommodate equipment of other telecommunications providers that could co-locate on your facility. Describe how such accommodation will impact both your pole and your ground mounted facilities. Provide documentation of your provider's willingness or unwillingness to accommodate other providers who may be able to co-locate on your facility.

(8) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

(a) The City shall supply written notice to the Applicant within thirty days of receipt of an Application clearly and specifically delineating any missing documents or information.

(b) Applicant shall submit any supplemental documentation and information to the City.

(c) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.

(d) Second or subsequent notices may not specify missing documents or information that were not identified in the original notice of incompleteness.

(e) This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.

Commented [A17]: Since this section applies to both subsection (E) and (F), we wonder whether it should be its own standalone subsection.

(G) New Structures on Private Property. Telecommunications providers proposing the construction or installation of new poles or towers on privately owned property in the City shall comply with the provisions of § 163.13 ***Wireless Communications Facilities*** and shall obtain a conditional use permit.

(H) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities. For purposes of this subsection, public property shall not include any public right of way or structures in any public right of way. Small cell facilities installed in the public right of way or on structures in the public right of way shall pay only the fees set forth in subsection (E) and shall not be charged additional fees under this subsection.

(I) Appeals. An Applicant may appeal to the City Council a decision or interpretation made in the Administrative Review process by the Zoning and Development Administrator. Appeals shall follow the procedure set forth in Section 155.02 of the Unified Development Code. Pedestrian access and safety. All facilities shall be installed in such a manner not to impede, restrict, or adversely impact pedestrian or vehicular safety or convenience, or violate any provision of the Americans with Disabilities Act.

(J) Emergency removal or relocation of facilities. The City retains the right to cut or move any facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. City shall notify the provider after cutting or removing any facility within its rights-of-way. If circumstances permit, the City shall notify the provider in advance of any cutting or removal and give the provider an opportunity to move its own facilities.

City of Fayetteville, Arkansas

2018 Annual Budget
and
Work Program

City Council and Other Elected Officials

Adella Gray, Ward 1 - Position 1
Sarah Marsh, Ward 1 - Position 2
Mark Kinion, Ward 2 - Position 1
Matthew Petty, Ward 2 - Position 2
Justin Tennant, Ward 3 - Position 1
Sarah Bunch, Ward 3 - Position 2
John La Tour, Ward 4 - Position 1
Alan Long, Ward 4 - Position 2

Kit Williams, City Attorney
Sondra Smith, City Clerk/Treasurer
William A. Storey, District Judge

Submitted by

Lioneld Jordan, Mayor
Don Marr, Chief of Staff
Paul A. Becker, Chief Financial Officer
Greg Tabor, Police Chief
David Dayringer, Fire Chief

Prepared by

Kevin Springer, Budget Director
Barbara Fell, Senior Research Analyst
Liz Hutchens, Financial Analyst

CITY OF
FAYETTEVILLE
ARKANSAS

VISION STATEMENT

To keep Fayetteville a vibrant and welcoming city that encourages diversity, creativity, and innovation while providing our citizens the opportunity to thrive.

City of Fayetteville, Arkansas
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CITY OF
FAYETTEVILLE
ARKANSAS

November 21, 2017

Members of City Council and
Citizens of Fayetteville

I am pleased to submit my proposed budget for 2018 for the City of Fayetteville. This budget has been prepared in accordance with the Arkansas Statutes and City Ordinances that require the Mayor, under the aldermanic form of government, to submit to the City Council the annual budget for approval. This budget allocates necessary funding for all municipal operations as well as necessary adjustments to the Capital Improvements Program for 2018.

Once again, the current budget was formulated in the context of my primary budget goals considering current economic conditions.

2018 Budgetary Goals

My primary goals for 2018 are as follows:

- *To present a budget with no new program requests and which includes only necessary divisional increases*
- *To provide the same or increased levels of service to the citizens as previously delivered*
- *To continue to provide services to the citizens in the most efficient and effective manner possible*
- *To fund needed Capital Improvements as can be afforded*
- *To present a General Fund operating budget that is balanced with operating revenue estimates*

Financial Environment

The local economic conditions in Fayetteville have again been very good in fiscal 2017. City sales taxes are up approximately 4.78% compared to 2016 actuals through July, 2017. The City has also seen increased activity in large scale development as well as in the commercial sector during 2017. Unemployment is at 2.4% for September, which compares favorably to the rest of the State and Nation. Even though economic conditions continue to improve, this budget has been formulated on conservative revenue and expenditure estimates.

I have not included a salary increase in my proposed budget. At the close of the 2017 fiscal year, I intend to analyze the City's financial position and if at all possible recommend a salary package for employees to the City Council.

Conclusion

I believe that this budget is based on realistic revenue and expenditure estimates. This budget continues to provide for the best possible level of services while still providing sufficient reserves to meet possible economic downturns in revenue.

2017 once again has been a very busy year for the City. With your support we have accomplished many things. With the combined efforts of this Administration and City Council support, I am confident that we will again meet the challenges facing the City while continuing to provide our citizens superior service levels.

Lioneld Jordan, Mayor

CITY OF
FAYETTEVILLE
ARKANSAS

November 21, 2017

Mayor Lioneld Jordan, Members of the City Council and
Citizens of Fayetteville:

The budget being presented is a 2018 operating budget. It does not include re-budgets that represent programs approved and appropriated in prior years which as of the end of fiscal 2017 remain uncompleted. Re-budgets also include amounts generated by previous bond issues in the Capital Project Funds which remain unspent as of December 31, 2017. Total re-budgets are likely to exceed $60,000,000. These re-budgets will be presented for addition to the 2018 operating budget early in the first quarter of 2018.

The 2017 economy in Fayetteville has been robust. By year end, City and County Sales Taxes are expected to increase approximately 4.2% over prior year collections. Forecasted 2018 sales taxes are expected to be approximately 2.0% over that amount. Residential and commercial building starts have been very strong in 2016. Permits should continue to increase into 2018 but at a slower pace. Water and Sewer revenue collections have increased in fiscal 2017 and are expected to increase by 3% in 2018. Fuel quantity sales at the Airport are significantly greater in 2017 than 2016. In 2018 Airport fuel sales are expected to increase slightly. Revenue projections for 2017 HMR tax collections are estimated to be approximately 3.0% over 2016 and revenues for 2018 are expected to be equal to 2017 collections. Franchise fees are currently equal to projections and are expected to remain flat in 2018. All other fund revenues are expected to be relatively stable when compared to 2017 estimates.

The 2018 General Fund budget represents a net expenditure increase from 2017 budget of approximately $2,500,000 (see page VII for details). The incorporation of 2017 salary increases as well increased insurance and pension costs generally account for the increase.

Mailing Address:
113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

2018 PROPOSED BUDGET EXECUTIVE SUMMARY

This budget is formulated with the Enterprise Funds being budgeted on an accrual basis except for depreciation, which is not included in the budget and both capital expenditures and bond principal payments which are included in the expenditure budgets.

Governmental funds are budgeted on the modified accrual basis.

The total budget allocated by expenditure category is displayed in the following table.

Summary of Fund Expenditures by Category (In Dollars)

Category	Adopted 2017	Proposed 2018	Change In Dollars	2018 % of Total Budget
Personnel Services	$ 51,338,814	$ 54,218,180	$ 2,879,366	33.8%
Materials & Supplies	4,645,181	5,300,513	655,332	3.3%
Services & Charges	21,314,935	21,576,792	261,857	13.4%
Maintenance	4,030,427	5,063,933	1,033,506	3.1%
Fuel	4,738,163	4,542,369	(195,794)	2.8%
Internal Charges	7,263,606	6,650,332	(613,274)	4.1%
Purchased Water	7,000,000	7,500,000	500,000	4.7%
WWTP Operations	9,599,000	9,604,869	5,869	6.0%
Total Operating Expenses	109,930,126	114,456,988	4,526,862	71.2%
Transfers Out	1,777,000	2,011,000	234,000	1.3%
Debt Service	23,968,774	26,779,012	2,810,238	16.6%
Capital	19,487,100	17,602,000	(1,885,100)	10.9%
Total Expenses	$ 155,163,000	$ 160,849,000	$ 5,686,000	100.0%

The 2018 Proposed Budget is $160,849,000 million. This is an increase of 3.5% when compared to 2017 or $5,686,000. Of the $1.1 million change in Debt Service and Capital, $2.8 million is due to debt service increases which is offset by a reduction in capital expenditures. The $4.5 million increase in operating expenses is due to personnel related costs as well as increases in motorpool and other maintenance charges. Personnel cost has increased by 5.6%.

The following table indicates the percentage of total budget allocated by funds.

Fund Totals as Percent of Total Budget

	Adopted 2017		Proposed 2018	
	Budget	% of Total	Budget	% of Total
Funding Source				
General	$ 43,162,000	28.0%	$ 45,586,000	28.4%
Water & Sewer	40,525,000	26.1%	39,096,000	24.3%
Sales Tax Bond	21,006,000	13.5%	21,959,000	13.7%
Recycling & Trash Collection	11,690,000	7.5%	12,800,000	8.0%
Shop	8,812,000	5.7%	9,334,000	5.8%
Sales Tax Capital Improvements	8,542,000	5.5%	9,238,000	5.7%
Street	6,804,000	4.4%	6,911,000	4.3%
Parks Development	3,571,000	2.3%	3,282,000	2.0%
Airport	2,253,000	1.5%	2,255,000	1.4%
Parking	1,922,000	1.2%	2,011,000	1.3%
Police Pension	1,559,000	1.0%	1,563,000	1.0%
Fire Pension	1,410,000	0.9%	1,361,000	0.8%
Impact Fee	1,163,000	0.7%	904,000	0.6%
Community Development Block Grant	927,000	0.6%	920,000	0.6%
HMR 2014 Bond Debt Service	710,000	0.5%	709,000	0.4%
Drug Law Enforcement	498,000	0.3%	518,000	0.3%
Parking Deck Bond	385,000	0.2%	384,000	0.2%
TIF Bond	177,000	0.1%	178,000	0.1%
Library Expansion Bond	0	0.0%	1,775,000	1.1%
Replacement & Disaster Recovery	42,000	0.0%	60,000	0.0%
Sales Tax Construction Bond	5,000	0.0%	5,000	0.0%
	$ 155,163,000	100.0%	$ 160,849,000	100.0%

An examination of the overall budget indicated that the General Fund is the largest fund being 28.4% of the total. The Water & Sewer Fund is second at 24.3% of the total. The combination of these funds is 52.7% of the total budget. The Sales Tax Bond Fund (budget to repay outstanding bonds) is 13.7% of the budget. Thus the three largest funds represent two-thirds of the total operating budget.

An important part of this budget document is the City's Financial Policies delineated in pages 4 through 8 which are incorporated as a part of the budget. These policies include the following:

Revenue Policy
Expenditure Policy
Debt Policy
Reserve Policy
Investment & Cash Management Policy
Capital Improvement Policy
Financial Reporting Policy
Administrative Procedures to Adjust the Approved Budget

Overview of City's Major Funds:

General Fund is normally the major operating fund of the City and is comprised of activities not accounted for specifically in other funds.

The traditional functions of government are included in the General Fund which includes the following: general government services (Mayor's Administration, District Court, City Clerk and City Attorney), fire, police, finance, facilities management, animal services, telecommunications, parks and recreation, media services, library funding, engineering, planning, and building safety.

General Fund Revenue:

The General Fund revenue budget was based on the following assumptions:

- City Sales Tax is projected to increase at a rate of 2.0% over 2017 estimates.
- County Sales Tax is projected to increase at a rate of 2.0% over 2017 estimates.
- Franchise Fees are projected to be slightly less than current collections.
- Property Taxes are projected to increase based on current assessed valuation forecasted.
- All other revenues remain consistent with 2017 actual collections.
- The revenue split for City Sales Tax remains at approximately 60% operations and 40% capital.

Based on these revenue assumptions, the major revenue sources for the General Fund in 2017 are projected to be as follows:

City's Share of County Sales Tax	$14.9	million
City Sales Tax	13.2	million
Franchise Fees	5.8	million
Property Tax Millage	3.5	million
Intergovernmental Income	2.5	million
Fines & Forfeitures	1.6	million
Charges for Services	1.7	million
Licenses & Permits	1.4	million
Alcoholic Beverage Taxes	0.7	million
Other	0.3	million
Total	$45.6	million

General Fund Expenditures:

Of the $2.4 million increases in the General Fund, approximately $2.1 million is due to salary increases granted in 2017, health insurance expenditures, and pension increases.

Payroll expenditures are based on full employment.

The significant increases in General Fund for 2018 compared to 2017 are as follows:

2017 General Fund Budget - Adopted	**$**	**43,162,000**
Additions:		
Personnel	$	1,474,117
Health Insurance		560,911
LOPFI Pension		154,664
Software Maintenance/Lease		68,987
Motorpool		36,624
Act 833 - Fire		30,000
Services & Charges		27,891
Personal Liability Insurance		26,000
Professional Services		23,000
Utilities		20,320
Other - Additions		16,221
Fixed Assets		16,000
Firefighting/Prevention Emergency Supplies		15,800
Office Machine Maintenance		15,565
Cleaning Supplies		10,578
Insurances (Vehicles/Building/Personal)		9,805
Tournament Supplies/Awards		8,059
Telephone		7,942
Outside Agencies		6,060
		2,528,544
Reductions:		
Office Supplies/Copies		(20,855)
Employee LTD/ADD/Life Insurance		(26,198)
Contract Services		(27,491)
Election Cost		(30,000)
		(104,544)
2018 General Fund Budget - Proposed	**$**	**45,586,000**

Major policy issues to be considered for General Fund in the future include:

- A consistent method to incorporate annual wage increases in the proposed operation budget based on salary survey indications.

- A continued examination of the City's overall long term revenue stream to match required long term expenditures as identified, especially for needed capital expansion.

The **Street Fund** is primarily financed by turnback revenues received from the State of Arkansas and turnback monies received from the County Road Millage Tax. In addition, a temporary gallon tax levied by the State is also received. These monies are utilized to maintain and repair City streets, rights-of-way, drainage, traffic control and maintenance, and City owned sidewalks.

State turnback comes from motor fuel taxes collected by the State (state turnback) and returned to the City on a per capita basis. The long term trend for state turnback has been flat. Approximately $3.5 million is projected for 2018. The new half cent transportation tax passed by statewide referendum is expected to provide an additional $1.6 million of which $380,000 will be allocated to sidewalk construction in 2018. The City also receives 80% of the road millage levied by the Quorum Court on real and personal property located within the City. This should generate in excess of $1 million. The Street Fund budget is expected to use fund balance of $410,000 for capital programs and $176,000 for operations in 2018.

The **Parking Fund** has been established to account for the revenue and expense associated with the paid parking program. A revenue bond issue for the construction of a parking facility was issued in December of 2012. Net revenue from this fund is pledged for payment of that bond issue. This fund is expected to use $79,000 in fund balance for 2018 due to repairs of the Meadow Street Parking Deck.

The **Parks Development Fund** accounts for the revenue and expenditures of the Parks HMR tax approved by the voters in 1995 as modified by the 2012 referendum. The $3.3 million in planned expenditures for 2018 includes $789,000 in capital improvements. The fund has a budgeted surplus of $239,000 for 2018. This will replenish reserves previously used to accelerate funding of phase one of the regional park.

The **Impact Fee Fund** accounts for the revenues and expenditures related to the collection of water, wastewater, police, and fire impact fees. The collection of these fees are expected to be equal to 2017 estimated collections.

The **Sales Tax Capital Improvements Fund** accounts for the revenue and expenditures of the City's sales and use taxes which are used for acquisition and improvement projects as well as equipment additions and replacements that are included in the City's five-year capital improvements program as adjusted. The 2018 planned expenditures include $9.2 million in capital improvements. The fund will use $347,000 of fund balance in 2018.

The **Water & Sewer Fund** accounts for the revenue sources as well as the operation and maintenance expenses of the City's water and sewer system. This includes water purchases from Beaver Water District, all water and sewer functions, the operation of the wastewater treatment plants, meter and backflow operations, and utilities financial services. The capital expenditure portion of this program will be $7.0 million.

For 2018, the Water & Sewer Fund is projected to have an operating gain of $9,342,000 excluding depreciation expense and before capital expenditures. The wastewater treatment plant operations are budgeted at $9.6 million, which represents 24.6% of the total operating expenses. The water purchases budgeted for 2018 represent the second largest expenditure for operations in the fund at $7.5 million. This represents approximately 24.7% of total operating expenditures. This fund has a budgeted surplus of $1,342,000 for 2018 which will be available to fund future capital needs.

The **Recycling & Trash Collection Fund** is responsible for the operation of the City's solid waste collection and disposal, recycling program, and composting program. Revenues for the fund are obtained from fees levied for trash collection, recycling revenue, and container sales or leases. For 2018, the Recycling & Trash Collection Fund is projected to have a loss of $652,000. This is mostly due to the purchase of three expansion trucks in the amount of $638,000 to implement a portion of the Waste Reduction & Recycling Master Plan. There are sufficient reserves to accommodate this deficit.

The **Airport Fund** provides for the operation and maintenance of the City's municipal airport. The Airport Fund's revenue is generated from fuel sales and rents and leases. For 2018, the Airport Fund is projected to have an operating gain of $44,000 before depreciation expense and capital expenditures. The fund has a budgeted deficit of $169,000 after capital expenditures.

The **Shop Fund** is an internal service fund that provides for the acquisition, maintenance, and replacement of equipment and vehicles utilized by the City's operating divisions. The Shop Fund's source of revenue is from charges to other City operating funds based on usage and replacement needs. The Shop Fund has a budgeted surplus of $1,319,000 for 2018 after capital expenditures of $4,284,000. However, this surplus is needed for and restricted to future replacements of vehicles and equipment.

2018 Capital Budget

This plan contains a total of $23,316,000 for capital projects in 2018. A detail listing of all of the projects planned for 2018 are included under the Capital and Debt section.

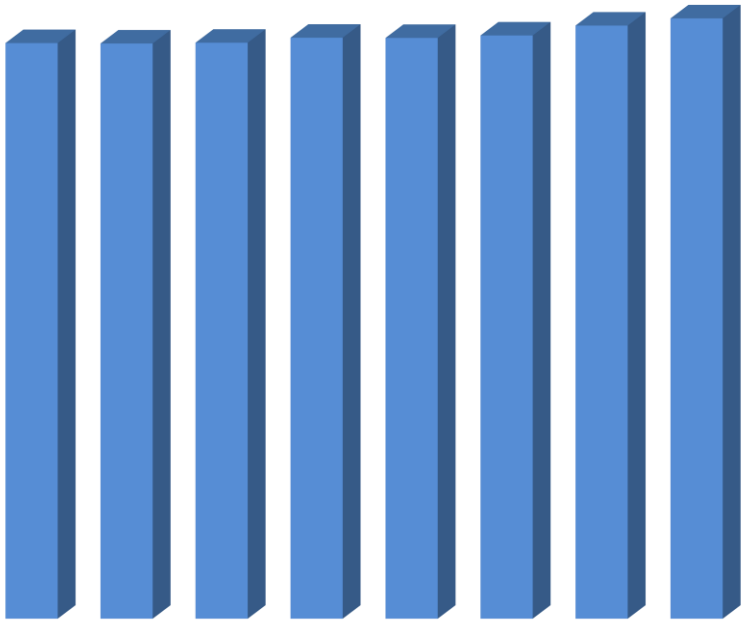
Position Control

Position Funding Changes in 2017 and 2018

During 2017, 4.50 new positions were added that will impact the 2018 budget. There are no new positions being requested for the 2018 budget at this time.

Below is a history of total authorized positions by activity from 2010-2018.

City of Fayetteville, Arkansas
Personnel History by Activity (2010-2018)



Activity	2010	2011	2012	2013	2014	2015	2016	2017	2018
General Government	41.50	41.50	41.50	41.50	40.50	40.75	42.75	43.75	43.75
Finance & Internal Services	53.25	52.75	52.75	52.75	53.25	53.25	52.25	53.75	54.25
Police	171.63	171.60	171.60	171.60	170.00	170.00	175.50	179.00	180.00
Fire	114.00	114.00	114.00	114.00	114.00	114.00	122.00	122.00	122.00
Community Planning/Engineering	70.30	70.30	70.30	70.30	69.80	69.80	69.30	70.30	71.30
Transportation Services	96.00	95.00	96.00	96.00	98.00	100.00	99.00	99.00	99.00
Parks & Recreation	54.35	54.35	54.35	54.35	54.65	55.65	56.65	58.10	58.10
Business-Type	155.50	156.50	156.50	163.10	163.10	163.10	162.10	163.10	165.10
Total	756.53	756.00	757.00	763.60	763.30	766.55	779.55	789.00	793.50
Change from Prior Year	-	(0.53)	1.00	6.60	(0.30)	3.25	13.00	9.45	4.50

CLOSING

The appropriations requested in this budget are the result of a collaborative effort among all City Division Heads, Department Directors, and City financial Staff members. It is built on the policies, goals, and objectives outlined by the Mayor and City Council. It represents the financial and operational plan for the City of Fayetteville for 2018. The appropriations contained in this budget will provide for quality municipal services that meet the needs of the Citizens of Fayetteville and it is, hereby, submitted by the Mayor to the City Council for consideration and adoption.

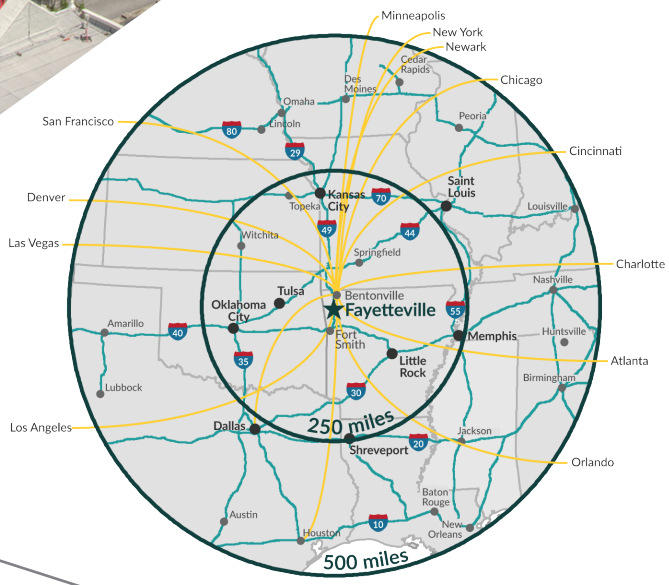
Respectfully submitted,

Paul A. Becker
Chief Financial Officer

Respectfully submitted,

Kevin Springer
Budget Director

FAYETTEVILLE
ARKANSAS



- Best Cities to Launch a Career | 2017 - *realtor.com*
- Top U.S. Cities for Career Opportunities | 2017 - *smartasset.com*
- Best Places to Live in the US | 2017 - *U.S. News and World Report*
- Bronze Walk Friendly Community | 2017 - *Pedestrian & Bicycle Information Center*
- Best Places for Business and Careers | 2016 - *Forbes*
- Silver Bicycle Friendly Community (only one in Arkansas, 1 of 73 in U.S.) - *League of American Bicyclists*
- Tree City USA (22 years) - *Arbor Day Foundation*

CITY OF
FAYETTEVILLE
ARKANSAS

Located in one of the fastest growing regions in the country, the City of Fayetteville is the cultural epicenter of Northwest Arkansas. Fayetteville is home to nearly 84,000 people and with a median age of 28, the City has attracted millennials and adults alike from across the country. The quality of life Fayetteville offers plays a large role in its ever-growing population base. These factors, amongst others, make Fayetteville a prime location for retail and accommodation sector growth.

Established in 1871, the University of Arkansas at Fayetteville is the flagship campus of the University of Arkansas system. With **more than 27,000 students** enrolled, the campus is home to a diverse student population. The campus has a strong student population stemming from the Dallas Fort Worth Metroplex. Fayetteville has a robust consumer base and is ideal to tap into a young market segment.

CENTRAL LOCATION

Fayetteville's location in the heart of the U.S. and along Interstate 49 provides an expansive transportation foundation for manufacturing.

$51,848 MSA MEDIAN HOUSEHOLD INCOME

30.9%

OF RESIDENTS IN NORTHWEST ARKANSAS HOLD A **BACHELOR'S DEGREE** OR HIGHER

BEST CITIES

TO LAUNCH A CAREER

Source: realtor.com, 2017

$34MM

THEATRE SQUARED PROJECT BROKE GROUND IN JULY 2017

36 PARKS

AND MORE THAN 3,000 ACRES OF PARK LAND AND LAKES

City of Fayetteville
Community Overview & Statistics

HISTORY

- Fayetteville's earliest recorded history was written by Frank Pierce in about 1819
- By 1828 several families settled around Fayetteville
- In 1870 Fayetteville became an incorporated city
- In 1872 the University of Arkansas opened in Fayetteville

LOCATION

- Fayetteville is the county seat of Washington County
- It is 30 miles east of Oklahoma and 50 miles south of Missouri
- Fayetteville is located near the tallest mountains in the Ozark Mountain Range
- The City encompasses 55.4 square miles

POPULATION / SIZE

- Current population in the 2010 census was 73,580 compared to the 1960 census of 20,274
- Fayetteville is the third largest city in the State of Arkansas

REGIONAL MSA STATISTICS – NORTHWEST ARKANSAS REGION – BASED ON 2015 STATISTICS

- Population 504,772 – annual growth 2.3%
- Average annual unemployment 3.8%
- Average annual wages $43,570
- Percent of population with bachelor's degree or higher 30.8%
- Median Household Income $50,788
- Poverty Rate 14.3%
- Median Age 33.8 years

PARKS AND RECREATION

- In 2016 Phase I of a new regional park was opened. This park contains 620 acres of parkland and currently has baseball and soccer facilities. Upon completion, it is anticipated that the regional park will represent a $27 million dollar recreational investment.
- In addition to the 44 miles of paved trails, 31 miles of natural trails are included in the City's trail system.

TRANSPORTATION

- Fayetteville is conveniently located for travel north and south by Interstate 49 which connects to Interstate 40 in Ft. Smith to the south and to Highway 412 to the north which connects to Interstate 44 in Joplin. Both Interstate 40 and Interstate 44 are major east/west interstate highways.
- Internally in 2015, Fayetteville has 412 miles of streets in the City's system.
- In the last four years the City has invested $38.5 million in the road construction and street overlay programs.
- The City has an extensive trail system with 44 miles of interconnected paved trails for both transportation and recreational use at a cost of over $8 million in the last four years.
- Local bus services are provided by the University of Arkansas Razorback Transit and the Ozark Regional Transit systems.
- Fayetteville has a local airport used primarily by private owners of airplanes. The City also has an easy commute to the NWA Regional Airport which provides nationwide commercial transportation.

MEDICAL FACILITIES

Washington Regional Medical Center

- Washington Regional Medical Center is conveniently located near the intersection of Highway 71B and Interstate 49.
- The hospital has 366 beds and offers services such as neurosurgery, cardiology, diabetes education, joint care, and pain management.
- In 2015, ground was broken on a new Women's Center for construction of a 100,000 plus square foot, five story tower on the west side of the campus. The project also includes renovation of the existing space which adjoins the new tower.
- U.S. News & World Report named Washington Regional one of the nation's "118 Most Connected" hospitals and a leader in using electronic medical record technology and providing quality care.

University of Arkansas for Medical Sciences-Northwest Campus

- The campus houses four colleges for students seeking careers in the medical field: health professions, medicine, nursing, and pharmacy.
- UAMS-Northwest Campus's professors and scientists are also involved in several research projects to find new treatments and prevention in areas such as cancer, infectious diseases, and behavioral problems.

Veterans Health Care System of the Ozarks

- Since 1935 the Veterans Health Care System of the Ozarks (VHSO) has been providing high quality care for the nation's Veterans. VHSO serves Veterans living in Fayetteville and visitors from 23 counties in northwest Arkansas, southwest Missouri, and eastern Oklahoma. Services include primary, mental health, and specialty care, women's clinic, pharmacy, social work, surgery, and nutrition.

Physicians' Specialty Hospital

- Physicians' Specialty Hospital is a 20-bed facility with five operating rooms and one procedure room. The hospital's specialty areas are advance spine surgery, urology, podiatry, minimally invasive general surgery, bariatric surgery, orthopedic and sports medicine, gynecological surgery, interventional pain management, and cosmetic reconstructive surgery.
- The hospital was awarded the Women's Choice Award in 2015 for America's Best Hospitals for Orthopedics for a second consecutive year.

CONCLUSION

The City of Fayetteville, Arkansas, is a collective association of almost 80,000 people in a region with a population base of more than 500,000. The City has progressed through many stages of development. It is a vibrant community with transportation and industrial expansion not imagined in earlier times.

2017 ADDITIONAL STATISTICAL DATA

Date of Incorporation - August 23, 1870
Form of Government - Mayor/Council
Area (Sq. Miles) - 55.40

Fire Protection

Stations	7
Uniformed Employees	119

Police Protection

Stations	1
Uniformed Employees	129

Parks & Recreation

Number of parks	36
Number of playgrounds	28
Number of tennis courts:	
Lighted/Unlighted	6 / 1
Number of basketball goals	23
Number of softball/baseball fields	22
Number of community centers	1
Number of swimming pools	1
Number of soccer fields	14
Number of volleyball courts	7
Number of recreational complexes	3
Acres:	
Park Land/Lakes	3,087
Leased School Park Land	33
Natural Areas	453
Plazas/Public Lands	29
Trail Miles:	
Paved	47
Natural	34

Streets

Street Miles:	
- Graded and Surface Treatment	.85
- Paved (Concrete and Asphalt)	413.00

Water

Water Meters	43,927
Beaver Water District Pumping Capacity (Gallons)	140,000,000
Pumping Capacity to Fayetteville (Gallons)	41,000,000
Average Daily Consumption	14.38 MG
Fire Hydrants	4,491

Sewer

Miles of Sanitary Sewers	539
Average Daily Treatment (Gallons)	14.6 MG

Public Educational System

Elementary/Middle	9 / 3
Junior High/High School	2 / 1
Full-Time Equivalent Teachers	768
Registered Students	9,884

Building Permits

Year	Number	Value
2008	997	300,139,434
2009	766	90,640,875
2010	645	111,882,014
2011	705	141,046,412
2012	881	328,676,401
2013	871	192,963,129
2014	1,006	267,935,074
2015	895	318,777,132
2016	1,107	342,983,693

Unemployment Rate (%)

Year	Rate
2016	2.8
2015	3.1
2014	3.9
2013	4.6
2012	4.9
2011	5.3
2010	6.0
2009	5.1
2008	3.9

2010 Census - General Demographic Characteristics

DP-1-Geography-Fayetteville city, Arkansas: Profile of General Population and Housing Characteristics: 2010

2010 Demographic Profile Data

Subject	Number	Percent
SEX AND AGE		
Total population	73,580	100.0
Under 5 years	4,386	6.0
5 to 9 years	3,873	5.3
10 to 14 years	3,410	4.6
15 to 19 years	7,203	9.8
20 to 24 years	14,020	19.1
25 to 29 years	8,020	10.9
30 to 34 years	5,666	7.7
35 to 39 years	4,342	5.9
40 to 44 years	3,789	5.1
45 to 49 years	3,659	5.0
50 to 54 years	3,581	4.9
55 to 59 years	3,279	4.5
60 to 64 years	2,600	3.5
65 to 69 years	1,673	2.3
70 to 74 years	1,181	1.6
75 to 79 years	1,104	1.5
80 to 84 years	854	1.2
85 years and over	940	1.3
Median age (years)	27.2	(X)
16 years and over	61,305	83.3
18 years and over	59,963	81.5
21 years and over	51,209	69.6
62 years and over	7,240	9.8
65 years and over	5,752	7.8
Male population	36,993	50.3
Under 5 years	2,213	3.0
5 to 9 years	1,933	2.6
10 to 14 years	1,710	2.3
15 to 19 years	3,362	4.6
20 to 24 years	7,374	10.0
25 to 29 years	4,359	5.9
30 to 34 years	3,108	4.2
35 to 39 years	2,265	3.1
40 to 44 years	1,979	2.7
45 to 49 years	1,815	2.5
50 to 54 years	1,748	2.4
55 to 59 years	1,567	2.1
60 to 64 years	1,222	1.7
65 to 69 years	745	1.0
70 to 74 years	502	0.7
75 to 79 years	458	0.6
80 to 84 years	325	0.4
85 years and over	308	0.4
Median age (years)	27.0	(X)
16 years and over	30,844	41.9
18 years and over	30,133	41.0
21 years and over	25,981	35.3
62 years and over	3,050	4.1
65 years and over	2,338	3.2
Female population	36,587	49.7
Under 5 years	2,173	3.0
5 to 9 years	1,940	2.6
10 to 14 years	1,700	2.3
15 to 19 years	3,841	5.2
20 to 24 years	6,646	9.0
25 to 29 years	3,661	5.0
30 to 34 years	2,558	3.5
35 to 39 years	2,077	2.8
40 to 44 years	1,810	2.5
45 to 49 years	1,844	2.5
50 to 54 years	1,833	2.5
55 to 59 years	1,712	2.3
60 to 64 years	1,378	1.9
65 to 69 years	928	1.3
70 to 74 years	679	0.9
75 to 79 years	646	0.9

Subject	Number	Percent
Female population - continued	27.5	(X)
80 to 84 years	529	0.7
85 years and over	632	0.9
Median age (years)	27.5	(X)
16 years and over	30,461	41.4
18 years and over	29,830	40.5
21 years and over	25,228	34.3
62 years and over	4,190	5.7
65 years and over	3,414	4.6
RACE		
Total population	73,580	100.0
One Race	71,318	96.9
White	61,661	83.8
Black or African American	4,379	6.0
American Indian and Alaska Native	785	1.1
Asian	2,267	3.1
Asian Indian	445	0.6
Chinese	644	0.9
Filipino	161	0.2
Japanese	115	0.2
Korean	226	0.3
Vietnamese	243	0.3
Other Asian [1]	433	0.6
Native Hawaiian and Other Pacific Islander	172	0.2
Native Hawaiian	15	0.0
Guamanian or Chamorro	9	0.0
Samoan	14	0.0
Other Pacific Islander [2]	134	0.2
Some Other Race	2,054	2.8
Two or More Races	2,262	3.1
White; American Indian and Alaska Native [3]	739	1.0
White; Asian [3]	411	0.6
White; Black or African American [3]	585	0.8
White; Some Other Race [3]	216	0.3
Race alone or in combination with one or more other rac		
White	63,780	86.7
Black or African American	5,145	7.0
American Indian and Alaska Native	1,674	2.3
Asian	2,787	3.8
Native Hawaiian and Other Pacific Islander	255	0.3
Some Other Race	2,358	3.2
HISPANIC OR LATINO		
Total population	73,580	100.0
Hispanic or Latino (of any race)	4,725	6.4
Mexican	3,204	4.4
Puerto Rican	199	0.3
Cuban	49	0.1
Other Hispanic or Latino [5]	1,273	1.7
Not Hispanic or Latino	68,855	93.6
HISPANIC OR LATINO AND RACE		
Total population	73,580	100.0
Hispanic or Latino	4,725	6.4
White alone	2,263	3.1
Black or African American alone	78	0.1
American Indian and Alaska Native alone	51	0.1
Asian alone	12	0.0
Native Hawaiian and Other Pacific Islander alone	17	0.0
Some Other Race alone	1,964	2.7
Two or More Races	340	0.5
Not Hispanic or Latino	68,855	93.6
White alone	59,398	80.7
Black or African American alone	4,301	5.8
American Indian and Alaska Native alone	734	1.0
Asian alone	2,255	3.1
Native Hawaiian and Other Pacific Islander alone	155	0.2
Some Other Race alone	90	0.1
Two or More Races	1,922	2.6

2010 Census - General Demographic Characteristics

RELATIONSHIP		
Total population	73,580	100.0
In households	66,762	90.7
Householder	30,726	41.8
Spouse [6]	10,380	14.1
Child	14,985	20.4
Own child under 18 years	12,468	16.9
Other relatives	2,587	3.5
Under 18 years	788	1.1
65 years and over	274	0.4
Nonrelatives	8,084	11.0
Under 18 years	197	0.3
65 years and over	69	0.1
Unmarried partner	2,240	3.0
In group quarters	6,818	9.3
Institutionalized population	1,124	1.5
Male	669	0.9
Female	455	0.6
Noninstitutionalized population	5,694	7.7
Male	2,744	3.7
Female	2,950	4.0
HOUSEHOLDS BY TYPE		
Total households	30,726	100.0
Family households (families) [7]	14,574	47.4
With own children under 18 years	7,076	23.0
Husband-wife family	10,380	33.8
With own children under 18 years	4,611	15.0
Male householder, no wife present	1,241	4.0
With own children under 18 years	598	1.9
Female householder, no husband present	2,953	9.6
With own children under 18 years	1,867	6.1

Nonfamily households [7]	16,152	52.6
Householder living alone	11,202	36.5
Male	5,553	18.1
65 years and over	450	1.5
Female	5,649	18.4
65 years and over	1,419	4.6
Households with individuals under 18 years	7,569	24.6
Households with individuals 65 years and over	4,091	13.3
Average household size	2.17	(X)
Average family size [7]	2.92	(X)
HOUSING OCCUPANCY		
Total housing units	36,188	100.0
Occupied housing units	30,726	84.9
Vacant housing units	5,462	15.1
For rent	3,801	10.5
Rented, not occupied	80	0.2
For sale only	541	1.5
Sold, not occupied	65	0.2
For seasonal, recreational, or occasional use	315	0.9
All other vacants	660	1.8
Homeowner vacancy rate (percent) [8]	4.1	(X)
Rental vacancy rate (percent) [9]	17.3	(X)
HOUSING TENURE		
Occupied housing units	30,726	100.0
Owner-occupied housing units	12,639	41.1
Population in owner-occupied housing units	30,524	(X)
Average household size of owner-occupied units	2.42	(X)
Renter-occupied housing units	18,087	58.9
Population in renter-occupied housing units	36,238	(X)
Average household size of renter-occupied units	2.00	(X)

X Not applicable.

[1] Other Asian alone, or two or more Asian categories.

[2] Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

[3] One of the four most commonly reported multiple-race combinations nationwide in Census 2000.

[4] In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six percentages may add to more than 100 percent because individuals may report more than one race.

[5] This category is composed of people whose origins are from the Dominican Republic, Spain, and Spanish-speaking Central or South American countries. It also includes general origin responses such as "Latino" or "Hispanic."

[6] "Spouse" represents spouse of the householder. It does not reflect all spouses in a household. Responses of "same-sex spouse" were edited during processing to "unmarried partner."

[7] "Family households" consist of a householder and one or more other people related to the householder by birth, marriage, or adoption. They do not include same-sex married couples even if the marriage was performed in a state issuing marriage certificates for same-sex couples. Same-sex couple households are included in the family households category if there is at least one additional person related to the householder by birth or adoption. Same-sex couple households with no relatives of the householder present are tabulated in nonfamily households. "Nonfamily households" consist of people living alone and households which do not have any members related to the householder.

[8] The homeowner vacancy rate is the proportion of the homeowner inventory that is vacant "for sale." It is computed by dividing the total number of vacant units "for sale only" by the sum of owner-occupied units, vacant units that are "for sale only," and vacant units that have been sold but not yet occupied; and then multiplying by 100.

[9] The rental vacancy rate is the proportion of the rental inventory that is vacant "for rent." It is computed by dividing the total number of vacant units "for rent" by the sum of the renter-occupied units, vacant units that are "for rent," and vacant units that have been rented but not yet occupied; and then multiplying by 100.

Source: U.S. Census Bureau, 2010 Census.

RESOLUTION NO. ???-17

A RESOLUTION ADOPTING THE PROPOSED 2018 ANNUAL BUDGET AND WORK PROGRAM AS AMENDED.

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 adopts the Proposed 2018 Annual Budget and Work Program. A copy of the Budget, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this the 21st day of November, 2017.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

CITY OF FAYETTEVILLE, ARKANSAS
THE BUDGET PROCESS

The budgets of governmental funds (for example General Fund, Street Fund, and Parks Development Fund) are prepared on the modified accrual basis for revenues and expenditures. Under the modified accrual basis of accounting, revenues are recognized when they become both measurable and available. Expenditures are recorded when the related fund liability is incurred. The proprietary and trust fund types (Water & Sewer Fund, Recycling & Trash Collection Fund, and Airport Fund) are budgeted on a full accrual basis except for depreciation which is excluded and both capital purchases and bond principal payments which are included as expenditures. Not only are expenditures recognized when the liability is incurred but revenues are recognized when they are due and owing to the City (for example, water user fees are recognized as revenue when bills are produced). Agency funds are not budgeted since they are custodial in nature and do not involve measurement of results of operations.

The Comprehensive Annual Financial Report (CAFR) shows the status of the City's finances on the basis of "Generally Accepted Accounting Principles" (GAAP). This conforms to the way the City prepares its budget. Formal budgets exist for all funds and fund types, except agency funds, but the budget-to-actual comparison reports are prepared only for the governmental fund types (General, Special Revenue, and Capital Projects).

The Annual Budget and Work Program is a fiscal plan which presents the services which will be provided to the community and the funds needed to perform these services. The type and level of service is defined by the use of program objectives, which are further defined by performance measures. The Mayor is responsible for formulating the fiscal plan and presenting it to the City Council for approval and adoption. The key steps and dates in this process for the 2018 Budget and Work Program are described below:

1. **Budget Preparation, July 2017**
   The budget was prepared using the City's financial software. Staff from the departments and divisions attended training for security access and instructions for the budget maintenance module. Target budgets were set for each fund and/or program. The target budget excluded service expansion requests and new personnel requests. These items are considered separately.

2. **Capital Requests, April – August 2017**
   Five Year Capital Improvements modification requests were submitted for review and prioritization. Approval of the requests were based on a review of prioritized lists by the Chief Financial Officer and Budget staff to see if original cost and continuing costs were within the available funding range. Capital items with a cost greater than $5,000 should appear in the Five Year Capital Improvements Programs.

3. **Budget Submitted by Department/Division Heads, August 2017**
   The Department/Division Heads emailed notification to the budget staff after completing budget submissions requesting their 2018 funding. The budget staff then verified that budget submissions were correct and within specified targets.

4. **Analysis of Each Proposed Program Budget, August 2017**
   During this period, meetings, as needed, were conducted with each Department Director. At these meetings, the submitted program budgets were evaluated in their entirety and additions and cuts were made to balance the funds with the service requirements. The 2018 Proposed Budget and Work Program was the result of this process.

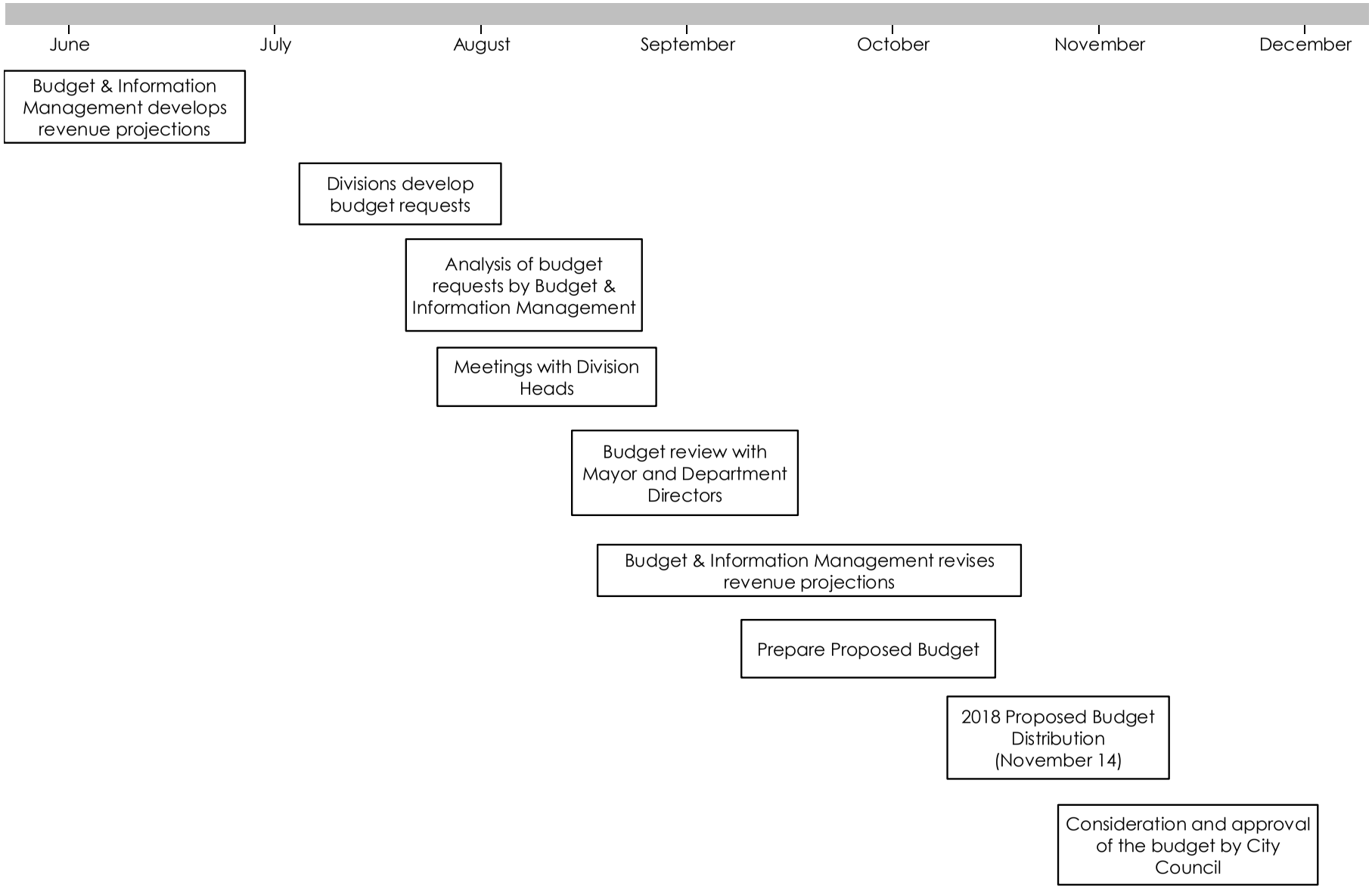
5. **Consideration and Approval of the Budget, Beginning to Adoption 2017**
   The proposed budget is discussed with the Mayor beginning in August and through November. The Mayor will present the comprehensive 2018 Proposed Budget and Work Program to the City Council on November 14. Public discussions on the budget will be conducted at agenda sessions and City Council meetings as needed beginning November 21. A special meeting is scheduled for November 18.

6. **Implementing the 2018 Budget, January 2018**
   Using the software budget, amounts are split into the projected funding level needed for each month. These work papers are inputted into the computer system to assist in the control of the adopted budget throughout 2018.

7. **Adjusting the 2018 Budget, Throughout 2018**
   The budget may be adjusted throughout 2018. Depending on the amount of the adjustment, approval may come from the Budget Director, Chief Financial Officer, Mayor or the City Council. A detailed explanation of the Budget Adjustment Policy is listed on pages 7 and 8.

The public meetings throughout the budget process are considered to be an essential part of the budget process as they are designed to solicit feedback from the City Council on the City's operations and services. In accord with continuing efforts to apprise the public of City activities, the 2018 Proposed Budget and Work Program is made available for review by all interested persons at the Fayetteville Public Library and the City Clerk's Office. In addition, a downloadable version of the budget is found on the City's web site: http://www.fayetteville-ar.gov/. Public notification of this information is made in a local newspaper and on the Fayetteville Government Channel. As always, the public is invited to attend all meetings, retreats, and hearings regarding consideration of the Budget.

CITY OF FAYETTEVILLE, ARKANSAS
THE 2018 BUDGET PROCESS



CITY OF FAYETTEVILLE, ARKANSAS
FINANCIAL POLICIES

The purpose of this section is to present the policies that the City follows in managing its financial and budgetary affairs. These are general statements of policies, which represent long-standing principles, traditions, and practices that have guided the City in maintaining financial stability.

REVENUE POLICY

- The City will strive to maintain a broad and diversified revenue base that will equitably distribute the burden of supporting City services and will protect the City from short-term fluctuations in any one revenue source.

- The City will actively support economic and industrial development recruitment and retention efforts to provide for a solid revenue base.

- The City will maintain timely collection systems and implement necessary enforcement strategies to collect revenues from available sources.

- The City will establish user fees and charges for services, when feasible, at levels related to the cost of providing the services. The City will review the fees and charges on a periodic basis to determine modifications needed to keep pace with the cost of providing the services.

- The City will establish, when feasible, self-supporting enterprise funds and internal service funds in which a relationship between revenues and expenditures clearly exists.

- The City will project revenues on a conservative basis so that actual revenues will consistently meet or exceed budgeted revenues.

- The City will maintain a budgetary control system and will prepare reports that compare actual revenues to budgeted amounts.

- The City will review annually and revise, where necessary, its cost allocation formula.

- The City will limit the designation of General Fund revenues for specified purposes to maximize flexibility in budgeting and revenue utilization.

EXPENDITURE POLICY

- Basic and essential services provided by the City will receive first priority for funding.

- The City will establish performance measurements for all program areas, when feasible. These measures will reflect the demand, workload capability, and projected outcomes for the program to accomplish its objectives.

- The City will strive to adopt a balanced budget, by fund, for all funds maintained by the City, in which total anticipated revenues must equal or exceed the budgeted expenditures for each fund. However, if this cannot be attained, the City will utilize unallocated fund reserves, which have been carried forward from prior years.

- The City will maintain a budgetary control system to ensure adherence to the adopted budget and will prepare reports that compare actual expenditures to budgeted amounts.

- The City will attempt to refrain from budgeting non-recurring or one-time revenue for ongoing expenses.

- The City will provide access to medical, dental, life, and long-term disability insurance for its employees. The cost for these benefits will be a shared responsibility between the City and its employees.

- The City will provide access to appropriate retirement plans for its employees. The City will make contributions for eligible employees at the percentage defined for each of the respective retirement plans.

DEBT POLICY

- The City will maintain a policy of full disclosure on financial reports and bond prospectus.

- The City will maintain communications with bond rating agencies and continue to strive for improvements in the City's bond rating.

- The City will pay for all capital projects and capital improvements on a pay-as-you-go basis using current revenues whenever possible. If a project or improvement cannot be financed with current revenues, long-term or short-term debt or capital leases will be recommended.

- The City will refrain from issuing long-term debt for a period in excess of the expected useful life of the capital project.

- The City will use special assessment revenue or other self-supporting bonds instead of general obligation bonds, when feasible.

- The City will seek refinancing of outstanding debt if it is determined that the City will benefit by reduced interest expense over the remaining life of the bonds of at least 3% of the principal being refunded.

- The City will require that General Fund and Street Fund debt service shall not exceed 10% of annual general and road tax revenues and the principle amount of General and Street Fund debt shall not exceed 5% of assessed taxable property.

- Outstanding short-term debt and Amendment 78 debt obligations combined shall not exceed 5% of the City's taxable real property.

RESERVE POLICY

- The City will maintain a minimum reserve of sixty (60) days of annual regular general fund operating expenditures for the General Fund in Undesignated Fund Balance. The minimum unreserved General Fund Balance cannot be reduced without specific City Council Resolution.

- The City will maintain a minimum reserve of at least 10% of current year operating expenditures for the Street Fund in Undesignated Fund Balance. If existing reserves exceed the required level, such funds may be used to provide for non-recurring expenditures. The City will use monies in the 10% reserve only in times of emergency or fiscal and economic hardship.

- The City will attempt to maintain a cash and investments balance of not less than 10% of current year operating expenditures for all Enterprise Funds.

- The City will maintain a Shop Fund reserve necessary to fund the replacement and expansion of the City's vehicles and equipment.

INVESTMENT AND CASH MANAGEMENT POLICY

- The City will deposit all receipts on a timely basis.

- The City will strive to maximize the return on its investment portfolio without jeopardizing principal amounts.

- The City will limit its investments to the types of securities provided for by Arkansas statutes.

- The City will diversify its investments by maturity date to protect against market fluctuations.

- The City will purchase securities from qualified institutions based on competitive bids in an effort to obtain the highest available rates.

CAPITAL IMPROVEMENT POLICY

- The City will prepare and update, as needed, a five-year Capital Improvements Program (CIP), which will provide for the orderly maintenance, replacement, and expansion of capital assets.

- The CIP will identify long-range capital projects and capital improvements of all types, which will be coordinated with the annual operating budget to maintain full utilization of available revenue sources.

- When preparing the CIP, the City will seek to identify all viable capital projects and capital improvements required during the subsequent five-year period. These projects and improvements will be prioritized by year and by funding source. Every attempt will be made to match projects and improvements with available funding sources. Future operating costs associated with a project or an improvement will also be given consideration in the establishment of priorities.

- The City will seek Federal, State, and other funding to assist in financing capital projects and capital improvements.

- The City will seek input from the public by holding public hearings in relation to the establishment of major projects and major project priorities.

- The City will incorporate the reasonable findings and recommendations of the other City Boards, Commissions, Committees, and Citizen task forces, as they relate to capital projects and improvements.

FINANCIAL REPORTING POLICY

- The City's accounting system will maintain records in accordance with accounting standards and principles outlined by the Governmental Accounting Standards Board (GASB), Financial Accounting Standards Board (FASB), and the State of Arkansas.

- The City will employ an independent accounting firm to perform an annual audit of the City's finances and make the annual audit available to all required and interested parties. The audit shall be completed and submitted to the State of Arkansas within 210 days of the close of the fiscal year.

- The City will produce monthly and quarterly financial statements reporting the current periods' activity for all funds maintained by the City.

- The City will maintain an internal audit function, which will be charged with adopting and routinely monitoring internal controls of the City.

- The City will prepare an annual budget document that provides a basic understanding of the City's planned financial operations for the coming fiscal year. Copies of the proposed and final budget will be made available to all interested parties and opportunities will be provided for citizen input prior to final decisions on the budget.

- The City will seek annual renewal of the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting and the Distinguished Budget Presentation Award.

CITY OF FAYETTEVILLE, ARKANSAS
ADMINISTRATIVE PROCEDURES
TO ADJUST THE APPROVED BUDGET

PURPOSE:

The procedures outlined in this section define, standardize, and set forth responsibilities for budget adjustments.

DEFINITION AND EXPLANATION:

During the fiscal year needs arise for expenditure budget adjustments to enable divisions to adapt to changing conditions. There are two types of expenditure budget adjustments which can be defined as follows:

1) **Budget Adjustment** – this is a transfer from one category within a fund budget to another category. The fund total does not change.

2) **Budget Amendment** – this is an addition to the overall budget total of the fund. It increases the total expenditure amount authorized for the fund. Any budget amendment must be supported by an increase in revenue or come from available fund balance.

DEPARTMENT DIRECTORS AND DIVISION HEADS RESPONSIBILITIES:

All Department Directors and Division Heads are mandated to stay within each operational program budget as adopted and to stay within the total budget for each capital project. **Neither the Accounting nor Purchasing Divisions will process payments or purchase orders, which will cause a program or capital project to be over the annual budget amount.**

Each operational division is grouped into programs (i.e. Engineering - Administration, Engineering - Plans & Specifications, Engineering - Right-of-Way, etc.). Budget adjustments will be required in the following instances:

1) When the budgeted amount <u>per operational program</u> is exceeded (an offsetting adjustment must be made from another operational program).

2) When the budgeted amount for <u>a capital project</u> is exceeded (an offsetting adjustment must be made from another capital project or another program).

Requested adjustments to an operational program must be submitted on a budget adjustment form with sufficient justification for the need. Any changes in the personnel services category must meet the City's policy for raises, promotions, and staff increases.

BUDGET ADJUSTMENT APPROVAL PROCESS:

Budget Amendments

1) All budget amendments must be approved by the City Council other than mandatory redemptions and other expenditures delegated to a Bond Trustee via a bond trust agreement. Budget amendments appropriate additional revenue or allocation of reserves.

Budget Adjustments

1) Budget adjustments within categories, within divisions of a fund, can be made with the approval of the Budget Director (see page 10 for a division listing).

2) Budget adjustments between categories within a division of a fund can be made with the approval of the Budget Director and Chief Financial Officer.

3) Budget adjustments within the personnel services category between departments within a fund will be approved by the Budget Director, the Chief Financial Officer, and the Chief of Staff.

4) Budget adjustments between categories within an approved program will be approved by the Budget Director and the Chief Financial Officer.

5) All other budget adjustments must be approved by the City Council.

BUDGET AMENDMENT REPORTING:

As a matter of practice, staff will provide information regarding Budget Amendments to the City Council on a quarterly basis.

CITY OF FAYETTEVILLE, ARKANSAS
BUDGET ORGANIZATIONAL STRUCTURE

FUND In governmental accounting, a fund is a fiscal and accounting entity with a self-balancing set of accounts, created and maintained for a particular purpose. It has transactions subject to legal or administrative restrictions. A separate budget is provided for each fund.

ACTIVITY Activities are the major groups of items which are functionally related, regardless of the Department or Division that is responsible. This type of classification provides a useful Budget summary that is consistent even though changes in the organizational structure may occur.

DEPARTMENT Departments are the major organizational sub-divisions. They have a broad overall purpose. The City of Fayetteville is organized into ten operating departments: Police, Fire, Chief of Staff, Sustainability & Resilience, Parks & Recreation, Utilities, Development Services, Communications & Marketing, Transportation Services, and Finance & Internal Services. Each Department has a director who reports to the Chief of Staff except the Police and Fire Chiefs whom report directly to the Mayor.

DIVISION Divisions are the major operational areas of the City. Each Division has been assigned to one of the Departments listed above according to the type of activity it performs. For example, the Recycling & Trash Collection Division is part of the Transportation Services Department. A listing of divisions is on the following page.

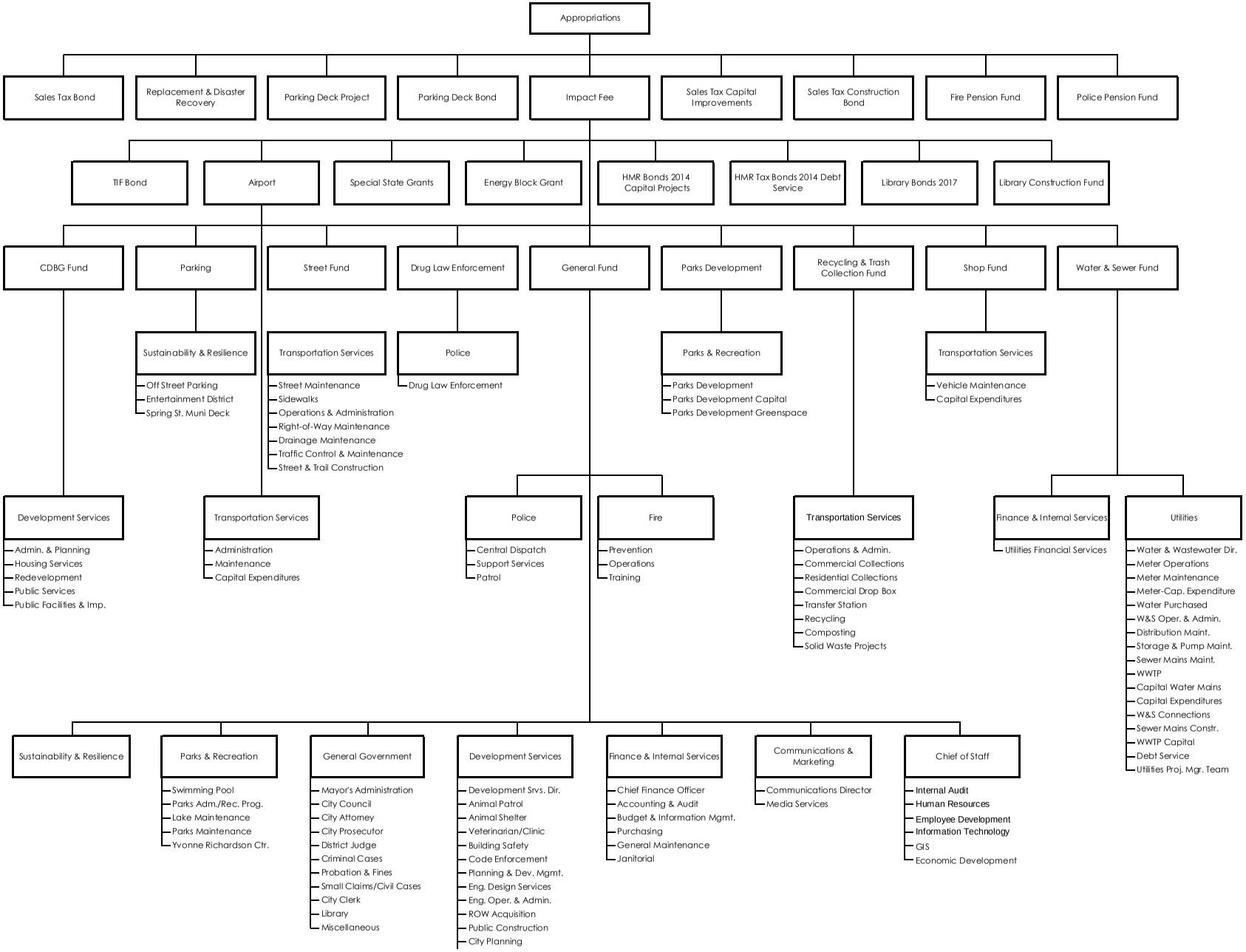
PROGRAM Programs are the operating units within the Division. Each program represents a specific type of activity within its Division aimed at providing a service for which the City is responsible. For example, the Recycling & Trash Collection Division contains the following programs: Administration, Commercial Collections, Residential Collections, Commercial Drop Box Collections, Transfer Station, Recycling, and Composting.

CATEGORY Within each program, each expenditure item is grouped into a category of related expenditures. The budget for each program is listed by categorical total. Examples of a category include: Personnel Services, Materials and Supplies, Services and Charges, Maintenance, Motor Pool Charges, Capital, Transfers to Outside Agencies, Cost Reimbursements, and Operating Transfers.

DEPARTMENTAL REPORTING STRUCTURE

DEPARTMENT	DIVISIONS
General Government	Mayors Administration City Council City Attorney City Prosecutor City Clerk/Treasurer Fayetteville District Court Library
Chief of Staff	Chief of Staff Economic Development Human Resources Information Technology Internal Audit
Police Department	Police Central Dispatch
Fire Department	Fire Department
Sustainability & Resilience Department	Sustainability & Resilience Parking Management
Parks & Recreation Department	Parks & Recreation
Finance & Internal Services Department	Chief Financial Officer Accounting & Audit Budget & Information Management Facilities Management Purchasing Utilities Financial Services
Development Services Department	Development Services Director Animal Services Building Safety City Planning Community Resources Engineering
Communications & Marketing Department	Communications & Marketing Media Services
Transportation Services Department	Transportation Services Airport Services Fleet Operations Recycling & Trash Collection
Utilities Department	Utilities Director Water & Sewer Maintenance Wastewater Treatment Plant

Consolidated Fund-Department-Program Structure



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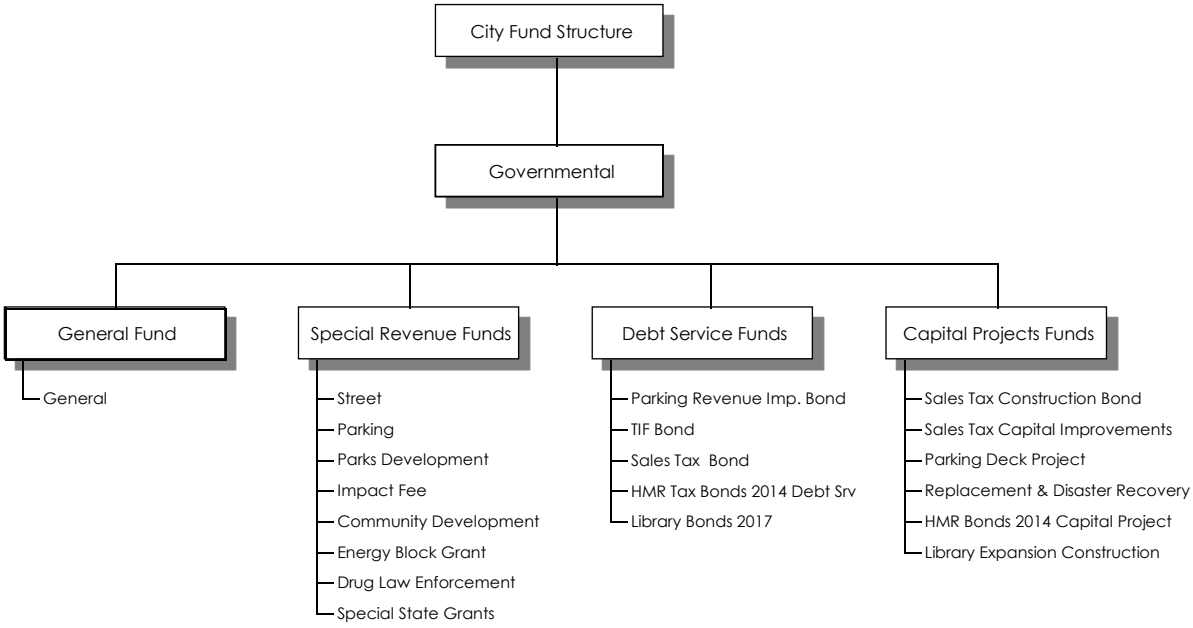
City of Fayetteville, Arkansas
Chart of Governmental Fund Types



As noted by the chart above, the City utilizes all four (4) major Governmental fund types: General, Special Revenue, Debt Service, and Capital Projects.

General Fund - General fund is the general operating fund of the City. It is used to account for all financial resources except those accounted for in other funds.

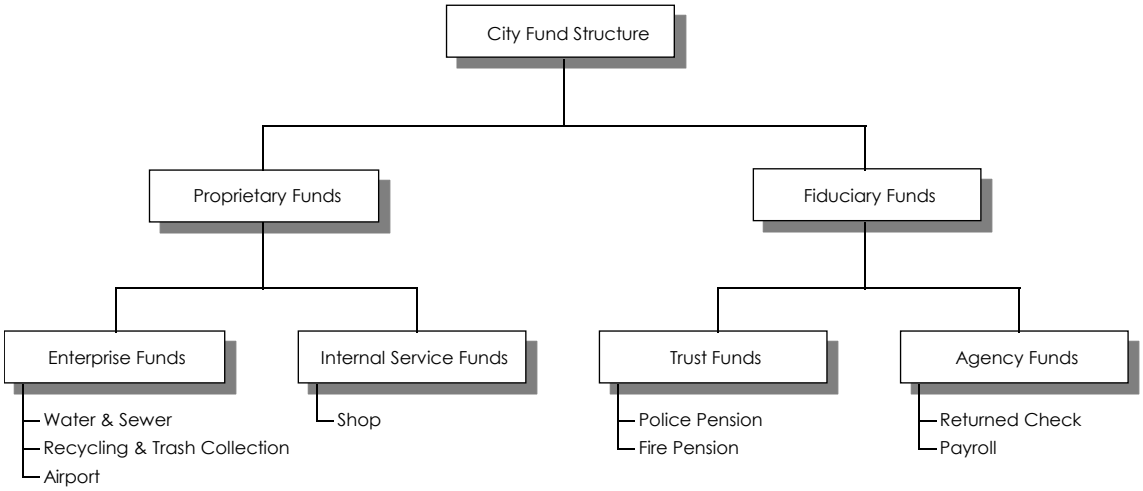
Special Revenue Funds - Special Revenue funds are used to account for the proceeds of specific revenue sources, which are designated or required to finance particular functions or activities of the City.

Debt Service Funds - Debt service funds are used to account for the accumulation of resources for, and the payment of, general long-term debt principal, interest and related costs other than debt service payments made by enterprise funds.

Capital Projects Funds - Capital projects funds are used to account for financial resources to be used for the acquisition and construction of assets of a relatively permanent nature other than those financed by proprietary funds.

As a note of explanation for the following combined statements, the revenues are listed by major source and the expenditures are listed by major department or service. The operation transfers are listed both in and (out).

City of Fayetteville, Arkansas
Chart of Proprietary and Fiduciary Fund Types



As noted by the chart above, the City utilizes the Enterprise and Internal Service funds in the Proprietary fund type and the Trust and Agency funds in the Fiduciary fund type.

Enterprise Funds - Enterprise funds are used to account for operations (A) that are financed and operated in a manner similar to private business enterprise, where the intent of the governing body is that the costs of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (B) where the governing body has decided that periodic determination of revenues earned, expenses incurred and/or net income is appropriate for capital maintenance, public policy, management control, accountability or other purposes.

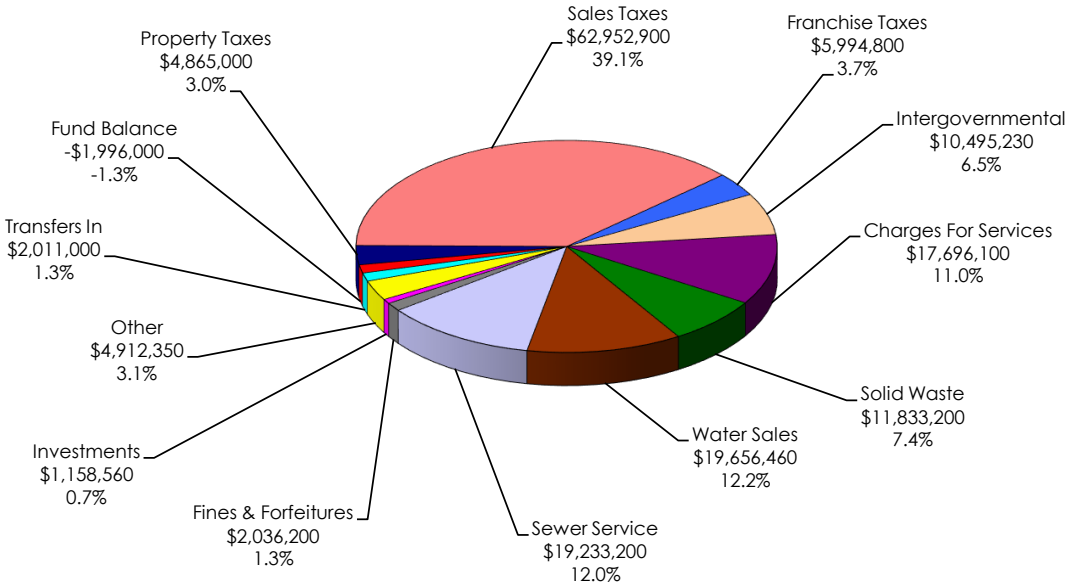
Internal Service Funds - Internal service funds are used to account for the financing of goods or services provided by one division of the City to other divisions of the City, on a cost reimbursement basis.

Trust Funds and Agency Funds - Trust funds and agency funds are used to account for assets held by the City in a trustee capacity or as an agent for individuals, private organizations, other governments and/or other funds. Trust funds are accounted for in essentially the same manner as proprietary funds. Agency funds are custodial in nature and do not involve measurement of results of operation.

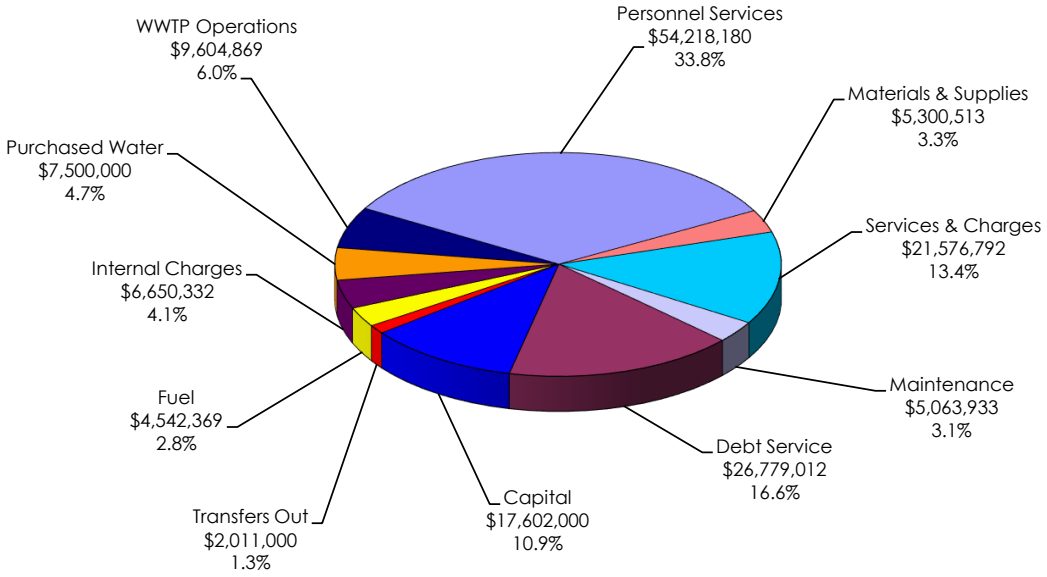
In reference to the following combined statements, the revenues are listed by major source and the expenses are listed by major department or service. Also shown are depreciation, non-operating revenue and (expenses), transfers in and (out), and net income.

City of Fayetteville, Arkansas

Sources of Funds for 2018
$160,849,000



Uses of Funds for 2018
$160,849,000



Note: The Sources of Funds chart includes revenues from all City funds. The Uses of Funds chart includes expenditures from all funds including capital expenditures in the Proprietary fund types. In compliance with GAAP, Proprietary fund balances do not reflect capital expenditures.

City of Fayetteville, Arkansas
Multi-Year Comparison
Budget Expenditures

	Adopted 2014	Adopted 2015	Adopted 2016	Adopted 2017	Proposed 2018
Major Funding Sources:					
General	$ 37,460,000	$ 38,166,000	$ 41,366,000	$ 43,162,000	45,586,000
Street	6,422,000	7,571,000	6,930,000	6,804,000	6,911,000
Parking	1,605,000	1,560,000	1,616,000	1,922,000	2,011,000
Community Development Block Grant	562,000	559,000	556,000	927,000	920,000
Parks Development	2,737,000	2,273,000	3,155,000	3,571,000	3,282,000
Drug Law Enforcement	565,000	575,000	637,000	498,000	518,000
Water & Sewer	34,043,000	39,203,000	36,968,000	40,525,000	39,096,000
Recycling & Trash Collection	10,960,000	12,651,000	11,123,000	11,690,000	12,800,000
Airport	2,494,000	2,576,000	2,256,000	2,253,000	2,255,000
Shop	7,328,000	8,456,000	8,942,000	8,812,000	9,334,000
	104,176,000	113,590,000	113,549,000	120,164,000	122,713,000
Other Funding Sources:					
Impact Fee	1,113,000	1,070,000	1,741,000	1,163,000	904,000
TIF Bond	123,000	141,000	146,000	177,000	178,000
Parking Deck Bond	300,000	300,000	326,000	385,000	384,000
HMR 2014 Bond Debt Service	0	0	706,000	710,000	709,000
Sales Tax Bond	18,592,000	18,626,000	19,771,000	21,006,000	21,959,000
Library Expansion Bond	0	0	0	0	1,775,000
Library Expansion Construction	0	0	0	0	0
Replacement & Disaster Recovery	42,000	42,000	42,000	42,000	60,000
Sales Tax Capital Improvements	7,523,000	7,692,000	7,982,000	8,542,000	9,238,000
Sales Tax Construction Bond	7,000	5,000	5,000	5,000	5,000
Parking Deck Project	2,000	3,000	0	0	0
Town Center	696,000	690,000	0	0	0
Police Pension	1,609,000	1,611,000	1,574,000	1,559,000	1,563,000
Fire Pension	1,417,000	1,435,000	1,426,000	1,410,000	1,361,000
	31,424,000	31,615,000	33,719,000	34,999,000	38,136,000
	$ 135,600,000	$ 145,205,000	$ 147,268,000	$ 155,163,000	160,849,000

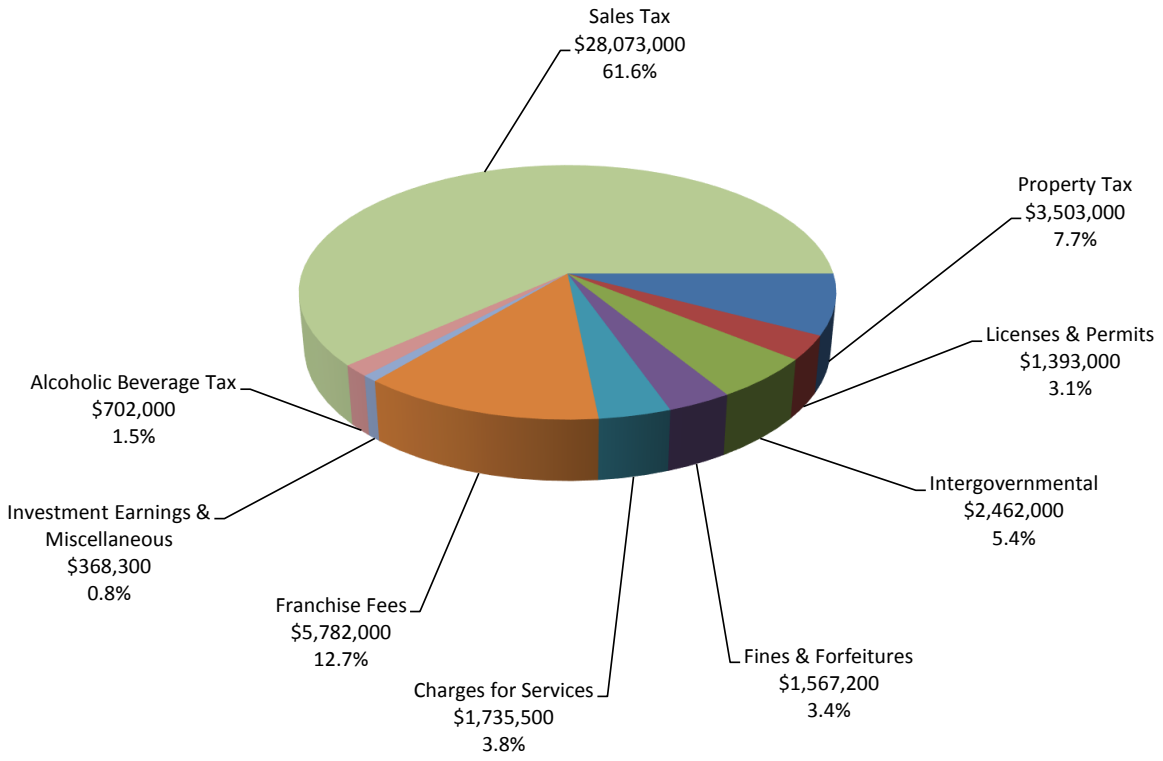
This comparison of adopted budgets is included to show the scope and growth of City operations in a multi-year format. This presentation is traditional but continues to include interfund transfers. Rather than restating all of the budgets, it is recommended that emphasis be placed on the significant entries, which are the individual funds. A more detailed discussion of each individual fund is included in the specific section devoted to that fund.

General Fund (1010)

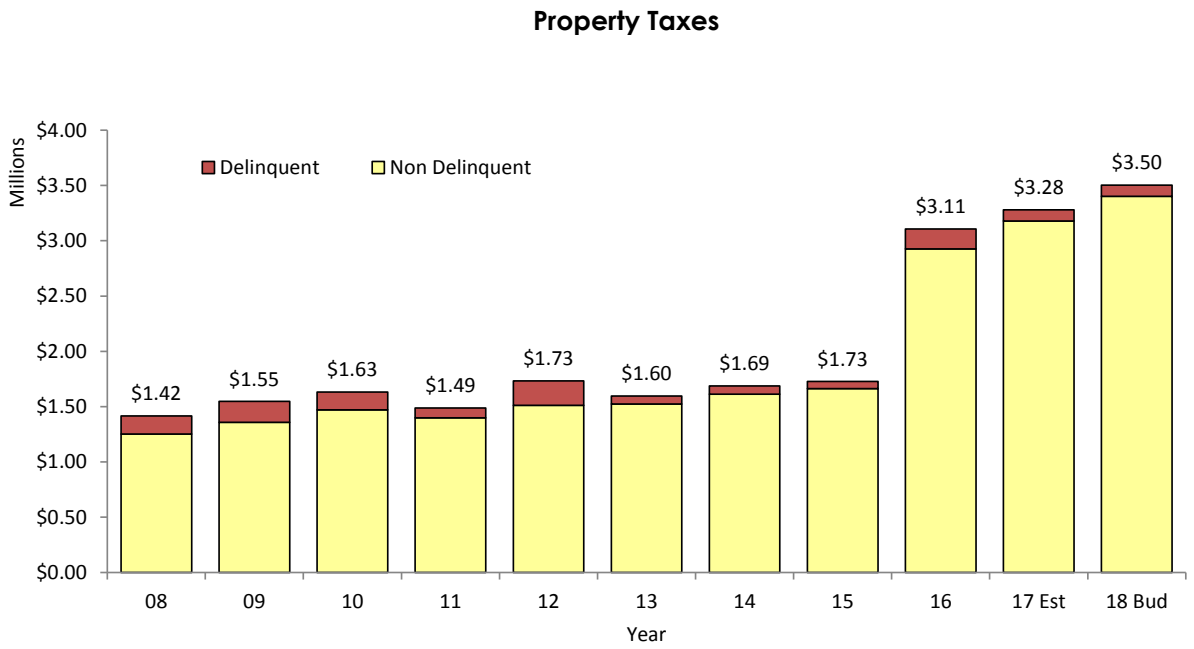
General Fund Revenues

Total estimated revenue available in 2018 to support the General Fund is approximately $45.6 million. These overall General Fund Revenue projections are based on historical trend data, expected population increases, and current performance of the national, state, and local economies based on statistical information.

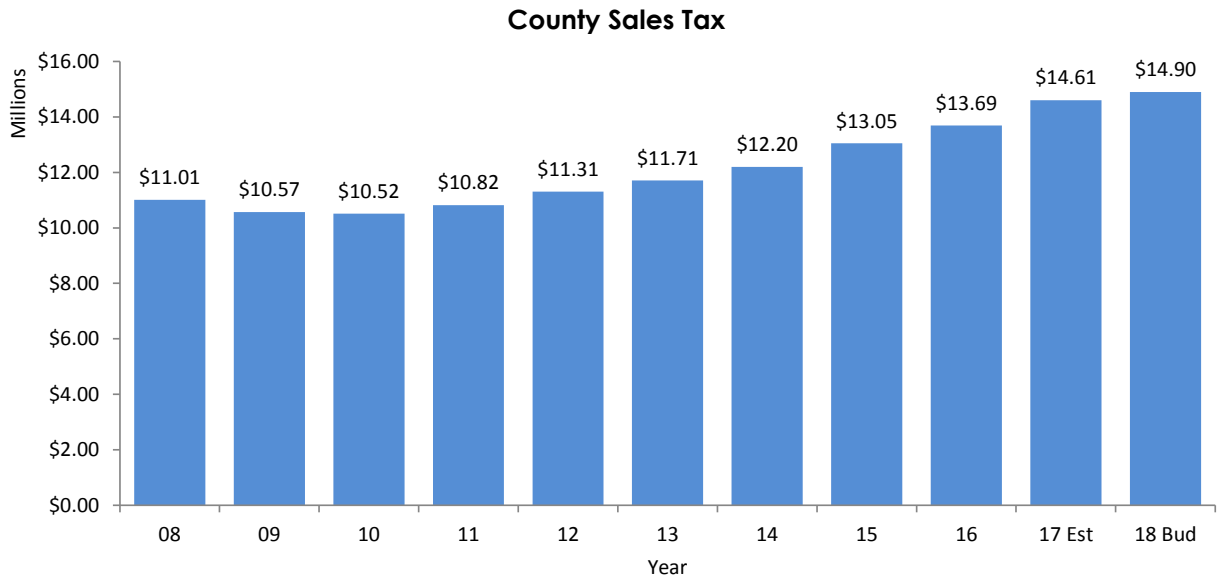
Sources of Funds for 2018
$45,586,000



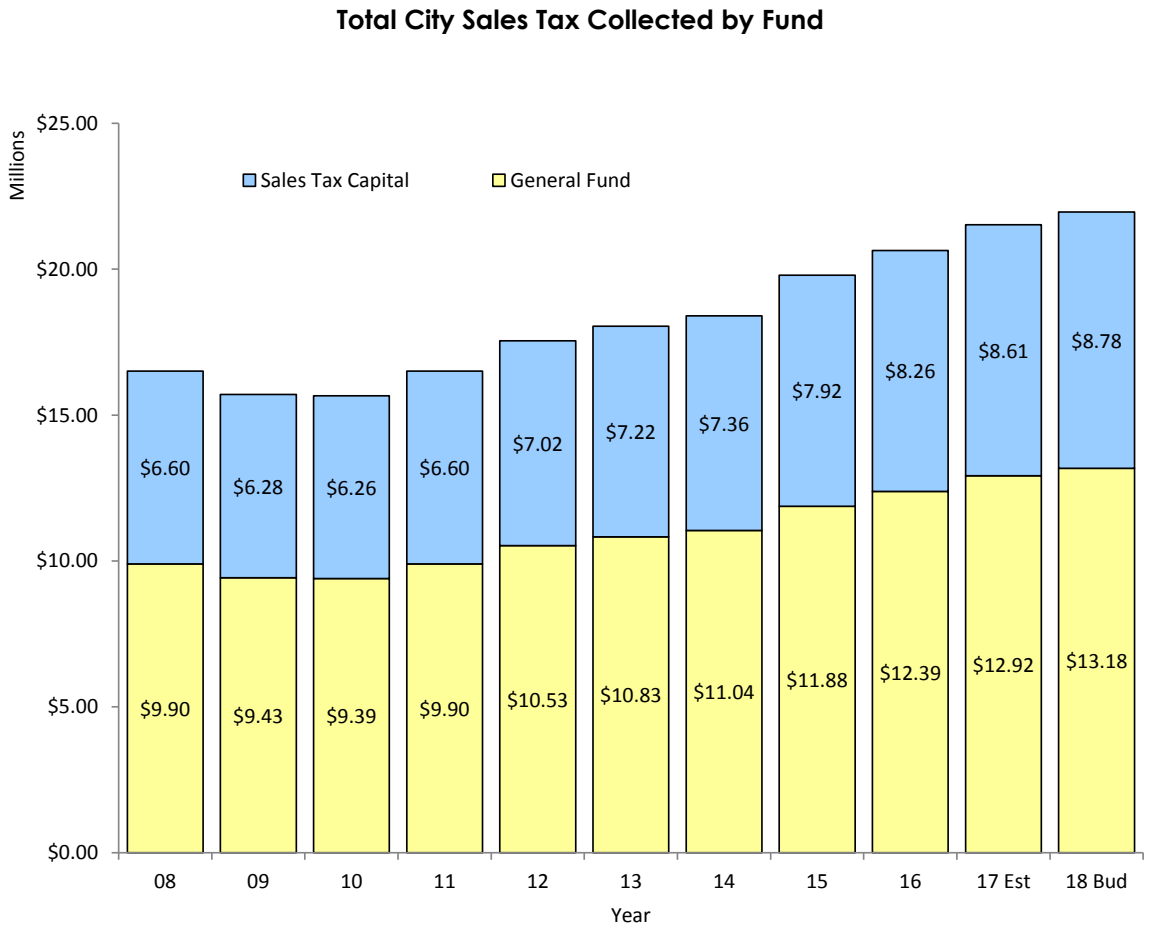
Property Taxes: Property Tax revenue makes up 7.7% of total General Fund Revenue. The tax rate currently approved is 2.3 mils. The City of Fayetteville has a discretionary limit of 5.0 mils, which is set by law. By law, millage decisions must be made by the end of October of each year by the City Council and filed with the County.



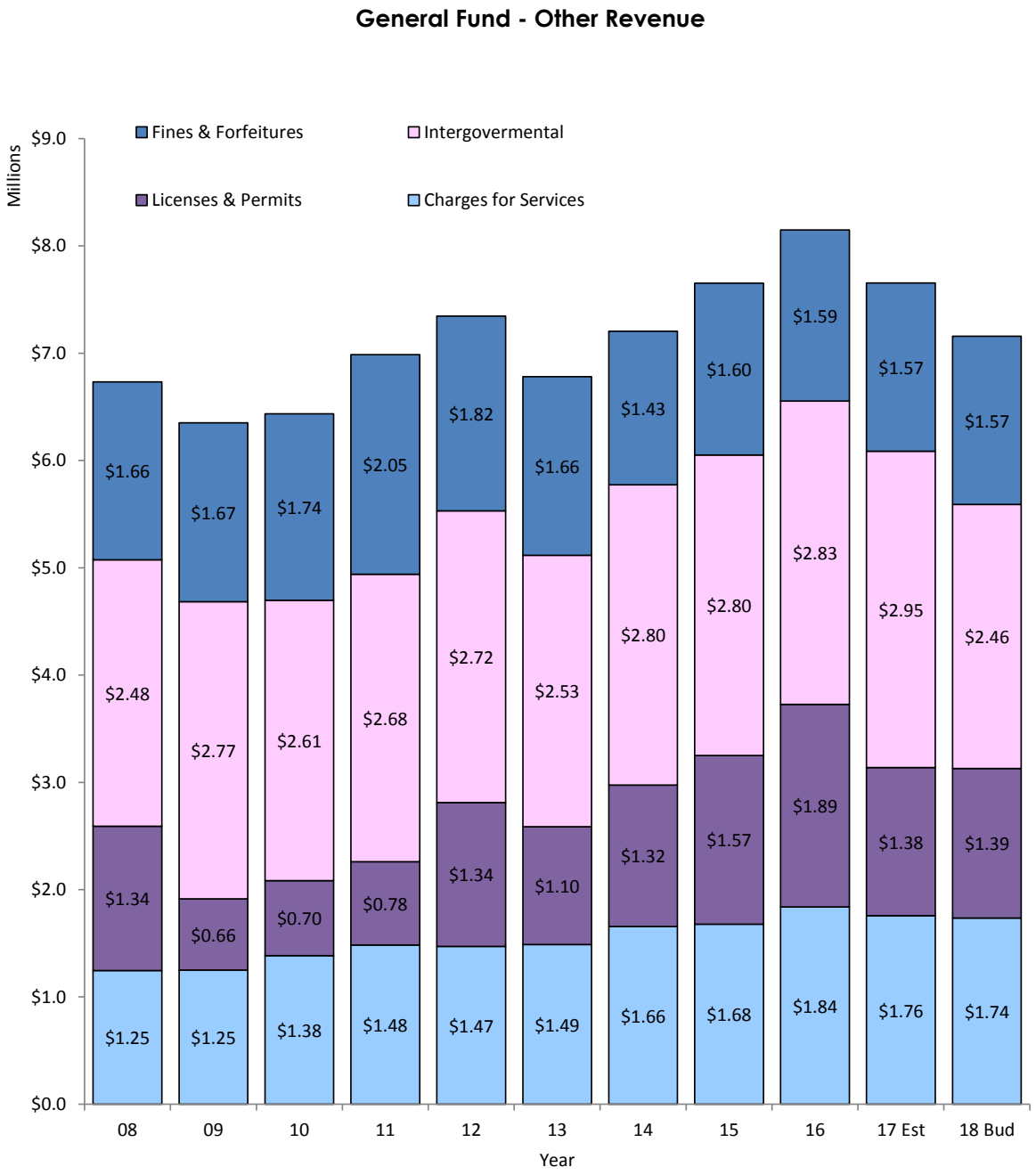
County Sales Tax: The largest source of General Fund revenue (32.7%) is the County Sales Tax. The City receives a prorated share (36.2%) of the 1% County Sales Tax based on population as of the most recent federal census. Sales Tax growth averaged 1.79% per year from 2006 to 2016. Budgeted 2018 revenue is projected to be 2.0% higher than the current 2017 estimated collections.



City Sales Tax: The second largest source of General Fund revenue is the City Sales Tax at 28.9% of total revenue. Sales Tax growth averaged 2.74% per year from 2006 to 2016. The 2018 budget is estimated to be 2.0% over 2017 estimated collections. The 2017 collections are estimated to be 4.2% over 2016 actual receipts. The 1% City Sales Tax revenue is divided between General Fund operations and capital. The current split for 2018, which began with the 2008 budget, is 60% for General Fund and 40% for Sales Tax Capital Improvements Fund.



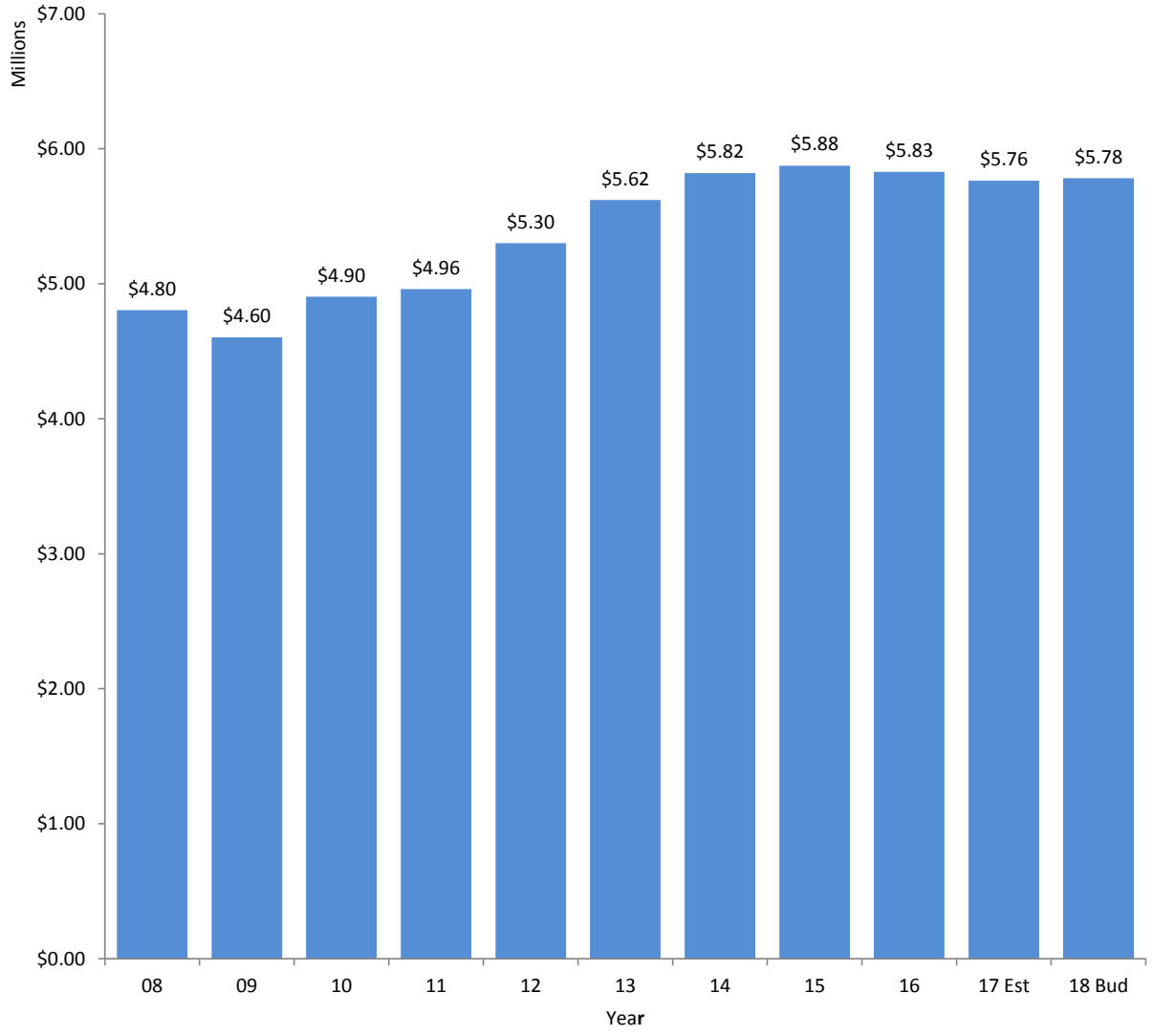
Other Revenues: Other Revenues (Licenses & Permits, Intergovernmental, Charges for Services, and Fines & Forfeitures) as a whole make up 15.7% of total General Fund revenue. The largest generator of Licenses & Permits Revenue is Building Permits which are projected to be slightly more in 2018 compared to estimated 2017. Many other types of revenues and permits are issued by the City and are projected to remain level compared to 2017 collections. Intergovernmental revenues consist of State Turnback and State/Federal grants and are projected to be less in 2018 compared to estimated 2017 revenue. This is because grant revenue is not estimated until the actual grant is awarded which is normally mid-year. Charges for Services consists of a multitude of fees such as parks and recreation fees, 911 reimbursements, and planning fees. Fines & Forfeitures revenues consist of court fines and are expected to be mostly flat when compared to estimated 2017.



Franchise Fees: Franchise fees as a category makes up 12.7% of total General Fund revenue. The City collects franchise fees from all utility companies in Fayetteville for the use of City Rights-of-Way. All of the franchise fee agreements reflect a percentage of gross utility revenue generated. Although franchise fees are a direct cost of the utilities business, all utilities except AEP (SWEPCO) and the City of Fayetteville's Recycling & Trash Collection and Water & Sewer Divisions show the fee as an additional item on the consumer's invoice.

Currently, Black Hills Energy (formally Source Gas) pays 3% of annual sales before taxes on residential and commercial customers and 1% on industrial customers. AT&T and Prairie Grove Telephone pay 4% of all access line billing. AT&T Video and Cox Communications pay 5% of annual gross sales on everything except internet access revenue. The Water & Sewer utility pays 4.25% and the Recycling & Trash Collection utility pays 3% on annual gross sales. AEP Electric and Ozarks Electric Co-Op pay 3% of gross revenues on domestic customers and 1% on industrial consumers. A new utility, OzarksGo which offers premium television and telephone services and high speed internet was new for 2017. Collections in 2017 are 1.6% over the year-to-date budget. The 2018 budget is set to be slightly higher than estimated 2017.

Franchise Fees

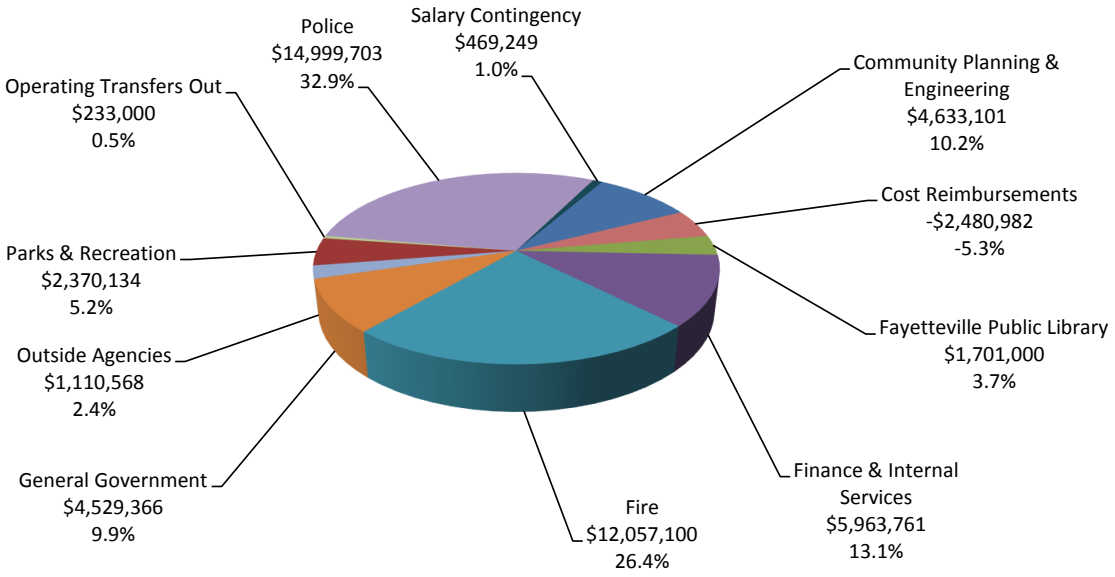


General Fund Expenses

Total uses of funds in 2018 for the City's General Fund totals $45,586,000. The charts below show the total General Fund expenditure budget by operating department and expense category.

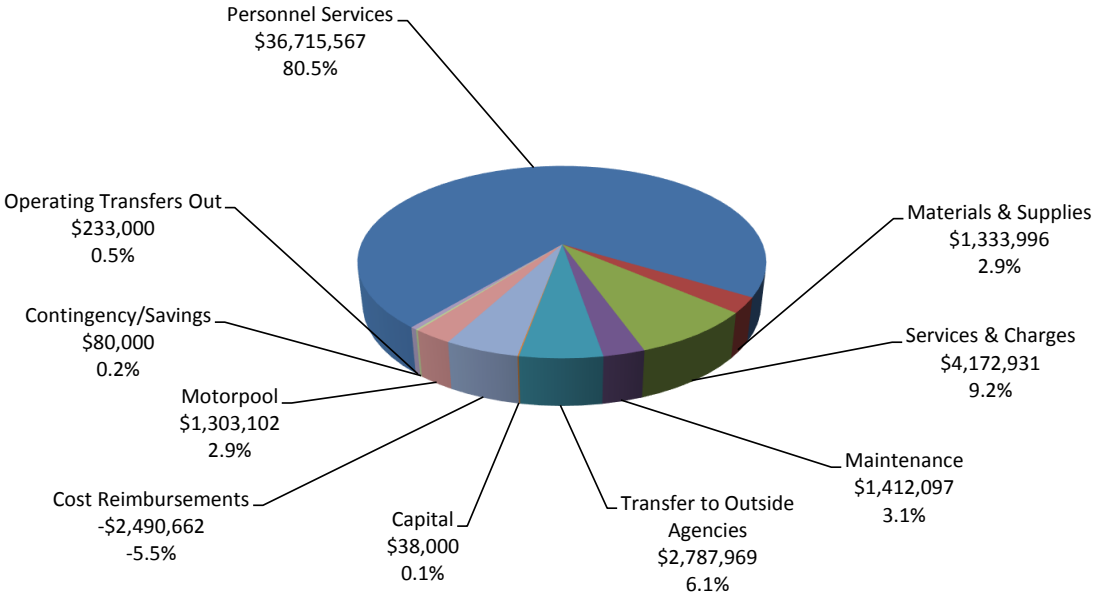
2018 Uses of Funds by Activity

$45,586,000

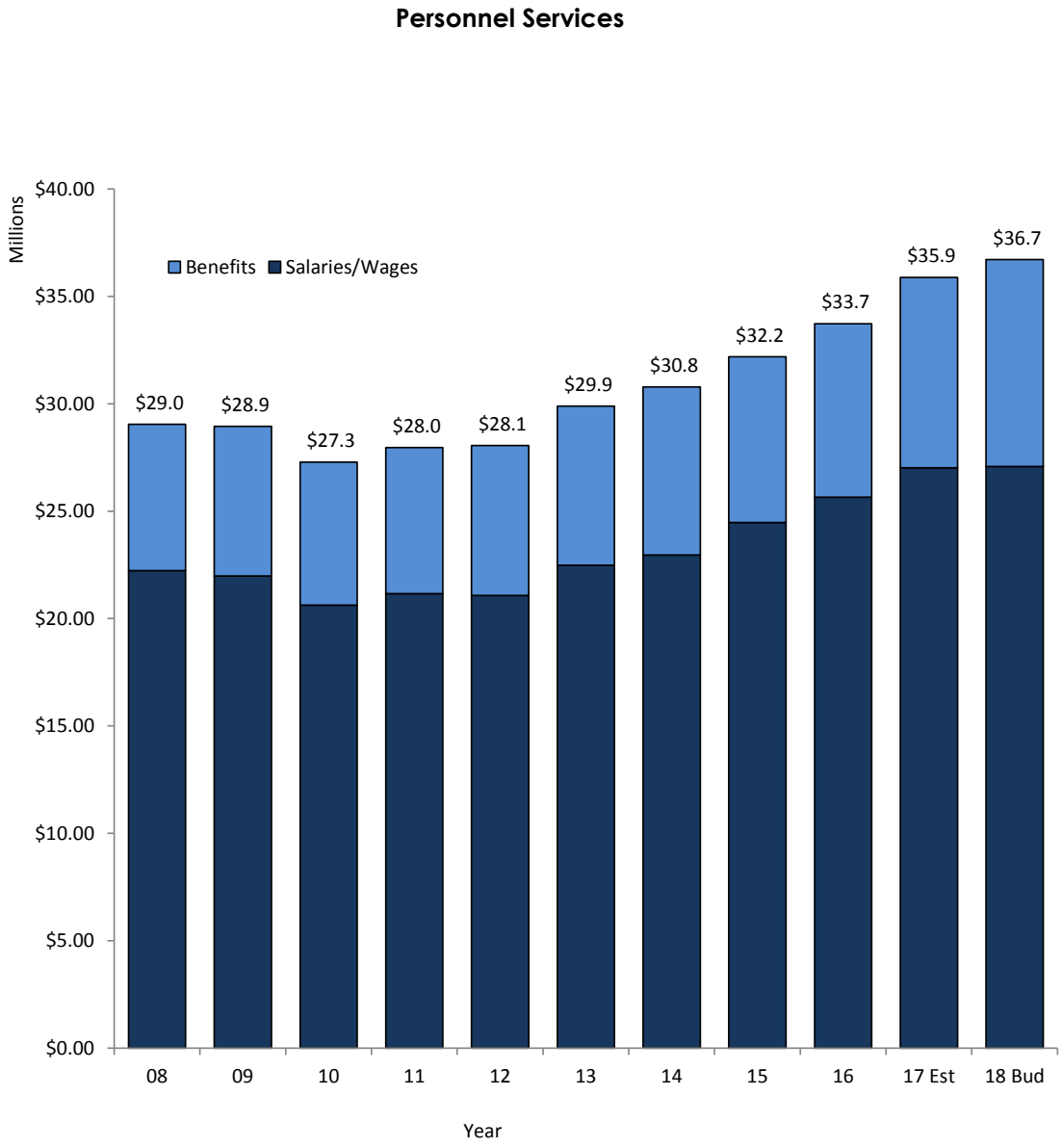


2018 Uses of Funds by Category

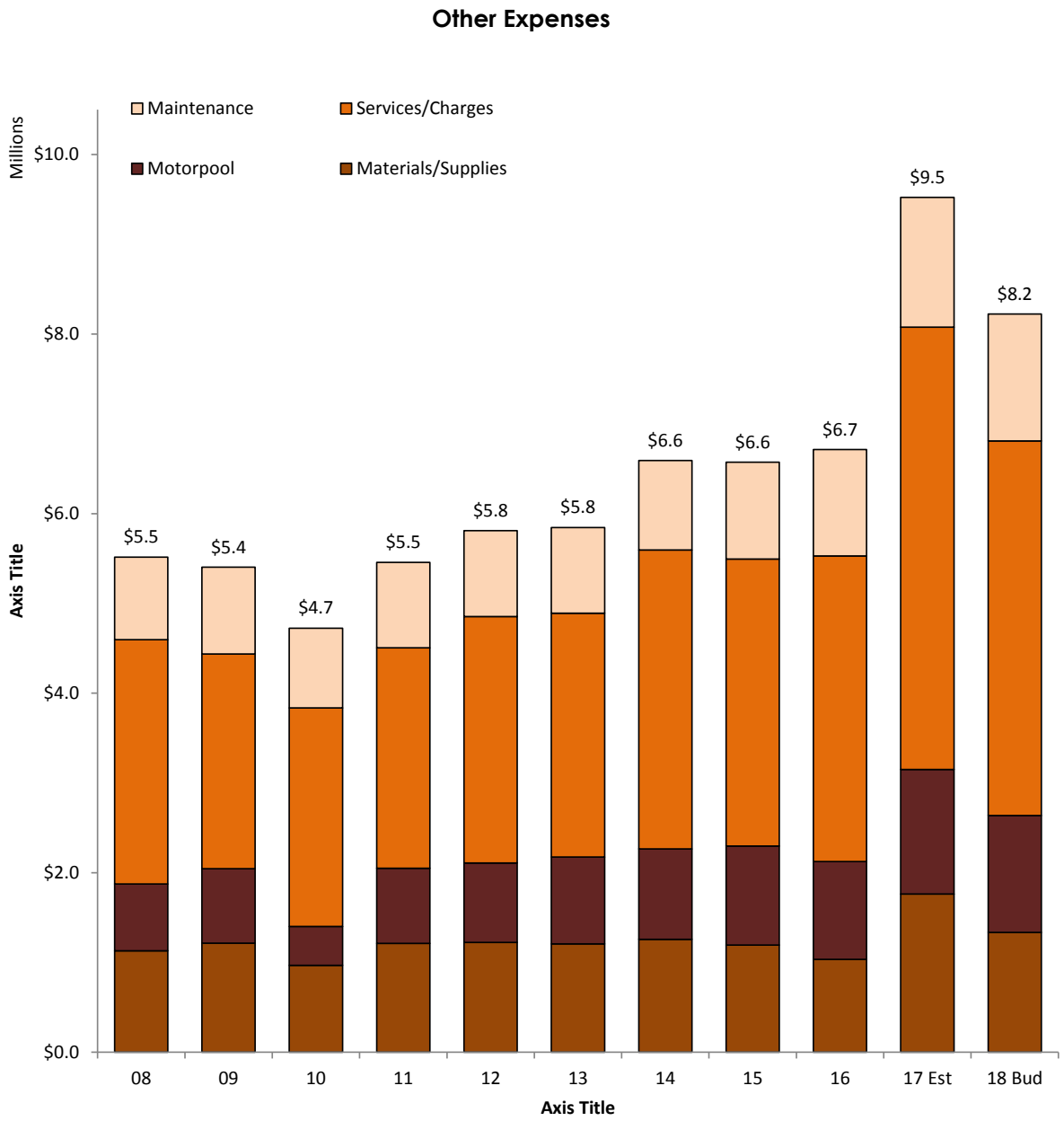
$45,586,000



Personnel Services: Personnel Services represent the largest category (80.5%) of expense for the City's General Fund. Personnel Services include Salaries & Wages, Overtime, Insurance, Pension, and Worker's Compensation expenses. The Personnel Services category has averaged 2.43% growth per year from 2006 to 2016. A $469,249 contingency amount has been included in this budget for accrued benefit payouts.



Other Expenses: Other expenses represent 18.0% of the General Fund expenditures for 2018. Other expenses represent the Maintenance, Services & Charges, Materials & Supplies, and Motor Pool categories. The Services & Charges Category includes contract services, publications and dues, etc. and represents 9.2% of the total General Fund budget. The Materials & Supplies Category includes copier/printing charges, minor equipment, fuel, and office supplies and represents 2.9% of the total General Fund budget. The Maintenance Category includes building and grounds maintenance, software maintenance, and various other small maintenance accounts and is 3.1% of the total General Fund budget. The Motorpool Category represents 2.9% of the total General Fund budget.

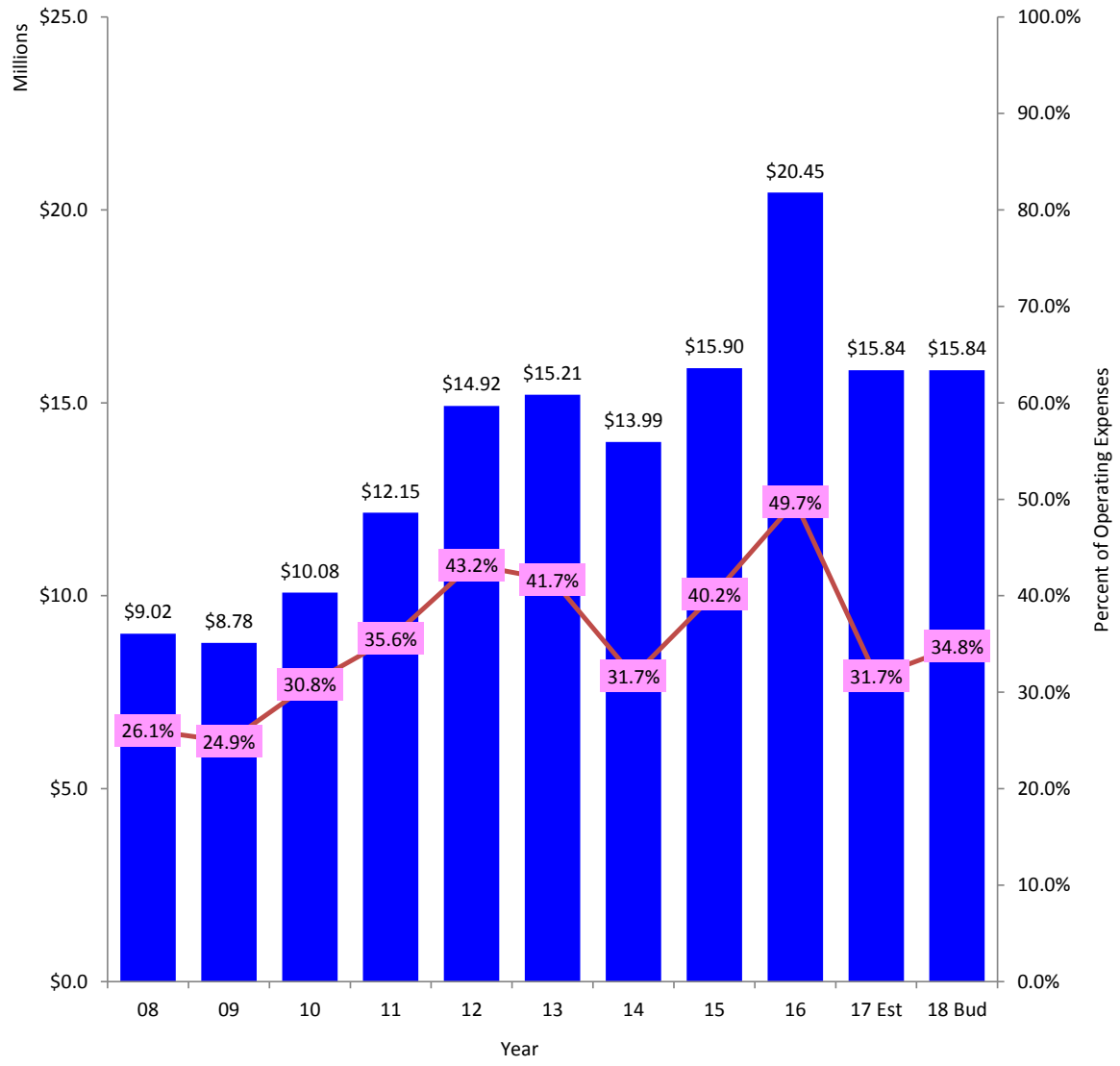


General Fund - Fund Balance

The amount of minimum reserves to be maintained in undesignated fund balance for General Fund is sixty (60) days (or 16.5%) of annual regular general fund operating expenditures. The General Fund designation requirement was approved by the Fayetteville City Council on November 5, 2002 with Resolution 174-2002 and currently amounts to $7,521,690.

General Fund

Ending Undesignated Fund Balance & % of Expense



City of Fayetteville, Arkansas
2018 Operating Budget
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Property Taxes	$ 3,105,560	$ 3,300,000	$ 3,279,100	$ 3,503,000
Sales Tax - County	13,693,474	13,641,000	14,605,541	14,898,000
Sales Tax - City	12,386,515	12,599,000	12,916,638	13,175,000
Alcoholic Beverage Taxes	702,554	665,000	702,300	702,000
Franchise Fees	5,729,195	5,730,000	5,764,308	5,782,000
Licenses & Permits	1,888,094	1,356,000	1,380,900	1,393,000
Intergovernmental	2,826,804	2,708,138	2,950,064	2,462,000
Charges for Services	1,838,759	1,742,889	1,756,339	1,735,500
Fines & Forfeitures	1,594,820	1,512,000	1,566,936	1,567,200
Transfer from Impact Fee Fund	67,680	0	0	0
Investment Earnings	70,411	117,000	155,000	133,300
Other	345,042	292,750	340,200	235,000
Total Revenues	44,248,908	43,663,777	45,417,326	45,586,000
Expenses:				
General Government Activity	3,958,160	8,038,367	8,038,367	4,529,366
- Outside Agencies	993,666	1,254,508	1,254,508	1,110,568
- Salary Contingency	0	533,969	433,969	469,249
- Fayetteville Public Library	1,694,883	1,697,000	1,697,000	1,701,000
- Cost Reimbursements	(2,480,982)	(2,480,982)	(2,480,982)	(2,480,982)
Finance and Internal Services Activity	5,333,918	5,919,032	5,919,032	5,963,761
Police Activity	13,990,860	15,652,822	15,652,822	14,999,703
Fire Activity	11,288,058	12,196,459	12,196,459	12,057,100
Community Planning & Engineering	4,173,386	4,546,851	4,546,851	4,633,101
Parks and Recreation Activity	1,895,395	2,354,412	2,354,412	2,370,134
Transfer to Water & Sewer	0	74,500	74,500	0
Transfer to Sales Tax Capital	32,120	0	0	0
Transfer to Shop	42,028	0	0	0
Transfer to Drug Grant	180,527	233,000	233,000	233,000
Total Expenses	41,102,019	50,019,938	49,919,938	45,586,000
Income / (Loss)	$ 3,146,889	$ (6,356,161)	$ (4,502,612)	$ 0
Total Budget	$ 41,102,019	$ 50,050,587	$ 49,950,587	$ 45,586,000

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 15,899,519	$ 20,447,333	$ 20,447,333	$ 15,944,721
Income / (Loss)	3,146,889	(6,356,161)	(4,502,612)	0
Designated FB Change (Increase)	1,400,925	0	0	0
Ending Undesignated Fund Balance	$ 20,447,333	$ 14,091,172	$ 15,944,721	$ 15,944,721

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1010.015.0150 - Mayors Administration Program:				
10 - Personnel Services	$ 232,317	$ 221,742	$ 221,742	$ 221,074
20 - Materials & Supplies	4,075	4,783	4,783	5,450
30 - Services and Charges	42,092	56,375	56,375	57,708
40 - Maintenance	0	100	100	100
Total	278,483	283,000	283,000	284,332
1010.016.0160 - City Council Program:				
10 - Personnel Services	143,917	152,172	152,172	159,082
20 - Materials & Supplies	149	414	414	414
30 - Services and Charges	8,685	19,314	19,314	20,214
Total	152,750	171,900	171,900	179,710
1010.021.0210 - City Attorney Program:				
10 - Personnel Services	313,535	312,188	312,188	317,196
20 - Materials & Supplies	2,977	4,120	4,120	4,120
30 - Services and Charges	12,245	19,292	19,292	19,292
Total	328,756	335,600	335,600	340,608
1010.031.0310 - City Prosecutor Program:				
10 - Personnel Services	663,614	645,070	645,070	629,068
20 - Materials & Supplies	15,823	13,600	10,900	10,650
30 - Services and Charges	13,866	12,770	15,470	15,600
40 - Maintenance	11,990	13,360	13,360	13,480
Total	705,292	684,800	684,800	668,798
1010.036.1360 - Internal Audit Program:				
10 - Personnel Services	62,688	98,100	98,100	91,361
20 - Materials & Supplies	64	600	600	600
30 - Services and Charges	4,450	3,200	3,200	3,200
Total	67,202	101,900	101,900	95,161
1010.040.0400 - District Judge Program:				
10 - Personnel Services	162,379	6,249	6,249	0
20 - Materials & Supplies	727	53,108	53,108	50
30 - Services and Charges	10,446	96,914	96,914	97,914
40 - Maintenance	11,853	12,861	12,861	12,500
Total	185,406	169,132	169,132	110,464

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1010.040.2010 - Criminal Cases Program:				
10 - Personnel Services	353,761	339,847	339,847	362,029
20 - Materials & Supplies	5,739	10,238	10,238	8,088
30 - Services and Charges	4,353	7,315	7,315	7,315
Total	363,853	357,400	357,400	377,432
1010.040.2020 - Probation & Fine Collection Program:				
10 - Personnel Services	24,155	24,834	24,834	24,844
20 - Materials & Supplies	0	400	400	400
30 - Services and Charges	614	1,325	1,325	1,325
Total	24,768	26,559	26,559	26,569
1010.040.2030 - Small Claims & Civil Cases Program:				
10 - Personnel Services	206,055	298,288	298,288	314,667
20 - Materials & Supplies	1,915	7,950	7,950	4,100
30 - Services and Charges	162	1,800	1,800	1,800
40 - Maintenance	0	103	103	103
Total	208,132	308,141	308,141	320,670
1010.050.0500 - Economic Development Program:				
10 - Personnel Services	0	105,200	105,200	107,445
20 - Materials & Supplies	0	16,585	16,585	13,210
30 - Services and Charges	82,500	678,915	678,915	352,290
Total	82,500	800,700	800,700	472,945
1010.051.1510 - City Clerk/Treasurer Program:				
10 - Personnel Services	302,761	321,168	321,168	343,747
20 - Materials & Supplies	13,094	13,650	13,650	13,550
30 - Services and Charges	28,803	39,733	39,733	42,733
40 - Maintenance	0	4,400	4,400	5,500
Total	344,658	378,951	378,951	405,530
1010.055.0550 - Communications Program:				
10 - Personnel Services	274,015	294,107	294,107	300,881
20 - Materials & Supplies	1,812	7,425	7,425	2,176
30 - Services and Charges	9,416	15,319	15,319	16,068
Total	285,243	316,851	316,851	319,125

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1010.060.0600 - Media Services Program:				
10 - Personnel Services	188,719	206,866	206,866	216,438
20 - Materials & Supplies	2,771	8,802	8,802	8,710
30 - Services and Charges	64,728	87,959	87,959	71,711
33 - Motorpool	1,421	1,147	1,147	1,912
40 - Maintenance	7,400	10,276	10,276	3,075
Total	265,040	315,050	315,050	301,846
1010.070.0700 - Chief of Staff Program:				
10 - Personnel Services	71,733	64,283	64,283	55,380
20 - Materials & Supplies	1,493	5,225	5,225	5,475
30 - Services and Charges	9,371	11,993	11,993	11,743
33 - Motorpool	8,134	8,570	8,570	8,317
Total	90,731	90,071	90,071	80,915
1010.080.5240 - Library Program:				
30 - Services and Charges	17,482	19,599	19,599	23,599
70 - Transfers to Outside Entities	1,677,401	1,677,401	1,677,401	1,677,401
Total	1,694,883	1,697,000	1,697,000	1,701,000
1010.090.6600 - Miscellaneous Program:				
10 - Personnel Services	0	533,969	433,969	469,249
20 - Materials & Supplies	2,167	20,124	20,124	15,394
30 - Services and Charges	532,707	537,760	537,760	482,736
39 - Cost Allocation	(2,480,982)	(2,480,982)	(2,480,982)	(2,480,982)
40 - Maintenance	19,649	22,528	22,528	25,331
70 - Transfers to Outside Entities	993,666	4,354,508	4,354,508	1,110,568
80 - Capital	20,823	18,100	18,100	22,000
96 - Operating Transfers Out	74,148	74,500	74,500	0
Total	(837,823)	3,080,507	2,980,507	(355,704)
1010.110.1100 - Chief Financial Officer Program:				
10 - Personnel Services	164,498	165,974	165,974	167,554
20 - Materials & Supplies	165	430	430	250
30 - Services and Charges	3,979	7,076	7,076	7,256
Total	168,642	173,480	173,480	175,060

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1010.120.1210 - Human Resource Operations Program:				
10 - Personnel Services	363,574	430,005	430,005	455,178
20 - Materials & Supplies	3,853	11,134	11,134	4,600
30 - Services and Charges	6,213	14,235	14,235	14,235
40 - Maintenance	0	150	150	150
Total	373,640	455,524	455,524	474,163
1010.120.1220 - Employee Benefits/Services Program:				
10 - Personnel Services	470,875	452,827	452,827	462,851
20 - Materials & Supplies	7,122	19,205	19,205	2,265
30 - Services and Charges	189,040	240,158	240,158	253,558
40 - Maintenance	42,547	36,500	36,500	38,530
Total	709,585	748,690	748,690	757,204
1010.131.1310 - Accounting & Audit Program:				
10 - Personnel Services	762,517	784,236	784,236	843,074
20 - Materials & Supplies	8,051	9,428	9,428	8,800
30 - Services and Charges	32,545	46,364	46,364	46,364
40 - Maintenance	837	1,000	1,000	1,000
Total	803,951	841,028	841,028	899,238
1010.133.1330 - Budget & Information Management Program:				
10 - Personnel Services	299,409	287,336	287,336	338,065
20 - Materials & Supplies	3,524	5,690	5,690	4,806
30 - Services and Charges	3,936	7,388	7,388	7,438
40 - Maintenance	100	1,266	1,266	2,100
Total	306,969	301,680	301,680	352,409
1010.140.1410 - General Maintenance Program:				
10 - Personnel Services	399,326	449,984	449,984	470,887
20 - Materials & Supplies	9,141	11,728	11,728	11,228
30 - Services and Charges	18,216	27,277	27,277	25,269
33 - Motorpool	11,712	13,508	13,508	16,428
40 - Maintenance	21,431	23,003	23,003	24,911
Total	459,827	525,500	525,500	548,723

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1010.140.1420 - Janitorial Program:				
10 - Personnel Services	232,874	250,124	250,124	242,918
20 - Materials & Supplies	15,083	26,616	26,616	57,094
30 - Services and Charges	14,156	19,360	19,360	16,360
40 - Maintenance	294	400	400	400
Total	262,407	296,500	296,500	316,772
1010.160.1610 - Purchasing Program:				
10 - Personnel Services	213,381	259,471	259,471	264,932
20 - Materials & Supplies	2,047	2,573	2,573	4,311
30 - Services and Charges	19,459	28,841	28,841	26,803
Total	234,888	290,885	290,885	296,046
1010.170.1710 - Information Technology Program:				
10 - Personnel Services	802,496	838,285	838,285	883,876
20 - Materials & Supplies	31,706	27,530	27,530	27,630
30 - Services and Charges	196,495	249,587	249,587	260,422
33 - Motorpool	6,947	7,765	7,765	8,063
40 - Maintenance	424,893	536,933	536,933	570,695
80 - Capital	(92)	0	0	0
Total	1,462,445	1,660,100	1,660,100	1,750,686
1010.170.1720 - GIS Program:				
10 - Personnel Services	289,712	320,260	320,260	327,675
20 - Materials & Supplies	2,476	2,900	2,900	2,900
30 - Services and Charges	9,253	9,720	9,720	10,220
40 - Maintenance	51,163	53,165	53,165	52,665
Total	352,605	386,045	386,045	393,460
1010.200.2900 - Police Support Services Program:				
10 - Personnel Services	2,222,548	2,320,727	2,320,727	2,393,060
20 - Materials & Supplies	71,350	82,029	82,029	73,729
30 - Services and Charges	446,758	559,738	559,738	567,171
33 - Motorpool	20,308	36,418	36,418	30,808
40 - Maintenance	233,805	243,292	243,292	268,124
96 - Operating Transfers Out	180,527	233,000	233,000	233,000
Total	3,175,296	3,475,204	3,475,204	3,565,892

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1010.200.2920 - Police Projects Program:				
10 - Personnel Services	313,673	106,366	106,366	0
20 - Materials & Supplies	30,088	298,028	298,028	0
30 - Services and Charges	72,377	139,875	139,875	0
33 - Motorpool	25,004	120,892	120,892	0
40 - Maintenance	7,098	8,907	8,907	0
70 - Transfers to Outside Entities	42,075	168,094	168,094	0
80 - Capital	82,574	281,370	281,370	0
91 - Contingency Savings	0	212,015	212,015	0
Total	572,889	1,335,547	1,335,547	0
1010.200.2940 - Police Patrol Program:				
10 - Personnel Services	8,055,768	8,272,531	8,272,531	8,717,020
20 - Materials & Supplies	230,865	367,104	367,104	373,071
30 - Services and Charges	196,862	278,650	278,650	257,314
33 - Motorpool	493,850	601,426	601,426	609,107
40 - Maintenance	41,929	49,020	49,020	50,658
Total	9,019,274	9,568,731	9,568,731	10,007,170
1010.260.2600 - Central Dispatch Program:				
10 - Personnel Services	1,280,951	1,364,405	1,364,405	1,520,780
20 - Materials & Supplies	9,890	10,085	10,085	9,197
30 - Services and Charges	62,632	69,046	69,046	71,934
33 - Motorpool	9,193	10,930	10,930	11,689
40 - Maintenance	37,553	45,658	45,658	46,041
80 - Capital	3,709	6,216	6,216	0
Total	1,403,928	1,506,340	1,506,340	1,659,641
1010.300.3010 - Fire Prevention Program:				
10 - Personnel Services	547,592	645,959	645,959	598,092
20 - Materials & Supplies	27,971	37,787	37,787	36,587
30 - Services and Charges	12,005	12,025	12,025	14,175
33 - Motorpool	47,335	60,358	60,358	60,168
Total	634,903	756,129	756,129	709,022

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1010.300.3020 - Fire Operations Program:				
10 - Personnel Services	9,247,810	9,909,343	9,909,343	9,855,406
20 - Materials & Supplies	129,516	164,986	164,986	179,660
30 - Services and Charges	508,016	514,145	514,145	494,297
33 - Motorpool	234,646	250,960	250,960	247,232
40 - Maintenance	122,849	141,016	141,016	123,840
80 - Capital	71,480	149	149	16,000
91 - Contingency Savings	0	74,175	74,175	80,000
96 - Operating Transfers Out	0	29,149	29,149	0
Total	10,314,318	11,083,923	11,083,923	10,996,435
1010.300.3030 - Fire Training Program:				
10 - Personnel Services	263,491	284,503	284,503	238,188
20 - Materials & Supplies	9,593	10,934	10,934	21,734
30 - Services and Charges	16,607	27,975	27,975	27,975
33 - Motorpool	23,830	21,728	21,728	21,926
Total	313,521	345,140	345,140	309,823
1010.300.3040 - Fire Hazardous Materials Program:				
20 - Materials & Supplies	7,351	18,882	18,882	13,466
30 - Services and Charges	6,161	8,039	8,039	8,039
33 - Motorpool	11,421	11,995	11,995	18,815
40 - Maintenance	383	3,000	3,000	1,500
Total	25,316	41,916	41,916	41,820
1010.430.1380 - Utilities Management Program:				
10 - Personnel Services	74,477	74,600	74,600	0
20 - Materials & Supplies	(185)	0	0	0
30 - Services and Charges	124,667	165,000	165,000	0
Total	198,960	239,600	239,600	0
1010.520.5210 - Swimming Pool Program:				
10 - Personnel Services	98,780	104,407	104,407	109,691
20 - Materials & Supplies	13,800	14,359	14,359	16,710
30 - Services and Charges	16,937	18,851	18,851	18,851
33 - Motorpool	1,309	1,907	1,907	2,300
40 - Maintenance	1,695	1,340	1,340	3,884
Total	132,521	140,864	140,864	151,436

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1010.520.5220 - Parks Admin/Rec Programs Program:				
10 - Personnel Services	490,955	563,266	563,266	567,219
20 - Materials & Supplies	88,737	95,527	95,527	103,432
30 - Services and Charges	99,838	148,528	148,528	130,110
33 - Motorpool	9,644	13,008	13,008	14,992
Total	689,174	820,329	820,329	815,753
1010.520.5250 - Lake Maintenance Program:				
10 - Personnel Services	7,529	7,470	7,470	7,399
20 - Materials & Supplies	2,203	2,311	2,311	2,311
30 - Services and Charges	73,956	82,323	82,323	79,823
33 - Motorpool	511	772	772	883
40 - Maintenance	5,390	17,180	17,180	1,180
Total	89,589	110,056	110,056	91,596
1010.520.5260 - Parks Maintenance Program:				
10 - Personnel Services	382,105	452,444	452,444	469,997
20 - Materials & Supplies	84,233	104,323	104,323	85,277
30 - Services and Charges	185,177	304,446	304,446	335,836
33 - Motorpool	72,764	97,435	97,435	107,922
39 - Cost Allocation	(5,265)	(7,346)	(7,346)	(9,680)
40 - Maintenance	94,894	120,363	120,363	137,681
Total	813,907	1,071,665	1,071,665	1,127,033
1010.520.5280 - Yvonne Richardson Community Ctr Program:				
10 - Personnel Services	120,485	132,582	132,582	146,706
20 - Materials & Supplies	5,023	12,022	12,022	6,245
30 - Services and Charges	42,442	63,216	63,216	28,115
33 - Motorpool	1,480	1,075	1,075	897
40 - Maintenance	775	2,603	2,603	2,353
Total	170,204	211,498	211,498	184,316
1010.620.6200 - Development Services Director Program:				
10 - Personnel Services	228,678	282,986	282,986	289,695
20 - Materials & Supplies	455	3,575	3,575	750
30 - Services and Charges	994	5,239	5,239	6,814
Total	230,126	291,800	291,800	297,259

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1010.621.6210 - Engineering Design Services Program:				
10 - Personnel Services	169,058	166,591	166,591	0
20 - Materials & Supplies	11,063	12,867	12,867	0
30 - Services and Charges	5,581	5,906	5,906	0
33 - Motorpool	4,393	5,071	5,071	0
40 - Maintenance	14	80	80	0
Total	190,108	190,515	190,515	0
1010.621.6220 - Eng Operations & Admin Program:				
10 - Personnel Services	584,138	551,746	551,746	777,726
20 - Materials & Supplies	3,732	5,301	5,301	27,778
30 - Services and Charges	22,796	25,695	25,695	31,426
33 - Motorpool	4,910	5,376	5,376	14,901
40 - Maintenance	0	150	150	230
Total	615,575	588,268	588,268	852,061
1010.621.6230 - Engineering Land Acquisition Program:				
10 - Personnel Services	81,873	70,268	70,268	75,669
20 - Materials & Supplies	742	800	800	0
30 - Services and Charges	20	400	400	850
Total	82,634	71,468	71,468	76,519
1010.621.6240 - Engineering Public Construction Program:				
10 - Personnel Services	258,980	288,637	288,637	301,794
20 - Materials & Supplies	9,798	12,325	12,325	10,725
30 - Services and Charges	517	3,085	3,085	2,810
33 - Motorpool	19,399	21,481	21,481	24,756
Total	288,694	325,528	325,528	340,085
1010.630.6300 - City Planning Program:				
10 - Personnel Services	429,241	449,786	449,786	470,219
20 - Materials & Supplies	15,307	16,865	16,865	17,865
30 - Services and Charges	31,638	25,340	25,340	25,340
33 - Motorpool	7,272	9,578	9,578	11,001
40 - Maintenance	362	1,350	1,350	350
Total	483,820	502,919	502,919	524,775

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1010.630.6305 - Planning Commission Program:				
10 - Personnel Services	43,598	43,605	43,605	43,599
30 - Services and Charges	8,626	27,007	27,007	2,395
Total	52,224	70,612	70,612	45,994
1010.631.6310 - Sustainability & Resilience Program:				
10 - Personnel Services	242,519	251,547	251,547	310,939
20 - Materials & Supplies	2,101	1,250	1,250	1,150
30 - Services and Charges	14,610	41,389	41,389	46,489
40 - Maintenance	0	17,150	17,150	12,150
Total	259,229	311,336	311,336	370,728
1010.640.6400 - Building Safety Program:				
10 - Personnel Services	514,278	552,308	552,308	579,549
20 - Materials & Supplies	12,292	17,159	17,159	17,946
30 - Services and Charges	22,293	29,317	29,317	28,730
33 - Motorpool	20,064	24,016	24,016	24,961
40 - Maintenance	0	200	200	0
Total	568,927	623,000	623,000	651,186
1010.642.6420 - Code Compliance Program:				
10 - Personnel Services	330,019	350,862	350,862	366,867
20 - Materials & Supplies	5,584	11,299	11,299	10,674
30 - Services and Charges	36,297	38,898	38,898	32,123
33 - Motorpool	14,616	18,141	18,141	20,609
Total	386,515	419,200	419,200	430,273
1010.671.2710 - Animal Patrol/Emergency Response Program:				
10 - Personnel Services	322,768	317,270	317,270	326,546
20 - Materials & Supplies	13,198	18,030	18,030	18,030
30 - Services and Charges	11,004	10,727	10,727	10,727
33 - Motorpool	41,184	43,813	43,813	45,415
40 - Maintenance	1,610	1,460	1,460	1,460
Total	389,764	391,300	391,300	402,178

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1010.671.2720 - Animal Shelter Program:				
10 - Personnel Services	287,562	304,806	304,806	328,621
20 - Materials & Supplies	26,030	24,612	24,612	25,551
30 - Services and Charges	45,215	55,543	55,543	55,054
40 - Maintenance	7,703	12,106	12,106	11,656
Total	366,510	397,067	397,067	420,882
1010.671.2730 - Veterinarian/Clinic Program:				
10 - Personnel Services	130,929	145,686	145,686	151,314
20 - Materials & Supplies	65,416	65,837	65,837	65,837
30 - Services and Charges	3,464	3,360	3,360	3,360
40 - Maintenance	351	450	450	450
Total	200,160	215,333	215,333	220,961
1010.671.2740 - Animal Services Projects Program:				
20 - Materials & Supplies	21,013	71,996	71,996	0
30 - Services and Charges	706	929	929	0
40 - Maintenance	37,379	66,380	66,380	0
80 - Capital	0	9,000	9,000	0
Total	59,098	148,305	148,305	0
Budget Total	$ 41,102,019	$ 50,050,587	$ 49,950,587	$ 45,586,000

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Street Fund (2100)

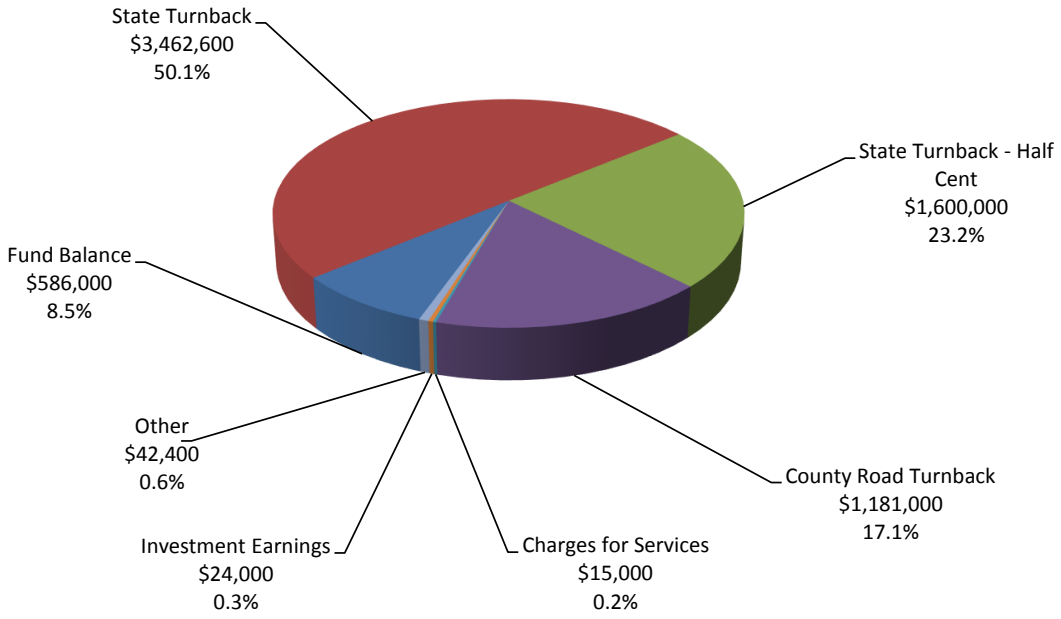
The **Street Fund** is primarily financed by two turnback revenues received from the State of Arkansas and also the turnback monies received from the County Road Millage Tax. These monies are utilized to maintain and repair City streets, rights-of-way, drainage, traffic control and maintenance, and City owned sidewalks.

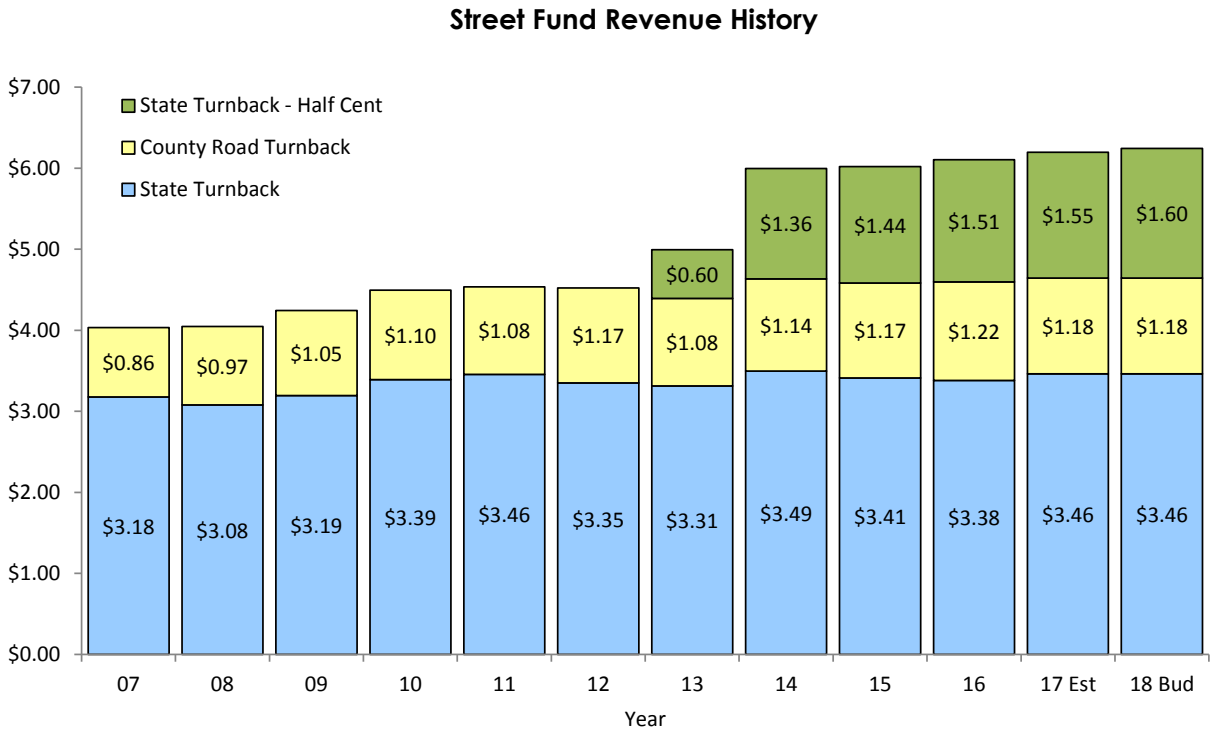
Street Fund Revenues

Revenues for Street Fund are forty-nine percent motor fuel taxes collected by the State of Arkansas (state turnback) and returned to the City on a per capita basis. Projections for 2018 are based on the per capita rate of $68.80 from the State and calculated based on the 2010 census population of 73,580. The City also receives $1.6 million in State Turnback from the State's half cent per gallon tax.

The City receives 80% of the road millage levied by the Quorum Court on real and personal property located within the City. The current 2018 county levy is 1.1 mil. The county maximum allowable is 3.0 mils.

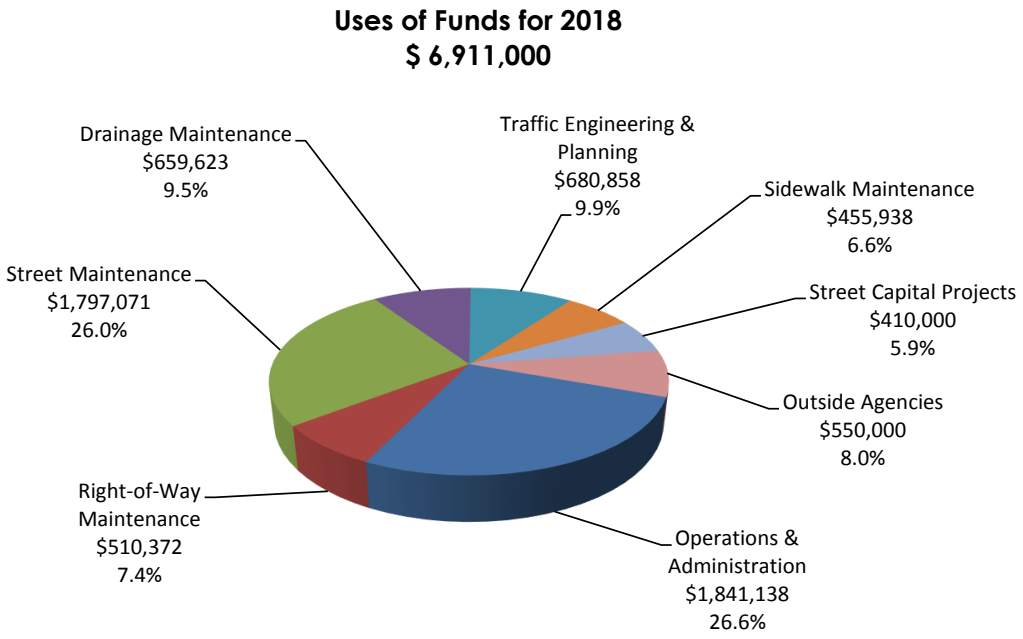
Sources of Funds for 2018
$ 6,911,000





Street Fund Expenses

The primary purpose of funds expended from the Street Fund relate to the maintenance, repair and construction of streets within the City of Fayetteville. Associated drainage maintenance activities as well as street sweeping are also programs supported by the Street Fund. There is $410,000 budgeted in capital projects. A total of $380,000 is for sidewalk improvements and $30,000 is for building improvements at the Street Division.



City of Fayetteville, Arkansas
2018 Operating Budget
Street Fund (2100)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
State Turnback	$ 3,379,723	$ 3,470,000	$ 3,462,600	$ 3,462,600
State Turnback - Half Cent	1,508,271	1,349,500	1,553,700	1,600,000
Investment Earnings	21,177	30,000	33,300	24,000
County Road Turnback	1,215,709	1,154,500	1,181,100	1,181,000
Charges for Services	70,544	15,000	69,630	15,000
Other	92,142	41,000	82,656	42,400
Total Revenues	6,287,566	6,060,000	6,382,986	6,325,000
Expenses:				
Outside Agencies	533,859	550,000	550,000	550,000
Operations & Administration	1,590,404	1,876,200	1,876,200	1,841,138
Right-of-Way Maintenance	357,493	475,000	475,000	510,372
Street Maintenance	1,330,742	1,762,703	1,762,703	1,797,071
Drainage Maintenance	539,920	755,795	755,795	659,623
Traffic Engineering & Planning	604,945	587,050	587,050	680,858
Street Capital Projects	656,390	1,415,027	1,415,027	410,000
Street & Trail Construction	330,011	170,712	170,712	0
Sidewalk Maintenance	394,130	406,000	406,000	455,938
Transfer to Shop	0	0	0	6,000
Total Expenses	6,337,894	7,998,487	7,998,487	6,911,000
Income / (Loss)	$ (50,328)	$ (1,938,487)	$ (1,615,501)	$ (586,000)
Total Budget	$ 6,337,894	$ 7,998,487	$ 7,998,487	$ 6,911,000

FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 4,017,455	$ 3,967,127	$ 3,967,127	$ 2,351,626
Income / (Loss)	(50,328)	(1,938,487)	(1,615,501)	(586,000)
Ending Fund Balance	$ 3,967,127	$ 2,028,640	$ 2,351,626	$ 1,765,626

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Street Fund (2100)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
2100.410.4100 - Operations & Administration Program:				
10 - Personnel Services	$ 656,067	$ 822,482	$ 822,482	$ 748,311
20 - Materials & Supplies	32,557	40,688	40,688	41,238
30 - Services and Charges	811,218	912,964	912,964	951,211
33 - Motorpool	19,874	20,761	20,761	20,765
39 - Cost Allocation	42,828	42,828	42,828	42,828
40 - Maintenance	27,859	36,477	36,477	36,785
70 - Transfers to Outside Entities	533,859	550,000	550,000	550,000
Total	2,124,263	2,426,200	2,426,200	2,391,138
2100.410.4110 - Right-of-Way Maintenance Program:				
10 - Personnel Services	229,079	291,917	291,917	328,945
20 - Materials & Supplies	20,700	47,277	47,277	48,527
30 - Services and Charges	(1)	0	0	0
33 - Motorpool	106,084	133,906	133,906	131,000
40 - Maintenance	1,631	1,900	1,900	1,900
Total	357,493	475,000	475,000	510,372
2100.410.4120 - Street Maintenance Program:				
10 - Personnel Services	564,178	698,486	698,486	745,917
20 - Materials & Supplies	131,339	292,760	292,760	309,937
30 - Services and Charges	0	1,500	1,500	1,500
33 - Motorpool	1,123,840	1,291,212	1,291,212	1,313,695
39 - Cost Allocation	(492,473)	(535,219)	(535,219)	(587,942)
40 - Maintenance	3,858	13,964	13,964	13,964
96 - Transfer to Shop	0	0	0	6,000
Total	1,330,742	1,762,703	1,762,703	1,803,071
2100.410.4130 - Drainage Maintenance Program:				
10 - Personnel Services	316,388	425,158	425,158	367,884
20 - Materials & Supplies	72,272	158,304	158,304	134,516
30 - Services and Charges	2,247	4,790	4,790	4,750
33 - Motorpool	148,977	165,709	165,709	150,599
40 - Maintenance	36	1,834	1,834	1,874
Total	539,920	755,795	755,795	659,623

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Street Fund (2100)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
2100.410.5315 - Traffic Engineering & Planning Program:				
10 - Personnel Services	353,465	334,910	334,910	375,996
20 - Materials & Supplies	109,917	118,785	118,785	118,735
30 - Services and Charges	997	2,000	2,000	2,000
33 - Motorpool	60,744	64,555	64,555	97,327
40 - Maintenance	79,824	66,800	66,800	86,800
Total	604,945	587,050	587,050	680,858
2100.410.5500 - Street Capital Projects Program:				
20 - Materials & Supplies	0	544	544	0
30 - Services and Charges	172,125	193,595	193,595	0
39 - Cost Allocation	0	40,325	40,325	0
40 - Maintenance	32,572	35,569	35,569	0
80 - Capital	451,693	1,144,994	1,144,994	410,000
Total	656,390	1,415,027	1,415,027	410,000
2100.410.5520 - Street & Trail Construction Program:				
10 - Personnel Services	723	0	0	0
20 - Materials & Supplies	26,315	54,810	54,810	54,810
33 - Motorpool	225,481	267,332	267,332	265,387
39 - Cost Allocation	(251,796)	(322,142)	(322,142)	(320,197)
40 - Maintenance	329,288	170,712	170,712	0
Total	330,011	170,712	170,712	0
2100.410.5530 - Sidewalks Program:				
10 - Personnel Services	237,369	200,541	200,541	267,910
20 - Materials & Supplies	40,992	58,012	58,012	53,762
33 - Motorpool	145,017	159,134	159,134	138,990
39 - Cost Allocation	(33,873)	(16,687)	(16,687)	(9,724)
40 - Maintenance	4,624	5,000	5,000	5,000
Total	394,130	406,000	406,000	455,938
Budget Total	$ 6,337,894	$ 7,998,487	$ 7,998,487	$ 6,911,000

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Parking Fund (2130)

The **Parking Fund** accounts for funds received from meter revenues and parking lot rentals. Expenses for the maintenance and operation of parking lots and parking spaces are paid from this fund.

The Parking Fund is also used to pay debt service for the 2012 Parking Improvements Revenue Bond Issue. Payments for contractual services provided to the City by The Walton Arts Center are also made from the Parking Fund.

For 2018, this fund is expected to have a decrease in fund balance of $79,000. This is due to necessary capital improvements required in 2018.

City of Fayetteville, Arkansas
2018 Operating Budget
Parking Fund (2130)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Downtown District Parking Revenue	$ 615,006	$ 640,480	$ 602,278	$ 630,340
Entertainment District Parking Revenue	1,222,328	1,166,600	1,249,429	1,296,500
Investment Earnings	3,931	3,800	3,260	3,210
Other	(3,530)	1,120	5,711	1,950
Transfer from Parking Deck Project	0	0	243,431	0
Total Revenues	1,837,735	1,812,000	2,104,109	1,932,000
Expenses:				
Downtown District Parking	528,238	663,323	663,323	754,321
Entertainment District Parking	272,128	317,681	317,681	335,128
Spring Street Municipal Parking Deck	57,895	111,996	111,996	100,551
Transfer to Walton Arts Center	250,000	250,000	250,000	250,000
Parking Lot Improvements	0	304,898	304,898	187,000
Transfer to Parking Deck Bond	360,170	385,000	385,000	384,000
Total Expenses	1,468,431	2,032,898	2,032,898	2,011,000
Income / (Loss)	$ 369,304	$ (220,898)	$ 71,211	$ (79,000)
Total Budget	$ 1,468,431	$ 2,032,898	$ 2,032,898	$ 2,011,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 485,313	$ 854,617	$ 854,617	$ 925,828
Income / (Loss)	369,304	(220,898)	71,211	(79,000)
Reduction of Interfund Loan Liability	0	0	0	0
Ending Undesignated Fund Balance	$ 854,617	$ 633,719	$ 925,828	$ 846,828

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Parking Fund (2130)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
2130.430.9130 - Off-Street Parking Program:				
10 - Personnel Services	$ 257,952	$ 312,811	$ 312,811	$ 379,689
20 - Materials & Supplies	24,062	51,305	51,305	51,205
30 - Services and Charges	96,056	80,867	80,867	80,864
33 - Motorpool	3,065	3,251	3,251	3,474
39 - Cost Allocation	8,364	8,364	8,364	8,364
40 - Maintenance	21,633	32,725	32,725	46,725
80 - Capital	0	262,425	262,425	197,000
70 - Transfers to Outside Entities	117,106	174,000	174,000	174,000
Total	528,238	925,748	925,748	941,321
2130.430.9131 - Entertainment District Parking Program:				
10 - Personnel Services	129,516	154,211	154,211	175,064
20 - Materials & Supplies	7,660	10,938	10,938	9,588
30 - Services and Charges	120,231	120,911	120,911	122,411
33 - Motorpool	4,599	4,572	4,572	5,166
40 - Maintenance	10,122	27,049	27,049	22,899
70 - Transfers to Outside Entities	250,000	250,000	250,000	250,000
Total	522,128	567,681	567,681	585,128
2130.430.9132 - Spring St Municipal Parking Deck Program:				
10 - Personnel Services	21,726	32,895	32,895	39,850
20 - Materials & Supplies	0	17,500	17,500	0
30 - Services and Charges	34,068	57,641	57,641	57,641
40 - Maintenance	2,101	3,960	3,960	3,060
80 - Capital	0	42,473	42,473	0
96 - Operating Transfers Out	360,170	385,000	385,000	384,000
Total	418,065	539,469	539,469	484,551
Budget Total	$ 1,468,431	$ 2,032,898	$ 2,032,898	$ 2,011,000

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Community Development Block Grant Fund (2180)

The **Community Development Block Grant Fund** accounts for the community development grant funds received from the Federal Department of Housing and Urban Development. Amounts budgeted for 2017 represent the remaining portion of the 2016 entitlement and the 2017 award. New funds will be awarded by September 2018.

Beginning November of 2015, the City received Special Needs Assistance Programs (SNAPS) grants from the Department of Housing and Urban Development for homeless assistance in the Fayetteville area.

City of Fayetteville, Arkansas
2018 Operating Budget
Community Development Block Grant Fund (2180)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Community Development Grant Funding	$ 584,026	$ 1,410,857	$ 1,410,857	$ 616,636
Other	3,790	1,347	1,347	0
CDBG Program Income	34,648	4,342	4,342	0
SNAPS HEARTH Grant Funding	82,886	387,361	387,361	303,364
Total Revenues	705,350	1,803,907	1,803,907	920,000
Expenses:				
Administration & Planning	88,045	177,454	187,606	92,088
Housing Services	278,731	765,615	755,463	193,506
Redevelopment	68,609	114,888	114,888	64,042
Public Service	42,680	122,035	122,035	87,000
Public Facilities & Improvements	128,030	265,895	265,895	180,000
HEARTH - AR0038	50	142,950	142,950	38,510
HEARTH - AR0043	23,837	232,916	232,916	194,360
HEARTH - AR0044	0	37,005	37,005	37,005
	0	33,489	33,489	33,489
Total Expenses	629,982	1,892,247	1,892,247	920,000
Income / (Loss)	$ 75,368	$ (88,340)	$ (88,340)	$ 0
Total Budget	$ 629,982	$ 1,892,247	$ 1,892,247	$ 920,000

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 9,222	$ 84,590	$ 84,590	$ (3,750)
Income / (Loss)	75,368	(88,340)	(88,340)	0
Ending Undesignated Fund Balance	$ 84,590	$ (3,750)	$ (3,750)	$ (3,750)

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Community Development Block Grant Fund (2180)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
2180.642.4930 - Administration & Planning Program:				
10 - Personnel Services	$ 66,523	$ 76,758	$ 86,910	$ 79,018
20 - Materials & Supplies	1,234	16,745	16,745	3,491
30 - Services and Charges	20,289	83,951	83,951	9,579
Total	88,045	177,454	187,606	92,088
2180.642.4940 - Housing Services Program:				
10 - Personnel Services	153,105	217,678	207,526	174,598
20 - Materials & Supplies	9,127	14,976	14,976	5,235
30 - Services and Charges	114,600	529,582	529,582	9,179
33 - Motorpool	1,898	3,379	3,379	4,494
Total	278,731	765,615	755,463	193,506
2180.642.4945 - Redevelopment Program:				
10 - Personnel Services	47,170	65,453	65,453	50,103
20 - Materials & Supplies	9,924	12,306	12,306	5,820
30 - Services and Charges	5,919	30,849	30,849	1,902
33 - Motorpool	5,595	6,280	6,280	6,217
Total	68,609	114,888	114,888	64,042
2180.642.4955 - HEARTH - AR0038 Program:				
30 - Services and Charges	50	142,950	142,950	38,510
Total	50	142,950	142,950	38,510
2180.642.4956 - HEARTH - AR0043 Program:				
30 - Services and Charges	23,837	232,916	232,916	194,360
Total	23,837	232,916	232,916	194,360
2180.642.4957 - HEARTH - AR0044 Program:				
30 - Services and Charges	0	37,005	37,005	37,005
Total	0	37,005	37,005	37,005
2180.642.4970 - Public Services Program:				
30 - Services and Charges	42,680	122,035	122,035	87,000
Total	42,680	122,035	122,035	87,000

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Community Development Block Grant Fund (2180)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
2180.642.4990 - Public Facilities & Improvements Program:				
30 - Services and Charges	128,030	265,895	265,895	180,000
Total	128,030	265,895	265,895	180,000
2180.642.4958 - HEARTH - AR0039 Program:				
30 - Services and Charges	0	33,489	33,489	33,489
Total	0	33,489	33,489	33,489
Budget Total	$ 629,982	$ 1,892,247	$ 1,892,247	$ 920,000

Special State Grants Fund (2230)

The **Special State Grants Fund** accounts for new grants which represent new grant programs funded by the State and will be budgeted and accounted for in this fund.

In 2013, a grant was received from the National Endowment of the Arts for a streetscape design project on School Avenue.

In 2015, a grant was received from the U.S. Department of Agriculture Farmers Market Promotion Program to expand and promote direct producer-to-consumer marketing for the Fayetteville Farmers Market.

In 2016, a grant was received from the Federal Emergency Management Agency to purchase a mobile training simulator for the Fire Department.

In 2017, a grant was received from the Federal Emergency Management Agency to purchase a Mobile Air Cascade Trailer.

City of Fayetteville, Arkansas
2018 Operating Budget
Special Grants Fund (2230)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Intergovernmental (Grants)	$ 27,815	$ 780,290	$ 780,290	$ 0
Transfer from Impact Fee Fund	103	88,260	88,260	0
Transfer from General Fund	0	29,149	29,149	0
Total Revenues	27,918	897,699	897,699	0
Expenses:				
NWACC Equipment Grant	0	0	0	0
NEA School Street Grant	0	28,721	28,721	0
USDA Farmers' Market Promotions Grant	27,815	27,931	27,931	0
FEMA Fire Mobile Training Grant	103	701,897	701,897	0
FEMA Fire Mobile Air Cascade Trailer	0	139,150	139,150	0
Total Expenses	27,918	897,699	897,699	0
Income / (Loss)	$ 0	$ 0	$ 0	$ 0
Total Budget	$ 27,918	$ 897,699	$ 897,699	$ 0
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 0	$ 0	$ 0	$ 0
Income / (Loss)	0	0	0	0
Ending Fund Balance	$ 0	$ 0	$ 0	$ 0

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Impact Fee Fund (2300)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
2300.200.9300 - Impact Fee Expense Program:				
20 - Materials & Supplies	$ 144,821	$ 600,463	$ 600,463	$ 0
30 - Services and Charges	53,372	14,473	14,473	0
40 - Maintenance	0	14,000	14,000	0
80 - Capital	58,212	106,072	106,072	115,000
96 - Operating Transfers Out	172,680	25,000	25,000	0
Total	429,085	760,008	760,008	115,000
2300.300.9300 - Impact Fee Expense Program:				
20 - Materials & Supplies	23,865	24,949	24,949	0
80 - Capital	685,406	23,935	23,935	89,000
96 - Operating Transfers Out	103	405,398	405,398	0
Total	709,374	454,282	454,282	89,000
2300.720.9300 - Impact Fee Expense Program:				
96 - Operating Transfers Out	0	3,138,103	3,138,103	400,000
Total	0	3,138,103	3,138,103	400,000
2300.730.9300 - Impact Fee Expense Program:				
96 - Operating Transfers Out	0	2,339,048	2,339,048	300,000
Total	0	2,339,048	2,339,048	300,000
Budget Total	$ 1,138,459	$ 6,691,441	$ 6,691,441	$ 904,000

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Energy Block Grant Fund (2240)

The **Energy Block Grant Fund** was received from the United States Department of Energy as part of the American Recovery and Reinvestment Act. These funds were used to develop several greenhouse gas (GHG) reduction projects. The only project that is currently active is the Community Revolving Loan Fund, which loaned money to three local non-profit organizations to complete energy conservation retrofits on their facilities. The non-profits are repaying these loans over a 10 year period. When the loans mature in 2022, the City may use the repaid funds for energy conservation or renewable energy projects on city facilities.

City of Fayetteville, Arkansas
2018 Operating Budget
Energy Block Grant Fund (2240)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Investment Earnings	$ 1,259	$ 1,000	$ 1,000	$ 0
Other	21,224	21,000	21,000	0
Total Revenues	22,483	22,000	22,000	0
Expenses:				
Total Expenses	0	0	0	0
Income / (Loss)	$ 22,483	$ 22,000	$ 22,000	$ 0
Total Budget	$ 0	$ 0	$ 0	$ 0
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 85,066	$ 107,549	$ 107,549	$ 129,549
Income / (Loss)	22,483	22,000	22,000	0
Ending Fund Balance	$ 107,549	$ 129,549	$ 129,549	$ 129,549

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Energy Block Grant Fund (2240)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
2240.900.9240 - Energy Block Grant Program:				
10 - Personnel Services	$ 0	$ 0	$ 0	$ 0
20 - Materials & Supplies	0	0	0	0
30 - Services and Charges	0	0	0	0
80 - Capital	0	0	0	0
Total	0	0	0	0
Budget Total	$ 0	$ 0	$ 0	$ 0

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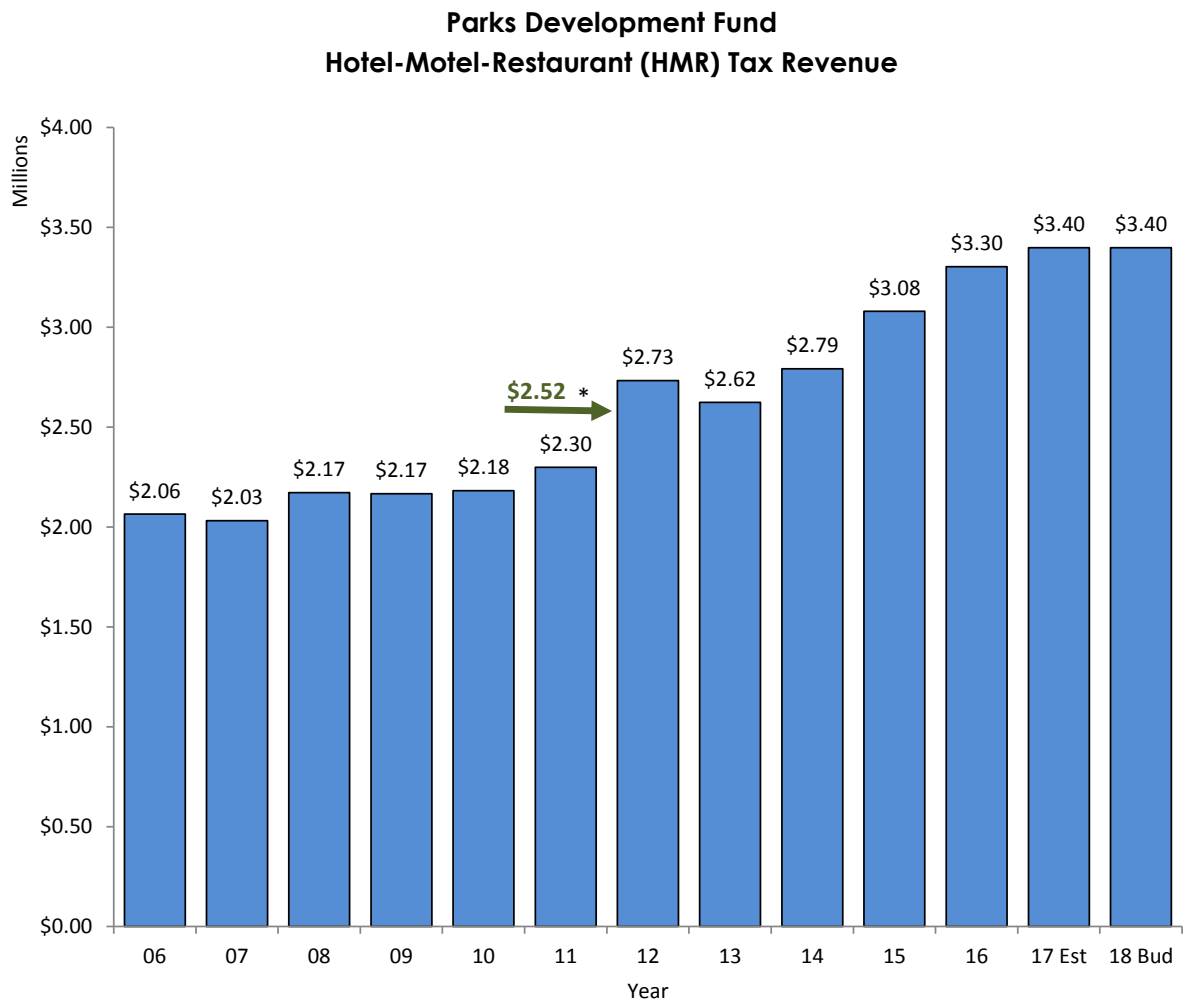
Parks Development Fund (2250)

The **Parks Development Fund** accounts for the revenue and expenditures of the Parks HMR tax approved by the voters in 1995. The $3.282 million in planned expenditures for 2018 includes $789,000 in capital improvements.

In 2010, a Citywide referendum was held and voters approved the use of these funds for capital projects and maintenance activities. The use of Park Development Funds for promotional activities is no longer permitted.

The HMR tax revenues are expected to be flat in 2018 compared to estimates.



* Actual collections for the 12 month period were $2,521,145. The amount of $2,732,283 is due to a one time change in account recognition basis used for the production of the 2012 financial statements. This resulted in the recognition of one extra month's collection of revenue in 2012.

City of Fayetteville, Arkansas
2018 Operating Budget
Parks Development Fund (2250)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Hotel, Motel, and Restaurant Taxes	$ 3,302,526	$ 3,388,000	$ 3,398,200	$ 3,398,200
Intergovernmental	9,198	416,000	416,000	0
Charges for Services	69,854	84,726	87,923	85,200
Greenspace Fees Contribution	227,641	239,987	239,987	0
Investment Earnings	50,557	44,000	15,200	15,200
Other	64,883	147,000	147,706	22,400
Total Revenues	3,724,659	4,319,713	4,305,016	3,521,000
Expenses:				
Parks Development Program	2,021,883	2,438,379	2,438,379	2,493,000
Parks Development Capital	6,193,343	2,465,699	2,465,699	789,000
Parks Development Greenspace Capital	227,641	239,887	239,887	0
Transfer to Shop	91,200	27,000	27,000	0
Total Expenses	8,534,067	5,170,965	5,170,965	3,282,000
Income / (Loss)	$ (4,809,408)	$ (851,252)	$ (865,949)	$ 239,000
Total Budget	$ 8,534,067	$ 5,170,965	$ 5,170,965	$ 3,282,000
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 6,974,489	$ 2,165,081	$ 2,165,081	$ 1,299,132
Income / (Loss)	(4,809,408)	(851,252)	(865,949)	239,000
Ending Fund Balance	$ 2,165,081	$ 1,313,829	$ 1,299,132	$ 1,538,132

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Parks Development Fund (2250)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
2250.520.9250 - Parks Development Program:				
10 - Personnel Services	$ 1,481,153	$ 1,750,206	$ 1,750,206	$ 1,771,466
20 - Materials & Supplies	80,898	108,435	108,435	115,697
30 - Services and Charges	91,383	105,580	105,580	110,625
33 - Motorpool	254,468	337,646	337,646	358,664
39 - Cost Allocation	94,548	94,548	94,548	94,548
40 - Maintenance	19,434	22,000	22,000	22,000
91 - Contingency Savings	0	19,964	19,964	20,000
96 - Operating Transfers Out	91,200	27,000	27,000	0
Total	2,113,083	2,465,379	2,465,379	2,493,000
2250.520.9255 - Parks Development Capital Program:				
20 - Materials & Supplies	4,355	23,327	23,327	0
30 - Services and Charges	31,731	15,154	15,200	0
40 - Maintenance	6,238	69,230	69,230	0
80 - Capital	6,151,019	2,357,988	2,357,942	789,000
Total	6,193,343	2,465,699	2,465,699	789,000
2250.520.9256 - Parks Dev Capital Greenspace Program:				
20 - Materials & Supplies	2,756	0	0	0
30 - Services and Charges	18,743	4,996	4,996	0
40 - Maintenance	784	18	18	0
80 - Capital	205,358	234,873	234,873	0
Total	227,641	239,887	239,887	0
Budget Total	$ 8,534,067	$ 5,170,965	$ 5,170,965	$ 3,282,000

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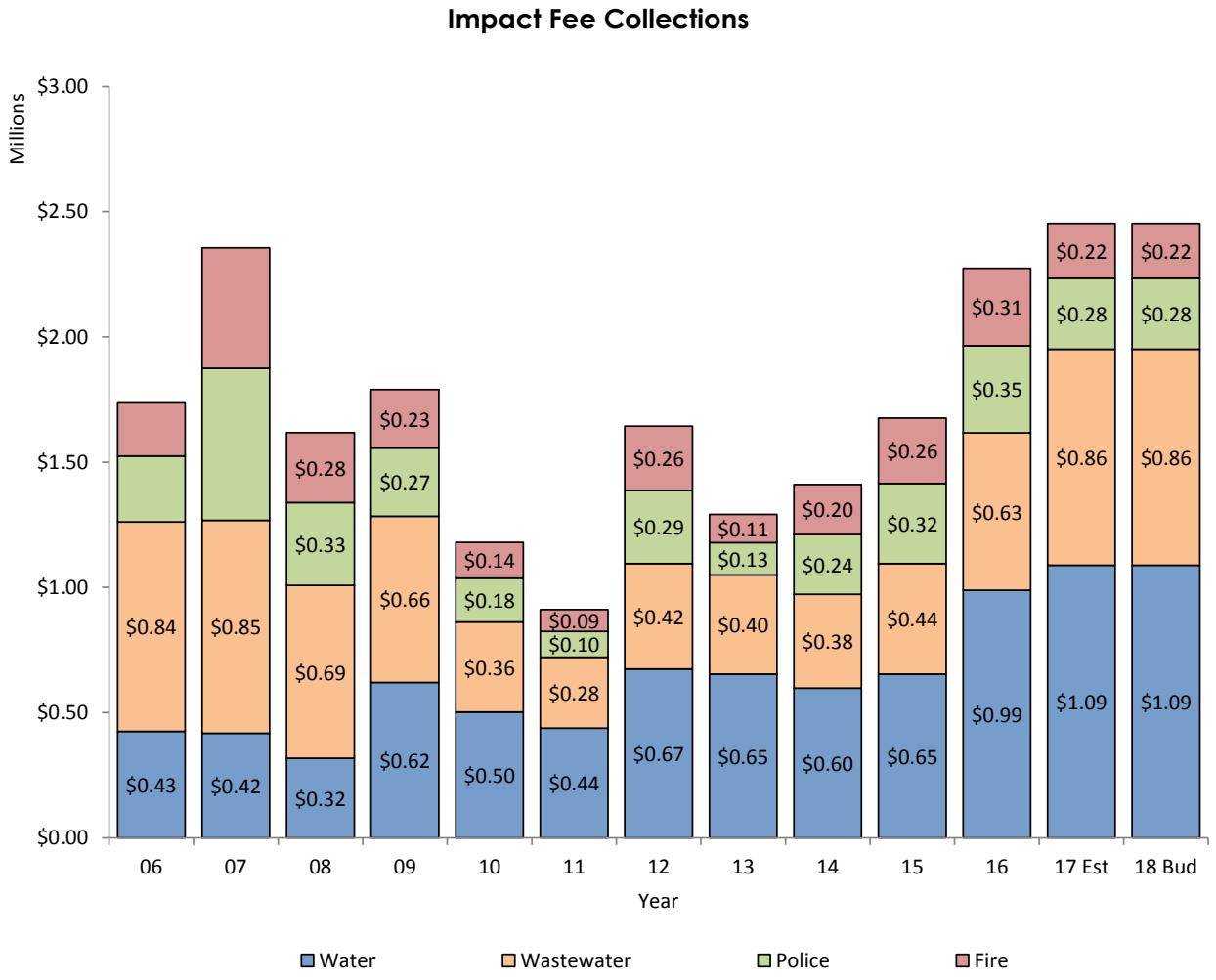
Impact Fee Fund (2300)

The **Impact Fee Fund** accounts for the revenues and expenditures related to the collection of the water, wastewater, police, and fire impact fees. The intent of impact fee requirements is to ensure new developments bear a proportionate share of the cost of capacity improvements and ensure that the proportional share does not exceed the costs of the demand for additional capacity that is reasonably attributable to providing these services and facilities to the use and occupancy of the new developments. Impact fees are expected to remain at the estimated 2017 amounts as new construction is expected to remain constant in 2018.



City of Fayetteville, Arkansas
2018 Operating Budget
Impact Fee Fund (2300)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Water Impact Fee	$ 988,573	$ 732,000	$ 1,088,700	$ 1,088,700
Wastewater Impact Fee	628,124	450,000	862,030	862,100
Police Impact Fee	347,967	323,000	283,000	283,000
Fire Impact Fee	309,027	291,000	219,300	219,400
Investment Earnings	45,721	66,000	87,600	87,800
Total Revenues	2,319,412	1,862,000	2,540,630	2,541,000
Expenses:				
Police Improvements	256,405	735,008	735,008	115,000
Fire Improvements	709,271	48,884	48,884	89,000
Transfer to Water & Sewer	0	5,477,151	5,477,151	700,000
Transfer to Sales Tax Capital	0	317,138	317,138	0
Transfer to Shop	105,000	25,000	25,000	0
Transfer to General	67,680	0	0	0
Transfer to Special Grants	103	88,260	88,260	0
Total Expenses	1,138,459	6,691,441	6,691,441	904,000
Income / (Loss)	$ 1,180,953	$ (4,829,441)	$ (4,150,811)	$ 1,637,000
Total Budget	$ 1,138,460	$ 6,691,441	$ 6,691,441	$ 904,000

FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 7,807,151	$ 8,988,104	$ 8,988,104	$ 4,837,293
Income / (Loss)	1,180,953	(4,829,441)	(4,150,811)	1,637,000
Ending Undesignated Fund Balance	$ 8,988,104	$ 4,158,663	$ 4,837,293	$ 6,474,293

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Impact Fee Fund (2300)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
2300.200.9300 - Impact Fee Expense Program:				
20 - Materials & Supplies	$ 144,821	$ 600,463	$ 600,463	$ 0
30 - Services and Charges	53,372	14,473	14,473	0
40 - Maintenance	0	14,000	14,000	0
80 - Capital	58,212	106,072	106,072	115,000
96 - Operating Transfers Out	172,680	25,000	25,000	0
Total	429,085	760,008	760,008	115,000
2300.300.9300 - Impact Fee Expense Program:				
20 - Materials & Supplies	23,865	24,949	24,949	0
80 - Capital	685,406	23,935	23,935	89,000
96 - Operating Transfers Out	103	405,398	405,398	0
Total	709,374	454,282	454,282	89,000
2300.720.9300 - Impact Fee Expense Program:				
96 - Operating Transfers Out	0	3,138,103	3,138,103	400,000
Total	0	3,138,103	3,138,103	400,000
2300.730.9300 - Impact Fee Expense Program:				
96 - Operating Transfers Out	0	2,339,048	2,339,048	300,000
Total	0	2,339,048	2,339,048	300,000
Budget Total	$ 1,138,460	$ 6,691,441	$ 6,691,441	$ 904,000

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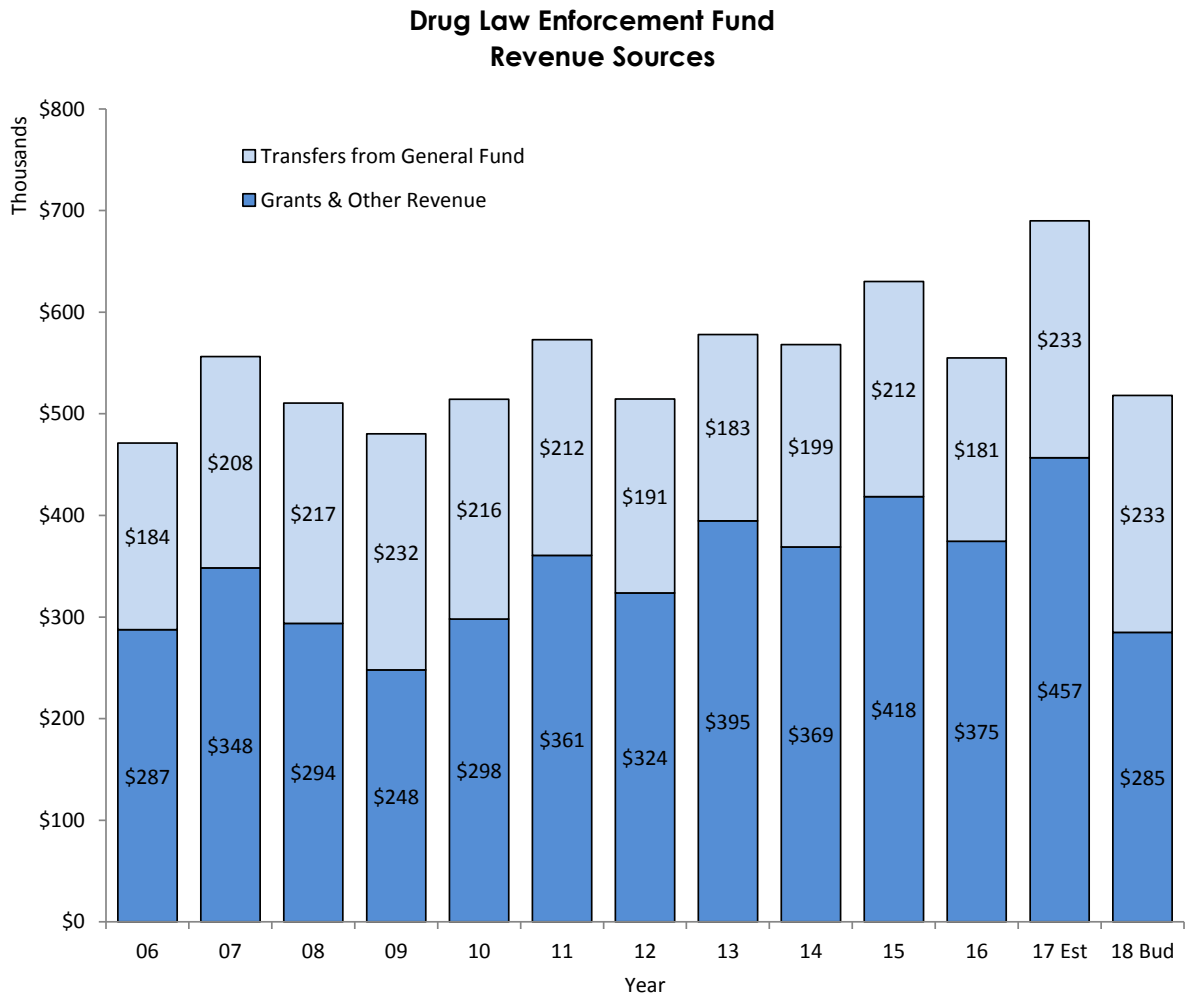
Drug Law Enforcement Fund (2930)

The **Drug Law Enforcement Fund** accounts for drug law enforcement grant funds received from the U.S. Department of Justice, passed through the State of Arkansas, in association with Washington County; the Cities of Springdale, Prairie Grove, Lincoln, Farmington, Greenland, Goshen, and West Fork; and the Fourth Judicial Prosecuting Attorney. The amounts indicated for 2018 are estimates of the remaining 2017 award. New awards are normally granted to the City in August.



City of Fayetteville, Arkansas
2018 Operating Budget
Drug Law Enforcement Fund (2930)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Fines & Forfeitures	19,423	0	19,529	0
Drug Enforcement Grant	354,719	421,867	421,867	285,000
Transfer from General	180,527	233,000	233,000	233,000
Other	414	0	15,483	0
Total Revenues	555,083	654,867	689,879	518,000
Expenses:				
Drug Enforcement	568,370	782,564	782,564	518,000
Total Expenses	568,370	782,564	782,564	518,000
Income / (Loss)	$ (13,287)	$ (127,697)	$ (92,685)	$ 0
Total Budget	$ 568,370	$ 782,564	$ 782,564	$ 518,000
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 325,785	$ 312,498	$ 312,498	$ 219,813
Income / (Loss)	(13,287)	(127,697)	(92,685)	0
Ending Fund Balance	$ 312,498	$ 184,801	$ 219,813	$ 219,813

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Drug Law Enforcement Fund (2930)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
2930.200.2960 - Drug Enforcement Program:				
10 - Personnel Services	331,560	467,795	467,795	358,465
30 - Services and Charges	220,562	289,770	294,591	159,535
80 - Capital	16,249	24,999	20,178	0
Total	568,370	782,564	782,564	518,000
Budget Total	$ 568,370	$ 782,564	$ 782,564	$ 518,000

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TIF Bond Fund (3370)

The **Tax Increment Financing (TIF) Bond Fund** accounts for the accumulation of resources for and the payment of bond debt incurred for TIF capital project expenditures.

City of Fayetteville, Arkansas
2018 Operating Budget
TIF Bond Fund (3370)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Property Taxes	$ 159,819	$ 150,000	$ 178,000	$ 178,000
Investment Earnings	189	0	430	0
Total Revenues	160,008	150,000	178,430	178,000
Expenses:				
Principal Payment	75,000	86,611	86,611	80,000
Interest Expense	74,512	84,389	84,389	92,000
Professional Services	0	2,150	2,150	2,150
Paying Agent Fees	3,850	3,850	3,850	3,850
Total Expenses	153,362	177,000	177,000	178,000
Income / (Loss)	$ 6,646	$ (27,000)	$ 1,430	$ 0
Total Budget	$ 153,362	$ 177,000	$ 177,000	$ 178,000
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 161,677	$ 168,323	$ 168,323	$ 169,753
Income / (Loss)	6,646	(27,000)	1,430	0
Ending Fund Balance	$ 168,323	$ 141,323	$ 169,753	$ 169,753

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
TIF Bond Fund (3370)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
3370.900.9370 - TIF Bonds Expense Program:				
30 - Services and Charges	0	2,150	2,150	2,150
50 - Debt Service	153,362	174,850	174,850	175,850
Total	153,362	177,000	177,000	178,000
Budget Total	$ 153,362	$ 177,000	$ 177,000	$ 178,000

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Parking Deck Bond Fund (3380)

The **Parking Deck Bond Fund** accounts for the accumulation of resources and the payment of bond debt incurred for the City's new municipal parking deck facility.

City of Fayetteville, Arkansas
2018 Operating Budget
Parking Deck Bonds Fund (3380)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Transfer from Parking	360,170	385,000	385,000	384,000
Interest Income	473	0	1,600	0
Transfer from Parking Deck Project	2	0	0	0
Total Revenues	360,645	385,000	386,600	384,000
Expenses:				
Principal Payment	150,000	210,000	210,000	215,000
Interest Expense	174,920	175,000	175,000	169,000
Total Expenses	324,920	385,000	385,000	384,000
Income / (Loss)	$ 35,725	$ 0	$ 1,600	$ 0
Total Budget	$ 324,920	$ 385,000	$ 385,000	$ 384,000
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 294,061	$ 329,786	$ 329,786	$ 331,386
Income / (Loss)	35,725	0	1,600	0
Ending Fund Balance	$ 329,786	$ 329,786	$ 331,386	$ 331,386

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Parking Deck Bonds Fund (3380)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
3380.900.9380 - Parking Deck Bond Expense Program:				
50 - Debt Service	324,920	385,000	385,000	384,000
Total	324,920	385,000	385,000	384,000
Budget Total	$ 324,920	$ 385,000	$ 385,000	$ 384,000

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HMR 2014 Bond Debt Service Fund (3390)

The **HMR 2014 Tax Bond Debt Service Fund** accounts for the amount dedicated to principal and interest payments required to service the 2014 HMR Bond Issue.

City of Fayetteville, Arkansas
2018 Operating Budget
HMR Tax Bonds 2014 Fund (3390)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Contribution from Advertising/Promotion	699,742	710,000	710,000	709,000
Investment Earnings	393	0	1,400	0
*Revenues Not Assigned Yet	1,814	0	0	0
Total Revenues	701,949	710,000	711,400	709,000
Expenses:				
Principal Payment	300,000	310,000	310,000	315,000
Interest Expense	399,513	393,512	393,512	387,312
Paying Agent Fees	3,800	6,488	6,488	6,688
Total Expenses	703,313	710,000	710,000	709,000
Income / (Loss)	$ (1,364)	$ 0	$ 1,400	$ 0
Total Budget	$ 703,313	$ 710,000	$ 710,000	$ 709,000
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 121,258	$ 119,894	$ 119,894	$ 121,294
Income / (Loss)	(1,364)	0	1,400	0
Ending Fund Balance	$ 119,894	$ 119,894	$ 121,294	$ 121,294

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
HMR Tax Bonds 2014 Fund (3390)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
3390.900.9390 - HMR 2014 Bond Debt Service Program:				
50 - Debt Service	703,313	710,000	710,000	709,000
Total	703,313	710,000	710,000	709,000
Budget Total	$ 703,313	$ 710,000	$ 710,000	$ 709,000

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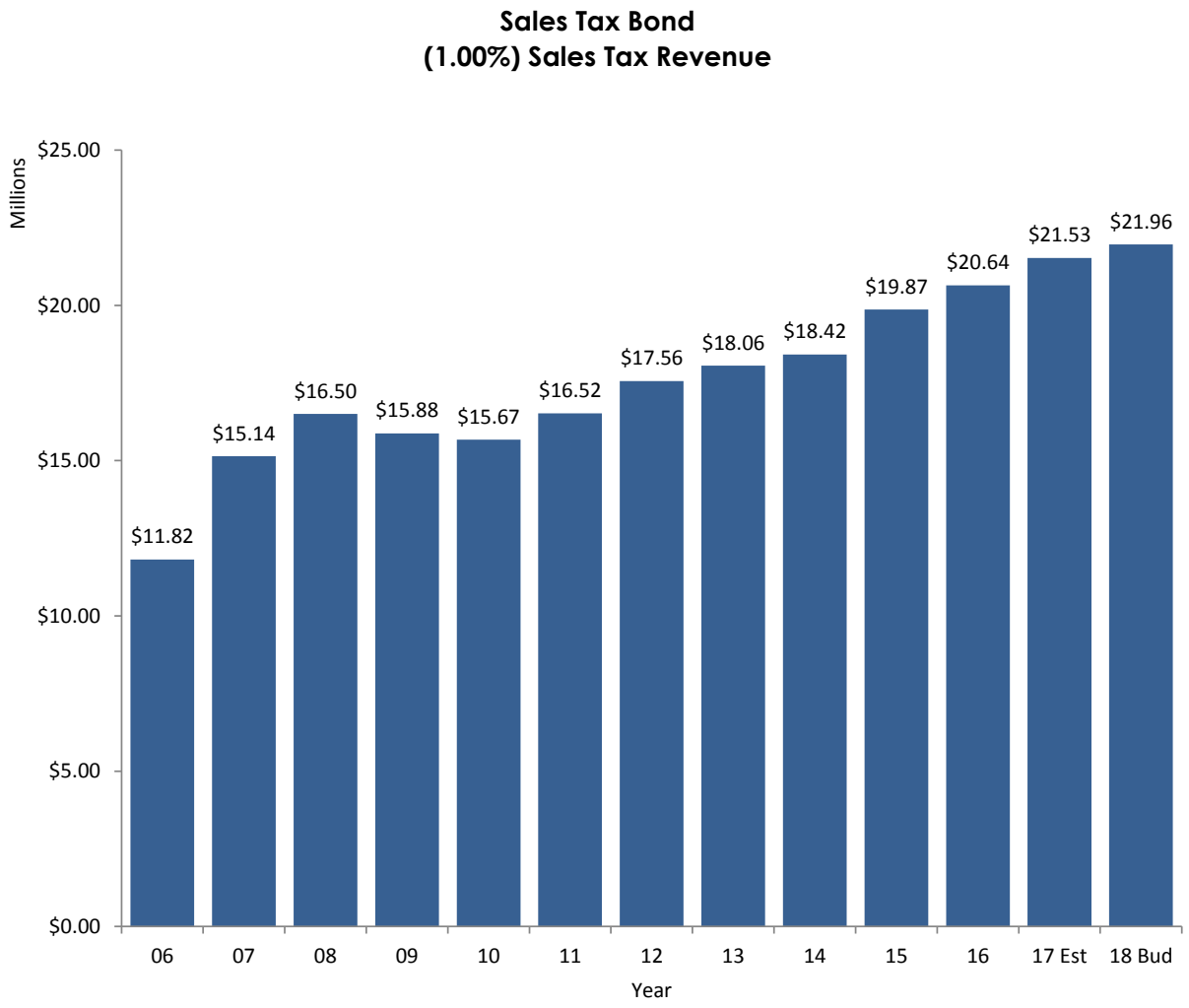
Sales Tax Bond Fund (3440)

The **Sales Tax Bond Fund** accounts for the accumulation of resources and the payment of bond debt incurred for the City's streets and trail system.



City of Fayetteville, Arkansas
2018 Operating Budget
Sales Tax Bond Fund (3440)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Investment Earnings	11,878	0	43,930	0
Sales Tax - City	20,644,191	21,006,000	21,527,763	21,959,000
Transfer from Sales Tax Construction	6	0	0	0
Total Revenues	20,656,075	21,006,000	21,571,693	21,959,000
Expenses:				
Principal Payment	17,690,000	18,032,613	18,032,613	19,906,532
Interest Expense	2,855,704	2,959,387	2,959,387	2,034,468
Professional Services	1,700	2,000	2,000	2,000
Paying Agent Fees	15,400	12,000	12,000	16,000
Total Expenses	20,562,804	21,006,000	21,006,000	21,959,000
Income / (Loss)	$ 93,271	$ 0	$ 565,693	$ 0
Total Budget	$ 20,562,804	$ 21,006,000	$ 21,006,000	$ 21,959,000
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 5,850,139	$ 5,943,410	$ 5,943,410	$ 6,509,103
Income / (Loss)	93,271	0	565,693	0
Ending Fund Balance	$ 5,943,410	$ 5,943,410	$ 6,509,103	$ 6,509,103

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Sales Tax Bond Fund (3440)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
3440.900.9440 - Sales Tax Bonds - Expense Program:				
30 - Services and Charges	1,700	2,000	2,000	2,000
50 - Debt Service	20,561,104	21,004,000	21,004,000	21,957,000
Total	20,562,804	21,006,000	21,006,000	21,959,000
Budget Total	$ 20,562,804	$ 21,006,000	$ 21,006,000	$ 21,959,000

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Library Expansion Bond Fund (3450)

The **Library Expansion Bond Fund** accounts for the amount dedicated to principal and interest payments required to service the 2017 Library Bond Issue.

City of Fayetteville, Arkansas
2018 Operating Budget
Library Expansion Bond Fund (3450)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Contribution - Library Board	0	1,735,000	1,735,000	1,775,000
Proceeds from Bond Sales	0	98,647	98,647	0
Interest	0	2,253	2,253	0
Total Revenues	0	1,835,900	1,835,900	1,775,000
Expenses:				
Principal Payment	0	1,324,707	1,324,707	1,353,000
Interest Expense	0	406,577	406,577	406,577
Trustee & Pay Agent Fees	0	10,000	10,000	15,423
Bond Issuance Cost	0	94,616	94,616	0
Total Expenses	0	1,835,900	1,835,900	1,775,000
Income / (Loss)	$ 0	$ 0	$ 0	$ 0
Total Budget	$ 0	$ 1,835,900	$ 1,835,900	$ 1,775,000
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 0	$ 0	$ 0	$ 0
Income / (Loss)	0	0	0	0
Ending Fund Balance	$ 0	$ 0	$ 0	$ 0

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Library Expansion Bond Fund (3450)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
3450.800.9450 - Library Bond Program:				
50 - Debt Service	0	1,835,900	1,835,900	1,775,000
Total	0	1,835,900	1,835,900	1,775,000
Budget Total	$ -	$ 1,835,900	$ 1,835,900	$ 1,775,000

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Library Expansion Construction Fund (4150)

The **Library Expansion Construction Fund** accounts for the bond proceeds issued to pay a portion of the cost of the 80,000 square feet expansion of the current library that will include a youth services department twice the size of the existing space, a multipurpose auditorium with a 700-800 person seating capacity, new teen service space, digital and robotics maker space, a new genealogy, state and local history research center, and a small business center, as well as additional space for traditional print and media materials.

City of Fayetteville, Arkansas
2018 Operating Budget
Library Expansion Construction Bond Fund (4150)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Proceeds from Bond Sales	0	27,673,647	27,673,647	0
Interest	0	86,053	86,053	100,000
Total Revenues	0	27,759,700	27,759,700	100,000
Expenses:				
Building Costs	0	27,408,647	27,408,647	0
Bond Issuance Cost	0	265,000	265,000	0
Total Expenses	0	27,673,647	27,673,647	0
Income / (Loss)	$ 0	$ 86,053	$ 86,053	$ 100,000
Total Budget	$ 0	$ 27,673,647	$ 27,673,647	$ 0
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 0	$ 0	$ 0	$ 86,053
Income / (Loss)	0	86,053	86,053	100,000
Ending Fund Balance	$ 0	$ 86,053	$ 86,053	$ 186,053

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Library Expansion Construction Bond Fund(4150)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
4150.800.9150 - Library Constr Fund Expense Program:				
50 - Debt Service	0	265,000	265,000	0
80 - Capital	0	27,408,647	27,408,647	0
Total	0	27,673,647	27,673,647	0
Budget Total	$ -	$ 27,673,647	$ 27,673,647	$ -

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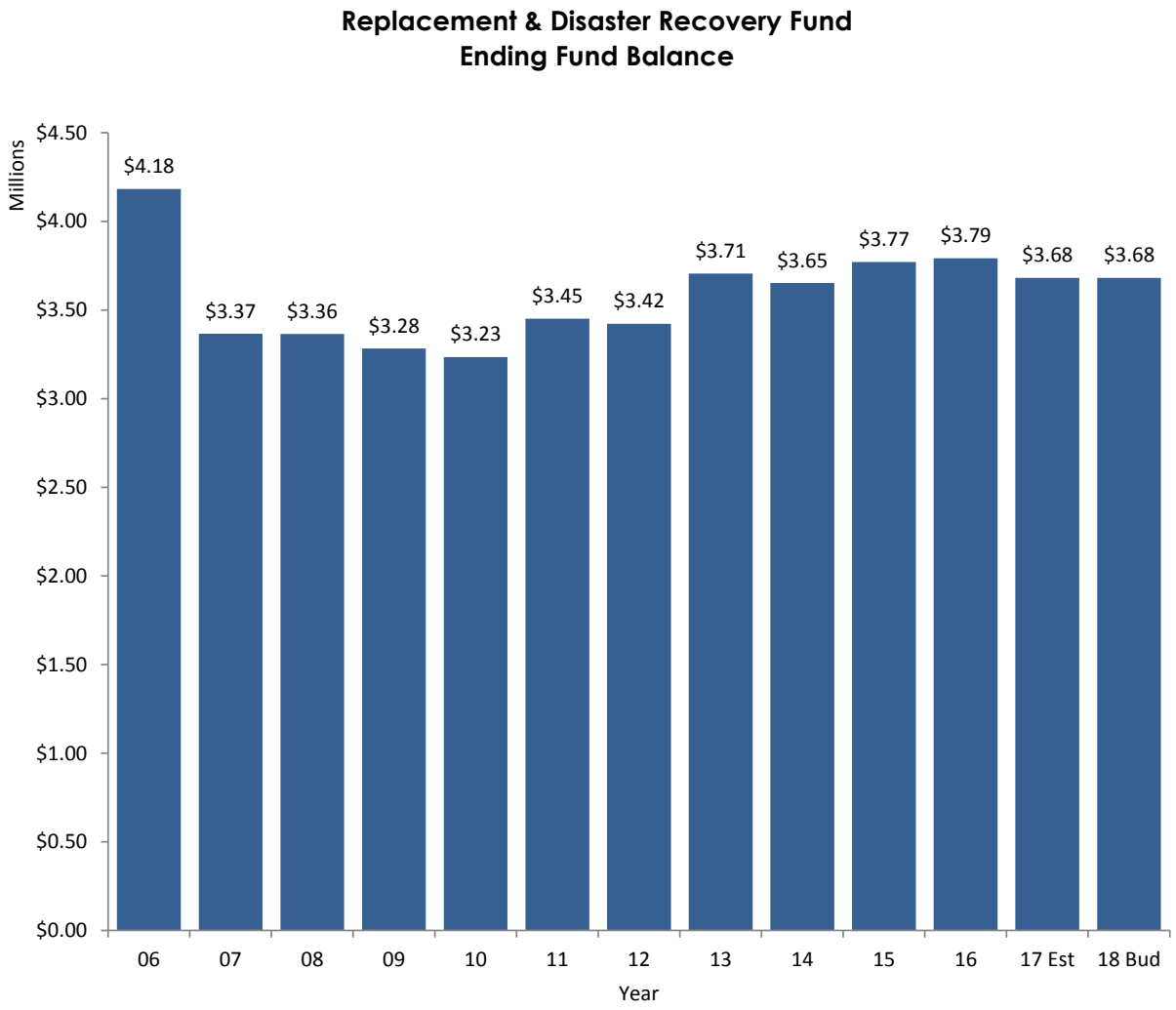
Replacement & Disaster Recovery Fund (4270)

The **Replacement & Disaster Recovery Fund** accounts for general government monies accumulated and used for the purchase of equipment (primarily copiers) and in certain instances qualifying vehicle expansions. By policy, the fund attempts to maintain a minimum reserve of three million dollars for disaster recovery.



City of Fayetteville, Arkansas
2018 Operating Budget
Replacement & Disaster Recovery Fund (4270)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Investment Earnings	21,629	30,000	35,100	35,000
Replacement Copier Revenue	27,308	25,000	25,000	25,000
Other	255	0	0	0
Total Revenues	49,192	55,000	60,100	60,000
Expenses:				
Audit Expense	2,000	2,000	2,000	2,000
Replacement & Disaster Recovery (Other)	0	1,827	650	0
Fixed Assets	26,155	157,057	158,234	58,000
Vehicles & Equipment	0	9,885	9,885	0
Total Expenses	28,155	170,769	170,769	60,000
Income / (Loss)	$ 21,037	$ (115,769)	$ (110,669)	$ 0
Total Budget	$ 28,155	$ 170,769	$ 170,769	$ 60,000

FUND BALANCE ANALYSIS

Beginning Fund Balance	$ 3,770,418	$ 791,455	$ 791,455	$ 680,786
Income / (Loss)	21,037	(115,769)	(110,669)	0
Reserved	3,000,000	0	0	0
Ending Fund Balance	$ 791,455	$ 675,686	$ 680,786	$ 680,786

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Replacement & Disaster Recovery Fund (4270)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
4270.900.9270 - Replacement Fund Expense Program:				
20 - Materials & Supplies	0	1,827	650	0
30 - Services and Charges	2,000	2,000	2,000	2,000
80 - Capital	26,155	166,942	168,119	58,000
Total	28,155	170,769	170,769	60,000
Budget Total	$ 28,155	$ 170,769	$ 170,769	$ 60,000

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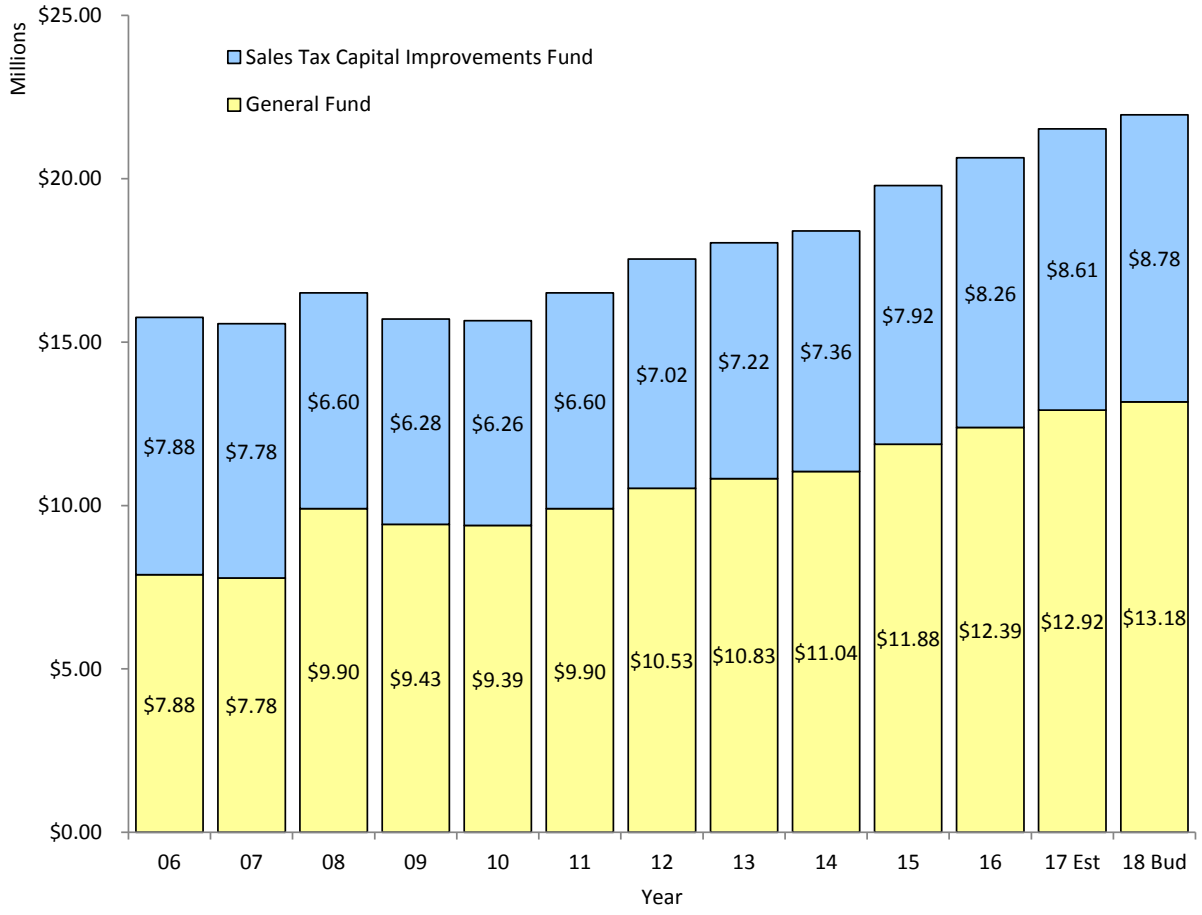
Sales Tax Capital Improvements Fund (4470)

The **Sales Tax Capital Improvements Fund** accounts for the revenue and expenditures of the City's sales and use tax which is used for acquisition and improvement projects as well as equipment replacements and additions that are included in the City's Five-Year Capital Improvements Program. The $9,238,000 in planned expenditures for 2018 provides for $9,230,000 in capital improvements. There is $8,000 allocated in this fund for audit costs.

The capital portion of City Sales Tax revenue for 2018 is expected to be $172,908 over 2017 estimated collections. This is a percent increase of 2%. Expenditures budgeted for this fund exceed revenues by $347,000 which will be financed through the use of reserves.

1% City Sales Tax



City of Fayetteville, Arkansas
2018 Operating Budget
Sales Tax Capital Improvements Fund (4470)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Intergovernmental (Grants)	1,817,477	5,496,580	5,242,052	0
Investment Earnings	60,415	72,000	92,900	85,000
Charges for Services	22,984	429,831	429,831	0
Property Taxes	$ 4	$ 0	$ 10	$ 0
Sales Tax - City	8,257,676	8,399,000	8,311,092	8,784,000
Sidewalk Fees	5,040	0	5,220	0
Transfer from General	32,120	0	0	0
Transfer from Impact Fee Fund	0	317,138	224,684	0
Other	104,729	69,000	48,118	22,000
Total Revenues	10,300,445	14,783,549	14,353,907	8,891,000
Expenses:				
Audit Expense	8,000	8,000	8,000	8,000
Information Technology Improvements	765,067	1,512,403	1,512,403	960,000
Police Improvements	730,704	1,519,879	1,519,879	616,000
Fire Improvements	753,075	1,942,044	1,942,044	980,000
Transportation Improvements	1,899,423	3,112,874	3,112,874	2,976,000
Parks & Recreation Improvements	297,572	855,047	855,047	253,000
Bridge & Drainage Improvements	467,100	810,385	810,385	610,000
Street Improvements	275,500	2,098,441	2,098,441	100,000
Trail Improvements	2,535,103	5,596,850	5,596,850	1,500,000
Transportation Bond Street Improvements	1,508,769	2,426,810	2,426,810	0
Other Capital Improvements	921,151	2,596,757	2,596,757	679,000
Library Improvements	525,000	519,000	519,000	506,000
Transfer to Shop	41,179	48,821	48,821	50,000
Total Expenses	10,727,643	23,047,311	23,047,311	9,238,000
Income / (Loss)	$ (427,198)	$ (8,263,762)	$ (8,693,404)	$ (347,000)
Total Budget	$ 10,727,642	$ 23,557,669	$ 23,557,669	$ 9,238,000

FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 10,783,786	$ 10,356,588	$ 10,356,588	$ 1,663,184
Income / (Loss)	(427,198)	(8,263,762)	(8,693,404)	(347,000)
Ending Fund Balance	$ 10,356,588	$ 2,092,826	$ 1,663,184	$ 1,316,184

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Sales Tax Capital Improvements Fund (4470)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
4470.080.8080 - Library Improvements Program:				
70 - Transfers to Outside Entities	525,000	519,000	519,000	506,000
Total	525,000	519,000	519,000	506,000
4470.170.8170 - Information Technology Imprvs Program:				
20 - Materials & Supplies	153,327	590,883	590,883	825,000
30 - Services and Charges	58,198	101,202	101,202	75,000
80 - Capital	553,543	820,318	820,318	60,000
Total	765,067	1,512,403	1,512,403	960,000
4470.200.8200 - Police Improvements Program:				
20 - Materials & Supplies	100,817	658,059	658,059	289,000
30 - Services and Charges	66	1,500	1,500	0
40 - Maintenance	13,829	26,718	26,718	75,000
80 - Capital	615,993	833,602	833,602	252,000
96 - Operating Transfers Out	41,179	48,821	48,821	50,000
Total	771,883	1,568,700	1,568,700	666,000
4470.300.8300 - Fire Improvements Program:				
20 - Materials & Supplies	15,764	99,575	99,575	40,000
30 - Services and Charges	25,068	38,920	38,920	0
40 - Maintenance	157,393	147,786	147,786	75,000
80 - Capital	554,849	1,655,763	1,655,763	865,000
Total	753,075	1,942,044	1,942,044	980,000
4470.410.8410 - Transportation Improvements Program:				
20 - Materials & Supplies	68,617	136,814	136,814	0
30 - Services and Charges	222,491	450,618	450,618	0
39 - Cost Allocation	526,346	575,527	575,527	0
40 - Maintenance	956,320	1,123,532	1,123,532	2,326,000
80 - Capital	125,649	826,383	826,383	650,000
Total	1,899,423	3,112,874	3,112,874	2,976,000

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Sales Tax Capital Improvements Fund (4470)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
4470.520.8520 - Parks & Recreation Improvements Program:				
20 - Materials & Supplies	31,067	49,817	49,817	0
30 - Services and Charges	244,712	418,687	418,687	83,000
39 - Cost Allocation	5,265	7,346	7,346	0
40 - Maintenance	13,447	40,581	40,581	0
80 - Capital	3,082	338,616	338,616	170,000
Total	297,573	855,047	855,047	253,000
4470.621.8810 - Bridge & Drainage Improvements Program:				
20 - Materials & Supplies	0	519	519	0
30 - Services and Charges	275,916	322,347	322,347	0
40 - Maintenance	3,681	96,319	96,319	50,000
80 - Capital	187,503	391,200	391,200	560,000
Total	467,100	810,385	810,385	610,000
4470.800.8820 - Street Improvements Program:				
20 - Materials & Supplies	280	110	110	0
30 - Services and Charges	266,745	272,756	272,756	0
80 - Capital	8,475	1,985,933	1,985,933	100,000
Total	275,500	2,258,799	2,258,799	100,000
4470.800.8830 - Trail Improvements Program:				
20 - Materials & Supplies	20,286	31,301	31,301	0
30 - Services and Charges	475,319	586,849	586,849	0
39 - Cost Allocation	251,796	330,124	330,124	0
40 - Maintenance	12,949	187,284	187,284	0
80 - Capital	1,774,754	4,461,292	4,461,292	1,500,000
Total	2,535,103	5,596,850	5,596,850	1,500,000
4470.800.8835 - Transportation Bond Street Impr Program:				
30 - Services and Charges	298,441	638,021	638,021	0
80 - Capital	1,210,328	1,788,789	1,788,789	0
Total	1,508,769	2,426,810	2,426,810	0
4470.090.8900 - Other Capital Improvements Program:				
20 - Materials & Supplies	39	6,017	6,017	0
30 - Services and Charges	23,744	771,129	771,129	0
40 - Maintenance	139	89,314	89,314	90,000
80 - Capital	37,000	86,407	86,407	0
Total	60,922	952,867	952,867	90,000

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Sales Tax Capital Improvements Fund (4470)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
4470.133.8900 - Other Capital Improvements Program:				
20 - Materials & Supplies	0	47,360	47,360	0
40 - Maintenance	4,000	0	0	0
80 - Capital	39,562	53,438	53,438	0
Total	43,562	100,798	100,798	0
4470.140.8900 - Other Capital Improvements Program:				
20 - Materials & Supplies	0	48,956	48,956	0
30 - Services and Charges	71,306	93,488	93,488	40,000
40 - Maintenance	93,396	854,970	854,970	347,000
Total	164,702	997,414	997,414	387,000
4470.620.8900 - Other Capital Improvements Program:				
20 - Materials & Supplies	2,109	144,921	144,921	0
30 - Services and Charges	7,757	100,084	100,084	0
80 - Capital	0	60,349	60,349	0
Total	9,866	305,354	305,354	0
4470.671.8900 - Other Capital Improvements Program:				
20 - Materials & Supplies	0	13,100	13,100	0
40 - Maintenance	37,510	0	0	33,000
80 - Capital	5,782	2,080	2,080	0
Total	43,292	15,180	15,180	33,000
4470.800.8900 - Other Capital Improvements Program:				
30 - Services and Charges	8,000	43,000	43,000	8,000
Total	8,000	43,000	43,000	8,000
4470.060.8900 - Other Capital Improvements Program:				
20 - Materials & Supplies	106,916	66,825	66,825	169,000
30 - Services and Charges	457,518	86,339	86,339	0
40 - Maintenance	29,886	1,849	1,849	0
80 - Capital	4,486	35,131	35,131	0
Total	598,806	190,144	190,144	169,000
4470.800.8700 - Water/Sewer Improvements Program:				
80 - Capital	0	350,000	350,000	0
Total	0	350,000	350,000	0
Budget Total	$ 10,727,643	$ 23,557,669	$ 23,557,669	$ 9,238,000

City of Fayetteville
2018 Capital Budget
Sales Tax Capital Improvement Fund (4470)

Project Category	Project Title	Budgeted 2018
Animal Services Improvements	Animal Services Improvements	$ 33,000
		33,000
Bridge & Drainage Improvements	Drainage Maintenance	50,000
	Other Drainage Improvements	400,000
	Stormwater Quality Mgt/Nutrient Reduction	160,000
		610,000
Facilities Management Improvements	7-Hills Walker Family Residential Facility	57,000
	Building Efficiency Improvements	40,000
	Building Improvements	290,000
		387,000
Fire Improvements	Fire Apparatus Purchases	865,000
	Fire Facility Maintenance	75,000
	Fire Information Technology Updates	40,000
		980,000
Information Technology Improvements	Cyber Security	25,000
	Document Management	20,000
	Fayetteville-AR.gov Technical Improvements	20,000
	Geographic Information System	50,000
	Hansen Version 8 Upgrade	500,000
	Local Area Network (LAN) Upgrade	125,000
	Regional Park Fiber & Network	30,000
	Storage Area Network (SAN)	40,000
	Technology Equipment Replacements	130,000
	Telecommunication Systems Upgrades	20,000
		960,000
Library Improvements	Library Materials Purchases	431,000
	Library Technology Equipment Replacements	75,000
		506,000
Media Services Improvements	City Hall Room 111 Audio-Visual Upgrade	97,000
	Television Center Equipment	50,000
	Digital Signage Implementation	12,000
	City Hall A-V Maintenance	10,000
		169,000
Miscellaneous Capital Improvements	Woolsey Homestead Historic Restoration	90,000
		90,000

Project Category	Project Title	Budgeted 2018
Other Capital Improvements	Audit Expense	8,000
		8,000
Parks & Recreation Improvements	Forestry and Habitat Improvement	32,000
	Lake Fayetteville Watershed Grant Match	10,000
	Lights of the Ozarks	23,000
	Park Paving Improvements	58,000
	Parks & Recreation Master Plan	50,000
	Parks & Rec. Maintenance Work Order System	30,000
	Parks & Recreation Safety and ADA	15,000
	Parks & Recreation Software	35,000
		253,000
Police Improvements	Citywide Radio System Replacement	200,000
	Employee Gym Equipment	10,000
	Police Ballistic Protection	41,000
	Police Building Improvements	75,000
	Police Specialized Equipment	95,000
	Police Take Home Vehicles	62,000
	Police Technology Improvements	58,000
	Police Unmarked Vehicles	40,000
	Police Virtual Server & Storage Area Network	20,000
	Police Weapon Replacement	65,000
		666,000
Street Improvements	Cost Shares/ROW/Intersection/Street Calming	100,000
		100,000
Trail Improvements	Trail Development	1,500,000
		1,500,000
Transportation Improvements	In-House Pavement Improvements	2,216,000
	Parking Lot Improvements (City Emp. Lot)	10,000
	Sidewalk Improvements	600,000
	Traffic Signal Improvements	110,000
	Wireless Traffic Signal Control	40,000
		2,976,000
		$ 9,238,000

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Sales Tax Construction Bond Fund (4520)

The **Sales Tax Construction Bond Fund** accounts for the remaining bond proceeds for improvements to streets and trail construction pursuant to the 2006 referendum. Appropriations of these funds will be provided through the re-budget process which will be considered by the City Council during the first quarter of 2018. Amounts shown as the 2018 budget request represent interest earnings forecasts only.

City of Fayetteville, Arkansas
2018 Operating Budget
Sales Tax Construction Bond Fund (4520)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Investment Earnings	25,995	7,000	46,100	46,000
Total Revenues	25,995	7,000	46,100	46,000
Expenses:				
Street Sales Tax Construction (2013)	10,387,927	2,957,448	2,957,448	5,000
Street Sales Tax Construction (2015)	1,265,737	7,644,151	7,644,151	0
Transfer to Sales Tax Bond	6	6	6	0
Total Expenses	11,653,670	10,601,605	10,601,605	5,000
Income / (Loss)	$ (11,627,675)	$ (10,594,605)	$ (10,555,505)	$ 41,000
Total Budget	$ 11,653,670	$ 10,601,605	$ 10,601,605	$ 5,000
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 22,254,327	$ 10,626,652	$ 10,626,652	$ 71,147
Income / (Loss)	(11,627,675)	(10,594,605)	(10,555,505)	41,000
Ending Fund Balance	$ 10,626,652	$ 32,047	$ 71,147	$ 112,147

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Sales Tax Construction Bond Fund (4520)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
4520.800.9520 - 2006A Sales Tax Const Expense Program:				
96 - Operating Transfers Out	6	6	6	0
Total	6	6	6	0
4520.800.9555 - Street Sales Tax 2013 Program:				
30 - Services and Charges	505,000	344,334	344,334	5,000
80 - Capital	9,882,928	2,613,114	2,613,114	0
Total	10,387,928	2,957,448	2,957,448	5,000
4520.800.9556 - Street Sales Tax 2015 Program:				
30 - Services and Charges	6,063	151,149	151,149	0
80 - Capital	1,259,674	7,493,002	7,493,002	0
Total	1,265,737	7,644,151	7,644,151	0
Budget Total	$ 11,653,670	$ 10,601,605	$ 10,601,605	$ 5,000

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Parking Deck Project Fund (4560)

The **Parking Deck Project Fund** accounted for the bond proceeds issued to construct and equip a new parking deck facility with liner buildings within the City's entertainment district. This project was closed out in 2017.

City of Fayetteville, Arkansas
2018 Operating Budget
Parking Deck Project Fund (4560)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Payments from Walton Arts Center	2,667	0	0	0
Total Revenues	2,667	0	0	0
Expenses:				
Parking Deck Project	164,069	234,211	34,321	0
Audit Expense	0	3,000	1,000	0
Transfer to Parking Fund	2	41,541	243,431	0
Total Expenses	164,071	278,752	278,752	0
Income / (Loss)	$ (161,404)	$ (278,752)	$ (278,752)	$ 0
Total Budget	$ 164,071	$ 237,211	$ 278,752	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 440,156	$ 278,752	$ 278,752	$ 0
Income / (Loss)	(161,404)	(278,752)	(278,752)	0
Ending Undesignated Fund Balance	$ 278,752	$ 0	$ 0	$ 0

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Parking Deck Project Fund (4560)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
4560.900.9560 - Parking Deck Project Program:				
20 - Materials & Supplies	25,068	14,548	11,080	0
30 - Services and Charges	4,396	24,346	1,000	0
80 - Capital	134,604	198,317	23,241	0
96 - Operating Transfers Out	2	41,541	243,431	0
Total	164,071	278,752	278,752	0
Budget Total	$ 164,071	$ 278,752	$ 278,752	$ -

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HMR 2014 Bond Capital Improvement Fund (4570)

The **HMR 2014 Bond Capital Improvement Fund** accounted for the bond proceeds issued for the purpose of paying a portion of the costs of expanding and renovating the Walton Arts Center and paying a portion of the costs of acquiring, constructing and equipping a regional park within the City. This fund was closed at the end of 2016.

City of Fayetteville, Arkansas
2018 Operating Budget
HMR Bonds Capital Projects Fund (4570)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Investment Earnings	822	0	0	0
Total Revenues	822	0	0	0
Expenses:				
HMR 2014 - WAC Capital Project	1,196,271	0	0	0
Transfer to HMR Debt	1,814	0	0	0
Total Expenses	1,198,085	0	0	0
Income / (Loss)	$ (1,197,263)	$ 0	$ 0	$ 0
Total Budget	$ 1,198,085	$ 0	$ 0	$ 0
FUND BALANCE ANALYSIS				
Beginning Fund Balance	$ 1,197,263	$ 0	$ 0	$ 0
Income / (Loss)	(1,197,263)	0	0	0
Ending Fund Balance	$ 0	$ 0	$ 0	$ 0

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
HMR Bonds Capital Projects Fund (4570)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
4570.800.9570 - HMR 2014 Reg Park Capital Proj Program:				
96 - Operating Transfers Out	1,814	0	0	0
Total	1,814	0	0	0
4570.800.9575 - HMR 2014 WAC Capital Project Program:				
80 - Capital	1,196,271	0	0	0
Total	1,196,271	0	0	0
Budget Total	$ 1,198,085	$ -	$ -	$ -

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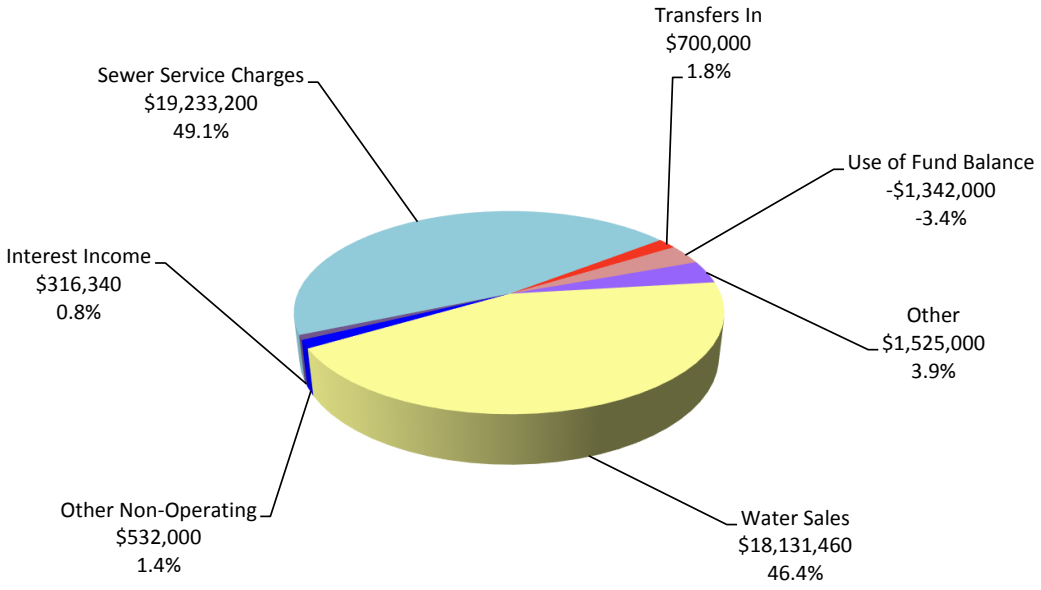
Water and Sewer Fund (5400)

The **Water & Sewer Fund** accounts for the revenue sources as well as the operation and maintenance expenses of the City's water and sewer system. This includes water purchases from Beaver Water District, all water and sewer functions, the operation of the wastewater treatment plants, meter and backflow operations, and utility financial services. The 2018 Budget includes a significant amount in capital outlay at just over $7.0 million.

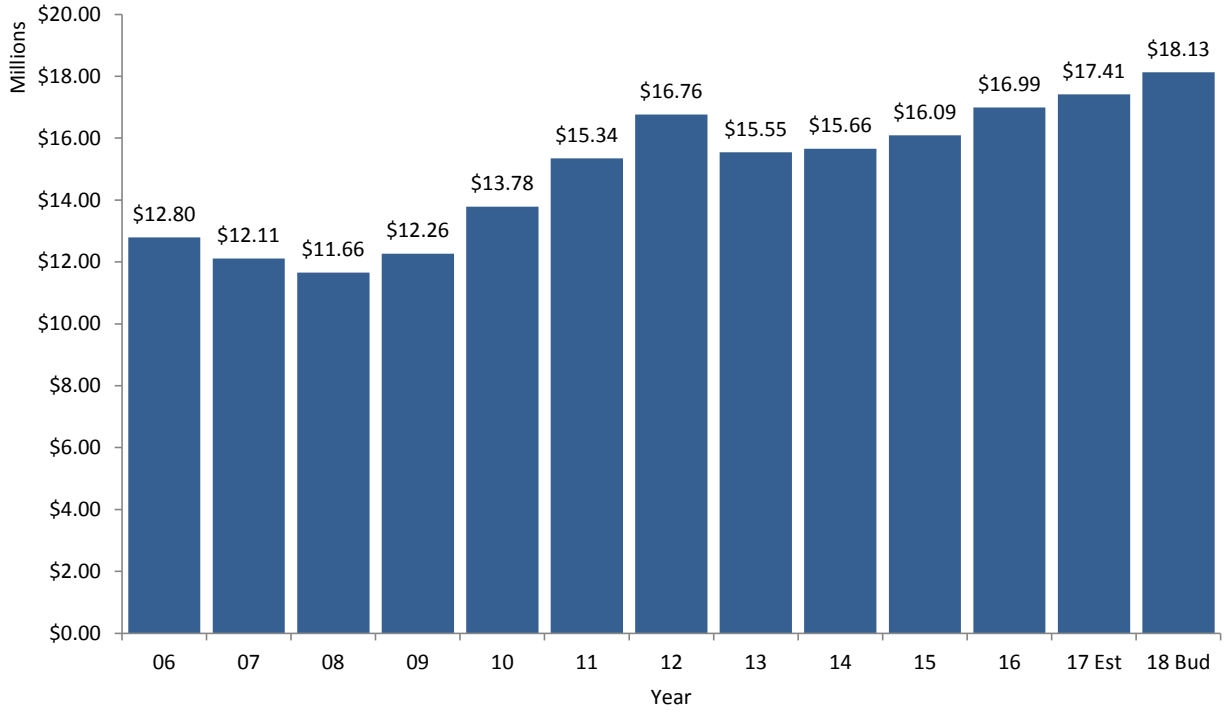
Water & Sewer Fund Revenues

For 2018, the Water & Sewer Fund is projected to have an operating gain of $9,342,000 before capital expenditures and depreciation expense. System usage projections for 2018 are expected to be approximately the same as 2017. The water and sewer rates will increase by 3% for 2018.

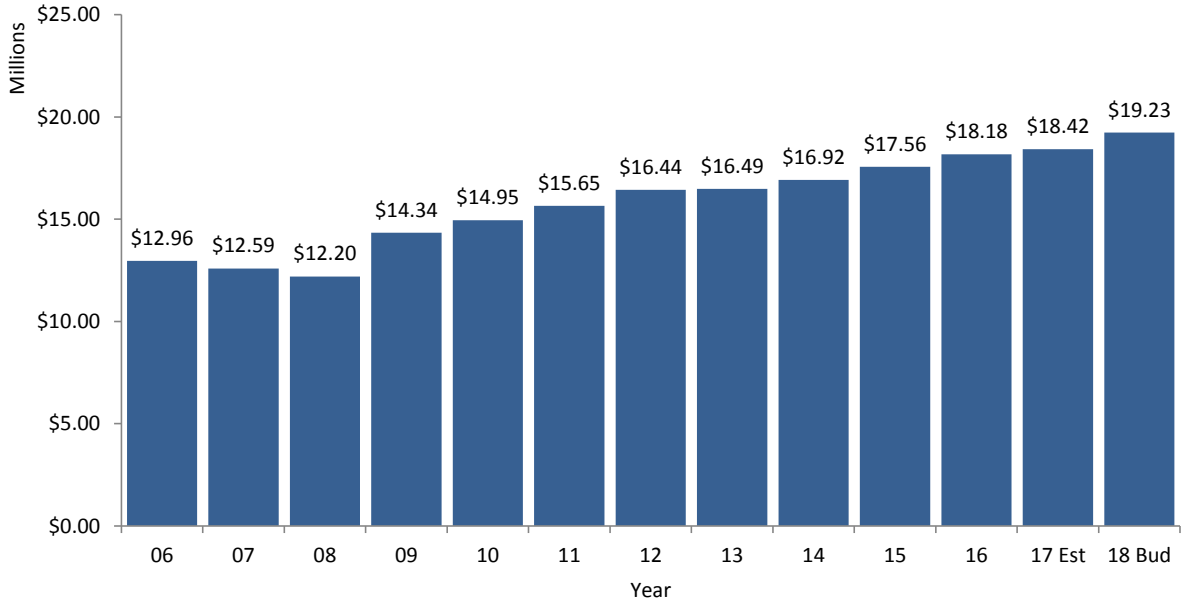
Sources of Funds for 2018
$39,096,000



Water Sales: Water sales revenue is based on metered customer usage of water and is one of the primary sources of revenue for the Water & Sewer Fund. Budgeted revenue for 2018 is estimated to be $720,250 over 2017.



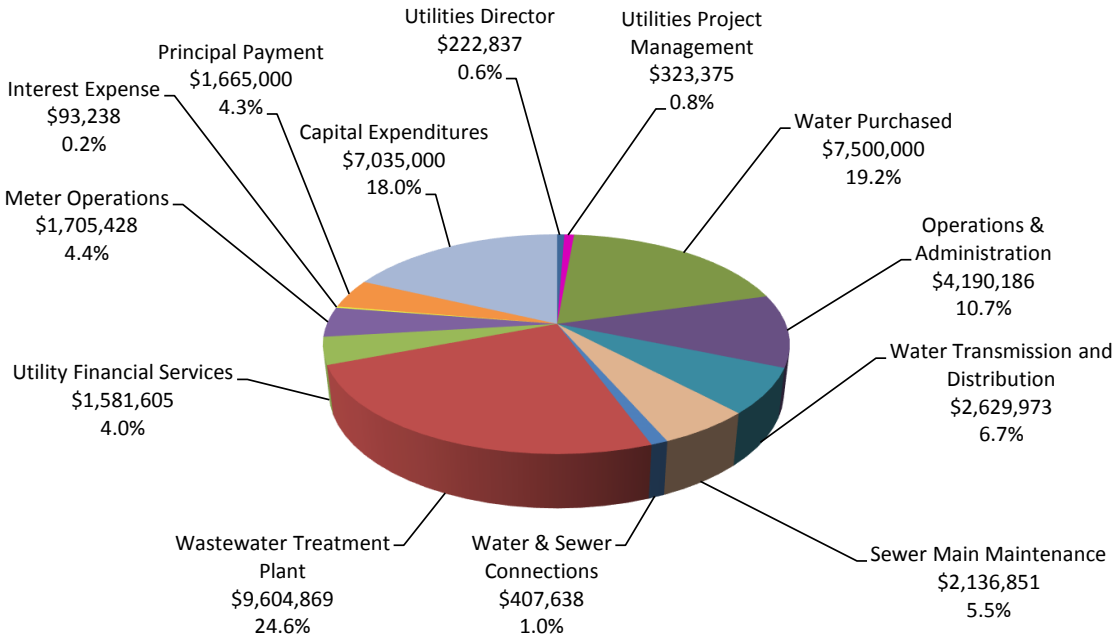
Sewer Charges: Sewer service charge revenue is based on metered customer usage of water and is the other primary source of revenue for the Water & Sewer Fund. The budgeted revenue for 2018 is projected to be $815,200 over estimated 2017.



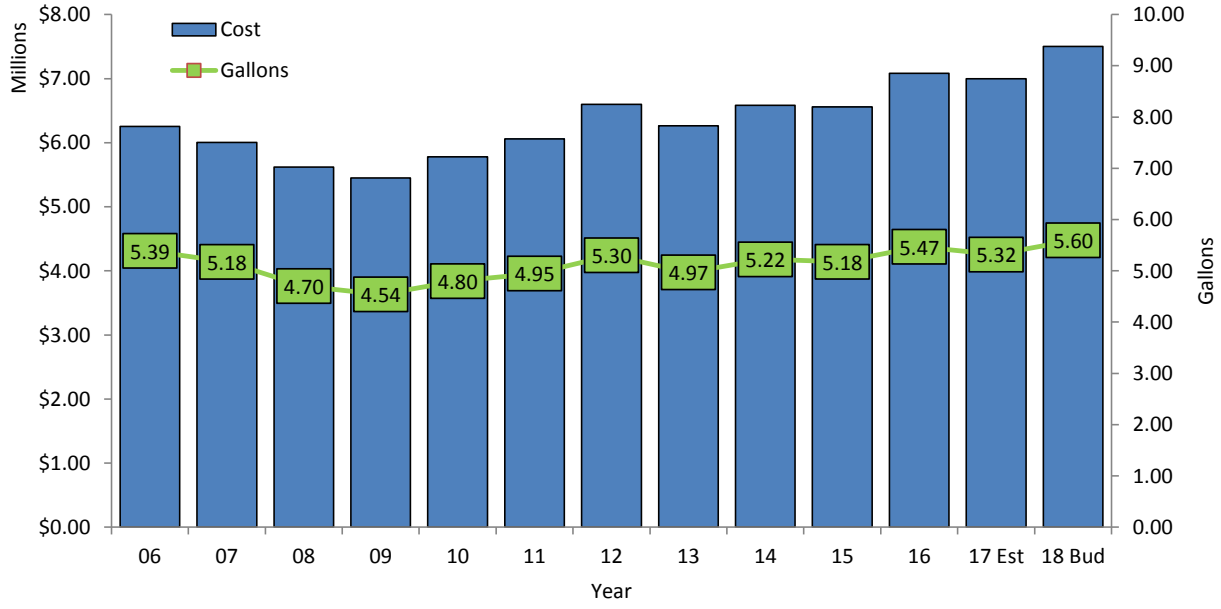
Water & Sewer Fund Expenses

The wastewater treatment plant operations budgeted for 2018 represents the largest expenditure in the fund at $9.6 million. This represents 24.6% of the total operating expenses. The water purchases are budgeted at $7.5 million, which represents 19.2% of total operating expenditures.

Use of Funds for 2018
$39,096,000



Water Purchases



City of Fayetteville, Arkansas
2018 Operating Budget
Water & Sewer Fund (5400)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Water Sales	$ 16,986,943	$ 16,914,000	$ 17,411,210	$ 18,131,460
Sewer Service Charges	18,177,566	18,093,000	18,418,000	19,233,200
Other	1,460,639	1,404,000	1,447,301	1,525,000
Interest Income	213,527	283,000	313,200	316,340
Other Non-Operating	587,401	506,000	522,218	532,000
Total Revenues	37,426,076	37,200,000	38,111,929	39,738,000
Expenses:				
Utilities Director	207,892	217,807	217,807	222,837
Utilities Project Management	261,798	313,169	313,169	323,375
Water Purchased	7,083,441	7,000,000	7,000,000	7,500,000
Operations & Administration	3,805,744	4,288,700	4,288,700	4,190,186
Water Transmission and Distribution	2,195,097	2,682,069	2,682,069	2,629,973
Sewer Main Maintenance	1,882,080	2,153,000	2,153,000	2,136,851
Water & Sewer Connections	362,223	408,000	408,000	407,638
Wastewater Treatment Plant	9,157,178	9,524,892	9,524,892	9,604,869
Utility Financial Services	1,352,966	1,490,000	1,490,000	1,581,605
Meter Operations	1,650,484	2,142,294	2,142,294	1,705,428
Interest Expense	144,738	110,000	110,000	93,238
Total Expenses	28,103,641	30,329,931	30,329,931	30,396,000
Budget Gain / (Loss) Before Capital	$ 9,322,435	$ 6,870,069	$ 7,781,998	$ 9,342,000
Non-Operating Revenues / (Expenses):				
Intergovernmental (Grants)	0	3,776,757	3,776,757	0
Principal Payment	(1,535,000)	(1,565,000)	(1,565,000)	(1,665,000)
Capital Expenditures	(7,542,063)	(30,232,904)	(30,232,904)	(7,035,000)
Transfer from Impact Fee Fund	0	4,897,095	4,897,095	700,000
Gain/Loss Sale of Assets	17,550	0	0	0
Transfer to Shop	(123,000)	(162,000)	(162,000)	0
Total Capital Revenues / (Expenses)	(9,182,513)	(23,286,052)	(23,286,052)	(8,000,000)
Budget Gain / (Loss)	$ 139,922	$ (16,415,983)	$ (15,504,054)	$ 1,342,000
Total Budget	$ 35,768,707	$ 62,289,835	$ 62,289,835	$ 39,096,000

City of Fayetteville, Arkansas
2018 Operating Budget
Water & Sewer Fund (5400)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 340,470,499	$ 344,054,678	$ 344,054,678	$ 349,332,528
Budget Gain / (Loss)	139,922	(16,415,983)	(15,504,054)	1,342,000
Plus: Gain Capital Expenditures	7,542,063	30,232,904	30,232,904	7,035,000
Plus: Gain W/S Connections	362,223	408,000	408,000	407,638
Plus: Capital Contribution	4,910,067	0	0	0
Plus: Bond Principal Payment	1,535,000	1,565,000	1,565,000	1,665,000
Less: Depreciation Expense	(10,905,096)	(11,424,000)	(11,424,000)	(11,424,000)
Ending Total Net Assets	$ 344,054,678	$ 348,420,599	$ 349,332,528	$ 348,358,166
NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 304,851,376	$ 323,660,280	$ 323,660,280	$ 319,271,280
Restricted for Prepaids/Debt Service	1,279,817	1,279,817	1,279,817	1,279,817
Unrestricted	37,923,481	23,480,502	24,392,431	27,807,069
Ending Total Net Position	$ 344,054,678	$ 348,420,599	$ 349,332,528	$ 348,358,166

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
5400.700.1800 - Utilities Director Program:				
10 - Personnel Services	$ 170,164	$ 172,796	$ 172,796	$ 177,133
20 - Materials & Supplies	1,613	4,002	4,002	4,002
30 - Services and Charges	2,988	7,944	7,944	7,944
33 - Motorpool	5,095	5,033	5,033	5,726
39 - Cost Allocation	28,032	28,032	28,032	28,032
Total	207,892	217,807	217,807	222,837
5400.700.4020 - Utilities Project Management Program:				
10 - Personnel Services	246,093	267,855	267,855	275,047
20 - Materials & Supplies	3,378	9,008	9,008	9,008
30 - Services and Charges	5,945	17,423	17,423	17,423
33 - Motorpool	4,883	6,383	6,383	9,397
40 - Maintenance	1,500	12,500	12,500	12,500
Total	261,798	313,169	313,169	323,375
5400.710.1810 - Utilities Financial Services Program:				
10 - Personnel Services	906,760	939,003	939,003	990,608
20 - Materials & Supplies	49,774	74,000	74,000	74,000
30 - Services and Charges	490,507	564,411	564,411	604,411
39 - Cost Allocation	(100,614)	(100,614)	(100,614)	(100,614)
40 - Maintenance	6,539	13,200	13,200	13,200
Total	1,352,966	1,490,000	1,490,000	1,581,605
5400.720.1820 - Meter Reading Program:				
10 - Personnel Services	821,245	853,532	853,532	846,471
20 - Materials & Supplies	38,332	66,369	66,369	66,369
30 - Services and Charges	20,100	25,310	25,310	21,510
33 - Motorpool	82,151	101,275	101,275	123,996
39 - Cost Allocation	84,420	84,420	84,420	84,420
40 - Maintenance	6,967	12,150	12,150	10,650
Total	1,053,214	1,143,056	1,143,056	1,153,416
5400.720.1830 - Meter Maint & Backflow Prev Program:				
10 - Personnel Services	373,441	405,832	405,832	406,424
20 - Materials & Supplies	12,075	30,259	30,259	28,259
30 - Services and Charges	6,123	11,570	11,570	9,570
33 - Motorpool	18,794	25,829	25,829	30,249
39 - Cost Allocation	26,760	26,760	26,760	26,760
40 - Maintenance	411	750	750	750
Total	437,604	501,000	501,000	502,012

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
5400.720.1840 - Meter Operations Capital Program:				
20 - Materials & Supplies	94,821	131,818	131,818	30,000
30 - Services and Charges	2,923	340,953	340,953	20,000
40 - Maintenance	61,922	25,467	25,467	0
80 - Capital	447,494	1,258,828	1,258,828	815,000
96 - Operating Transfers Out	123,000	162,000	162,000	0
Total	730,160	1,919,066	1,919,066	865,000
5400.720.3800 - Water Purchased Program:				
30 - Services and Charges	7,083,441	7,000,000	7,000,000	7,500,000
Total	7,083,441	7,000,000	7,000,000	7,500,000
5400.720.4000 - Operations & Administration Program:				
10 - Personnel Services	808,297	1,088,680	1,088,680	947,627
20 - Materials & Supplies	94,848	124,409	124,409	146,836
30 - Services and Charges	1,848,449	1,999,037	1,999,037	2,002,766
33 - Motorpool	15,820	17,393	17,393	19,225
39 - Cost Allocation	949,392	949,392	949,392	949,392
40 - Maintenance	88,940	109,789	109,789	124,340
50 - Debt Service	12,415	21,000	21,000	21,000
80 - Capital	0	56,491	56,491	0
Total	3,818,160	4,366,191	4,366,191	4,211,186
5400.720.4310 - Water Distribution Maintenance Program:				
10 - Personnel Services	765,494	908,681	908,681	894,864
20 - Materials & Supplies	606,781	763,595	763,595	770,494
30 - Services and Charges	141,234	196,017	196,017	167,165
33 - Motorpool	410,544	489,016	489,016	476,109
39 - Cost Allocation	80,292	80,292	80,292	80,292
40 - Maintenance	209	19,700	19,700	13,000
Total	2,004,553	2,457,301	2,457,301	2,401,924
5400.720.4330 - Water Storage & Pump Maintenance Program:				
10 - Personnel Services	141,969	155,024	155,024	165,454
20 - Materials & Supplies	13,438	30,493	30,493	35,493
30 - Services and Charges	7,310	5,000	5,000	0
33 - Motorpool	15,050	15,023	15,023	15,874
39 - Cost Allocation	10,428	10,428	10,428	10,428
40 - Maintenance	2,348	8,800	8,800	800
Total	190,544	224,768	224,768	228,049

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
5400.720.4410 - Sewer Mains Maintenance Program:				
10 - Personnel Services	996,711	1,142,709	1,142,709	1,074,525
20 - Materials & Supplies	262,732	315,825	315,825	353,825
30 - Services and Charges	79,028	102,500	102,500	87,500
33 - Motorpool	457,037	502,302	502,302	531,337
39 - Cost Allocation	83,664	83,664	83,664	83,664
40 - Maintenance	2,908	6,000	6,000	6,000
Total	1,882,080	2,153,000	2,153,000	2,136,851
5400.720.5600 - Capital Water Mains Program:				
30 - Services and Charges	256,134	514,533	514,533	0
80 - Capital	1,137,503	13,704,515	13,704,515	3,185,000
Total	1,393,637	14,219,048	14,219,048	3,185,000
5400.720.5620 - Water & Sewer Connections Program:				
10 - Personnel Services	159,706	189,626	189,626	185,091
20 - Materials & Supplies	141,308	143,050	143,050	153,050
30 - Services and Charges	554	15,000	15,000	10,500
33 - Motorpool	45,680	45,828	45,828	44,501
39 - Cost Allocation	14,496	14,496	14,496	14,496
40 - Maintenance	478	0	0	0
Total	362,223	408,000	408,000	407,638
5400.720.5700 - Sewer Mains Construction Program:				
30 - Services and Charges	475,715	1,307,208	1,307,208	0
80 - Capital	4,573,192	8,220,195	8,220,195	1,500,000
Total	5,048,906	9,527,403	9,527,403	1,500,000
5400.720.6800 - Debt Service Program:				
50 - Debt Service	132,323	1,654,000	1,654,000	1,737,238
Total	132,323	1,654,000	1,654,000	1,737,238
5400.730.5100 - WWTP Administration & SCADA Program:				
20 - Materials & Supplies	0	1,073	1,073	1,073
30 - Services and Charges	1,778,751	1,308,056	1,308,056	1,982,588
40 - Maintenance	871	872	872	125
Total	1,779,622	1,310,001	1,310,001	1,983,786

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
5400.730.5110 - WWTP East Side Operations Program:				
20 - Materials & Supplies	50,301	93,101	93,101	111,101
30 - Services and Charges	3,766,420	4,206,901	4,206,901	4,133,698
33 - Motorpool	263,520	334,372	334,372	334,953
39 - Cost Allocation	51,408	51,408	51,408	51,408
40 - Maintenance	179	8,153	8,153	8,153
Total	4,131,828	4,693,935	4,693,935	4,639,313
5400.730.5120 - WWTP West Side Operations Program:				
20 - Materials & Supplies	18,887	73,655	73,655	99,655
30 - Services and Charges	1,290,418	1,467,722	1,467,722	1,403,992
33 - Motorpool	56,331	66,831	66,831	72,866
39 - Cost Allocation	51,108	51,108	51,108	51,108
40 - Maintenance	0	3,549	3,549	3,549
Total	1,416,744	1,662,865	1,662,865	1,631,170
5400.730.5130 - WWTP Lab / IPP Program:				
30 - Services and Charges	505,111	529,678	529,678	544,589
Total	505,111	529,678	529,678	544,589
5400.730.5140 - WWTP Lift Station Maintenance Program:				
20 - Materials & Supplies	8,327	29,969	29,969	39,969
30 - Services and Charges	831,614	831,544	831,544	766,042
Total	839,940	861,513	861,513	806,011
5400.730.5800 - Wastewater Plant Capital Program:				
20 - Materials & Supplies	0	6,015	6,015	0
30 - Services and Charges	126,216	192,316	192,316	0
40 - Maintenance	357,717	268,569	268,569	0
80 - Capital	652,026	5,171,134	5,171,134	1,535,000
Total	1,135,959	5,638,034	5,638,034	1,535,000
Budget Total	$ 35,768,707	$ 62,289,835	$ 62,289,835	$ 39,096,000

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Recycling & Trash Collection Fund (5500)

The **Recycling & Trash Collection Fund** is responsible for the operation of the City's solid waste collection and disposal, transfer station, recycling program, and composting program. Revenues for the fund are obtained from fees levied for trash collection, recycling revenue, container sales or leases, and the transfer station. After capital expenditures, the fund will have a loss of $652,000. However, there are sufficient reserves to accommodate the expenditures.

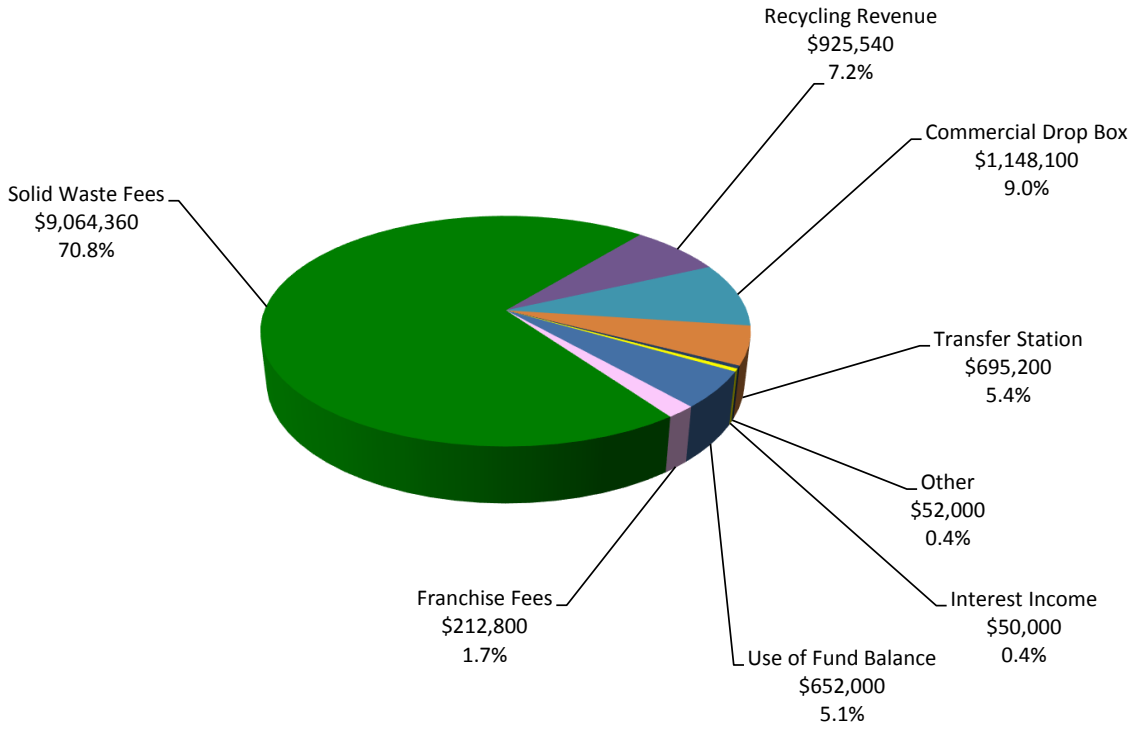
Recycling & Trash Collection Fund Revenues

For 2018, the Recycling & Trash Collection Fund sources of funds are budgeted at $12,800,000. Solid Waste collection fees make up the largest source of revenue (70.8%).

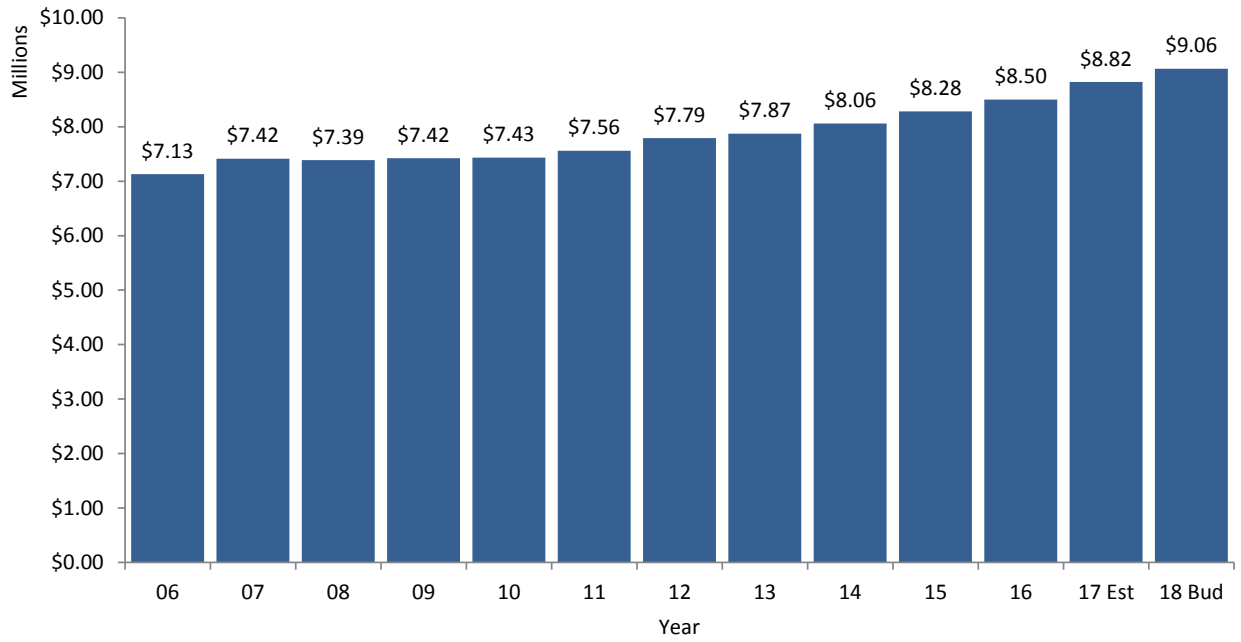
Recycling Revenues

Recycling revenue includes the sale of materials collected at curbside and at the recycling centers. The estimated revenue for that program is $925,540 for 2018. However, a portion of the solid waste fees are attributable to recycling activity. That portion is estimated to be approximately $1,596,720 for 2018.

Sources of Funds for 2018
$12,800,000



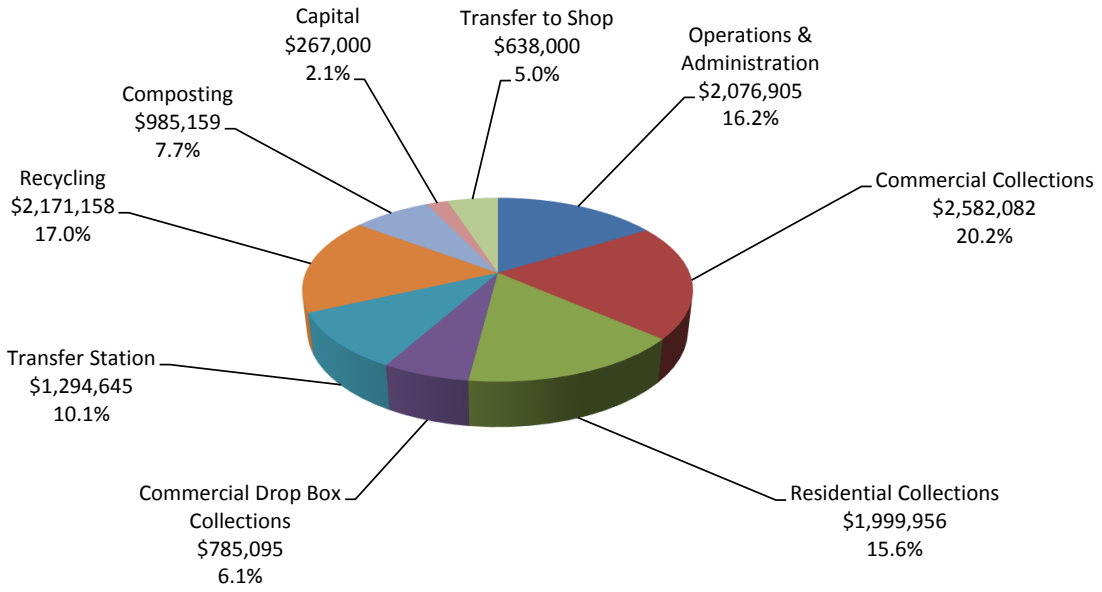
Solid Waste Fees: The 2017 revenue estimates are $439,605 over 2016 actual collections. The 2018 total revenues are projected to be higher compared to 2017 estimates by $227,756.



Recycling & Trash Collection Fund Expenses

Expenses for the Recycling & Trash Collection Fund are budgeted at $12,800,000 for 2018. The commercial collections program and related activity make up the largest segment of the budget.

Use of Funds for 2018
$12,800,000



City of Fayetteville, Arkansas
2018 Operating Budget
Recycling & Trash Collection Fund (5500)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Franchise Fees	$ 247,077	$ 203,000	$ 205,933	$ 212,800
Solid Waste Fees	8,500,092	8,343,000	8,820,964	9,064,360
Recycling Revenue	677,644	656,000	944,528	925,540
Commercial Drop Box	1,333,331	1,177,000	1,147,000	1,148,100
Transfer Station	618,486	520,000	695,100	695,200
Other	52,875	43,000	50,149	52,000
Interest Income	51,134	60,000	56,570	50,000
Total Revenues	11,480,639	11,002,000	11,920,244	12,148,000
Expenses:				
Operations & Administration	1,909,764	2,052,726	2,052,726	2,076,905
Commercial Collections	2,272,166	2,550,866	2,550,866	2,582,082
Residential Collections	1,820,816	1,979,359	1,979,359	1,999,956
Commercial Drop Box Collections	746,775	857,128	857,128	785,095
Transfer Station	1,165,947	1,293,000	1,293,000	1,294,645
Recycling	1,783,617	2,026,562	2,026,562	2,171,158
Composting	792,851	840,889	840,889	985,159
Solid Waste Projects	158,745	199,201	199,201	10,000
Total Expenses	10,650,681	11,799,731	11,799,731	11,905,000
Budget Gain / (Loss) Before Capital	$ 829,958	$ (797,731)	$ 120,513	$ 243,000
Non-Operating Revenues / (Expenses):				
Intergovernmental (Grants)	7,612	10,000	10,000	0
Capital Expenditures	(3,009,206)	(1,115,563)	(1,115,563)	(257,000)
Transfer to Shop	0	0	0	(638,000)
Total Capital Revenues / (Expenses)	(3,001,594)	(1,105,563)	(1,105,563)	(895,000)
Budget Gain / (Loss)	$ (2,171,636)	$ (1,903,294)	$ (985,050)	$ (652,000)
Total Budget	$ 13,659,887	$ 12,915,294	$ 12,915,294	$ 12,800,000

City of Fayetteville, Arkansas
2018 Operating Budget
Recycling & Trash Collection Fund (5500)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 11,423,821	$ 11,747,467	$ 11,747,467	$ 10,976,420
Budget Gain / (Loss)	(2,171,636)	(1,903,294)	(985,050)	(652,000)
Plus: Gain Capital Expenditures	3,009,206	1,115,563	1,115,563	257,000
Less: Depreciation Expense	(513,924)	(901,560)	(901,560)	(950,000)
Ending Total Net Assets	$ 11,747,467	$ 10,058,176	$ 10,976,420	$ 9,631,420
NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 5,899,492	$ 6,113,495	$ 6,113,495	$ 5,420,495
Unrestricted	5,847,975	3,944,681	4,862,925	4,210,925
Ending Total Net Assets	$ 11,747,467	$ 10,058,176	$ 10,976,420	$ 9,631,420

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Recycling & Trash Collection Fund (5500)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
5500.750.5000 - Operations & Administration Program:				
10 - Personnel Services	$ 605,871	$ 622,702	$ 622,702	$ 665,350
20 - Materials & Supplies	32,582	54,168	54,168	45,475
30 - Services and Charges	765,211	863,624	863,624	852,633
33 - Motorpool	13,367	12,263	12,263	11,951
39 - Cost Allocation	441,600	441,600	441,600	441,600
40 - Maintenance	51,133	58,169	58,169	59,696
50 - Debt Service	0	200	200	200
96 - Operating Transfers Out	0	0	0	638,000
Total	1,909,764	2,052,726	2,052,726	2,714,905
5500.750.5010 - Commercial Collections Program:				
10 - Personnel Services	619,532	650,551	650,551	683,346
20 - Materials & Supplies	145,634	319,697	319,697	313,998
30 - Services and Charges	809,584	864,150	864,150	862,500
33 - Motorpool	624,960	641,512	641,512	648,282
39 - Cost Allocation	72,456	72,456	72,456	72,456
40 - Maintenance	0	2,500	2,500	1,500
Total	2,272,166	2,550,866	2,550,866	2,582,082
5500.750.5020 - Residential Collections Program:				
10 - Personnel Services	631,306	650,859	650,859	667,068
20 - Materials & Supplies	101,453	190,859	190,859	204,359
30 - Services and Charges	423,677	431,200	431,200	430,801
33 - Motorpool	612,924	652,985	652,985	644,272
39 - Cost Allocation	51,456	51,456	51,456	51,456
40 - Maintenance	0	2,000	2,000	2,000
Total	1,820,816	1,979,359	1,979,359	1,999,956
5500.750.5030 - Commercial Drop Box Collections Program:				
10 - Personnel Services	146,981	147,343	147,343	156,950
20 - Materials & Supplies	22,147	48,395	48,395	45,655
30 - Services and Charges	501,122	564,060	564,060	484,800
33 - Motorpool	66,619	75,586	75,586	82,946
39 - Cost Allocation	9,744	9,744	9,744	9,744
40 - Maintenance	162	12,000	12,000	5,000
Total	746,775	857,128	857,128	785,095

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Recycling & Trash Collection Fund (5500)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
5500.750.5040 - Transfer Station Program:				
10 - Personnel Services	109,235	122,375	122,375	127,273
20 - Materials & Supplies	9,979	18,346	18,346	18,684
30 - Services and Charges	983,419	1,085,910	1,085,910	1,085,860
33 - Motorpool	58,426	60,117	60,117	56,576
39 - Cost Allocation	3,252	3,252	3,252	3,252
40 - Maintenance	1,636	3,000	3,000	3,000
Total	1,165,947	1,293,000	1,293,000	1,294,645
5500.750.5060 - Recycling Program:				
10 - Personnel Services	980,728	1,039,054	1,039,054	1,058,073
20 - Materials & Supplies	106,984	183,052	183,052	208,277
30 - Services and Charges	121,217	125,050	125,050	137,100
33 - Motorpool	467,150	559,841	559,841	663,193
39 - Cost Allocation	94,308	94,308	94,308	94,308
40 - Maintenance	13,230	25,257	25,257	10,207
80 - Capital	0	0	0	30,000
Total	1,783,617	2,026,562	2,026,562	2,201,158
5500.750.5070 - Composting Program:				
10 - Personnel Services	384,513	400,524	400,524	519,165
20 - Materials & Supplies	34,973	61,801	61,801	63,701
30 - Services and Charges	385	2,400	2,400	2,000
33 - Motorpool	340,160	342,730	342,730	367,109
39 - Cost Allocation	32,184	32,184	32,184	32,184
40 - Maintenance	637	1,250	1,250	1,000
Total	792,851	840,889	840,889	985,159
5500.750.5080 - Solid Waste Projects Program:				
20 - Materials & Supplies	36,289	131,637	131,637	10,000
30 - Services and Charges	310,085	195,812	195,812	40,000
40 - Maintenance	0	30,000	30,000	0
80 - Capital	2,821,576	957,315	957,315	187,000
Total	3,167,950	1,314,764	1,314,764	237,000
Budget Total	$ 13,659,887	$ 12,915,294	$ 12,915,294	$ 12,800,000

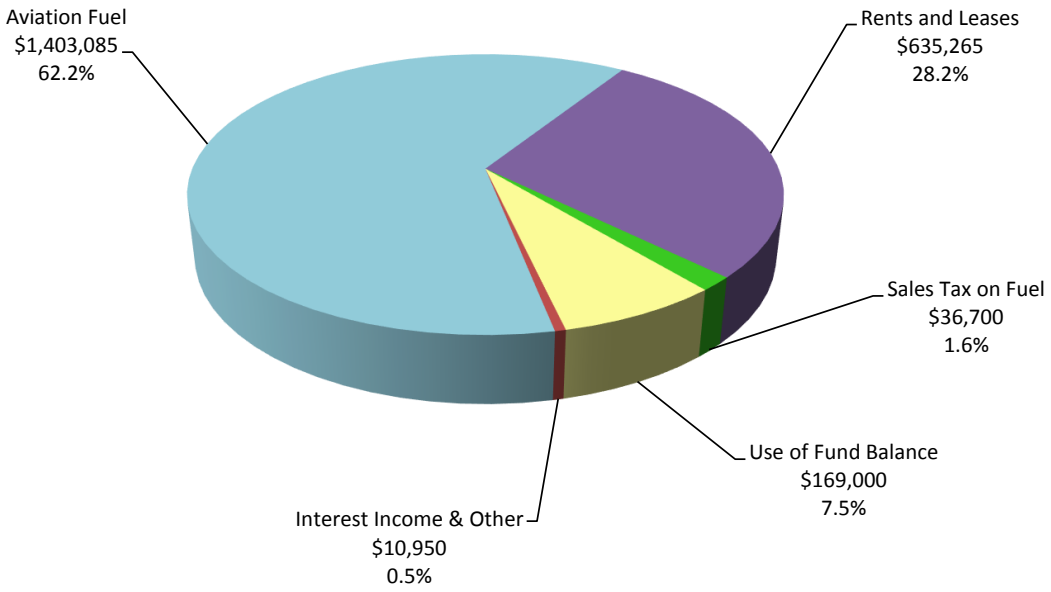
Airport Fund (5550)

The **Airport Fund** provides for the operation and maintenance of the City's municipal airport, Drake Field. The Airport Fund's revenue is generated from FBO fuel sales and rents and leases. In 2018, the Airport Fund is projected to decrease reserves by $169,000 for capital expenditures. However, a major portion of these expenditures will be grant eligible.

Airport Fund Revenues

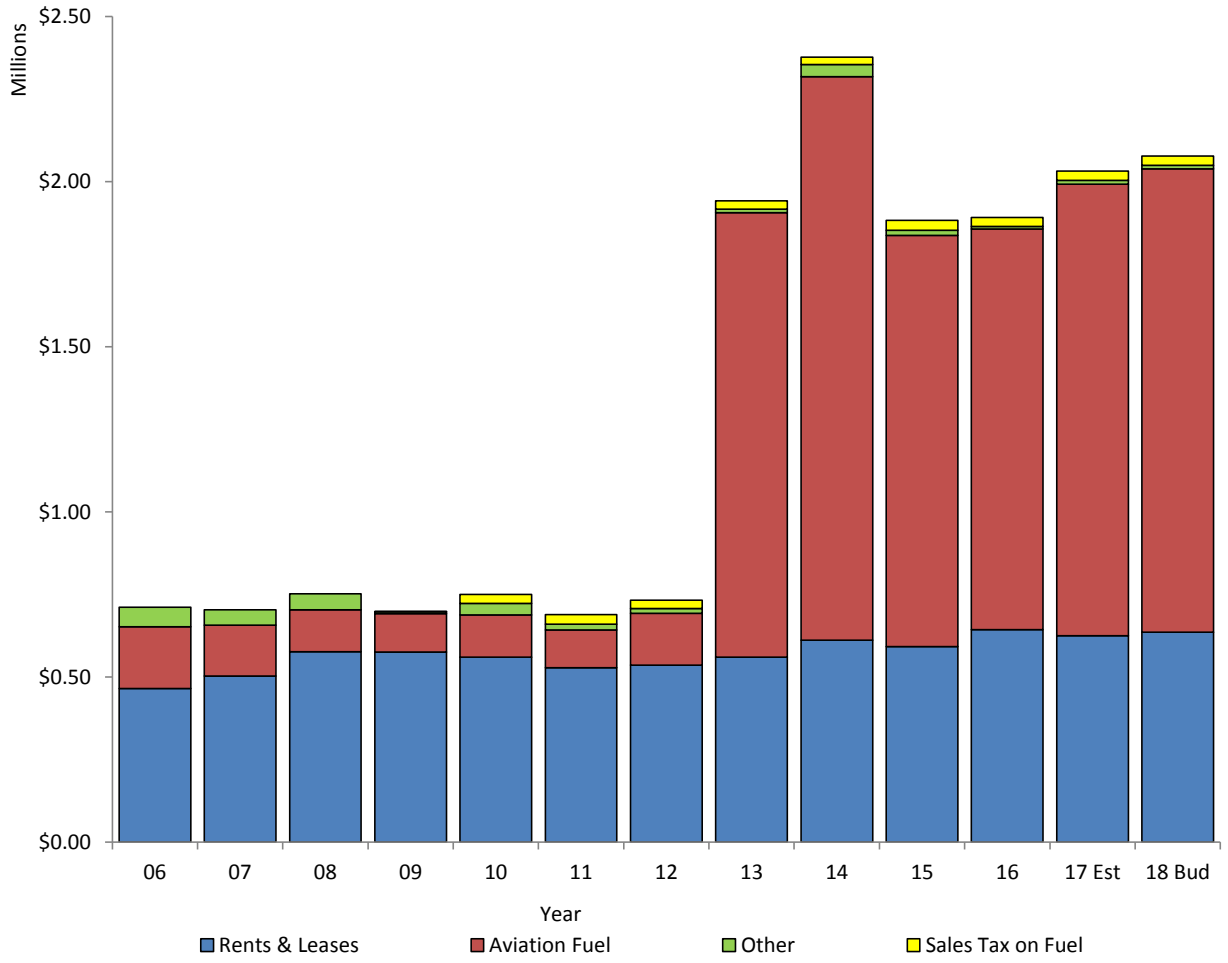
For 2018, the Airport Fund sources of funds are budgeted to be $2,255,000. Aviation Fuel revenue is projected to be $1,403,085 or 62.2% of the total revenue, as the City took over Fixed Based Operations in March of 2013. Rents and Leases make up the second largest source of revenue (28.2%).

Souces of funds for 2018
$2,255,000



Total Operating Revenue

This chart shows all of the Airport Fund's operating revenues by type. Primary revenues are comprised of Fuel Sales and Rents and Leases. During the fourth quarter of 2001, the City took over the Fixed Based Operator (FBO) functions and sold aviation fuel as it became a General Aviation airport. The selling of fuel continued until the last part of 2005 when the City contracted the operation of the FBO to an external company. The City again took over running the Fixed Based Operations (FBO) in March of 2013. Due to the FBO, Aviation Fuel has become the major source of revenue. A portion of the airport terminal building is leased by Skydive Fayetteville, a pilot training school, the U.S. Postal Service and several other business operations.



City of Fayetteville, Arkansas
2018 Operating Budget
Airport Fund (5550)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Sales Tax - County	$ 12,011	$ 11,200	$ 14,827	$ 14,900
Sales Tax - City	19,050	16,000	22,006	21,800
Rents & Leases	643,098	628,100	624,832	635,265
Aviation Fuel	1,213,829	1,660,320	1,367,461	1,403,085
Other	8,356	7,080	3,250	3,400
Interest Income	(592)	3,300	8,000	7,550
Total Revenues	1,895,752	2,326,000	2,040,376	2,086,000
Expenses:				
Airport Administration	357,128	611,841	611,841	437,415
Airport Maintenance	223,681	248,615	248,615	279,390
Airport Operations	1,066,150	1,479,540	1,479,540	1,305,471
Airport Capital Expense	74,110	606,710	606,710	0
General Fund Loan Interest	4,659	4,194	4,194	4,194
General Fund Loan Principal	15,530	15,530	15,530	15,530
Total Expenses	1,741,258	2,966,430	2,966,430	2,042,000
Budget Gain / (Loss) Before Capital	$ 154,494	$ (640,430)	$ (926,054)	$ 44,000
Non-Operating Revenues / (Expenses):				
Intergovernmental (Grants)	242,091	237,058	174,660	0
Insurance Reimbursement - Roof Repairs	457,627	0	0	0
Gain/Loss Sale of Assets	(10,507)	0	225	0
Capital Expenditures	(219,348)	(463,857) *	(218,000)	(213,000)
Total Capital Revenues / (Expenses)	469,863	(226,799)	(43,115)	(213,000)
Budget Gain / (Loss)	$ 624,357	$ (867,229)	$ (969,169)	$ (169,000)
Total Budget	$ 1,945,076	$ 3,430,287	$ 3,184,430	$ 2,255,000

*Note: Certain capital expenditures are predicated on obtaining grants.

City of Fayetteville, Arkansas
2018 Operating Budget
Airport Fund (5550)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 10,025,717	$ 9,857,726	$ 9,857,726	$ 8,096,287
Budget Gain / (Loss)	624,357	(867,229)	(969,169)	(169,000)
Plus: Gain Capital Expenditures	219,348	463,857	218,000	213,000
Plus: Bond Principal Payment	15,530	15,530	15,530	15,530
Less: Depreciation Expense	(1,027,226)	(1,025,800)	(1,025,800)	(1,025,800)
Ending Total Net Assets	$ 9,857,726	$ 8,444,084	$ 8,096,287	$ 7,130,017
NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 8,731,405	$ 8,169,462	$ 7,923,605	$ 7,110,805
Unrestricted	1,126,321	274,622	172,682	19,212
Ending Total Net Assets	$ 9,857,726	$ 8,444,084	$ 8,096,287	$ 7,130,017

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Airport Fund (5550)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
5550.760.3940 - Airport Administration Program:				
10 - Personnel Services	$ 152,310	$ 221,350	$ 221,350	$ 182,545
20 - Materials & Supplies	2,720	8,876	8,876	15,071
30 - Services and Charges	193,728	363,958	363,958	222,171
33 - Motorpool	2,042	2,338	2,338	2,404
39 - Cost Allocation	4,764	4,764	4,764	4,764
40 - Maintenance	0	95	95	0
50 - Debt Service	4,659	19,724	19,724	19,724
Total	360,222	621,105	621,105	446,679
5550.760.3950 - Airport Maintenance Program:				
10 - Personnel Services	116,619	131,815	131,815	144,829
20 - Materials & Supplies	5,858	19,214	19,214	15,747
30 - Services and Charges	3,675	6,642	6,642	6,572
33 - Motorpool	28,700	31,299	31,299	50,224
40 - Maintenance	68,829	59,645	59,645	62,018
Total	223,681	248,615	248,615	279,390
5550.760.3955 - Airport Operations Program:				
10 - Personnel Services	248,231	261,793	261,793	257,497
20 - Materials & Supplies	711,058	1,080,175	1,081,725	907,731
30 - Services and Charges	84,892	106,934	105,384	108,562
33 - Motorpool	5,866	9,004	9,004	11,047
39 - Cost Allocation	3,744	3,744	3,744	3,744
40 - Maintenance	13,924	28,350	28,350	27,350
Total	1,067,714	1,490,000	1,490,000	1,315,931
5550.760.3960 - Airport Capital Expense Program:				
30 - Services and Charges	74,180	141,329	141,329	0
40 - Maintenance	(70)	465,381	465,381	0
80 - Capital	219,348	463,857	218,000	213,000
Total	293,458	1,070,567	824,710	213,000
Budget Total	$ 1,945,076	$ 3,430,287	$ 3,184,430	$ 2,255,000

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Police Pension Fund (6800)

The **Police Pension Fund** accounts for the accumulation of resources for the pension benefit payments to qualified police personnel. Operations of this fund are controlled by the Police Pension Board. Revenues include insurance premium tax distributions, a special City property tax, and special fees and forfeitures.

City of Fayetteville, Arkansas
2018 Operating Budget
Police Pension Fund (6800)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Investment Earnings	119,179	119,600	92,440	91,840
Gain/Loss on Sale of Investments	(18,560)	0	186,133	0
Property Taxes	$ 562,698	$ 574,500	$ 564,700	$ 592,000
Fines & Forfeitures	141,770	115,840	169,000	169,000
State Insurance Turnback	245,360	245,060	279,166	279,160
Gain/Loss in Fair Value of Investments	339,637	0	0	0
Other	3,734	0	993	0
Total Revenues	1,393,818	1,055,000	1,292,432	1,132,000
Expenses:				
Audit Expense	3,500	3,500	3,500	3,500
Professional Services	1,160	2,000	2,000	2,000
Bank Service Charges	25	636	636	634
Benefit Payments	1,552,530	1,552,764	1,552,764	1,556,766
Materials and Supplies	0	100	100	100
Total Expenses	1,557,215	1,559,000	1,559,000	1,563,000
Budget Gain / (Loss)	$ (163,397)	$ (504,000)	$ (266,568)	$ (431,000)
Total Budget	$ 1,557,215	$ 1,559,000	$ 1,559,000	$ 1,563,000

ESTIMATED CHANGE IN NET ASSETS				
Beginning Fund Balance	$ 6,244,015	$ 6,080,618	$ 6,080,618	$ 5,814,050
Income / (Loss)	(163,397)	(504,000)	(266,568)	(431,000)
Ending Fund Balance	$ 6,080,618	$ 5,576,618	$ 5,814,050	$ 5,383,050

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Police Pension Fund (6800)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
6800.800.9800 - Police Pension Expense Program:				
20 - Materials & Supplies	0	100	100	100
30 - Services and Charges	1,557,215	1,558,900	1,558,900	1,562,900
Total	1,557,215	1,559,000	1,559,000	1,563,000
Budget Total	$ 1,557,215	$ 1,559,000	$ 1,559,000	$ 1,563,000

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Fire Pension Fund (6810)

The **Fire Pension Fund** accounts for the accumulation of resources for the pension benefit payments to qualified fire personnel. Operations of this fund are controlled by the Fire Pension Board. Revenues include the proceeds of a special City property tax and insurance premium tax distributions from the State.

City of Fayetteville, Arkansas
2018 Operating Budget
Fire Pension Fund (6810)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Investment Earnings	77,372	75,649	48,555	45,530
Gain/Loss on Sale of Investments	538,694	0	87,485	0
Property Taxes	$ 562,698	$ 574,500	$ 564,700	$ 592,000
State Insurance Turnback	294,851	294,851	305,471	305,470
Gain/Loss in Fair Value of Investments	(339,573)	0	0	0
Other	83	0	4	0
Total Revenues	1,134,125	945,000	1,006,215	943,000
Expenses:				
Audit Expense	3,500	3,500	3,500	3,500
Professional Services	0	2,000	2,000	2,270
Bank Service Charges	61	373	373	373
Benefit Payments	1,391,559	1,403,727	1,403,727	1,354,457
Materials and Supplies	0	100	100	100
Services and Charges	250	300	300	300
Total Expenses	1,395,370	1,410,000	1,410,000	1,361,000
Budget Gain / (Loss)	$ (261,245)	$ (465,000)	$ (403,785)	$ (418,000)
Total Budget	$ 1,395,370	$ 1,410,000	$ 1,410,000	$ 1,361,000

ESTIMATED CHANGE IN NET ASSETS

Beginning Fund Balance	$ 3,670,737	$ 3,409,492	$ 3,409,492	$ 3,005,707
Income / (Loss)	(261,245)	(465,000)	(403,785)	(418,000)
Ending Fund Balance	$ 3,409,492	$ 2,944,492	$ 3,005,707	$ 2,587,707

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Fire Pension Fund (6810)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
6810.800.9810 - Fire Pension Expense Program:				
20 - Materials & Supplies	0	100	100	100
30 - Services and Charges	1,395,370	1,409,900	1,409,900	1,360,900
Total	1,395,370	1,410,000	1,410,000	1,361,000
Budget Total	$ 1,395,370	$ 1,410,000	$ 1,410,000	$ 1,361,000

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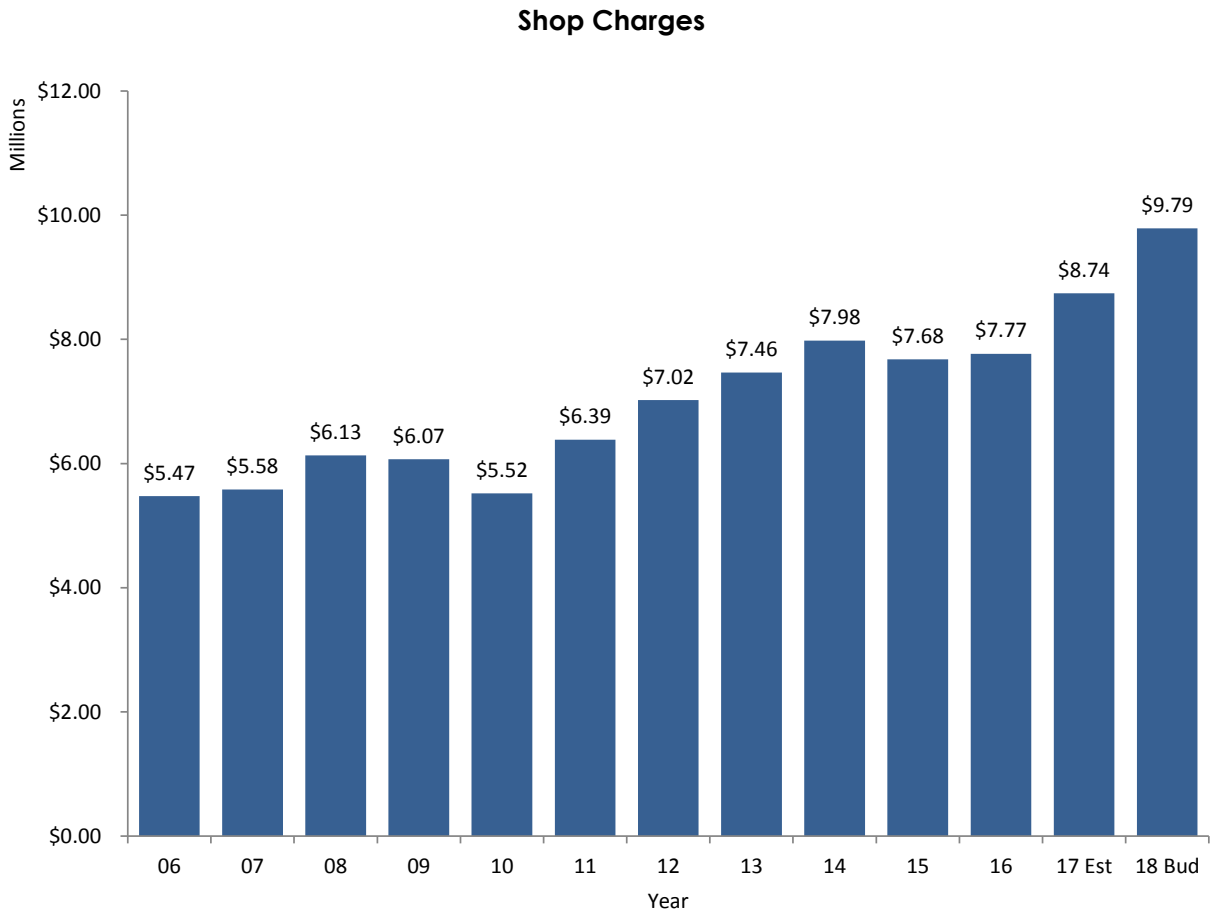
Shop Fund (9700)

The **Shop Fund** is an internal service fund that provides for all the acquisition and maintenance of equipment and vehicles utilized by the City's operating divisions. The Shop Fund's source of revenue is from charges to other City operating funds based on equipment and vehicle usage. Increases in 2018 operational costs can be attributed to additional parts and supply purchases, fuel expense, insurance, and contract services for repairs that cannot be performed by staff. These operational increases are a result of fleet expansions and increased equipment usage. On a cash basis, revenues will be greater than expenditures after capital for 2018.

Shop Fund Revenues

Shop Charges (Replacement Charges, Motorpool and Maintenance Charges, Shop Overhead Charges, Shop Overhead Insurance Charges, and Fuel Charges) as a whole make up 91.2% of total Shop Fund. These revenues are budgeted at $9,789,710 for 2018. These can be broken down in components as follows. The Replacement Charges ($5,406,220) is the amount Fleet Operations collects to purchase replacement vehicles and equipment. Motorpool and Maintenance Charges ($1,933,440), Shop Overhead Charges ($589,770) and Shop Overhead Insurance Charges ($102,280) are the monthly fees user divisions pay to the Shop Fund for the on-going maintenance that is provided for the life of the vehicles and equipment. Fuel Charges ($1,758,000) represents revenue received from charging out the cost of gasoline to the user divisions.



City of Fayetteville, Arkansas
2018 Operating Budget
Shop Fund (9700)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
Revenues:				
Maintenance Charges	$ 45,765	$ 28,800	$ 31,660	$ 40,000
Fuel Charges	888,154	1,758,000	1,200,000	1,758,000
Replacement Charges	4,284,335	5,143,300	5,122,968	5,406,220
Motor Pool Charges	1,794,805	1,909,000	1,909,960	1,893,440
Shop Overhead Charges	590,568	556,740	559,530	589,770
Shop Overhead Insurance	171,748	143,500	143,870	102,280
Shop Rental Pool Revenue	10,561	13,200	14,090	14,400
Other	24,125	17,100	37,150	37,100
Interest Income	44,651	83,360	118,200	117,790
Total Revenues	7,854,712	9,653,000	9,137,428	9,959,000
Expenses:				
Vehicle Maintenance	3,062,848	3,251,924	3,251,924	3,348,459
Gasoline/Diesel Expense	829,156	1,701,541	1,701,541	1,701,541
Total Expenses	3,892,004	4,953,465	4,953,465	5,050,000
Budget Gain / (Loss) Before Capital	$ 3,962,708	$ 4,699,535	$ 4,183,963	$ 4,909,000
Non-Operating Revenues / (Expenses):				
Gain/Loss Sale of Assets	240,743	0	371,199	0
Transfer from General	42,028	17,472	17,472	0
Transfer from Street	0	0	0	6,000
Transfer from Solid Waste	0	0	0	638,000
Transfer from Parks Development	91,200	27,000	23,500	0
Transfer from Impact Fee Fund	105,000	25,000	23,500	0
Transfer from Sales Tax Capital	41,179	48,821	42,300	50,000
Transfer from Water & Sewer	123,000	162,000	162,000	0
Capital Expenditures	(2,578,054)	(8,596,517)	(8,596,517)	(4,284,000)
Total Capital Revenues / (Expenses)	(1,934,904)	(8,316,224)	(7,956,546)	(3,590,000)
Budget Gain / (Loss)	$ 2,027,804	$ (3,616,689)	$ (3,772,583)	$ 1,319,000
Total Budget	$ 6,470,058	$ 13,549,982	$ 13,549,982	$ 9,334,000

City of Fayetteville, Arkansas
2018 Operating Budget
Shop Fund (9700)

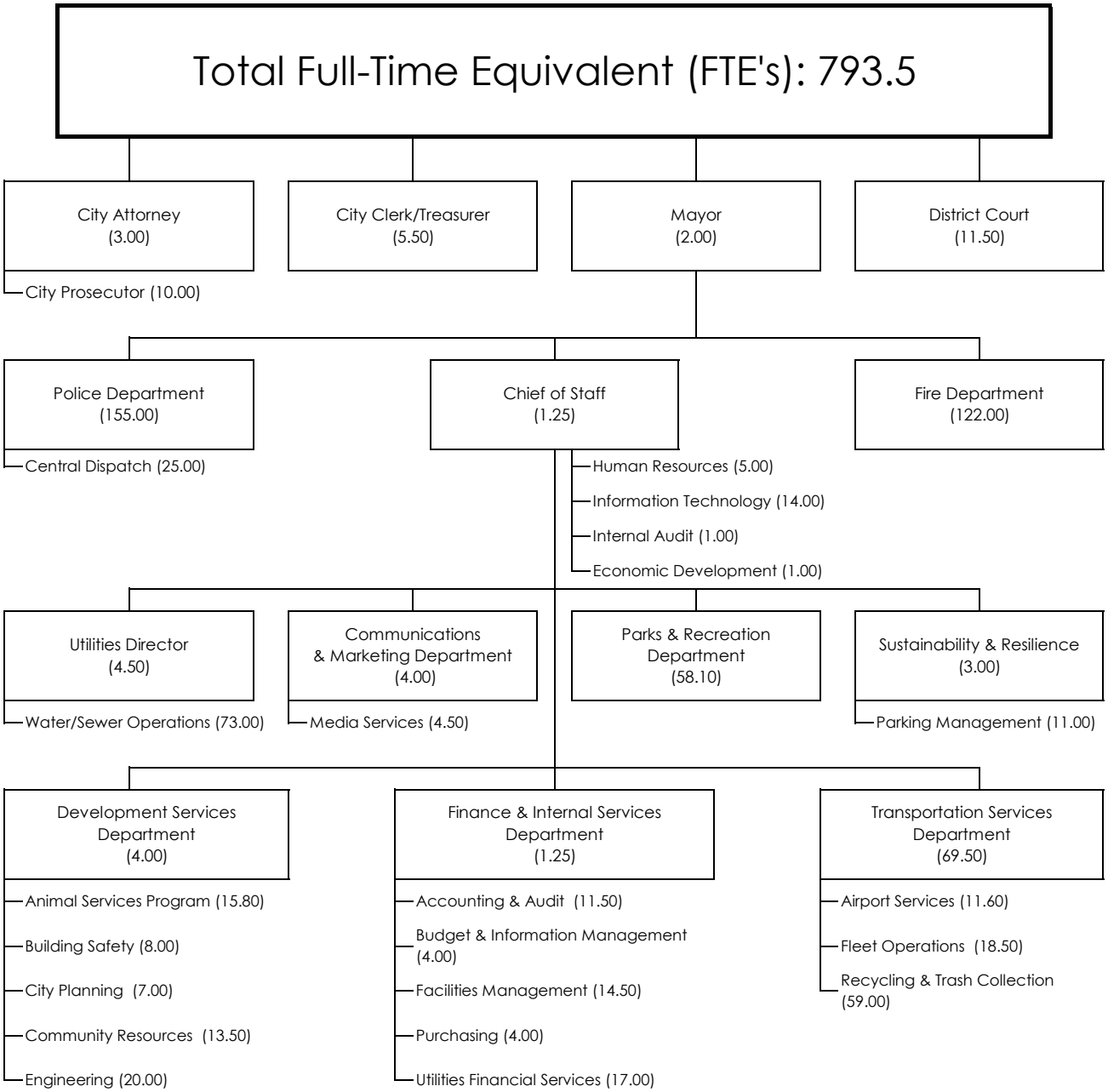
	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 23,126,207	$ 24,691,185	$ 24,691,185	$ 26,493,119
Budget Gain / (Loss)	2,027,804	(3,616,689)	(3,772,583)	1,319,000
Plus: Gain Capital Expenditures	2,578,054	8,596,517	8,596,517	4,284,000
Less: Depreciation Expense	(3,040,880)	(3,022,000)	(3,022,000)	(3,022,000)
Ending Total Net Assets	$ 24,691,185	$ 26,649,013	$ 26,493,119	$ 29,074,119
NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 12,447,254	$ 18,021,771	$ 18,021,771	$ 19,283,771
Unrestricted	12,243,931	8,627,242	8,471,348	9,790,348
Ending Total Net Assets	$ 24,691,185	$ 26,649,013	$ 26,493,119	$ 29,074,119

City of Fayetteville, Arkansas
2018 Operating Budget (Category Summary)
Shop Fund (9700)

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
9700.770.1910 - Vehicle Maintenance Program:				
10 - Personnel Services	$ 1,077,295	$ 1,261,999	$ 1,261,999	$ 1,214,057
20 - Materials & Supplies	1,874,024	2,698,880	2,683,980	2,693,091
30 - Services and Charges	500,905	497,279	512,179	651,593
33 - Motorpool	55,255	76,616	76,616	86,441
39 - Cost Allocation	342,348	342,348	342,348	343,000
40 - Maintenance	40,900	69,318	69,318	61,818
80 - Capital	19,539	0	0	0
Total	3,910,266	4,946,440	4,946,440	5,050,000
9700.770.1920 - Capital Expense Program:				
20 - Materials & Supplies	0	3,586	3,586	0
30 - Services and Charges	1,277	3,439	3,439	0
80 - Capital	2,558,515	8,596,517	8,596,517	4,284,000
Total	2,559,792	8,603,542	8,603,542	4,284,000
Budget Total	$ 6,470,058	$ 13,549,982	$ 13,549,982	$ 9,334,000

The Personnel Summary table below shows the authorized full-time equivalent (FTE) listing for the City of Fayetteville by Organization Chart.

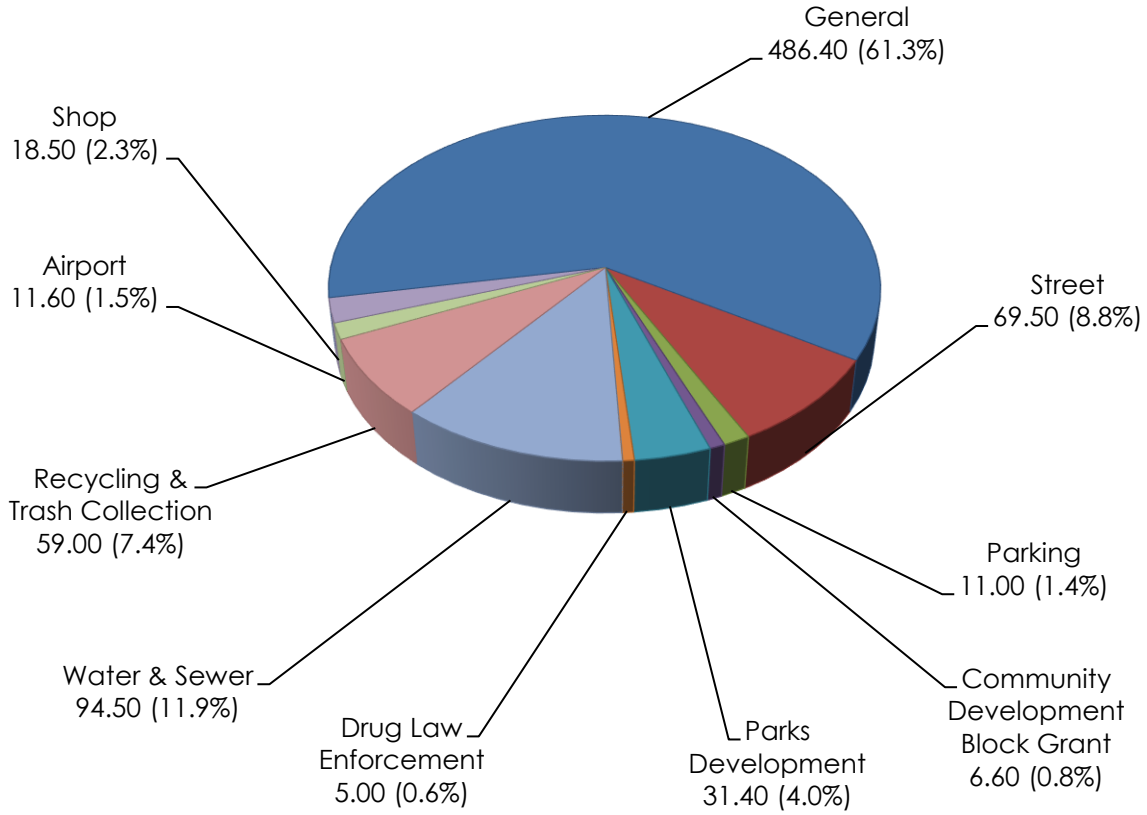
The subsequent pages provide a summary and a detail listing of personnel by Funding Source and Activity.



City of Fayetteville, Arkansas
Personnel Summary by Funding Source
Full-Time Equivalent Basis

Fund	Budgeted 2016	Budgeted 2017	Budgeted 2018
1010 - General	478.90	484.90	486.40
2100 - Street	69.50	69.50	69.50
2130 - Parking	9.80	11.00	11.00
2180 - Community Development Block Grant	5.60	5.60	6.60
2250 - Parks Development	30.15	31.40	31.40
2930 - Drug Law Enforcement	5.00	5.00	5.00
5400 - Water & Sewer	93.50	94.50	94.50
5500 - Recycling & Trash Collection	57.00	57.00	59.00
5550 - Airport	11.60	11.60	11.60
9700 - Shop	18.50	18.50	18.50
Total	779.55	789.00	793.50

Full-Time Equivalent Basis by Fund
(793.5 00 FTEs)



City of Fayetteville, Arkansas
Personnel Variation Summary (2018)

POSITION FTE RECONCILIATION

Fund / Division	Title	Active	Total
2017 BUDGET - ADOPTED		789.00	789.00
Recycling & Trash Collection	Route Drivers[1]	2.00	2.00
Police	Crime Scene Technician[2]	1.00	1.00
Accounting & Audit	Internal Services Project Manager[3]	0.50	0.50
Community Resources	Case Manager[4]	1.00	1.00
2017 BUDGET - AMENDED		793.50	793.50
2018 CHANGES		-	-
2018 BUDGET - PROPOSED		793.50	793.50

NOTES TO THE PERSONNEL VARIATION SUMMARY

1. Route Drivers (FTE 2.00) were added to the Recycling & Trash Collection Division by City Council at the July 18, 2017 meeting. These two positions were created to better equip the division in servicing recycling in growth areas of the city. This position is funded out of the Solid Waste Fund.

2. A Crime Scene Technician (FTE 1.0) was added to the Police Department by City Council at the July 18, 2017 meeting. This position was added as a second Technician to cover crime scenes and the numerous tasks involved with investigating a crime. This position is funded out of the General Fund.

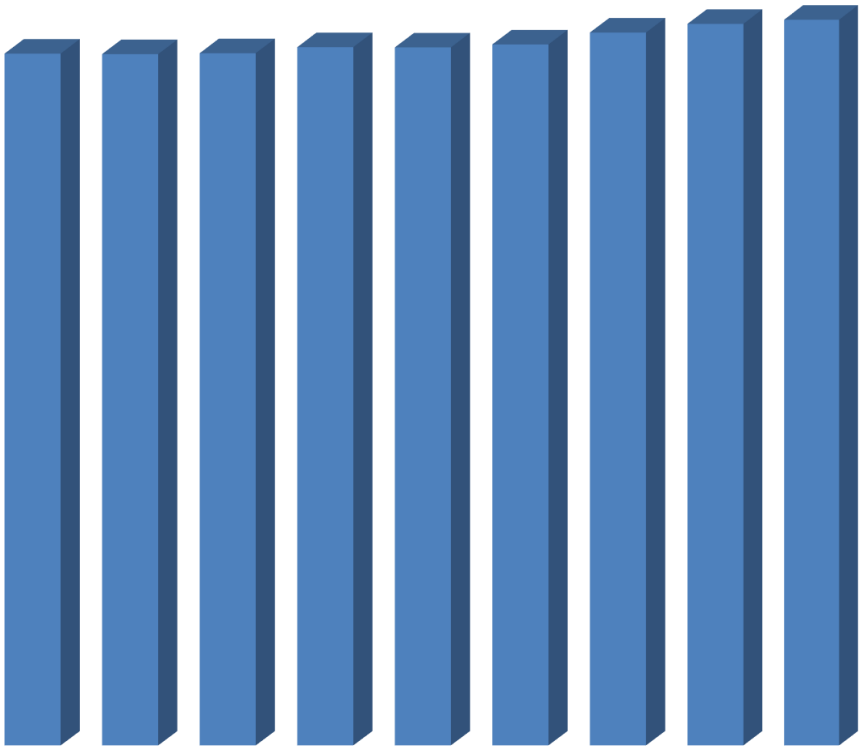
3. An Internal Services Project Manager (FTE .50) was added to the Accounting & Audit Division by City Council at the July 18, 2017 meeting. This position is a temporary position for 2018 to assist in the transition upon the retirement of the Payroll Manager. This position is funded out of the General Fund.

4. A Case Manager (FTE 1.0) was added to the Community Resources Division by City Council at the October 3, 2017 meeting. This positions joins two other Case Manager positions in conjunction with the acceptance of a Special Needs Assistant Program (SNAPS) grant. This position is funded out of the Community Development Block Grant Fund.

City of Fayetteville, Arkansas
Personnel History by Funding Source (2010-2018)

Position Funding Changes in 2017 and 2018

No new positions are being requested in the 2018 budget. 4.5 positions were added during 2017 with the approval of City Council that impact the 2018 budget.



Fund	2010	2011	2012	2013	2014	2015	2016	2017	2018
General	480.13	470.55	470.60	471.50	469.20	467.70	478.90	484.90	486.40
Street	68.50	68.50	68.50	68.50	68.50	69.50	69.50	69.50	69.50
Parking	3.50	6.00	7.00	6.80	8.80	9.80	9.80	11.00	11.00
Community Development Block Grant	4.55	4.55	4.55	3.85	3.85	3.60	5.60	5.60	6.60
Parks Development	21.85	27.40	27.35	27.35	27.35	29.35	30.15	31.40	31.40
Drug Law Enforcement	4.00	4.00	4.00	4.00	4.00	5.00	5.00	5.00	5.00
Water & Sewer	93.50	93.50	93.50	93.50	93.50	93.50	93.50	94.50	94.50
Recycling & Trash Collection	56.00	57.00	57.00	57.00	57.00	57.00	57.00	57.00	59.00
Airport	6.00	6.00	6.00	12.60	12.60	12.60	11.60	11.60	11.60
Shop	18.50	18.50	18.50	18.50	18.50	18.50	18.50	18.50	18.50
Total	756.53	756.00	757.00	763.60	763.30	766.55	779.55	789.00	793.50
Change from Prior Year	-	(0.53)	1.00	6.60	(0.30)	3.25	13.00	9.45	4.50

City of Fayetteville, Arkansas
Personnel Summary by Funding Source / Program

Fund / Program	Budgeted 2016	Budgeted 2017	Proposed 2018
1010 - GENERAL FUND:			
0150 - Mayor's Administration	2.00	2.00	2.00
0210 - City Attorney	3.00	3.00	3.00
0310 - City Prosecutor	10.00	10.00	10.00
0400 - District Judge	1.00	-	-
0500 - Economic Development	-	1.00	1.00
0550 - Communications	4.00	4.00	4.00
0600 - Media Services	4.50	4.50	4.50
0700 - Chief of Staff	1.25	1.25	1.25
1100 - Chief Financial Officer	1.25	1.25	1.25
1210 - Human Resource Operations	4.00	5.00	5.00
1310 - Accounting & Audit	11.00	11.00	11.50
1330 - Budget & Information Management	4.00	4.00	4.00
1360 - Internal Audit	1.00	1.00	1.00
1380 - Utilities Management	1.20	-	-
1410 - General Maintenance	7.50	7.50	7.50
1420 - Janitorial	7.00	7.00	7.00
1510 - City Clerk/Treasurer	5.50	5.50	5.50
1610 - Purchasing	3.50	4.00	4.00
1710 - Information Technology	9.00	9.00	9.00
1720 - Geographic Information Systems	5.00	5.00	5.00
2010 - Criminal Cases	5.50	5.50	5.50
2020 - Probation & Fine Collection	0.50	0.50	0.50
2030 - Small Claims & Civil Cases	4.50	5.50	5.50
2600 - Central Dispatch	24.00	25.00	25.00
2710 - Animal Patrol/Emergency Response	5.50	5.50	5.50
2720 - Animal Shelter	8.30	8.30	8.30
2730 - Veterinarian/Clinic	2.00	2.00	2.00
2900 - Police Support Services	35.00	35.50	35.50
2940 - Police Patrol	111.50	113.50	114.50
3010 - Fire Prevention	5.00	5.00	5.00
3020 - Fire Operations	115.00	115.00	115.00
3030 - Fire Training	2.00	2.00	2.00
5210 - Swimming Pool	4.35	4.35	4.35
5220 - Parks Administration/Recreation Programs	7.75	7.95	7.95
5250 - Lake Maintenance	0.15	0.15	0.15
5260 - Parks Maintenance	11.25	11.25	11.25
5280 - Yvonne Richardson Community Center	3.00	3.00	3.00
5300 - Parking Management	-	-	-
5320 - Traffic Control & Maintenance	-	-	-

Fund / Program	Budgeted 2016	Budgeted 2017	Proposed 2018
6200 - Development Services Director	3.00	4.00	4.00
6210 - Engineering Design Services	5.00	5.00	5.00
6220 - Engineering Operations & Administration	8.00	8.00	8.00
6230 - Engineering Land Acquisition	2.00	2.00	2.00
6240 - Engineering Public Construction	5.00	5.00	5.00
6300 - City Planning	7.00	7.00	7.00
6310 - Sustainability & Resilience	3.00	3.00	3.00
6400 - Building Safety	8.00	8.00	8.00
6420 - Code Compliance	6.90	6.90	6.90
	478.90	484.90	486.40
2100 - STREET FUND:			
4100 - Operations & Administration	9.00	9.00	9.00
4110 - Right-of-Way Maintenance	6.00	6.00	6.00
4120 - Street Maintenance	19.00	19.00	19.00
4130 - Drainage Maintenance	10.00	10.00	10.00
5315 - Traffic Engineering & Planning	6.00	6.00	6.00
5520 - Trail Construction	9.50	9.50	9.50
5530 - Sidewalks	10.00	10.00	10.00
	69.50	69.50	69.50
2130 - PARKING FUND:			
9130 - Off-Street Parking	4.30	5.50	5.50
9131 - Entertainment District Parking	4.50	4.50	4.50
9132 - Spring Street Municipal Parking Deck	1.00	1.00	1.00
	9.80	11.00	11.00
2180 - COMMUNITY DEVELOPMENT BLOCK GRANT FUND:			
4930 - Administration & Planning	1.05	1.05	1.05
4940 - Housing Services	3.55	3.55	4.55
4945 - Redevelopment	1.00	1.00	1.00
	5.60	5.60	6.60
2250 - PARKS DEVELOPMENT FUND:			
9250 - Parks Development	30.15	31.40	31.40
	30.15	31.40	31.40
2930 - DRUG LAW ENFORCEMENT FUND:			
2960 - Drug Enforcement	5.00	5.00	5.00
	5.00	5.00	5.00

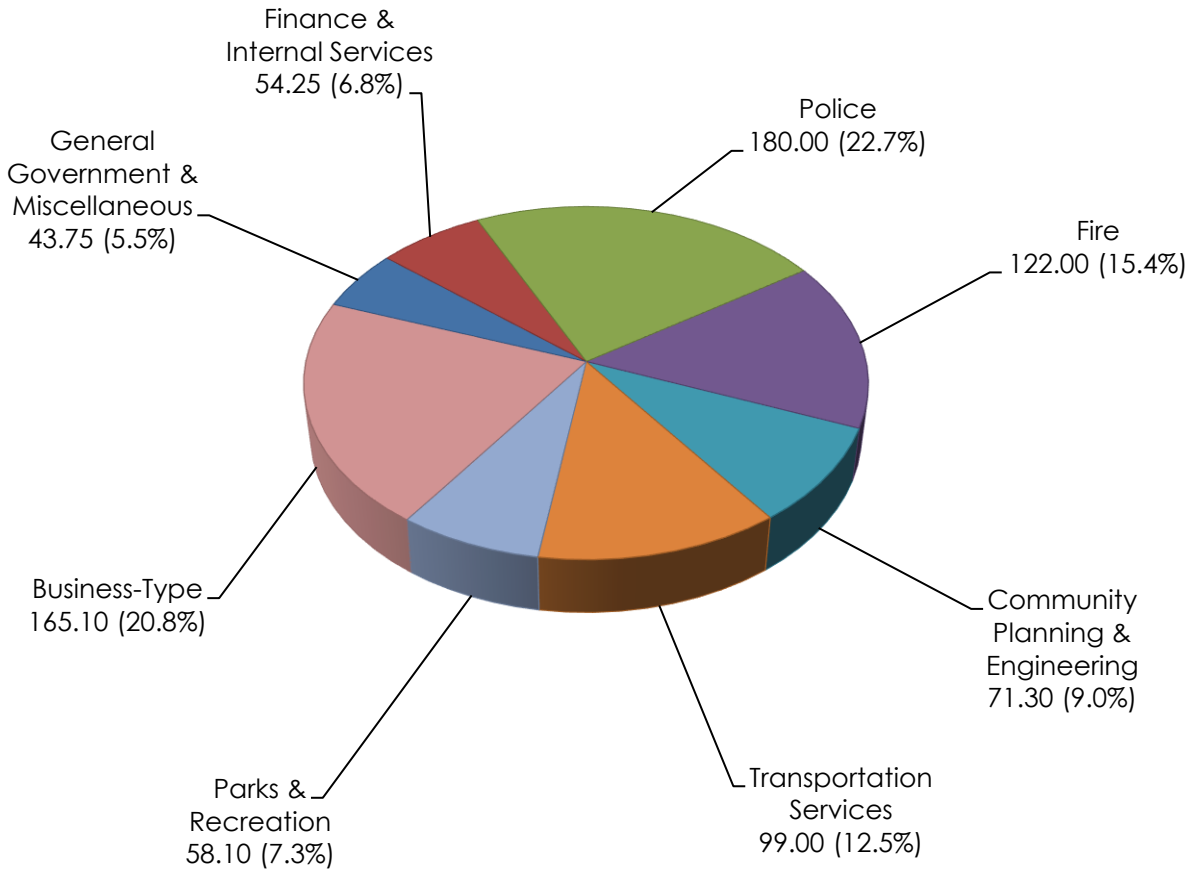
City of Fayetteville, Arkansas
Personnel Summary by Funding Source / Program

Fund / Program	Budgeted 2016	Budgeted 2017	Proposed 2018
5400 - WATER & SEWER FUND:			
1800 - Utilities Director	1.50	1.50	1.50
1810 - Utilities Financial Services	17.00	17.00	17.00
1820 - Meter Reading	15.00	15.00	15.00
1830 - Meter Maintenance & Backflow Prevention	6.00	6.00	6.00
4000 - Operations & Administration	11.00	12.00	12.00
4020 - Utilities Project Management	3.00	3.00	3.00
4310 - Water Distribution Maintenance	15.35	15.35	15.35
4330 - Water Storage & Pump Maintenance	2.00	2.00	2.00
4410 - Sewer Mains Maintenance	19.35	19.35	19.35
5620 - Water & Sewer Connections	3.30	3.30	3.30
	93.50	94.50	94.50
5500 - RECYCLING & TRASH COLLECTION FUND:			
5000 - Operations & Administration	5.00	5.00	5.00
5010 - Commercial Collections	11.50	11.50	11.50
5020 - Residential Collections	10.00	10.00	10.00
5030 - Commercial Drop Box Collections	2.50	2.50	2.50
5040 - Transfer Station	2.50	2.50	2.50
5060 - Recycling	18.50	18.50	20.50
5070 - Composting	7.00	7.00	7.00
	57.00	57.00	59.00
5550 - AIRPORT FUND:			
3940 - Airport Administration	3.00	3.00	3.00
3950 - Airport Maintenance	2.60	2.60	2.60
3955 - Airport Operations	6.00	6.00	6.00
	11.60	11.60	11.60
9700 - SHOP FUND:			
1910 - Vehicle Maintenance	18.50	18.50	18.50
	18.50	18.50	18.50
Total Positions - Citywide	779.55	789.00	793.50

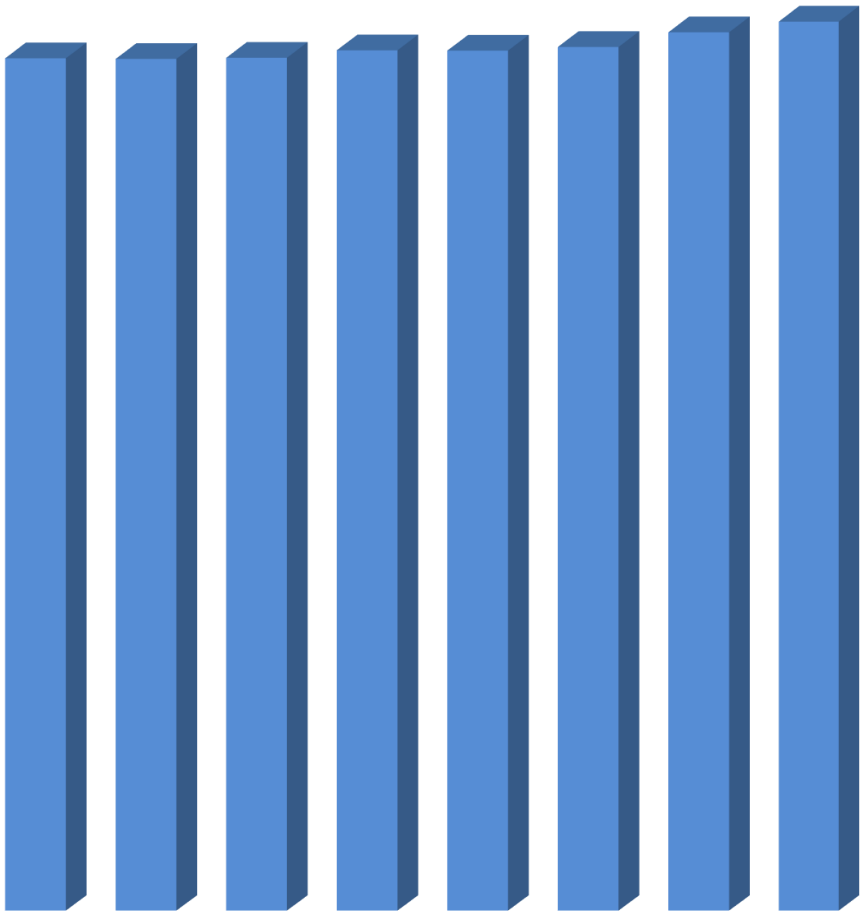
City of Fayetteville, Arkansas
Personnel Summary by Activity
Full-Time Equivalent Basis

Activity	Budgeted 2016	Budgeted 2017	Proposed 2017
General Government & Miscellaneous	42.75	43.75	43.75
Finance & Internal Services	52.25	53.75	54.25
Police	175.50	179.00	180.00
Fire	122.00	122.00	122.00
Community Planning & Engineering	69.30	70.30	71.30
Transportation Services	99.00	99.00	99.00
Parks & Recreation	56.65	58.10	58.10
Business-Type	162.10	163.10	165.10
Total	779.55	789.00	793.50

Full-Time Equivalent Basis by Activity
(793.500 FTEs)



City of Fayetteville, Arkansas
Personnel History by Activity (2010-2018)



Activity	2010	2011	2012	2013	2014	2015	2016	2017	2018
General Government	41.50	41.50	41.50	41.50	40.50	40.75	42.75	43.75	43.75
Finance & Internal Services	53.25	52.75	52.75	52.75	53.25	53.25	52.25	53.75	54.25
Police	171.63	171.60	171.60	171.60	170.00	170.00	175.50	179.00	180.00
Fire	114.00	114.00	114.00	114.00	114.00	114.00	122.00	122.00	122.00
Community Planning/Engineering	70.30	70.30	70.30	70.30	69.80	69.80	69.30	70.30	71.30
Transportation Services	96.00	95.00	96.00	96.00	98.00	100.00	99.00	99.00	99.00
Parks & Recreation	54.35	54.35	54.35	54.35	54.65	55.65	56.65	58.10	58.10
Business-Type	155.50	156.50	156.50	163.10	163.10	163.10	162.10	163.10	165.10
Total	756.53	756.00	757.00	763.60	763.30	766.55	779.55	789.00	793.50
Change from Prior Year	-	(0.53)	1.00	6.60	(0.30)	3.25	13.00	9.45	4.50

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
GENERAL GOVERNMENT & MISCELLANEOUS ACTIVITY:			
Mayor's Administration Division:			
Mayor	1.00	1.00	1.00
Mayor's Office Administrator	1.00	1.00	1.00
	2.00	2.00	2.00
City Attorney Division:			
City Attorney	1.00	1.00	1.00
Assistant City Attorney	1.00	1.00	1.00
Paralegal - City Attorney's Office	1.00	1.00	1.00
	3.00	3.00	3.00
City Prosecutor Division:			
City Prosecutor	1.00	1.00	1.00
Deputy City Prosecutor	1.00	1.00	1.00
Senior Office Manager - Prosecutor's Office	1.00	1.00	1.00
City Prosecutor Investigator	1.00	1.00	1.00
Senior Legal Assistant	2.00	2.00	2.00
Legal Assistant	1.00	1.00	1.00
Hot Check Program Clerk	1.00	1.00	1.00
Legal Administrative Clerk	1.00	1.00	1.00
Law Clerk	1.00	1.00	1.00
	10.00	10.00	10.00
City Clerk/Treasurer Division:			
City Clerk/Treasurer	1.00	1.00	1.00
Document Management Manager	1.00	1.00	1.00
Deputy City Clerk	1.00	1.00	1.00
Deputy City Clerk-Codifier	1.00	1.00	1.00
Administrative Assistant - City Clerk	1.00	1.00	1.00
Records Clerk	0.50	0.50	0.50
	5.50	5.50	5.50

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
Fayetteville District Court Division:			
District Judge	1.00	-	-
District Court Administrator	1.00	1.00	1.00
Court Services Officer	0.50	0.50	0.50
Lead Court Clerk	1.00	1.00	1.00
Deputy Court Clerk II	2.00	1.00	1.00
Deputy Court Clerk I	6.00	8.00	8.00
	11.50	11.50	11.50
Chief of Staff Division:			
Chief Of Staff	1.00	1.00	1.00
Administrative Assistant - Mayor's Office	0.25	0.25	-
Senior Administrative Assistant I - Mayor's Office	-	-	0.25
	1.25	1.25	1.25
Internal Audit Division:			
Internal Auditor	1.00	1.00	1.00
	1.00	1.00	1.00
Communications & Marketing Division:			
Communications & Marketing Director	1.00	1.00	1.00
Website Content Manager	1.00	1.00	1.00
Community Outreach Coordinator	1.00	1.00	-
Community Engagement Manager	-	-	1.00
Senior Administrative Assistant II - Mayor's Office	-	-	1.00
Senior Administrative Assistant - Mayor's Office	1.00	1.00	-
	4.00	4.00	4.00
Media Services Division:			
Director Of Media Services	1.00	1.00	1.00
Video Production Technician	2.50	2.50	2.50
Programming Coordinator - Media Services	1.00	1.00	1.00
	4.50	4.50	4.50
Economic Development Division:			
Director Of Economic Vitality	-	1.00	1.00
	-	1.00	1.00
Total General Government & Miscellaneous Activity	42.75	43.75	43.75

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
FINANCE & INTERNAL SERVICES ACTIVITY:			
Chief Financial Officer Division:			
Chief Financial Officer	1.00	1.00	1.00
Administrative Assistant - Mayor's Office	0.25	0.25	-
Senior Administrative Assistant I - Mayor's Office	-	-	0.25
	1.25	1.25	1.25
Accounting & Audit Division:			
Accounting Director	1.00	1.00	1.00
Accounting Manager - Investment & Cash	1.00	1.00	1.00
Accounting Manager - Payroll & Pension	1.00	1.00	1.00
Internal Services Department Project Mgr	-	-	0.50
Contract Grant Financial Accountant	1.00	1.00	1.00
Fixed Assets/Investment Coordinator	1.00	1.00	1.00
Accountant - Revenues	1.00	1.00	1.00
Accountant - Payroll	1.00	1.00	1.00
Accounting Clerk - Payables	1.00	1.00	1.00
Accounting Clerk - Receivables	1.00	1.00	1.00
Accounting Clerk - Cash	1.00	1.00	1.00
Accounting Clerk - Data Entry	1.00	1.00	1.00
	11.00	11.00	11.50
Facilities Management Division:			
Construction & Contract Manager	0.50	0.50	0.50
Facilities & Building Construction Manager	1.00	1.00	1.00
Crew Leader - Building Services	1.00	1.00	-
Crew Leader - Facilities Management Services	1.00	1.00	2.00
HVAC Technician	1.00	1.00	1.00
Building Maintenance Worker I	1.00	1.00	-
Maintenance Worker I - Facilities Mgmt.	-	-	1.00
Building Maintenance Worker II	1.00	1.00	-
Maintenance Worker II - Facilities Mgmt.	-	-	1.00
Operations Assistant - Building Maintenance	1.00	1.00	1.00
Custodian	7.00	7.00	7.00
	14.50	14.50	14.50

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
Budget & Information Management Division:			
Budget Director	1.00	1.00	1.00
Senior Research Analyst	1.00	1.00	1.00
Financial Analyst - Budget	1.00	1.00	1.00
Budget Analyst	1.00	1.00	1.00
	4.00	4.00	4.00
Human Resources Division:			
Human Resources Director	1.00	1.00	1.00
Senior Human Resources Officer	1.00	1.00	-
Assistant Human Resources Director	-	-	1.00
Benefits Administrator	1.00	1.00	1.00
Human Resources Assistant	1.00	1.00	1.00
Human Resources Generalist	-	1.00	1.00
	4.00	5.00	5.00
Information Technology Division:			
Information Technologies Director	1.00	1.00	1.00
Infrastructure Manager	1.00	1.00	1.00
Senior Programmer / Analyst	1.00	1.00	-
Network Engineer	1.00	1.00	1.00
Business Systems Analyst	2.00	2.00	3.00
GIS Coordinator	1.00	1.00	1.00
Technical Support Specialist	2.00	2.00	2.00
GIS Analyst	1.00	1.00	1.00
Network Analyst	1.00	1.00	1.00
GIS Technician	3.00	3.00	3.00
	14.00	14.00	14.00
Purchasing Division:			
Purchasing Manager	1.00	1.00	1.00
Purchasing Agent	1.00	1.00	1.00
Purchasing Technician	1.00	1.00	1.00
Purchasing Clerk	0.50	1.00	1.00
	3.50	4.00	4.00
Total Finance & Internal Services Activity	52.25	53.75	54.25

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
POLICE ACTIVITY:			
Police Division:			
Police Chief	1.00	1.00	1.00
Deputy Chief Of Police	1.00	1.00	1.00
Police Captain	3.00	3.00	3.00
Support Services Manager	1.00	1.00	1.00
Police IT Manager	1.00	1.00	1.00
Police Lieutenant	5.00	5.00	5.00
Systems Analyst	1.00	1.00	1.00
Assistant Support Services Manager	1.00	1.00	1.00
Police Sergeant	15.00	15.00	15.00
Police Corporal	46.00	46.00	46.00
Property / Evidence Manager	1.00	1.00	1.00
Evidence Technician	2.00	2.00	2.00
Senior Crime Scene Technician	1.00	1.00	-
Records Coordinator	1.00	1.00	1.00
Police Officer	56.00	58.00	58.00
Senior Police Support Specialist	3.00	3.00	3.00
Police Support Specialist	5.50	6.00	6.00
Crime Scene Technician	-	-	2.00
Senior Administrative Assistant - Police	-	-	1.00
Administrative Assistant - Police	3.00	3.00	2.00
Customer Service Representative - Police	-	-	2.00
Police Clerk	2.00	2.00	-
Transcriptionist	1.00	1.00	1.00
Imaging Clerk - Police	0.50	0.50	0.50
Park Patrol	0.50	0.50	0.50
	151.50	154.00	155.00
Central Dispatch Division:			
Dispatch Manager	1.00	1.00	1.00
Assistant Dispatch Manager	1.00	1.00	1.00
Dispatch Shift Supervisor	2.00	2.00	2.00
Dispatch Trainer	2.00	2.00	2.00
Dispatcher III	6.00	6.00	5.00
Dispatcher II	2.00	1.00	1.00
Dispatcher I	10.00	12.00	13.00
	24.00	25.00	25.00
Total Police Activity	175.50	179.00	180.00

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
FIRE ACTIVITY:			
Fire Division:			
Fire Chief	1.00	1.00	1.00
Assistant Fire Chief	2.00	2.00	2.00
Battalion Chief	6.00	6.00	6.00
Fire Captain	34.00	38.00	38.00
Financial Analyst - Fire	1.00	1.00	1.00
Driver / Operator / Firefighter	27.00	30.00	30.00
Firefighter	49.00	42.00	42.00
Life Safety Education Specialist	1.00	-	-
Fire Protection Engineer	-	1.00	1.00
Fire Administrative Secretary	1.00	1.00	-
Senior Administrative Assistant - Fire	-	-	1.00
	122.00	122.00	122.00
Total Fire Activity	122.00	122.00	122.00

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
COMMUNITY PLANNING & ENGINEERING ACTIVITY:			
Sustainability & Resilience Division:			
Sustainability & Parking Director	-	-	1.00
Sustainability & Resilience Director	1.00	1.00	-
Planner - Long Range	1.00	1.00	1.00
Sustainability Project Coordinator	1.00	1.00	1.00
	3.00	3.00	3.00
Development Services Division:			
Development Services Director	1.00	1.00	1.00
Development Services Administrator	1.00	1.00	1.00
Business License Clerk	1.00	1.00	1.00
Customer Service Representative	-	1.00	1.00
	3.00	4.00	4.00
Engineering Division:			
City Engineer	1.00	1.00	1.00
Development & Construction Manager	1.00	1.00	1.00
Engineering Design Manager	1.00	1.00	1.00
Staff Engineer	4.00	4.00	4.00
Trails Coordinator	1.00	1.00	1.00
Surveyor	1.00	1.00	1.00
Land Agent II	1.00	1.00	1.00
Land Agent I	1.00	1.00	1.00
CAD Drafter	2.00	2.00	2.00
PW Sidewalk / ADA Administrator	1.00	1.00	1.00
PW Projects Inspector	4.00	4.00	4.00
Land Survey Technician	1.00	1.00	-
Land Survey Technician/Instrument Operator	-	-	1.00
Engineering Services Coordinator	1.00	1.00	1.00
	20.00	20.00	20.00
City Planning Division:			
City Planning Director	1.00	1.00	1.00
Senior Planner	1.00	1.00	1.00
Planner	2.00	2.00	2.00
Planning Technician	1.00	1.00	1.00
Residential Permits Coordinator	1.00	1.00	1.00
Development Coordinator	1.00	1.00	1.00
	7.00	7.00	7.00

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
Community Resources Division:			
Community Services Director	1.00	1.00	1.00
Community Resources Administrator	1.00	1.00	1.00
Code Compliance Administrator	1.00	1.00	1.00
Project Coordinator Community Resources	1.00	1.00	1.00
Senior Admin Assistant - Community Resources	1.00	1.00	1.00
Case Manager	2.00	2.00	3.00
CDBG Programs Technician	1.00	1.00	1.00
Code Compliance Officer	4.00	4.00	4.00
CDBG Programs Assistant	0.50	0.50	0.50
	12.50	12.50	13.50
Building Safety Division:			
Building Safety Director	1.00	1.00	1.00
Plans Examiner - Building Official	1.00	1.00	1.00
Inspector - Commercial & Residential	2.00	3.00	3.00
Inspector - Residential	3.00	2.00	2.00
Commercial Permits Coordinator	1.00	1.00	1.00
	8.00	8.00	8.00
Animal Services Division:			
Veterinarian	1.00	1.00	1.00
Animal Services Superintendent	1.00	1.00	1.00
Animal Services Programs Manager	1.00	1.00	1.00
Animal Services Programs Administrator	1.00	1.00	1.00
Animal Services Officer	3.00	3.00	3.00
Animal Services Technician	2.00	2.00	2.00
Shelter Attendant	6.80	6.80	6.80
	15.80	15.80	15.80
Total Community Planning & Engineering Activity	69.30	70.30	71.30

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
TRANSPORTATION SERVICES ACTIVITY:			
Transportation Services Division:			
Transportation Services Director	1.00	1.00	1.00
Management Accounting Coordinator	1.00	1.00	1.00
Assistant Transportation Manager	2.00	2.00	2.00
Senior Field Operations Supervisor - Concrete	1.00	1.00	1.00
Traffic Control Supervisor	1.00	1.00	1.00
Field Operations Supervisor - Transportation	2.00	2.00	2.00
Financial Analyst - Transportation Services	1.00	1.00	1.00
Traffic Signal Technician	3.00	3.00	3.00
Crew Leader II - Overlay Transportation	-	-	1.00
Crew Leader - Transportation	3.00	2.00	1.00
Transportation Facility Maintenance Worker	1.00	1.00	1.00
Construction Lead Maintenance Worker	8.00	8.00	8.00
Traffic Technician	2.00	2.00	2.00
Operations Assistant - Transportation	3.00	3.00	3.00
Construction Maintenance Worker IV	2.00	3.00	3.00
Maintenance Worker IV - Asphalt	5.00	5.00	5.00
Maintenance Worker IV - Drainage	4.00	4.00	4.00
Maintenance Worker IV - Right Of Way	1.00	2.00	2.00
Maintenance Worker IV - Trails	2.00	2.00	2.00
Maintenance Worker III - Transportation	21.00	20.00	20.00
Maintenance Worker I - Transportation	5.50	5.50	5.50
	69.50	69.50	69.50
Fleet Operations Division:			
Fleet Operations Superintendent	1.00	1.00	1.00
Fleet Services Support Manager	1.00	1.00	1.00
Fleet Operations Supervisor	1.00	1.00	1.00
Lead Equipment Mechanic	2.00	2.00	2.00
Fleet Warranty & Materials Coordinator	1.00	1.00	1.00
Equipment Mechanic III	3.00	2.00	2.00
Automotive Parts Specialist	1.00	1.00	1.00
Equipment Mechanic II	3.00	4.00	4.00
Equipment Mechanic I	4.00	4.00	3.00
Automotive Parts Counter Representative	-	-	1.00
Fleet Operations Clerk	1.00	1.00	1.00
Equipment Maintenance Worker	0.50	0.50	0.50
	18.50	18.50	18.50

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
Parking Management Division:			
Parking Manager	1.00	1.00	1.00
Field Operations Supervisor - Parking	1.00	1.00	1.00
Parking Enforcement Officer	4.00	4.00	4.00
Account Clerk I - Parking	1.00	1.00	1.00
Account Clerk II - Parking	1.00	1.00	1.00
Parking Attendant	3.00	3.00	3.00
	11.00	11.00	11.00
Total Transportation Services Activity	99.00	99.00	99.00

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
PARKS & RECREATION ACTIVITY:			
Parks & Recreation Division:			
Parks & Recreation Director	1.00	1.00	1.00
Parks Maintenance Superintendent	1.00	1.00	1.00
Park Planning Superintendent	1.00	1.00	1.00
Recreation Superintendent	1.00	1.00	1.00
Park Planner II	1.00	1.00	1.00
Parks Maintenance Supervisor	1.00	1.00	1.00
Horticulturist	1.75	1.75	1.75
Park Planner I	1.00	1.00	-
Planner	-	-	1.00
Urban Forester	2.00	2.00	2.00
Volunteer & Community Programs Coordinator	1.00	1.00	1.00
Financial Coordinator - Parks & Recreation	1.00	1.00	1.00
YRCC Director	1.00	1.00	1.00
Crew Leader - Athletic Fields	1.00	1.00	1.00
Recreation Programs Manager Soccer	1.00	1.00	1.00
Park Facilities Maintenance Worker	2.00	2.00	2.00
Crew Leader - Forestry Services	1.00	1.00	1.00
Crew Leader - Grounds Maintenance	1.00	1.00	1.00
Recreation Programs Manager - Adult Softball	1.00	1.00	1.00
Recreation Programs Manager - Youth Softball	1.00	1.00	1.00
Crew Leader - Turf	1.00	1.00	1.00
Recreation Programs Manager Special Events	1.00	1.00	-
Assistant Recreation Superintendent	-	-	1.00
YRCC Program Coordinator	1.00	1.00	1.00
Operations Assistant - Parks & Recreation	1.00	1.00	1.00
Horticultural Assistant II	3.00	3.25	4.00
Maintenance Worker IV - Parks	5.00	5.00	5.00
YRCC Recreation Program Assistant II	0.60	0.60	0.60
Maintenance Worker III - Parks	5.00	6.00	6.00
Maintenance Worker II - Parks	7.00	7.00	7.00
Maintenance Worker I - Parks	3.50	3.50	2.75
Maintenance Worker I - Urban Forestry	0.50	0.50	0.50
Pool Manager	0.35	0.35	0.35
Assistant Pool Manager	0.40	0.40	0.40
YRCC Recreation Assistant	0.40	0.40	0.40
Camp Counselor	1.00	1.20	1.20
Recreation Program Assistant	0.95	0.95	0.95
Lifeguard	2.87	2.87	2.87
Pool Cashier	0.33	0.33	0.33
	56.65	58.10	58.10
Total Parks & Recreation Activity	56.65	58.10	58.10

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
BUSINESS-TYPE ACTIVITY:			
Utilities Financial Services Division:			
Billing & Collections Manager	1.00	1.00	1.00
Senior Financial Analyst - Utilities	1.00	1.00	1.00
Billing & Collections Coordinator	1.00	1.00	1.00
Senior Customer Service Rep - Utilities	1.00	1.00	1.00
Senior Customer Service Rep - Billing	1.00	1.00	1.00
Senior Customer Service Rep - Cashier	1.00	1.00	1.00
Utility Billing Coordinator	1.00	1.00	1.00
Customer Service Representative II	1.00	1.00	1.00
Customer Service Representative I	9.00	9.00	9.00
	17.00	17.00	17.00
Utilities Director Division:			
Utilities Director	1.00	1.00	1.00
Utilities Technical & Design Team Leader	1.00	1.00	1.00
Construction & Contract Manager	1.00	1.00	1.00
Administrative Assistant - Mayor's Office	0.50	0.50	-
Senior Administrative Assistant I - Mayor's Office	-	-	0.50
Project Coordinator Utilities	1.00	1.00	1.00
	4.50	4.50	4.50
Water & Sewer Maintenance Division:			
Water & Sewer Operations Manager	1.00	1.00	1.00
Assistant Water & Sewer Operations Manager	1.00	1.00	1.00
Meter Services Supervisor	1.00	1.00	1.00
Technical Services Supervisor	1.00	1.00	1.00
Water & Sewer Field Maintenance Supervisor	2.00	2.00	2.00
Field Service Representative	3.00	3.00	3.00
Lead Warehouse Attendant	1.00	1.00	1.00
Pump & Tank Technician	3.00	3.00	3.00
GIS Technician - Water & Sewer	1.00	1.00	1.00
Meter Operations Assistant	1.00	1.00	1.00
Backflow Services Supervisor	1.00	1.00	1.00
Crew Leader - W/S License	12.00	13.00	13.00
Office Manager - Water & Sewer	1.00	1.00	1.00
Backflow Prevention Technician	1.00	1.00	1.00
Water Field Service Representative	3.00	3.00	3.00
Maintenance Worker IV - W/S Licensed	3.00	2.00	3.00
Meter Maintenance Technician	3.00	3.00	3.00

Activity / Division / Title	Budgeted 2016	Budgeted 2017	Budgeted 2018
Water & Sewer Operations Clerk	2.00	2.00	2.00
Warehouse Attendant Water & Sewer	2.00	2.00	2.00
Meter Reader	9.00	9.00	8.00
Meter Reader Relief - Overflow	-	-	1.00
Maintenance Worker IV - W/S No License	7.00	7.00	4.00
Maintenance Worker III - Water & Sewer	13.00	13.00	15.00
W&S Facility Maintenance Worker	-	1.00	1.00
	72.00	73.00	73.00
Recycling & Trash Collection Division:			
Recycling & Trash Collection Director	1.00	1.00	1.00
Solid Waste Operations Supervisor	1.00	1.00	1.00
Waste Reduction Coordinator	1.00	1.00	1.00
Solid Waste Commercial Representative	1.00	1.00	1.00
Office Manager - Solid Waste	1.00	1.00	1.00
Crew Leader II - Solid Waste	1.00	1.00	1.00
Crew Leader - Solid Waste	2.00	2.00	2.00
Relief Driver	4.00	4.00	4.00
Recycling Attendant	2.00	2.00	2.00
Route Driver	38.00	38.00	40.00
Maintenance Worker III - Recycling & Trash	1.00	1.00	1.00
Administrative Coordinator - Recycling & Trash	2.00	2.00	2.00
Scale House Attendant	1.00	1.00	1.00
Solid Waste Facility Maintenance Worker	1.00	1.00	1.00
	57.00	57.00	59.00
Airport Services Division:			
Airport Director	1.00	1.00	-
Airport Services Manager	-	-	1.00
Financial Coordinator - Airport	1.00	1.00	1.00
Flight Line Operations Supervisor	1.00	1.00	1.00
Lead Maintenance Worker - Airport	1.00	1.00	1.00
Flight Line Operations Technician	4.00	4.00	4.00
Airport Maintenance Worker III	1.00	1.00	1.00
Administrative Assistant - Airport	1.00	1.00	1.00
Customer Service Representative - Airport	1.00	1.00	1.00
Maintenance Worker I - Airport	0.60	0.60	0.60
	11.60	11.60	11.60
Total Business-Type Activity	162.10	163.10	165.10
Total Positions - Citywide	779.55	789.00	793.50

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM

Since 1988, the City of Fayetteville has produced a five year Capital Improvements Program (CIP). The CIP examines the infrastructure and capital needs of the City for the next five years. The CIP is reviewed and updated biennially to reflect the changing needs of the community and changes in available funding for financing capital projects. The CIP should be considered as a financial planning tool that lists the City's capital improvement projects and schedules the projects for funding and implementation. The CIP should also be considered one of the primary policy making instruments utilized by the Mayor and City Council. The City's practice has been to adopt the CIP for the forthcoming five year period and then incorporate the projects for the following two years into the next two budget processes.

The subsequent pages provide a summary of the 2018 Capital Improvements Program listed by improvement area, followed by a listing of the capital projects which the City plans for 2018.

2018 Capital Improvements (By Funding Source) Compared to Approved CIP

Project Description	2018 Projects 2018-2022 CIP	2018 Proposed Budget
2100 - Street Fund:		
Sidewalk Improvements	$ 380,000	380,000
Transportation & Fleet Building Improvements	30,000	30,000
	410,000	410,000
2130 - Parking Fund:		
Meadow Street Parking Deck Improvements	162,000	162,000
Parking Enforcement Upgrades	5,000	5,000
Parking Infrastructure Improvements	10,000	10,000
Parking Lot Improvements & Overlays	25,000	25,000
Parking Technology Equipment Replacements	10,000	10,000
	212,000	212,000
2250 - Parks Development Fund:		
Community Park Improvements	789,000	789,000
	789,000	789,000
2300 - Impact Fee Fund:		
Fire Impact Improvements	89,000	89,000
Police Impact Improvements	115,000	115,000
Wastewater Impact Improvements	300,000	300,000
Water Impact Improvements	400,000	400,000
	904,000	904,000

2018 Capital Improvements (By Funding Source) Compared to Approved CIP

Project Description	2018 Projects 2018-2022 CIP	2018 Proposed Budget
4470 - Sales Tax Capital Improvements Fund:		
7-Hills Walker Family Residential Facility	57,000	57,000
Animal Services Improvements	33,000	33,000
Audit Expense	8,000	8,000
Building Efficiency Improvements	40,000	40,000
Building Improvements	290,000	290,000
City Hall A-V Maintenance	10,000	10,000
City Hall Room 111 Audio-Visual Upgrade	97,000	97,000
Citywide Radio System Replacement	200,000	200,000
Cost Share / ROW / Intersection / Street Calming	100,000	100,000
Cyber Security	25,000	25,000
Digital Signage Implementation	12,000	12,000
Document Management	20,000	20,000
Drainage Maintenance	50,000	50,000
Employee Gym Equipment	10,000	10,000
Fayetteville-AR.gov Technical Improvements	20,000	20,000
Fire Apparatus Replacements	865,000	865,000
Fire Facility Maintenance	75,000	75,000
Fire Information Technology Updates	40,000	40,000
Forestry & Habitat Improvements	32,000	32,000
Geographic Information System (GIS)	50,000	50,000
Hansen Version 8 Upgrade (Workorder System)	500,000	500,000
In-House Pavement Improvements	2,216,000	2,216,000
IT Technology Equipment Replacements	130,000	130,000
Lake Fayetteville Watershed Grant Match	10,000	10,000
Library Materials Purchases	431,000	431,000
Library Technology Equipment Replacements	75,000	75,000
Lights of the Ozarks	23,000	23,000
Local Area Network (LAN) Upgrade	125,000	125,000
Other Drainage Improvements	400,000	400,000
Park Paving Improvements	58,000	58,000
Parking Lot Improvements (City Employee)	10,000	10,000

2018 Capital Improvements (By Funding Source) Compared to Approved CIP

Project Description	2018 Projects 2018-2022 CIP	2018 Proposed Budget
Parks & Recreation Maintenance Work Order System	30,000	30,000
Parks & Recreation Master Plan	50,000	50,000
Parks & Recreation Safety and ADA	15,000	15,000
Parks & Recreation Software	35,000	35,000
Police Ballistic Protection	41,000	41,000
Police Building Improvements	75,000	75,000
Police Specialized Equipment	95,000	95,000
Police Take Home Vehicles	50,000	50,000
Police Take Home Vehicles Upfit Equipment	12,000	12,000
Police Technology Improvements	58,000	58,000
Police Unmarked Vehicles	40,000	40,000
Police Virtual Server & Storage Area Network	20,000	20,000
Police Weapon Replacement	65,000	65,000
Regional Park Fiber and Network	30,000	30,000
Sidewalk Improvements	600,000	600,000
Storage Area Network (SAN)	40,000	40,000
Stormwater Quality Management	160,000	160,000
Telecommunication Systems Upgrades	20,000	20,000
Television Center Equipment	50,000	50,000
Traffic Signal Improvements	110,000	110,000
Trail Development	1,500,000	1,500,000
Wireless Traffic Signal Control	40,000	40,000
Woolsey Homestead Historic Restoration Project	90,000	90,000
	9,238,000	9,238,000

2018 Capital Improvements (By Funding Source) Compared to Approved CIP

Project Description	2018 Projects 2018-2022 CIP	2018 Proposed Budget
5400 - Water & Sewer Fund:		
Backflow Prevention Assemblies	10,000	10,000
Building Improvements - WWTP	30,000	30,000
Filter Cell Replacement - WWTP	1,000,000	1,000,000
Lake Sequoyah Sediment Removal	500,000	500,000
Phosphorus Standards Management	50,000	50,000
Plant Pumps & Equipment - WWTP	405,000	405,000
Sanitary Sewer Rehabilitation	1,500,000	1,500,000
Upgrade/Replace Lift Stations - WWTP	50,000	50,000
Utilities Financial Services Improvements	10,000	10,000
Utilities Technology Improvements	20,000	20,000
Water & Sewer Building & Office Improvements	50,000	50,000
Water & Sewer Equipment Expansions	400,000	400,000
Water & Sewer Impact Fee Cost Sharing	150,000	150,000
Water & Sewer Rate/Operations Study	20,000	20,000
Water & Sewer Relocations - Bond Projects	500,000	500,000
Water & Sewer Technology Equipment Replacement	30,000	30,000
Water Meters	325,000	325,000
Water Storage & Pump Station Maintenance	100,000	100,000
Water System Rehabilitation & Replacement	1,885,000	1,885,000
West Water Transmission Line	50,000	50,000
	7,085,000	7,085,000
5500 - Recycling & Trash Collection Fund:		
Master Plan Expansion	638,000	638,000
Recycling & Trash Collection Rate Study	40,000	40,000
RTC Technology Equipment Replacements	10,000	10,000
Scale House Improvements	64,000	64,000
Transfer Station Improvements	123,000	123,000
	875,000	875,000
5550 - Airport Fund:		
Airport Equipment Replacement	18,000	18,000
Airport Lighting Improvements	20,000	20,000
Airport Pavement Painting	100,000	100,000
Terminal Improvements	75,000	75,000
	213,000	213,000

2018 Capital Improvements (By Funding Source) Compared to Approved CIP

Project Description	2018 Projects 2018-2022 CIP	2018 Proposed Budget
9700 - Shop Fund:		
Fleet Car Wash	563,000	563,000
Fleet - Construction Equipment	260,000	260,000
Fleet - Light / Medium Utility Vehicles	545,000	545,000
Fleet - Heavy Utility Vehicles	278,000	278,000
Fleet - Other Vehicles / Equipment	180,000	180,000
Fleet - Police / Passenger Vehicles	261,000	261,000
Fleet - Recycling/Trash Vehicles/Equipment	1,166,000	1,166,000
Fleet - Tractors / Mowers	307,000	307,000
Transportation & Fleet Building Improvements	30,000	30,000
	3,590,000	3,590,000
	$ 23,316,000	$ 23,316,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM DIRECTIONAL INFORMATION

Introduction

The Capital Improvements Program (CIP) for the City of Fayetteville examines the infrastructure and capital needs of the City for the next five years. The CIP will be reviewed and updated on a biennial basis to reflect the changing needs of the community and changes in available monies for financing capital projects. The City's philosophy concerning the use of the CIP is that it should be considered as a financial planning tool that lists the City's capital improvement projects, places the projects in a priority order, and schedules the projects for funding and implementation. The CIP should be considered as a major policy tool for the Mayor and City Council.

Capital Improvement Policy

The CIP is approached as a valuable tool to be used in the development of responsible and progressive financial planning. The program is developed in accordance with the financial policies of the City. The policies and the CIP form the basis for making various annual capital budget decisions and support the City's continued commitment to sound, long-range financial planning and direction. The City's official Capital Improvements Policy is as follows:

- The City will prepare a biennial update of a five year CIP, which will provide for the orderly maintenance, replacement, and expansion of capital assets.

- The CIP will identify long-range capital projects and capital improvements of all types, which will be coordinated with the annual operating budget to maintain full utilization of available sources.

- When preparing the CIP, the City will seek to identify all viable capital projects and capital improvements required during the subsequent five year period. These projects and improvements will be prioritized by year and by funding source. Every attempt will be made to match projects and improvements with available funding sources. Future operating costs associated with a project or an improvement will also be given consideration in the establishment of priorities.

- The City will seek Federal, State, and other funding to assist in financing capital projects and capital improvements.

- The City will incorporate the reasonable findings and recommendations of the City's Boards, Commissions, Committees, and Citizens' task forces as they relate to capital projects and improvements.

- The City will seek input on the establishment of projects and project priorities from the public through hearings at committee and ward meetings.

What Projects are in the CIP

Projects and their cumulative component areas totaling $10,000 or more should be included in the CIP. Projects costing less than $5,000 are not considered capital and are funded through program operating budgets.

Projects in the CIP can include:

- obligations for labor and materials and contractors involved in completing a project
- acquisition of land or structures
- engineering or architectural services, professional studies, or other administrative costs
- expenses for City vehicles and equipment
- renovating or expanding City facilities, grounds, or equipment

Financing

The City finances capital improvements on essentially a pay-as-you-go basis utilizing revenue from the 1% City sales tax originally adopted in 1993, the 1% Parks Development (Hotel, Motel, Restaurant) sales tax adopted in 1996, and operating revenues from the Airport, Shop, Water & Sewer, and Recycling & Trash Collection funds. The 1% City Sales Tax revenue is divided between General Fund operations and capital. The current split for 2015, which began with the 2008 budget, is 60% for General Fund and 40% for Sales Tax Capital Improvements Fund. Until 2008, the split as established in 2003 was equal. Prior to June 2003, the revenue was divided 75% for Sales Tax Capital Improvements Fund and 25% for General Fund. In addition, long-term debt is considered and utilized only when the City faces a project that is of such importance and sufficient financial magnitude as to warrant a bond issue.

The CIP is not a financing document in and of itself. Rather, the CIP is utilized as a planning document that places projects in the annual budget whereby funds are appropriated for them by the City Council. Prior to actual initiation of project work, required contracts are presented to the Mayor or City Council, as appropriate, for final approval of expending funds.

Project Cost Determination

All projects are costed using a "Basis of Cost Estimate" table that provides the estimated basis used for the requested funds. If two or more basis of cost estimates is used to calculate a funding request, the estimate that represents the majority of the estimated funds is used.

Basis of Cost Estimate Table for CIP 2018-2022
Cost of Comparable Facility or Equipment
Rule of Thumb Indicator, Unit Costs
Cost Estimated by Engineer, Architect, or Vendor
Preliminary Estimate
Ball Park "Guesstimate"

Priority Selection of Projects

The CIP will rely on priorities defined by the Mayor, City Council, and City staff. As always, criteria such as government imposed mandates, usefulness to the community, and impact on operational expenses will be reviewed in establishing priorities. A priority is assigned to each project by year and by funding source. Projects for which no funding is anticipated to be available will be placed on an "Unfunded Projects List," which will identify the cost of the project. This list identifies the project as being viable, but one for which no funding is presently available. Unfunded projects may be funded if actual revenue is above projected revenue, if costs on funded projects are below budget, or if another funding source is identified.

The Parks and Recreation Advisory Board, Airport Board, City Council Street Committee, City Council Water & Sewer Committee, and City Council Equipment Committee meetings all provide committee and public input and guidance regarding parks, streets, bridge and drainage improvements, water and sewer improvements, and equipment purchases planned for the next five years.

City of Fayetteville, Arkansas
2018 Capital Projects
Summary by Project Category

Project Category	Sales Tax Capital Improvement Fund	Special Revenue Funds	Enterprise Funds	Shop Fund	Total
Airport Improvements	$ 0	$ 0	$ 213,000	$ 0	$ 213,000
Animal Services Improvements	33,000	0	0	0	33,000
Bridge & Drainage Improvements	610,000	0	0	0	610,000
Facility Improvements	387,000	30,000	0	30,000	447,000
Fire Improvements	980,000	89,000	0	0	1,069,000
Information Technology Improvements	960,000	0	0	0	960,000
Library Improvements	506,000	0	0	0	506,000
Media Services Improvements	169,000	0	0	0	169,000
Miscellaneous Capital Improvements	90,000	0	0	0	90,000
Parking Improvements	0	212,000	0	0	212,000
Other Capital Improvements	8,000	0	0	0	8,000
Parks & Recreation Improvements	253,000	789,000	0	0	1,042,000
Police Improvements	666,000	115,000	0	205,000	986,000
Recycling & Trash Collection Improvements	0	0	875,000	1,166,000	2,041,000
Street Improvements	100,000	0	0	0	100,000
Trail Improvements	1,500,000	0	0	0	1,500,000
Transportation Improvements	2,976,000	380,000	0	0	3,356,000
Vehicles & Equipment	0	0	0	2,189,000	2,189,000
Wastewater Treatment Improvements	0	0	2,035,000	0	2,035,000
Water & Sewer Improvements	0	700,000	4,585,000	0	5,285,000
Water & Sewer Services Improvements	0	0	465,000	0	465,000
	$ 9,238,000	$ 2,315,000	$ 8,173,000	$ 3,590,000	$ 23,316,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2018-2022)
Project Summary

Funding Source / Category / Division	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022	Total 2018-2022
2100 - STREET:						
Street Improvements						
Street (410)						
Sidewalk Improvements	$ 380,000	$ 380,000	$ 380,000	$ 380,000	$ 380,000	$ 1,900,000
	380,000	380,000	380,000	380,000	380,000	1,900,000
Facility Improvements						
Street (410)						
Transportation & Fleet Building Improvements	30,000	25,000	25,000	60,000	0	140,000
	30,000	25,000	25,000	60,000	0	140,000
Street - Total	410,000	405,000	405,000	440,000	380,000	2,040,000
2130 - PARKING:						
Parking Improvements						
Parking Management (430)						
Meadow Street Parking Deck Improvements	162,000	20,000	20,000	20,000	20,000	242,000
Parking Lot Improvements & Overlays	25,000	25,000	25,000	25,000	25,000	125,000
Parking Infrastructure Improvements	10,000	15,000	20,000	20,000	20,000	85,000
Parking Technology Equipment Replacements	10,000	1,000	10,000	9,000	3,000	33,000
Parking Enforcement Upgrades	5,000	15,000	20,000	20,000	20,000	80,000
Meter/Pay Station Upgrade & Replacements	0	15,000	30,000	45,000	45,000	135,000
Spring Street Parking Deck Improvements	0	10,000	25,000	25,000	25,000	85,000
	212,000	101,000	150,000	164,000	158,000	785,000
Parking - Total	212,000	101,000	150,000	164,000	158,000	785,000
2250 - PARKS DEVELOPMENT:						
Parks & Recreation Improvements						
Parks & Recreation (520)						
Community Park Improvements	789,000	1,281,000	912,000	1,000,000	1,000,000	4,982,000
	789,000	1,281,000	912,000	1,000,000	1,000,000	4,982,000
Parks Development - Total	789,000	1,281,000	912,000	1,000,000	1,000,000	4,982,000
2300 - IMPACT FEE:						
Fire Improvements						
Fire Department (300)						
Fire Impact Fee Improvements	89,000	92,000	95,000	98,000	101,000	475,000
	89,000	92,000	95,000	98,000	101,000	475,000
Police Improvements						
Police (200)						
Police Impact Fee Improvements	115,000	133,000	137,000	142,000	155,000	682,000
	115,000	133,000	137,000	142,000	155,000	682,000
Water & Sewer Improvements						
Utilities Director (700)						
Water Impact Fee Improvements	400.000	400.000	400.000	400.000	400.000	2.000.000
Wastewater Impact Fee Improvements	300,000	300,000	300,000	300,000	300,000	1,500,000
	700,000	700,000	700,000	700,000	700,000	3,500,000
Impact Fee - Total	904,000	925,000	932,000	940,000	956,000	4,657,000
4470 - SALES TAX CAPITAL IMPROVEMENTS:						
Animal Services Improvements						
Animal Services (671)						
Animal Services Improvements	33,000	51,000	18,000	48,000	0	150,000
	33,000	51,000	18,000	48,000	0	150,000
Bridge & Drainage Improvements						
Engineering (621)						
Other Drainage Improvements	400,000	200,000	200,000	200,000	200,000	1,200,000
Stormwater Quality Management	160.000	160.000	160.000	160.000	160.000	800.000
Drainage Maintenance	50,000	50,000	100,000	100,000	100,000	400,000
	610,000	410,000	460,000	460,000	460,000	2,400,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2018-2022)
Project Summary

Funding Source / Category / Division	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022	Total 2018-2022
Facilities Management Improvements						
Facilities Management Improvements (140)						
Building Improvements	290,000	390,000	260,000	134,000	194,000	1,268,000
7-Hills Walker Family Residential Facility	57,000	57,000	52,000	51,000	40,000	257,000
Sustainability & Resilience (631)						
Building Efficiency Improvements	40,000	40,000	40,000	40,000	40,000	200,000
	387,000	487,000	352,000	225,000	274,000	1,725,000
Fire Improvements						
Fire Department (300)						
Fire Apparatus Replacements	865,000	1,000,000	1,500,000	1,300,000	1,100,000	5,765,000
Fire Facility Maintenance	75,000	75,000	140,000	190,000	120,000	600,000
Fire Technology Equipment Replacement	40,000	60,000	50,000	50,000	60,000	260,000
Firefighter Safety Equipment	0	17.000	20.000	40.000	40.000	117,000
Fire Mobile Radios	0	0	0	0	500,000	500,000
	980,000	1,152,000	1,710,000	1,580,000	1,820,000	7,242,000
Information Technology Improvements						
Information Technology (170)						
Technology Equipment Replacements	130,000	85,000	100,000	155,000	165,000	635,000
Local Area Network (LAN) Upgrades	125,000	200,000	109,000	115,000	136,000	685,000
Telecommunication Systems Upgrades	20,000	20,000	60,000	20,000	20,000	140,000
Storage Area Network (SAN)	40,000	0	0	200,000	0	240,000
Cyber Security	25,000	10,000	10,000	10,000	10,000	65,000
Fayetteville-AR.gov Technical Improvements	20,000	22,000	23,000	24,000	25,000	114,000
Document Management	20,000	22,000	22,000	23,000	23,000	110,000
Geographic Information System (GIS)	50.000	50.000	50.000	50.000	50.000	250,000
Regional Park Fiber and Network	30.000	15.000	0	0	0	45.000
*Hansen Version 8 Upgrade	500,000	75,000	0	0	0	575,000
	960,000	499,000	374,000	597,000	429,000	2,859,000

* This project may require funding from the General Fund.

Library Improvements						
Library (080)						
Library Materials Purchases	431.000	413.000	542.000	561.000	581.000	2,528,000
Library Technology Equipment Replacements	75,000	34,000	205,000	185,000	101,000	600,000
	506,000	447,000	747,000	746,000	682,000	3,128,000
Media Services Improvements						
Media Services Improvements (060)						
City Hall Room 111 Audio-Visual Upgrade	97,000	0	0	0	0	97,000
Television Center Equipment	50,000	85,000	25,000	50,000	50,000	260,000
Digital Signage Implementation	12,000	12,000	12,000	12,000	12,000	60,000
City Hall A-V Maintenance	10,000	10,000	10,000	10,000	10,000	50,000
	169,000	107,000	47,000	72,000	72,000	467,000
Miscellaneous Capital Improvements						
Facilities Management (140)						
Woolsey Homestead Historic Restoration	90,000	150,000	163,000	141,000	200,000	744,000
	90,000	150,000	163,000	141,000	200,000	744,000
Other Capital Improvements						
Accounting & Audit Improvements (130)						
Audit Expense	8,000	8,000	8,000	8,000	8,000	40,000
Accounting Office Equipment	0	0	6,000	0	0	6,000
Engineering (621)						
GPS Survey Equipment	0	36,000	0	0	0	36,000
	8,000	44,000	14,000	8,000	8,000	82,000
Parks & Recreation Improvements						
Parks & Recreation (520)						
Parks & Recreation Software	35,000	0	0	0	0	35,000
Park Paving Improvements	58,000	58,000	58,000	58,000	58,000	290,000
Lake Fayetteville Watershed Grant Match	10,000	0	0	0	0	10,000
Parks & Rec Maintenance Work Order System	30,000	0	0	0	0	30,000
Lake Improvements	0	100,000	0	0	0	100,000
Forestry & Habitat Improvements	32,000	26,000	26,000	25,000	25,000	134,000
Parks & Recreation Safety & ADA	15,000	15,000	15,000	15,000	15,000	75,000
Lights of the Ozarks	23.000	23.000	23.000	23.000	23.000	115.000
Parks & Recreation Master Plan	50,000	150,000	0	0	0	200,000
	253,000	372,000	122,000	121,000	121,000	989,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2018-2022)
Project Summary

Funding Source / Category / Division	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022	Total 2018-2022
Police Improvements						
Police (200)						
Police Ballistic Protection	41,000	18,000	89,000	42,000	9,000	199,000
Police Weapons Replacement	65,000	40,000	36,000	30,000	20,000	191,000
Police Specialized Equipment	95,000	232,000	65,000	170,000	25,000	587,000
Police Building Improvements	75,000	25,000	75,000	199,000	140,000	514,000
Police Technology Improvements	58,000	95,000	83,000	78,000	43,000	357,000
Police Unmarked Vehicles	40,000	110,000	80,000	100,000	80,000	410,000
Police Take Home Vehicles	62,000	65,000	68,000	142,000	148,000	485,000
Police Virtual Server & Storage Area Network	20,000	0	20,000	0	0	40,000
Employee Gym Equipment	10,000	10,000	10,000	10,000	10,000	50,000
Citywide Radio System Replacement	200,000	100,000	100,000	100,000	100,000	600,000
Police Mobile Computer Terminal Repl.	0	225,000	0	0	0	225,000
Police Mobile Video Recorder Repl.	0	38,000	0	0	0	38,000
Police K9 Replacement	0	12,000	0	12,000	0	24,000
Police Equipment Replacement	0	10,000	0	0	10,000	20,000
Police Interagency Communications	0	0	70,000	0	0	70,000
Police Radio Replacement	0	0	44,000	44,000	44,000	132,000
Central Dispatch Center Improvements	0	0	35,000	0	0	35,000
Police Network Core & Distribution Switches	0	0	34.000	0	38.000	72,000
Police eTicket Equipment Replacement	0	0	0	0	60,000	60,000
	666,000	980,000	809,000	927,000	727,000	4,109,000
Street Improvements						
Engineering (621)						
Cost Share/ROW/Intersection/Street Calming	100,000	100,000	100,000	100,000	100,000	500,000
	100,000	100,000	100,000	100,000	100,000	500,000
Trail Improvements						
Transportation Services (410)						
Trail Development	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	7,500,000
	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	7,500,000
Transportation Improvements						
Parking Management (430)						
Parking Lot Improvements (City Employee)	10,000	10,000	10,000	10,000	10,000	50,000
Transportation Services (410)						
In-House Pavement Improvements	2,216,000	2,200,000	2,200,000	2,200,000	2,200,000	11,016,000
Sidewalk Improvements	600,000	500,000	500,000	500,000	500,000	2,600,000
Traffic Signal Improvements	110.000	150.000	150.000	150.000	150.000	710.000
Wireless Traffic Signal Control	40,000	0	0	0	0	40,000
	2,976,000	2,860,000	2,860,000	2,860,000	2,860,000	14,416,000
Sales Tax Capital Improvements - Total	9,238,000	9,159,000	9,276,000	9,385,000	9,253,000	46,311,000
5400 - WATER & SEWER:						
Wastewater Treatment Improvements						
Utilities Director (700)						
Phosphorus Standards Management	50,000	50,000	50,000	50,000	50,000	250,000
Wastewater Treatment Plant 730)						
Plant Pumps & Equipment - W.W.T.P.	405,000	355,000	500,000	500,000	500,000	2,260,000
W.W.T.P. Building Improvements	30,000	30,000	150,000	150,000	150,000	510,000
Upgrade & Replace Lift Stations - W.W.T.P.	50.000	100.000	150.000	150.000	150.000	600,000
Lake Sequoyah Sediment Removal	500.000	500.000	500.000	500.000	500.000	2.500.000
Filter Cell Replacement - W.W.T.P.	1,000,000	0	0	0	0	1,000,000
	2,035,000	1,035,000	1,350,000	1,350,000	1,350,000	7,120,000
Water & Sewer Improvements						
Water & Sewer Maintenance (720)						
Water System Rehabilitation & Replacement	1,885,000	2,065,000	2,000,000	2,000,000	2,000,000	9,950,000
Sanitary Sewer Rehabilitation	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	7,500,000
Water & Sewer Relocations - Bond Projects	500,000	500,000	500,000	500,000	500,000	2,500,000
Water Storage & Pump Station Maintenance	100,000	115,000	90,000	50,000	50,000	405,000
Water & Sewer Equipment Expansions	400.000	50.000	50.000	50.000	50.000	600,000
Water/Sewer Impact Fee Cost Sharing Projects	150.000	150.000	150.000	150.000	150.000	750.000
West Water Transmission Line	50,000	50,000	50,000	50,000	50,000	250,000
	4,585,000	4,430,000	4,340,000	4,300,000	4,300,000	21,955,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2018-2022)
Project Summary

Funding Source / Category / Division	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022	Total 2018-2022
Water & Sewer Services Improvements						
Utilities Financial Services Improvements (710)						
Utilities Financial Services Improvements	10,000	10,000	10,000	10,000	10,000	50,000
Utilities Technology Improvements	20,000	30,000	20,000	20,000	20,000	110,000
Water & Sewer Maintenance (720)						
Water & Sewer Building/Office Improvements	50,000	50,000	50,000	50,000	50,000	250,000
Water Meters	325,000	325,000	325,000	325,000	325,000	1,625,000
Water & Sewer Rate/Operations Study	20,000	20,000	20,000	20,000	20,000	100,000
Backflow Prevention Assemblies	10,000	10,000	10,000	10,000	10,000	50,000
Water/Sewer Technology Equipment Repl.	30,000	20,000	20,000	35,000	25,000	130,000
	465,000	465,000	455,000	470,000	460,000	2,315,000
Water & Sewer - Total	7,085,000	5,930,000	6,145,000	6,120,000	6,110,000	31,390,000
5500 - RECYCLING & TRASH COLLECTION:						
Recycling & Trash Collection Improvements						
Recycling & Trash Collection (750)						
Transfer Station Improvements	123,000	27,000	0	20,000	0	170,000
Recycling & Trash Collection Rate Study	40,000	0	0	0	0	40,000
Master Plan Expansion	638,000	207,000	610,000	7,000	7,000	1,469,000
Scale House Improvements	64,000	42,000	0	0	0	106,000
RTC Technology Equipment Replacements	10,000	1,000	8,000	8,000	8,000	35,000
Truck Electrical Outlets & Block Heaters	0	12,000	0	0	0	12,000
Cart Washer	0	25,000	0	0	0	25,000
Recycling & Trash Collection Containers	0	0	50,000	0	50,000	100,000
Recycling & Trash Collection Compactors	0	0	100,000	100,000	100,000	300,000
Compost Site Improvements	0	0	15,000	0	0	15,000
RTC - Route Optimization & RFID System	0	96,000	96,000	96,000	96,000	384,000
Material Recovery Improvements	0	0	0	64,000	420,000	484,000
	875,000	410,000	879,000	295,000	681,000	3,140,000
Recycling & Trash Collection - Total	875,000	410,000	879,000	295,000	681,000	3,140,000
5550 - AIRPORT:						
Aviation Improvements						
Aviation (760)						
Airport Pavement Painting	100,000	0	0	0	0	100,000
Airport Lighting Improvements	20,000	0	0	0	0	20,000
Terminal Improvements	75,000	40,000	80,000	50,000	0	245,000
Airport Equipment Replacement	18,000	18,000	18,000	18,000	18,000	90,000
	213,000	58,000	98,000	68,000	18,000	455,000
Airport - Total	213,000	58,000	98,000	68,000	18,000	455,000
9700 - SHOP:						
Vehicles & Equipment Improvements						
Fleet Operations (770)						
Fleet - Police / Passenger Vehicles	261,000	455,000	251,000	421,000	506,000	1,894,000
Fleet - RTC Vehicles / Equipment	1,166,000	1,352,000	1,845,000	1,460,000	675,000	6,498,000
Fleet - Construction Equipment	260,000	0	45,000	0	130,000	435,000
Fleet - Backhoes / Loaders	0	117,000	322,000	255,000	565,000	1,259,000
Fleet - Heavy Utility Vehicles	278,000	420,000	160,000	1,065,000	0	1,923,000
Fleet - Tractors / Mowers	307,000	433,000	317,000	141,000	128,000	1,326,000
Fleet - Light / Medium Utility Vehicles	545,000	564,000	247,000	500,000	380,000	2,236,000
Fleet - Other Vehicles / Equipment	180.000	321.000	683.000	85.000	333.000	1.602.000
Fleet Car Wash	563,000	310,000	50,000	0	0	923,000
	3,560,000	3,972,000	3,920,000	3,927,000	2,717,000	18,096,000
Facility Improvements						
Fleet Operations (770)						
Transportation & Fleet Building Improvements	30,000	31,000	27,000	0	60,000	148,000
	30,000	31,000	27,000	0	60,000	148,000
Shop - Total	3,590,000	4,003,000	3,947,000	3,927,000	2,777,000	18,244,000
All Funding Sources - Total	$ 23,316,000	$ 22,272,000	$ 22,744,000	$ 22,339,000	$ 21,333,000	$ 112,004,000

City of Fayetteville, Arkansas
2018 Capital Budget

Project Title & Description	2018 Budget
Street Fund (2100)	
Transportation Improvements (5500)	
Sidewalk Improvements (02053): This project is to provide funding to improve the connectivity of the sidewalk system by constructing new and repairing existing sidewalks.	$ 380,000
Facility Improvements (5500)	
Transportation & Fleet Building Improvements (18001): This project is for energy efficiency, weatherization, and facility improvements which includes the repair and replacement of inefficient HVAC equipment, lighting upgrades, weatherization roof coating, ADA improvements, security improvements, exterior painting, and other facility repairs.	30,000
Total Street Fund Projects:	410,000
Parking Fund (2130)	
Parking Improvements (9130)	
Meadow Street Parking Deck Improvements (15004): This project is for the on-going maintenance of the Meadow Street Parking Deck that is a 36-year old parking garage located directly behind the Chancellor Hotel. A structural inspection of the deck identified several necessary repairs. Many of the issues are the result of weatherization and general aging of the parking deck. The evaluation noted that most of the issues are not structurally significant but can create long-term maintenance problems if not addressed.	162,000
Parking Enforcement Upgrades (18002): This project is to replace parking enforcement equipment. The equipment is over ten (10) years old, is no longer supported by the vendor, and is in need of replacement. To achieve cohesiveness and efficiency, staff would pursue an enforcement vendor that provides the handheld hardware, financial software, and other technology needs that have been identified in the City's Parking Study such as License Plate Recognition (LPR) technology and mobile credit card processors. Other items include utilization sensors for parking lots and real-time availability applications for consumers.	5,000
Parking Infrastructure Improvements (18003): This project is to increase lighting and sidewalk repairs that link remote parking lots and spaces to core destinations. Specific, strategic locations for lighting and sidewalk repair include West Avenue between Mountain and Spring Streets, School Avenue between Center and Spring Street, Church Avenue between Mountain and Spring Streets, Meadow Street between College and Block Avenues, and Watson Street between Campbell and Thompson Streets. Lighting upgrades identified include Spring Street between College and West Avenues and Church Avenue between Mountain and Dickson Streets. Additionally, uniform and consistent signage detailing rate information is needed in both public and privately owned parking lots throughout the Entertainment and Downtown Business Districts.	10,000
Parking Lot Improvements & Overlays (06001): This project is to maintain the City's public parking lots. The City currently has twelve public parking lots located in the Downtown Business and the Entertainment Districts. The surface lots are asphalt that periodically require general maintenance such as crack seal, seal coat, re-striping, pot hole patching, and bumper block replacement. These lots also require a complete asphalt overlay on a less frequent basis. This parking maintenance program provides routine maintenance and improvements in rotation for these lots as needed.	25,000

Project Title & Description	2018 Budget
Parking Technology Equipment Replacements (02057): This project is for the replacement of failing and outdated personal computers (PC's), printers, and monitors. In 2016, Information Technology staff performed a thorough inventory of citywide technology equipment to document the fund, division, program, location, purchase date, and cost of each piece of equipment. A structured replacement schedule was developed that defined a standard useful life for each of the following equipment types: PCs, laptops, tablets, printers, and scanners.	10,000
Total Parking Fund Projects:	212,000

Parks Development Fund (2250)

Parks Development Capital (9255)	
Community Park Improvements (13001): This project is to update, expand, and replace facilities within community parks to better serve citizens as well as add new amenities that meet the current citizen needs. In 2018 staff intends to replace the basketball court, tennis court lighting, and add office space at Wilson Park and add a splash pad and parking at Gulley Park	789,000
Total Parks Development Fund Projects:	789,000

Impact Fee Fund (2300)

Fire Improvements	
Fire Impact Improvements (07003): The purpose of this project is to accumulate funding for fire projects that are associated with the increase in developments throughout the City. The funding for this project comes from impact fees collected from developments.	89,000
Police Improvements	
Police Impact Improvements (07001): The purpose of this project is to accumulate funding for police projects that are associated with the increase in developments throughout the City. The funding for this project comes from impact fees collected from developments.	115,000
Water & Sewer Improvements	
Wastewater Impact Improvements (07004): The purpose of this project is to accumulate funding for wastewater projects that are associated with the increase in developments throughout the City. The funding for this project comes from impact fees collected from developments.	300,000
Water Impact Improvements (07002): The purpose of this project is to accumulate funding for water projects that are associated with the increase in developments throughout the City. The funding for this project comes from impact fees collected from developments.	400,000
Total Impact Fee Fund Projects:	904,000

City of Fayetteville, Arkansas
2018 Capital Budget

Project Title & Description	2018 Budget
Sales Tax Capital Improvements Fund (4470)	
Animal Services Improvements	
Animal Services Improvements (14002): This project is for the facilities maintenance at Animal Services. This project includes HVAC replacement, plumbing upgrades, replacing fixtures with LED lighting, window replacements in the dog room, roof replacement on the main shelter building, and the purchase of a generator.	33,000
Bridge & Drainage Improvements	
Drainage Maintenance (11021): This project is to replace deteriorated or inadequate drainage structures or pipes to improve water flow and reduce localized flooding.	50,000
Other Drainage Improvements (02108): This project is for drainage projects needed to mitigate flooding, repair and upgrade existing systems, cost share with developments when applicable, and for storm drainage materials for use in projects constructed by in-house crews. Funding will be accumulated where possible for additional large drainage projects.	400,000
Stormwater Quality Management (02097): This project is on-going and includes activities required to comply with the City's National Pollutant Discharge Elimination System (NPDES) Permit that is administered by the Arkansas Department of Environmental Quality. The funding is also used for other stormwater projects that focus on improving water quality in accordance with the City's Nutrient Reduction Plan, including stream restoration projects, funding for water quality groups, and project management and administration.	160,000
Facilities Management Improvements	
7-Hills Walker Family Residential Facility (18004): This project is for facilities maintenance for the 7-Hills Homeless Center at the Walker Family Residential Facility. The assessment of repairs or replacements includes HVAC equipment, appliances, plumbing, lighting, paint, floor coverings, millwork, and asphalt sealer.	57,000
Building Efficiency Improvements (15009): This project consists of annual, smaller scale energy efficiency, weatherization, and water conservation improvements to city buildings. Included in the project is the repair and replacement of inefficient HVAC equipment, lighting upgrades, insulation, window repair/replacement, and water efficiency projects. Energy assessments may need to be performed on several buildings to identify the scope of specific projects.	40,000
Building Improvements (02046): This project is for the repairs to city facilities. The repairs and replacements include damaged and worn roofs and HVAC systems. The project also provides for other improvements such as remodels which includes painting, light fixtures, plumbing fixtures, ceilings, floor coverings, fire alarms, furniture, and window replacements. In 2018, Phase 2 of window replacements and ADA parking on the south side of the City Administration building.	290,000

City of Fayetteville, Arkansas
2018 Capital Budget

Project Title & Description	2018 Budget
Fire Improvements	
Fire Apparatus Replacements (03019): This project is for the replacement of fire apparatus. The Fire Department has experienced a dramatic increase in emergency call volume which is impacting the replacement cycle for the fleet. The general industry standard guideline is for a fire engine/quint to serve on the front line for seven years and in the reserve fleet for three years for a total of 10 years of reliable service. For a ladder truck or aerial apparatus, the guideline is to serve for 10 years on the front line and five years in the reserve fleet. In 2018, staff will purchase a Quint apparatus.	865,000
Fire Facility Maintenance (02006): This project is for major repairs to 10 existing facilities. Repairs include but are not limited to roofing, plumbing, or drainage repairs and replacements, remodeling, fencing, driveway replacements, generators, stability assessments, fire escape replacements, and structural repairs to stations. This project allows for necessary repairs to the Fire Department's multiple fire stations, office locations, and facilities.	75,000
Fire Technology Equipment Replacements (10017): This project will allow for the replacement of systems as they become technologically obsolete or inoperable without interrupting daily operations. With computer devices in all apparatus as well as all fire stations, staff is currently supporting and maintaining over 90 computers, mobile devices and software applications for 122 personnel. As technology infiltrates personal protective equipment such as face pieces and sensors, there is a growing demand to support and maintain new technology. In addition, there is personnel accountability technology that helps account for the overall status of personnel and records movements into and out of an emergency incident.	40,000
Information Technology Improvements	
Cyber Security (18005): This project is to provide comprehensive cyber security training across the City, helping to mitigate security risk and improve security posture. This holistic approach to cyber security would provide internal and external penetration testing to ensure the network is as secure and protected as possible. This training will help to manage the problem of social engineering and phishing attacks.	25,000
Document Management (02094): This project is to add additional scanners, licenses, and new functionality as processes are automated within the Laserfiche Electronic Document Management System (EDMS). Each year Laserfiche usage is expanded to new users and divisions and to develop new use cases to improve document management needs such as individual user licenses, server licenses, and forms licenses.	20,000
Fayetteville-AR.gov Technical Improvements (04047): This project provides for expansion, enhancements, third party application integration, promotion, and maintenance of the City's website. Fayetteville-AR.gov utilizes a hosted Content Management System (CMS) that is configured and maintained by a third party. This project allows for the continuation of improvements to the website by improving stability, security, marketing, web payments, and the overall marketing and communications of the City of Fayetteville.	20,000

City of Fayetteville, Arkansas
2018 Capital Budget

Project Title & Description	2018 Budget
Geographic Information System (GIS) (02055): This project is to upgrade and expand the City's Geographic Information Systems (GIS) computer hardware, software, and data collection systems to accommodate growth in the system's applications and user base. This includes computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information. This system provides necessary information for the 911 system, the Planning, Engineering, Economic Development, and Transportation divisions, Hansen, and utility projects. Additionally, GIS provides software, web applications, data, and analytical support to assist many city divisions including Police, Fire, Parks & Recreation, and Economic Vitally in both operational needs and long term planning.	50,000
Hansen Version 8 Upgrade (16003): This project is to replace the current work order system the City is using. The upgrade for the Hansen software is very costly and alternatives are being considered. The current software allows staff to track development projects, work orders, inventory, permits, inspections, and customer complaints to assist staff with managing operations. Multiple software vendors are being considered that would replace the existing Hansen functionality, add tablet support, improve efficiency of staff, and include a citizen website portal that would improve customer service within each division. Funding for this project may require a transfer from General Fund.	500,000
Local Area Network (LAN) Upgrade (02056): This project is to upgrade and expand the City's Local Area Network (LAN) infrastructure. The LAN is used by all divisions in the City across thirty locations connecting approximately 850 devices. While most components of the LAN are on a five year lifecycle, consideration is given to increases in the system's user base and advances in technology that create a need for hardware and operating system upgrades. In the next five years, most of the existing servers, switches, and other network hardware will be replaced. Staff also has plans to add technology that will increase the speed and reliability of the different aspects of the LAN. Specifically, redundant and/or battery protected power supplies, internet redundancy, internal/external network penetration testing, security awareness training, network management and testing tools, Wide Area Network (WAN) optimization hardware, additional monitoring and alerting, and tools to help manage and deploy security policy.	125,000
Regional Park Fiber & Network (18006): This project will interconnect the buildings with fiber at the Regional Park and allow for added services such as video surveillance, access control, phones, and computers. The project includes the installation of fiber within the existing conduits, termination of fiber, and the purchase and installation of the necessary network equipment to support future regional park technology needs.	30,000
Storage Area Network (SAN) (09031): This project provides storage for the City's increasing data needs. In order to provide fast, reliable access to data, a centralized enterprise class storage system is required. A Storage Area Network (SAN) allows staff to manage storage for a large group of servers as a single pool, as opposed to managing the storage for each server individually. SAN also allows multiple copies of critical data to be stored in geographically diverse locations in an automated and efficient manner. The SAN is currently installed at the City Administration Building and at the Information Technology Division's primary data center. This strategy allows for critical data at one physical location to be replicated to a different physical location which is an essential component for disaster recovery preparedness as well as minimizes potential disruptions of service.	40,000

Project Title & Description	2018 Budget
Technology Equipment Replacements (02057): This project is for the replacement of failing and outdated personal computers (PCs), printers, and monitors. In 2016, staff performed a thorough inventory of citywide technology equipment to document the fund, division, program, location, purchase date, and cost of each piece of equipment. A structured replacement schedule was developed that defined a standard useful life for each of the following equipment types: PCs, laptops, tablets, printers, and scanners. Each year the proposed replacement plan will be reviewed to ensure equipment is utilized to its maximum useful life but replaced when needed to ensure optimal employee efficiency.	130,000
Telecommunication Systems Upgrades (04001): This project is for system upgrades, additional equipment, and new software features that become available for users as well as for additional licenses needed for users adding onto various modules such as the paging system, recording system, etc. and provide phone replacements as-needed.	20,000
Library Improvements	
Library Materials Purchases (02049): This project provides Fayetteville citizens access to library materials that meet recreational and informational needs of the community. Youth collections emphasize materials that encourage and enforce literacy development including picture books, step-up-to-chapter books, audiobooks, eBooks, and fiction and nonfiction books. Adult collection highlights include popular and award-winning fiction and nonfiction books, audiobooks, eBooks, films, and a robust genealogy collection. This project also supports the purchase of microfilm readers used by researchers providing access to the Library's local history collection. Collection size is approximately 325,000 items and is expected to grow by 15% annually with focuses on high demand titles and holds ratio reductions.	431,000
Library Technology Equipment Replacements (04004): This project is to provide new and/or upgraded technology infrastructure and services to library staff and patrons. The technology replacement cycle is typically five years or less depending upon utilization. The project includes but is not limited to: all personal computing stations (staff and public); circulating technology equipment including laptops, iPads, and DVD players; server infrastructure; IP camera based digital CCTV system; VoIP phone system; IP speaker web based mass communication and paging system; networking equipment; Starr Island learning stations; and various pieces of trending digital equipment for a patron technology innovation center/maker space.	75,000
Media Services Improvements	
City Hall A-V Maintenance (18007): This project is for the replacement of audio-visual equipment that malfunctions and is irreparable, reaches end-of-life status in manufacturer support, or is supplanted by a newer/improved model.	10,000
City Hall Room 111 A-V Upgrade (18008): This project is to convert meeting room 111 in the City Administration building to a multipurpose room by replacing the existing equipment and furniture with all new audio/video equipment, audience and table seating, lighting, and wireless/hard-wired connectivity.	97,000

Project Title & Description	2018 Budget
Digital Signage Implementation (18009): This project is to replace and upgrade equipment at the Television Center. This equipment includes production technology, studio equipment, lighting, sound, signal processing, telecasting equipment, etc. The Center also provides small equipment support for the audio/visual needs of the Administration and replacement of needed equipment when necessary, such as projectors, screens, PA systems, and other A/V support equipment.	12,000
Television Center Equipment (02061): This project is to replace and upgrade equipment at the Television Center. The equipment includes production technology, studio equipment and accessories, lighting, sound, signal processing, telecasting equipment, file storage, field equipment, etc. The Television Center also provides equipment support for the audio-visual needs of the Administration and City Departments/Divisions, including the purchase of and/or replacement of needed equipment when necessary, such as displays or projectors, audio and video equipment, processors, and other A/V system equipment. This project includes provisions for upgrading studio cameras, new LED studio lighting, power conditioning, a dimming system, cyclorama wall repair and improvement, and a 10'x10' virtual set/VR studio inset. In 2018, the studio cameras will be replaced and a repair and upgrade to the cyclorama wall.	50,000
Miscellaneous Capital Improvements	
Woolsey Homestead Historic Restoration Project (15008): The project is to reconstruct the Woolsey homestead, surrounding outbuildings, and cemetery back to the 1840's era to allow tours and educational events. The overall project is to create a tourism, an educational, and a historical preservation component. The property is close to the Woolsey Wet Prairie and trail system. In 2018 - Phase 1 is for stabilization and demolition of various structures.	90,000
Other Capital Improvements	
Audit Expense (47038):	8,000
Parks & Recreation Improvements	
Forestry & Habitat Improvements (15012): This project is for tree plantings and replacements in areas where trees are damaged including median right-of-way replacements. Median replacements are for the first three years after planting assuming 15% mortality rate. Other items included in this project are The Celebration of Trees which is required for the City's Tree City USA designation and habitat restoration and invasive removal projects such as the Lake Fayetteville Prairie restoration. This project is also used for the annual operational motor pool cost for a stump grinder and chipper.	32,000
Lake Fayetteville Watershed Grant Match (18010): This project is for a joint partnership study with the Watershed Conservation Resource Center (WORK), the City of Springdale, the Illinois River Partnership, the Cooperative Extension Service, the Natural Resource Conservation Service (NRCS), and the City of Fayetteville. Lake Fayetteville is a nutrient enriched lake which has resulted in accelerated eutrophication that has impaired the water quality. Before measures can successfully be implemented to improve the water quality of the lake, a better understanding of the nutrient source from the watershed needs to be obtained. All entities will be providing funding or an in-kind match.	10,000

Project Title & Description	2018 Budget
Lights of the Ozarks (02001): This project is for the Lights of the Ozarks display which is an extremely popular annual event that takes place from Thanksgiving to New Year's Eve. Approximately 500,000 lights are displayed around the downtown square where an estimated 300,000 people come to view the display.	23,000
Park Paving Improvements (16004): This project is to overlay and/or replace existing interior roads and parking areas. Many of the parks are aging and pavement surfaces are deteriorating. Priorities have historically been to replace and upgrade facilities, however the infrastructure is beginning to fail in some areas and is in need of repair. This project will repave approximately 3,300 square yards of surfacing per year. In 2018 and 2019 funds will be used as a grant match for a low impact design parking area at the Regional Park. Additional parks will be assessed each year and prioritized.	58,000
Parks & Recreation Maintenance Work Order System (18011): This project is for a maintenance work order system to increase efficiency in tracking labor costs and work orders. The new system would allow staff to use portable electronic devices to enter work order data on-site and would be a component of the new parks and recreation management software.	30,000
Parks & Recreation Software (18012): This project is for management software that will increase department efficiency by creating a single platform for managing activities, facilities, and point of sale transactions. The platform would include public portals for citizens to track activities and register for new programs and rentals as well as conveniently pay online. The data collected and managed with the software would increase marketing capabilities and to inform citizens of schedule changes due to inclement weather.	35,000
Parks Safety & ADA (15011): This project is to bring park equipment into ADA compliance such as swings, play equipment, and sidewalk connections as well as to address safety hazards that may occur over time.	15,000
Parks & Recreation Master Plan (18022): This multi-year project is for a new ten-year system master plan for Parks and Recreation Department. Fayetteville has changed a great deal since the last plan was completed in 2002. A detailed analysis of the existing park system and integration of best practices from around the country, along with extensive public engagement, will be used to help define a sustainable direction that builds on past successes while outlining carefully vetted efforts to improve the parks and recreation system for Fayetteville citizens. This plan will encompass all areas of the park system, including long term maintenance, capital improvements, recreational programming, and will outline the vision, goals, and strategies that direct future efforts towards maintaining and improving park and recreational opportunities.	50,000
Police Improvements	
Citywide Radio System Replacement (18013): The project is for citywide radio replacements. The last citywide radio project was completed in 2011. Radio systems after several years typically start experiencing problems with equipment failures due to age. It is not unusual to begin having problems acquiring parts as the system degrades. A new radio system is costly and planning for the future replacement of the City's radios is important.	200,000

City of Fayetteville, Arkansas
2018 Capital Budget

Project Title & Description	2018 Budget
Employee Gym Equipment (13028): This project is to upgrade and replace older, outdated equipment at the City's gym. On-going maintenance of the equipment and facility are vital to the health and wellness of city employees. An updated gym supports the City's Engagement Committee's efforts to provide a convenient and reliable place to exercise which can decrease lost work time due to injury or illness and minimize potential increases in health insurance premiums for the City and its employees.	10,000
Police Ballistic Protection (13011): This project provides the 50% local match and any shortfall from federal funding for the purchase of bulletproof vests for new officers, the replacement of expired bulletproof vests, and new/replacement tactical bulletproof vests for members of the Emergency Response Team (ERT). Federal, State, and Local mandates exist for all officers to wear bulletproof vests when engaging in law enforcement activities. This project further funds ballistic protection equipment for the ERT including ballistic shields, plates, and a blanket. The level III shield is designed to stop small arms ammunition and is lighter and more mobile. The level IV shield is heavier and rated to stop larger ammunition fired from rifles. The ERT members also have level IV ballistic plates carried within their ballistic vests. The ballistic blanket can be quickly deployed for high risk situations including the protection of officers and civilians as a personal shield or in vehicle transport.	41,000
Police Building Improvements (02047): This project is for major repairs of the Police Department's building including but not limited to security door lock systems, major plumbing and electrical issues, roof repairs and replacement, minor re-models for the police facility, and buildings at the radio tower sites and warehouse.	75,000
Police Specialized Equipment (02062): This project is to replace outdated and/or malfunctioning equipment used during police operations. Examples of this equipment include traffic control equipment, bicycle replacement, wireless remote surveillance cameras, portable speed display signs for use in school zones, radar units, conductive energy weapons, and other items used in police operations. This equipment is necessary to the on-going, efficient, and safe operations of the Police Department.	95,000
Police Take Home Vehicles (16007): This project is to expand the take-home vehicle program. Eligibility for this program is based on an officer's seniority and requirement that residence is within the city limits. Benefits include: 1) The presence of marked patrol vehicles have a positive effect on crime prevention and community policing efforts and residents feel safer. 2) Take-home vehicles last longer due to officers' sense of ownership and the vehicles are not being used 24/7 by several officers. 3) Officers with take-home vehicles are more readily available to respond to an emergency or critical incident. 4) Officers utilizing take-home vehicles will not need to spend approximately a half hour every shift loading and unloading required equipment and performing inspections for damage and contraband. 5) A take-home vehicle program is excellent for recruitment and retention of police officers and allows the Department to compete with neighboring agencies in Springdale, Rogers, and Bentonville. One take home unit will be purchased in	62,000
Police Technology Improvements (06002): This is an on-going project for the replacement of obsolete or malfunctioning department desktop computers, software, printers, and other peripheral equipment.	58,000

Project Title & Description	2018 Budget
Police Unmarked Vehicles (06003): This project is to purchase unmarked vehicles that are a necessity for an effective Police Department. The Department utilizes unmarked vehicles for a variety of tasks including: gathering intelligence for investigation of narcotics, theft, vandalism, domestic terrorism, and civil disobedience; conducting pre-raid intelligence for the deployment of the Emergency Response Team; conducting alcohol enforcement patrols; and any activity that must be kept covert to be effective. The Department is recommending a three year replacement for vehicles used in undercover capacities and a five year replacement for vehicles used in an unmarked capacity. During undercover investigations, the same vehicles are used to affect arrests and to conduct surveillance making it necessary to replace these vehicles more often.	40,000
Police Weapon Replacement (15013): This project is to replace department handguns, rifles, and shotguns. It also covers associated accessories for the weapons including but not limited to optics, lights, sights, and slings.	65,000
Police Virtual Server & Storage Area Network (SAN) (18014): This project is to purchase additional blade servers. A chassis capable of housing up to eight blade server modules has been purchased and deployed, with three modules already populating the chassis. The following request accounts for projected growth needs over the lifetime of the original purchase for additional blade servers.	20,000
Street Improvements	
Cost Share / ROW / Intersection / Street Calming (02116): This project is for developer cost shares to complete street improvements associated with developments that are necessary but are not the full responsibility of the developer and provides for construction of miscellaneous street projects.	100,000
Trail Improvements	
Trail Development (02016): This project is to increase production of the trail program by providing resources for new trail development and surface replacement on existing trails.	1,500,000
Transportation Improvements	
In-House Pavement Improvements (02052): This project is for the systematic overlay of existing streets and includes curb cuts, curb and guttering, pavement striping, and preparation costs for overlays. Overlaying each street is intended to optimize the longevity of roadways and minimize significant maintenance requirements resulting in fewer complete renovations at a substantially greater cost. Micro surfacing has been introduced as a pavement preservation method to extend the life of existing asphalt streets.	2,216,000
Parking Lot Improvements (City Employee) (11004): This project is for on-going improvements to City employee parking lots that are not utilized by the general public.	10,000
Sidewalk Improvements (02053): This project is to improve the connectivity of the sidewalk system by constructing new and repairing existing sidewalks.	600,000

City of Fayetteville, Arkansas
2018 Capital Budget

Project Title & Description	2018 Budget
Traffic Signal Improvements (02063): This project is for the installation of new traffic signals, upgrades, replacement of UPS back-up system batteries, and the reflective sign material mandated by the latest version of the FHWA Manual on Uniform Traffic Control Devices (MUTCD). All these functions are to enhance the safety and movement of pedestrians and vehicles throughout the City. New signal locations are determined as warranted by specific guidelines contained in the MUTCD. Upgrades are to provide for more efficient operation by reduced travel time/delay, decreased exhaust emissions, and increased safety. The UPS system requires complete replacement of all batteries every four years to remain reliable in the event of power interruptions. The sign material is to meet the minimum levels of reflectivity set forth in the MUTCD for night time visibility.	110,000
Wireless Traffic Signal Control (15018): This project is on-going and provides for the implementation of a wirelesses Ethernet communication system for traffic signals (both data and video).	40,000
Total Sales Tax Capital Improvements Fund Projects:	9,238,000

Water & Sewer Fund (5400)

Meter Operations Capital (1840)

Backflow Prevention Assemblies (02066): This project is for installation and/or replacement of backflow prevention assemblies on city facilities to meet requirements for city ordinances and the Arkansas Department of Health regulations. Additionally, the City will be contracting with a third party service to track and store the backflow inspection data on residential installations.	10,000
Utilities Financial Services Improvements (03038): This project is for various improvements in office hardware, software, communications, computers, safety features, and office configuration. Examples of specific improvements include the purchase of advanced communications capability to improve customer service and employee efficiency. This project should leverage technological improvements.	10,000
Utilities Technology Improvements (15019): This project is to upgrade technology in the Utilities Financial Services and the Water & Sewer offices. This includes hardware and software for customer swipe and pay stations and kiosks, software for customer self-service applications, upgrade to the Remit Plus software, a camera surveillance system, and iPads and software upgrades for the Water & Sewer Operations Division.	20,000
Water Meters (02065): This project is for the replacement of old water meters that are no longer repairable, expansion meters for new water service, and for purchasing new meters with technological advancements over older style meters. The handheld and remote style meter reading mechanisms will be replaced in addition to the meters.	325,000
Water & Sewer Building & Office Improvements (15020): This project is for structural maintenance, repairs, additions and remodels, and the replacement of HVAC units at the existing facility for the Water & Sewer Division.	50,000

City of Fayetteville, Arkansas
2018 Capital Budget

Project Title & Description	2018 Budget
Water & Sewer Equipment Expansions (13019): This project is for expansion equipment for the Water & Sewer Division. The list includes a tandem axle dump truck, a service truck, a skid steer loader, a backhoe, and a trailer. Additional expansions include leak detection equipment, an upgraded inventory bar code system, a light tower, skid steer attachments, and other equipment as identified.	400,000
Water & Sewer Rate/Operations Study (02064): This project is to conduct a rate study. A rate study is performed periodically to assess the financial health of the division, project future operating and capital expenses needed to maintain systems, project the future rates for customers that will generate sufficient revenues to cover operating and capital expenses, and assure a minimum level of cash reserves. Staff has postponed a rate study until the phosphorus issues in the Illinois River Watershed and the mineral issues in the White River Watershed were closer to being resolved as conclusions drawn from the studies have a direct impact on what type of capital spending will need to be undertaken at the West Side and Noland Wastewater Treatment Plants in order to meet the permit requirements.	20,000
Water & Sewer Technology Equipment Replacements (02057): This project is for the replacement of failing and outdated personal computers (PC's), printers, and scanners. In 2016, Information Technology staff performed a thorough inventory of citywide technology equipment to document the fund, division, program, location, purchase date, and cost of each piece of equipment. A structured replacement schedule was developed that defined a standard useful life for each of the following equipment types: PCs, laptops, tablets, printers, and scanners. Each year the proposed replacement plan will be reviewed to ensure equipment is utilized to its maximum useful life but replaced when needed to ensure optimal employee efficiency.	30,000
Capital Water Mains (5600)	
Water & Sewer Impact Fee Cost Sharing (04039): This project involves all cases where impact fees are used to cost share with and thus supplement other funding sources to increase capacity in the water distribution, the pumping and storage system or the wastewater collection and treatment system.	150,000
Water & Sewer Relocations - Bond Projects (11011): This project is for various water and sewer relocations for street bond and other transportation projects where the street bond fund does not have sufficient funds to cover the utility relocations. Projects are to be paid first from any remaining water/sewer revenue bond funds, if available. Capacity increases should be paid from impact fee funds, if available.	500,000
Water Storage & Pump Station Maintenance (15021): This project is for the system wide maintenance of the water pump stations and grounds and includes the replacement of generators and pumps and refurbishing tanks.	100,000

Project Title & Description	2018 Budget
Water System Rehabilitation & Replacement (12009): This project provides for upgrading, replacing, or rehabilitating existing water infrastructure consisting of water storage, pumping, and distribution assets system wide. Specific work will be determined based on the Water Master Plan and the need to stop leaks, reduce water loss, increase local or area flow and/or pressure in areas with insufficient capacity in order to meet current and projected future domestic, commercial, and industrial flow, and fire flow demands. Projects may create loops, purchase easements, and replace or rehabilitate existing pipes, pump stations, and/or storage assets. This project may use water and sewer funds, impact fees, or cost shares where appropriate.	1,885,000
West Water Transmission Line (18015): This project provides for upgrading, replacing, or rehabilitating existing water infrastructure consisting of water storage, pumping, and distribution assets system wide. Specific work will be determined based on the Water Master Plan and the need to stop leaks, reduce water loss, increase local or area flow and/or pressure in areas with insufficient capacity in order to meet current and projected future domestic, commercial, and industrial flow, and fire flow demands. Projects may create loops, purchase easements, and replace or rehabilitate existing pipes, pump stations, and/or storage assets. This project may use water and sewer funds, impact fees, or cost shares where appropriate.	50,000
Sewer Mains Construction (5700)	
Sanitary Sewer Rehabilitation (02017): This project analyzes, repairs, upgrades, and replaces sewer collection system components to ensure adequate capacity and reduce storm and ground water flows entering the system. Rehabilitation is required system wide and increases the capacity of the overall system by reducing demand used by infiltration and inflow. This project includes replacing, lining, and bursting existing sewer mains and manholes, upgrading lift stations, installing some main extensions and relief lines/capacity upgrades, upgrading the system model, purchasing easements, and sanitary sewer evaluation studies.	1,500,000
WWTP Capital (5800)	
Building Improvements - W.W.T.P. (02032): This project is for structural maintenance, repairs, and replacement of the existing buildings or parts of the buildings at both wastewater treatment plants.	30,000
Filter Cell Replacement - W.W.T.P. (15023): This project is to replace part of the filtration system that removes suspended solids from the partially treated wastewater effluent before it is disinfected. The new filter cells will remove more suspended solids, thus increasing the clarity of the water discharged into the White River as well as reducing disinfection costs. The existing system was installed at the Noland WWTP in 1988 and has become increasingly difficult and costly to operate and maintain.	1,000,000
Lake Sequoyah Sediment Removal (17004): This project is for the dredging at Lake Sequoyah for sedimentation removal. The removal of sedimentation will restore Lake Sequoyah depths and volume for recreation and create sediment storage. There is also the potential for phosphorus removal considerations and nutrient trading credits.	500,000

Project Title & Description	2018 Budget
Phosphorus Standards Management (10027): This project supports efforts by the City operating independently or as part of a regional Northwest Arkansas team relating to phosphorus and other potential changes to stream standards, water quality standards and regulations, and wastewater discharge requirements. The City may join in regional efforts coordinated through Northwest Arkansas Regional Planning, the Northwest Arkansas Council, or other similar cooperative efforts.	50,000
Plant Pumps & Equipment - W.W.T.P. (02069): This project allows personnel to adapt to the needs of each season and year and still maintain compliance. Many pieces of the equipment are essential to the wastewater treatment process. The equipment may suffer catastrophic failure and become unusable with little advance warning. The plant cannot operate and continue to produce permit complying effluent without adequate equipment.	405,000
Upgrade/Replace Lift Stations - W.W.T.P. (02068): This project is to maintain the lift stations for the wastewater treatment plants. The lift stations provide a vital function in the overall treatment of wastewater. The stations are exposed to extreme wear conditions and must be upgraded routinely. Additionally, new developments within the City increases the flow to various stations requiring additional or higher capacity equipment.	50,000
Total Water & Sewer Fund Projects:	7,085,000

Recycling & Trash Collection Fund (5500)

Recycling & Trash Collection Improvements

Master Plan Expansion (18016): This project is for the purchase of equipment essential to the implementation of the Solid Waste Reduction, Diversion, and Recycling Master Plan as approved by City Council. The expansion equipment consists of two additional curb-sort recycling trucks for the addition of apartment recycling and one new side-arm collection for the implementation of the organics composting program. Both new services require an initial purchase of the carts/bins to be used by citizens.	638,000
Recycling & Trash Collection Rate Study (10004): This project is to retain the services of a consulting firm to conduct a rate study to determine the true cost of all services provided by the Recycling & Trash Collection Division. This will enable staff to determine appropriate rates for levels of service throughout all programs and facilitate the implementation of the Solid Waste Reduction, Diversion, and Recycling Master Plan.	40,000
RTC Technology Equipment Replacements (02057): This project is for the replacement of failing and outdated personal computers (PCs), printers, and monitors. In 2016, IT staff performed a thorough inventory of citywide technology equipment to document the fund, division, program, location, purchase date, and cost of each piece of equipment. A structured replacement schedule was developed that defined a standard useful life for each of the following equipment types: PCs, laptops, tablets, printers, and scanners. Each year the proposed replacement plan will be reviewed to ensure equipment is utilized to its maximum useful life but replaced when needed to ensure optimal employee efficiency.	10,000
Scale House Improvements (18017): This project is for a new scale system to weigh vehicles using the Transfer Station and Recycling facilities. The project will replace the current scale platform and scale house structure and update the hardware and software for the computer billing system.	64,000

Project Title & Description	2018 Budget
Transfer Station Improvements (18018): This project is to maintain and repair the Transfer Station as required to conduct daily operations without causing unnecessary wear to the concrete floor. The current leachate drainage system needs drain and pipe replacements in order to stay in compliance with the ADEQ permit. The project will also replace the metal wear plates on the edge of the tipping floor and the rubber skirting around the loading pit that helps control litter.	123,000
Total Solid Waste Fund Projects:	875,000

Airport Fund (5550)

Aviation Improvements	
Airport Equipment Replacement (18019): This project is for the planned replacement of airport equipment. The equipment was originally purchased with grant funding that is no longer available. The units to be replaced are a sweeper, two dump trucks, a backhoe, a skid steer loader, a mule, and a generator.	18,000
Terminal Improvements (18020): This project is for improvements to the interior and exterior of the terminal building. The improvements include adding a fire alarm system, replacing the skylight, updating plumbing fixtures, replacing ceiling tiles, carpet and flooring, and updating exterior fixtures.	75,000
Airport Lighting Improvements (15026): This project is to replace outdated and inefficient lighting at Drake Field Airport in multiple locations. Walk-thru assessments were performed to identify energy efficiencies. New LED lighting was noted for the tarmac, parking lot, T-hangers, FBO hanger, and roadway lighting. The lighting improvements are eligible for utility incentives and will reduce maintenance costs due to the longevity of the lighting.	20,000
Airport Pavement Painting (15030): This project is to repaint the airside pavement as required under FAA certification 139.311 (a). The current painting is worn on the taxiway and runway areas.	100,000
Total Airport Fund Projects:	213,000

Shop Fund (9700)

Fleet Operations Capital (1920)	
Fleet - Construction Equipment (02077): The purpose of this project is to replace obsolete or high maintenance construction equipment which is no longer suited for regular line service. Replacements for 2018 include one dozer.	260,000
Fleet - Light / Medium Utility Vehicles (02078): The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for regular service. Replacements for 2018 include 14 trucks.	545,000
Fleet - Heavy Utility Vehicles (02079): The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for regular service. Replacements for 2018 include two dump trucks.	278,000

City of Fayetteville, Arkansas
2018 Capital Budget

Project Title & Description	2018 Budget
Fleet - Other Vehicles / Equipment (02080): The purpose of this project is to replace obsolete or high maintenance vehicles and equipment which are no longer suited for regular service. Replacements for 2018 include one forklift, four utility task vehicles, one power buggy, and one sewer cleaner.	180,000
Fleet - Police / Passenger Vehicles (02081): The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for service. Replacements for 2018 include five police Tahoes, one small SUV, and one sedan. One take home expansion unit for the Police Department is included in this project.	261,000
Fleet - Recycling/Trash Vehicles/Equipment (02082): The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for service. Replacements for 2018 include three recycling trucks and two side loaders. 2018 expansion units for RTC include one side-arm loader and two curb sort recycling trucks.	1,166,000
Fleet - Tractors / Mowers (02083): The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for service. Replacements for 2018 include one tractor, one mower conditioner, four mowers, one hay baler, and one brush hog.	307,000
Fleet Car Wash (18021): This project is to build a separate, stand alone building to house a two bay car wash. The current unit is located inside the Fleet Operations facility which creates water damage as well as taking up work space. One bay would be for the larger vehicles such as the trash and dump trucks. The second bay would be for average sized vehicles that are currently outsourced to a local vendor.	563,000
Transportation & Fleet Building Improvements (18001): This project is for energy efficiency, weatherization, and facility improvements which includes the repair and replacement of inefficient HVAC equipment, lighting upgrades, weatherization roof coating, ADA improvements, security improvements, exterior painting, and other facility repairs.	30,000
Total Shop Fund Projects:	3,590,000
Total Capital Improvements Program - 2018 Projects	$ 23,316,000

City of Fayetteville, Arkansas
2018 - 2022 Capital Improvements Program
Operating Impacts

Source / Division / Project Title	Description of Operating Impact	2018	2019	2020	2021	2022	Total
General Fund							
Bridge & Drainage Improvements							
Engineering							
Other Drainage Improvements	Effect on operations depends on the improvement	0	0	0	0	0	0
Stormwater Quality Management	Effect on operations depends on the improvement	0	0	0	0	0	0
Drainage Maintenance	Effect on operations depends on the improvement	0	0	0	0	0	0
		0	0	0	0	0	0
Facility Improvements							
Facilities Management							0
Building Improvements	No effect on operations	0	0	0	0	0	0
7-Hills Walker Family Residential Facility	No effect on operations	0	0	0	0	0	0
Sustainability & Resilience							
Building Efficiency Improvements	Reduction in utility and maintenance costs	(20,000)	(25,000)	(30,000)	(35,000)	(40,000)	(150,000)
		(20,000)	(25,000)	(30,000)	(35,000)	(40,000)	(150,000)
Fire Safety Improvements							
Fire							
Fire Apparatus Purchase Program	Expansion unit - motor pool charges	0	0	0	12,000	12,000	24,000
Fire Facility Maintenance - Cost Savings	No effect on operations	0	0	0	0	0	0
Fire Information Technology Updates	No effect on operations	0	0	0	0	0	0
Firefighter Safety Equipment	No effect on operations	0	0	0	0	0	0
Fire Mobile Radios	No effect on operations	0	0	0	0	0	0
		0	0	0	12,000	12,000	24,000
Information Technology Improvements							
Information Technology							
Technology Equipment Replacement	New personnel - 1.0 FTE	0	57,516	57,516	57,516	57,516	230,064
Local Area Network (LAN) Upgrade	Hardware maintenance cost will increase for new expansion items	6,250	6,250	10,000	5,450	5,950	33,900
Telecommunication Systems Upgrades	Slight increases in software maintenance and licensing as head count increases across the City	13,600	1,000	1,000	1,000	1,000	17,600
Storage Area Network (SAN)	No effect on operations	0	0	0	0	0	0
Cyber Security	No effect on operations	0	0	0	0	0	0
Fayetteville-AR.gov Technical Improvements	No effect on operations	0	0	0	0	0	0
Document Management	No effect on operations	0	0	0	0	0	0
Geographic Information System (GIS)	No effect on operations	0	0	0	0	0	0
Regional Park Fiber and Network	Hardware maintenance cost increase with addition of network equipment	1,500	750	0	0	0	2,250
Hansen Version 8 Upgrade	Software maintenance	0	100,000	100,000	100,000	100,000	400,000
		21,350	165,516	168,516	163,966	164,466	683,814

City of Fayetteville, Arkansas
2018 - 2022 Capital Improvements Program
Operating Impacts

Source / Division / Project Title	Description of Operating Impact	2018	2019	2020	2021	2022	Total
Library Material Purchases & Improvements							
Library							
Library Materials Purchases	No effect on operations	0	0	0	0	0	0
Library Computer Replacements	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Media Services Improvements							
Media Services							0
City Hall Room 111 Audio-Visual Upgrade	No effect on operations	0	0	0	0	0	0
Television Center Equipment	No effect on operations	0	0	0	0	0	0
Digital Signage Implementation	No effect on operations	0	0	0	0	0	0
City Hall A-V Maintenance	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Parks & Recreation Improvements							
Parks & Recreation							
Parks & Recreation Software	No effect on operations	0	0	0	0	0	0
Park Paving Improvements	No effect on operations	0	0	0	0	0	0
Lake Fayetteville Watershed Grant Match	No effect on operations	0	0	0	0	0	0
Parks & Rec. Maintenance Work Order System	Increase in software maintenance	0	10,000	10,000	10,000	10,000	40,000
Lake Improvements	Increase in building and grounds maintenance	0	0	2,000	2,000	2,000	6,000
Forestry & Habitat Improvement	No effect on operations	0	0	0	0	0	0
Safety & ADA	No effect on operations	0	0	0	0	0	0
Lights of the Ozarks	No effect on operations	0	0	0	0	0	0
Urban Forestry Analysis Update	No effect on operations	0	0	0	0	0	0
		0	10,000	12,000	12,000	12,000	46,000
Other/Miscellaneous Capital Improvements							
Accounting & Audit							
Audit Expense	No effect on operations	0	0	0	0	0	0
Accounting Office Equipment	No effect on operations	0	0	0	0	0	0
Animal Services							
Animal Service Improvements	No effect on operations	0	0	0	0	0	0
Engineering							
GPS Survey Equipment	No effect on operations	0	0	0	0	0	0
Facilities Management							
Woolsey Homestead Historic Restoration Project	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0

City of Fayetteville, Arkansas
2018 - 2022 Capital Improvements Program
Operating Impacts

Source / Division / Project Title	Description of Operating Impact	2018	2019	2020	2021	2022	Total
Police Safety Improvements							
Police							
Police Ballistic Protection	No effect on operations	0	0	0	0	0	0
Police Weapon Replacement	No effect on operations	0	0	0	0	0	0
Police Specialized Equipment	No effect on operations	0	0	0	0	0	0
Police Building Improvements	No effect on operations	0	0	0	0	0	0
Police Technology Improvements	No effect on operations	0	0	0	0	0	0
Police Unmarked Vehicles	No effect on operations	0	0	0	0	0	0
Police Take Home Vehicles	Increase in motorpool charges	13,140	28,080	43,920	77,200	114,380	276,720
Police Virtual Server & Storage Area Network	The purchase will increase the VMWare license maintenance renewal per year, as well as the VEEAM backup software license renewals	0	3,000	3,000	6,000	6,000	18,000
Employee Gym Equipment	No effect on operations	0	0	0	0	0	0
Citywide Radio System Replacement	No effect on operations	0	0	0	0	0	0
Police Mobile Computer Terminal Replacement	No effect on operations	0	0	0	0	0	0
Police Mobile Video Recorder Replacement	No effect on operations	0	0	0	0	0	0
Police K9 Replacement	No effect on operations	0	0	0	0	0	0
Police Equipment Replacement	No effect on operations	0	0	0	0	0	0
Police Interagency Communications	No effect on operations	0	0	0	0	0	0
Police Radio Replacement	No effect on operations	0	0	0	0	0	0
Central Dispatch Improvements	Annual maintenance cost after the 5 year warranty expires	0	0	0	0	0	0
Police Network Core/Distribution Switch	No effect on operations	0	0	0	0	0	0
Police eTicket Equipment Replacement	No effect on operations	0	0	0	0	0	0
		13,140	31,080	46,920	83,200	120,380	294,720
Total General Fund Impacts		14,490	181,596	197,436	236,166	268,846	898,534

City of Fayetteville, Arkansas
2018 - 2022 Capital Improvements Program
Operating Impacts

Source / Division / Project Title	Description of Operating Impact	2018	2019	2020	2021	2022	Total
Street Fund							
Transportation Improvements							
Transportation							
In-House Pavement Improvements	Newly paved streets have no immediate effect on operations. Maintenance costs increase as streets age and deteriorate. The costs for asphalt patching, crack sealing, and street striping will occur. As more bike lanes are added, the costs for maintaining roadway markings will also increase.	75,000	75,000	75,000	75,000	75,000	375,000
Sidewalk Improvements	Construction of new sidewalks will not immediately result in additional operating costs. Pressure washing, resealing, caulking joints, and other maintenance to existing sidewalks will increase the cost of materials and supplies.	10,000	10,000	10,000	10,000	10,000	50,000
Traffic Signal Improvements	The installation of new traffic signals will result in increased utility and maintenance costs	20,000	20,000	20,000	20,000	20,000	100,000
Wireless Traffic Signal Control	No effect on operations	0	0	0	0	0	0
Trail Development	An additional FTE and mower is required for every 10 miles of new trail added which is scheduled to occur by 2021. Utility costs increase as lighting and water fountains are also	50,000	50,000	50,000	111,900	100,900	362,800
Transportation/Fleet Building Improvements	No effect on operations						
Engineering							
Cost Share / ROW / Intersection / Street Calming	No effect on operations	0	0	0	0	0	0
Parking Management							
Parking Lot Improvements (City Employee)	No effect on operations	0	0	0	0	0	0
		155,000	155,000	155,000	216,900	205,900	887,800
Total Street Fund Impacts		155,000	155,000	155,000	216,900	205,900	887,800

City of Fayetteville, Arkansas
2018 - 2022 Capital Improvements Program
Operating Impacts

Source / Division / Project Title	Description of Operating Impact	2018	2019	2020	2021	2022	Total
Parking Fund							
Parking Improvements							
Parking Management							
Meadow Street Parking Deck Improvements	No effect on operations	0	0	0	0	0	0
Parking Lot Improvements and Overlays	No effect on operations	0	0	0	0	0	0
Parking Infrastructure Improvements	Estimate 10 new lights at $40 per month for electricity	4,800	4,800	4,800	4,800	4,800	24,000
Parking Computer and Printer Replacements	No effect on operations	0	0	0	0	0	0
Parking Enforcement Upgrades	Monthly software service payments are estimated to increase by $200 for software upgrades and real-time availability application. Additional operational costs include estimated costs for replacement and maintenance associated with LPR cameras and lot sensors.	3,400	3,400	3,400	3,400	3,400	17,000
Meter/Pay Station Upgrade & Replacements	Operational costs include monthly service fees for smart meters at $5/month for 200 on-street meters and an increase in monthly service fees for four new pay stations at $100 per month. Operational costs for the monthly service fees for smart meters could also be offset with rate changes.	0	12,000	16,800	16,800	16,800	62,400
Spring Street Parking Deck Improvements	A three year warranty will be included with the initial camera purchase. Ongoing maintenance costs for the cameras will be approximately $500 per year.	0	0	500	500	500	1,500
		8,200	20,200	25,500	25,500	25,500	104,900
Total Parking Fund Impacts		8,200	20,200	25,500	25,500	25,500	104,900
Parks Development Fund							
Parks & Recreation Improvements							
Parks & Recreation							
Community Park Improvements	2018- Walker & Gulley splash pads utility cost for water is estimated at $40,000; electricity at $2,000; and building and maintenance costs are estimated at $6,000 for general repairs each year. 2020- Skate Park lighting utility cost is estimated at $3,000 per year. 2021- New pavilion restrooms at Gulley estimated $2,000 utility (electric, water, sewer), $1,000 janitorial supplies, and $1,500 building and maintenance.	48,000	48,000	51,000	55,500	55,500	258,000
		48,000	48,000	51,000	55,500	55,500	258,000
Total Parks Development Fund Impacts		48,000	48,000	51,000	55,500	55,500	258,000

City of Fayetteville, Arkansas
2018 - 2022 Capital Improvements Program
Operating Impacts

Source / Division / Project Title	Description of Operating Impact	2018	2019	2020	2021	2022	Total
Water & Sewer Fund							
Wastewater Treatment Improvements							
Utilities Director							
Phosphorus Standards Management	No effect on operations	0	0	0	0	0	0
Wastewater Treatment Plant							
Plant Pumps and Equipment - W.W.T.P	No effect on operations	0	0	0	0	0	0
W.W.T.P. Building Improvements	No effect on operations	0	0	0	0	0	0
Upgrade and Replace Lift Stations - W.W.T.P	No effect on operations	0	0	0	0	0	0
Lake Sequoyah Sediment Removal	No effect on operations	0	0	0	0	0	0
Filter Cell Replacement - W.W.T.P	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Water & Sewer Improvements							
Water & Sewer Maintenance							
Water System Rehabilitation/Replacement	No effect on operations	0	0	0	0	0	0
Sanitary Sewer Rehabilitation	No effect on operations	0	0	0	0	0	0
Water and Sewer Relocations - Bond Projects	No effect on operations	0	0	0	0	0	0
Water Storage and Pump Station Maintenance	No effect on operations	0	0	0	0	0	0
Water & Sewer Equipment Expansions	New personnel (5.0 FTEs) and motorpool charges (Four expansion units).	0	345,100	356,600	368,600	381,100	1,451,400
Water Impact Fee Cost Sharing Projects	No effect on operations	0	0	0	0	0	0
West Water Transmission Line	No effect on operations	0	0	0	0	0	0
		0	345,100	356,600	368,600	381,100	1,451,400
Water & Sewer Services Improvements							
Utilities Financial Services Improvements							
Utilities Financial Services Improvements	No effect on operations	0	0	0	0	0	0
Utilities Technology Improvements	No effect on operations	0	0	0	0	0	0
Water & Sewer Maintenance							
Water & Sewer Building and Office Improvements	No effect on operations	0	0	0	0	0	0
Water Meters	No effect on operations	0	0	0	0	0	0
Water & Sewer Rate/Operations Study	No effect on operations	0	0	0	0	0	0
Backflow Prevention Assemblies	No effect on operations	0	0	0	0	0	0
Technology Equipment Replacements	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Total Water & Sewer Fund Impacts		0	345,100	356,600	368,600	381,100	1,451,400

City of Fayetteville, Arkansas
2018 - 2022 Capital Improvements Program
Operating Impacts

Source / Division / Project Title	Description of Operating Impact	2018	2019	2020	2021	2022	Total
Recycling & Trash Collection Fund							
Solid Waste Improvements							
Solid Waste & Recycling							
Transfer Station Improvements	No effect on operations	0	0	0	0	0	0
Recycling & Trash Collection Rate Study	No effect on operations	0	0	0	0	0	0
Solid Waste Reduction, Diversion & Recycling Master Plan	New personnel cost (4.0 FTEs) and motor pool charges (three expansion units)	119,200	357,500	357,500	357,500	357,500	1,549,200
Scale House Improvements	No effect on operations	0	0	0	0	0	0
Technology Equipment Replacements	No effect on operations	0	0	0	0	0	0
Truck Plug Ins - Parking Lot	No effect on operations	0	0	0	0	0	0
Cart Washer	No effect on operations	0	0	0	0	0	0
Recycling & Trash Collection Containers	No effect on operations	0	0	0	0	0	0
Recycling & Trash Collection Compactors	No effect on operations	0	0	0	0	0	0
Compost Site Improvements	No effect on operations	0	0	0	0	0	0
Route Optimization & RFID System	The systems will have a monthly fee. The implementation of the new equipment will improve collection times by utilizing better routing options and improve customer service by verifying collections in real time.	0	25,200	36,550	48,000	53,650	163,400
Material Recovery Improvements	No effect on operations	0	0	0	0	0	0
		119,200	382,700	394,050	405,500	411,150	1,712,600
Total Recycling & Trash Collection Fund Impacts		119,200	382,700	394,050	405,500	411,150	1,712,600
Airport Fund							
Airport Improvements							
Aviation							
Airport Pavement Painting	No effect on operations						
Airport Lighting Improvements	Reduced electricity and maintenance costs	$ (12,000)	$ (12,000)	$ (12,000)	$ (12,000)	$ (12,000)	$ (60,000)
Terminal Improvements	Energy cost savings expected	(5,203)	(5,203)	(5,203)	(5,203)	(5,203)	(26,015)
Airport Equipment Replacement	Increase in motorpool charges	16,247	16,247	16,247	16,247	16,247	81,235
		(956)	(956)	(956)	(956)	(956)	(4,780)
Total Airport Fund Impacts		(956)	(956)	(956)	(956)	(956)	(4,780)

City of Fayetteville, Arkansas
2018 - 2022 Capital Improvements Program
Operating Impacts

Source / Division / Project Title	Description of Operating Impact	2018	2019	2020	2021	2022	Total
Shop Fund							
Vehicles & Equipment							
Fleet Operations							
Fleet - Police / Passenger Vehicles	No effect on operations	0	0	0	0	0	0
Fleet - Solid Waste Vehicles / Equipment	No effect on operations	0	0	0	0	0	0
Fleet - Construction Equipment	No effect on operations	0	0	0	0	0	0
Fleet - Backhoes / Loaders	No effect on operations	0	0	0	0	0	0
Fleet - Heavy Utility Vehicles	No effect on operations	0	0	0	0	0	0
Fleet - Tractors / Mowers	No effect on operations	0	0	0	0	0	0
Fleet - Light / Medium Utility Vehicles	No effect on operations	0	0	0	0	0	0
Fleet - Other Vehicles / Equipment	No effect on operations	0	0	0	0	0	0
Fleet - Car Wash	Utilities will increase due to having two bays and an increase in the amount of vehicles washed. However, the proposed car wash has a filtering system that allows for 75-80% of the water to be re-used.	0	0	(7,000)	(7,000)	(7,000)	(21,000)
Transportation & Fleet Building Improvements	Maintenance and efficiency upgrades will reduce energy consumption. The maintenance cost is shared by the Transportation and Fleet Operations divisions and assigned by square footage.	0	0	(4,200)	(4,200)	(4,200)	(12,600)
		0	0	(11,200)	(11,200)	(11,200)	(33,600)
Total Shop Fund Impacts		0	0	(11,200)	(11,200)	(11,200)	(33,600)
TOTAL PROJECTS - ALL FUNDS		$ 343,934	$ 1,131,640	$ 1,167,430	$ 1,296,010	$ 1,335,840	$ 5,274,854

Projects By Fund - All Sources

General Fund	$ 14,490	$ 181,596	$ 197,436	$ 236,166	$ 268,846	$ 898,534
Parking Fund	8,200	20,200	25,500	25,500	25,500	104,900
Parks Development Fund	48,000	48,000	51,000	55,500	55,500	258,000
Street Fund	155,000	155,000	155,000	216,900	205,900	887,800
Water & Sewer Fund	0	345,100	356,600	368,600	381,100	1,451,400
Recycling & Trash Collect Fund	119,200	382,700	394,050	405,500	411,150	1,712,600
Airport Fund	(956)	(956)	(956)	(956)	(956)	(4,780)
Shop Fund	0	0	(11,200)	(11,200)	(11,200)	(33,600)
	$ 343,934	$ 1,131,640	$ 1,167,430	$ 1,296,010	$ 1,335,840	$ 5,274,854

City of Fayetteville's Debt Position

The City of Fayetteville has established a practice and policy of paying for all capital projects and capital improvements on a pay-as-you-go basis using current revenues, whenever possible. If a project or improvement is of sufficient size and need that it cannot be financed with current revenues, long-term debt will be recommended. The basis for this policy is that the City has maintained a commitment to infrastructure improvement and maintenance. The City also considers the cost versus the benefits of debt financing. A recommendation is made only when the benefits outweigh the costs. The City's debt policy also states that the City will attempt to refinance outstanding debt if a determination is made that the City will benefit by reduced interest expense over the remaining life of the bonds.

Like most municipalities, the City of Fayetteville borrows funds through tax exempt municipal bonds. The City carefully analyzes each proposed bond issue to determine the need for the improvement, its useful life, and current and future revenues available to provide debt service. Existing debt service requires resources from both general governmental resources and enterprise fund resources.

Bond Ratings

The City's debt policy says that the communications will be maintained with the bond rating agencies and that the City will continue to strive for improvements in the City's bond rating. Such communications are vitally important because generally speaking, the higher rating a city has the lower the interest rate that must be paid. As such, the City will periodically confer with the rating agencies to update them on the financial status of the City.

The following schedule briefly describes the ratings provided by Standard & Poor for municipal bonds.

Standard & Poor's Credit Ratings for Municipal Bonds

Ratings	Description
AAA	Best quality, extremely strong capacity to pay principal and interest.
AA	High quality, very strong capacity to pay principal and interest.
A	Upper medium quality, and strong capacity to pay principal and interest.
BBB	Medium grade quality, adequate capacity to pay principal and interest.
BB and Lower	Speculative quality, low capacity to pay principal and interest.

Description of Outstanding Bonds

Special Obligation Bonds

Property Tax Increment Interest Accretion Bonds (Highway 71 East Square Redevelopment District No. 1 Project), Series 2005 (Not Rated): The bonds are special obligations of the City payable solely from the Property Tax Increment of the District and monies in the funds and accounts established under the Indenture. The proceeds of the bonds were issued for the purpose of financing the costs of acquisition of certain real property within the City, the demolition of existing structures thereon, site preparation in connection therewith and the construction of sidewalk and crosswalk improvements. The original issue amount was $3,725,000.

Sales and Use Tax Capital Improvement Bonds, Series 2006A (AA-): The bonds are special obligations of the City secured by and payable solely from receipts from a one-quarter and a three-quarter of a one percent citywide sales and use tax. The proceeds of the bonds are for the purpose of financing a portion of the costs of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, to certain City streets, and to the City's trail system. The original issue amount was $50,000,000.

Sales and Use Tax Capital Improvement Bonds, Series 2007A (AA-): The bonds are special obligations of the City secured by and payable solely from receipts from a one-quarter and a three-quarter of a one percent citywide sales and use tax. The proceeds of the bonds are for the purpose of financing the costs of certain improvements to the City's wastewater treatment plants, sewerage, and related facilities. The original issue amount was $14,340,000.

Sales and Use Tax Capital Improvement Bonds, Series 2009A (AA-): The bonds are special obligations of the City secured by and payable solely from receipts from a one-quarter and a three-quarter of a one percent citywide sales and use tax. The proceeds of the bonds are for the purpose of financing a portion of the costs of certain improvements to City streets and to the City's trail system. The original issue amount was $11,250,000.

Sales and Use Tax Capital Improvement Bonds, Series 2013 (AA-): The bonds are special obligations of the City secured by and payable solely from receipts from a one-quarter and a three-quarter of a one percent citywide sales and use tax. The proceeds of the bonds are for the purpose of financing a portion of the costs for certain street improvements. The original issue amount was $22,750,000.

Sales and Use Tax Capital Improvement Bonds, Series 2015 (AA-): The bonds are special obligations of the City secured by and payable solely from receipts from a one-quarter and a three-quarter of a one percent citywide sales and use tax. The proceeds of the bonds are for the purpose of financing a portion of the costs for certain street improvements. The original issue amount was $9,000,000.

Arkansas Ad Valorem Tax Library Expansion Bonds, Series 2017 (A): The Series 2017 Bonds are special limited tax obligations of the City secured by and payable solely from receipts of the Library Tax and the Special Tax Collections. The City will levy the Library Tax at the rate of one and two-tenths (1.20) mill (.0012) for collection in 2017 and continuously in each year thereafter. The Series 2017 Bonds do not constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or restriction. The issuance of the Series 2017 Bonds shall not directly, indirectly or contingently obligate the City to levy or pledge any taxes whatsoever or to make any appropriation for the payment of the Series 2017 Bonds, except as described herein with respect to the Tax Receipts. The issue amount was $26,500,000.

Revenue Bonds

Hotel, Motel & Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement and Refunding Bonds, Series 2014 (A+): These bonds are special obligations of the City and were issued for the purpose of paying a portion of the costs of redeeming all of the outstanding Hotel & Restaurant Gross Receipts Tax Refunding Bonds, Series 2003 Bonds, paying a portion of the costs of expanding and renovating the Walton Arts Center and paying a portion of the costs of acquiring, constructing and equipping a regional park within the City. The bonds are payable solely from amounts received by the City from a 1% Hotel & Restaurant Gross Receipts tax. The original issue amount was $10,980,000.

Parking Revenue Improvement Bonds, Series 2012 (Not Rated): The bonds are payable solely from the net parking revenues. The bonds do not constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or restriction. The issuance of the Series 2012 Bonds shall not directly, indirectly or contingently obligate the City to levy or pledge any taxes whatsoever or to make any appropriation for the payment of the Series 2012 Bonds. The original issue amount was $6,220,000.

Water & Sewer System Refunding, Series 2014 (AA+): The bonds are payable solely from the net revenues derived from the operation of Fayetteville's water and sewer system. The proceeds of the bonds were used to refund Series 2009 water and sewer system bonds. The refunding was issued to take advantage of lower interest rates, to restructure existing bond covenants, and to mitigate any interest risk on the variable interest rate of the Series 2009 bond issue. The original issue amount was $6,330,000.

City of Fayetteville, Arkansas
Bonds Outstanding
December 31, 2017

Description	Outstanding			
	Bond Issue	Due Dates	Interest Rates	Amount
Special Obligation Bonds				
Tax Increment Interest Accretion Bonds	2005	2006-2029	6.500%	$ 2,910,000
Sales and Use Tax Capital Improvement Bonds, Series 2006A	2006	2006-2021	3.00-5.00%	14,820,000
Sales and Use Tax Capital Improvement Bonds, Series 2007A	2007	2007-2024	4.20-4.47%	6,135,000
Sales and Use Tax Capital Improvement Bonds, Series 2009A	2009	2015-2021	3.00-3.85%	3,440,000
Sales and Use Tax Capital Improvement Bonds, Series 2013	2013	2015-2024	2.00-3.18%	15,090,000
Sales and Use Tax Capital Improvement Bonds, Series 2015	2015	2016-2024	1.00-2.00%	5,800,000
Arkansas Ad Valorem Library Expansion Tax Bonds, Series 2017	2017	2018-2047	3.00%	26,500,000
				74,695,000
Revenue Bonds				
Parking Revenue Improvement Bonds, Series 2012	2012	2013-2037	1.00-3.63%	5,560,000
HMR Tax Bonds 2014 Debt Service Series 2014	2014	2015-2039	2.00-3.00%	10,075,000
Water & Sewer System Refunding, Series 2014	2014	2014-2020	2.00-5.00%	3,710,000
				19,345,000
				$ 94,040,000

City of Fayetteville, Arkansas
2018 Debt Service Payment Schedule

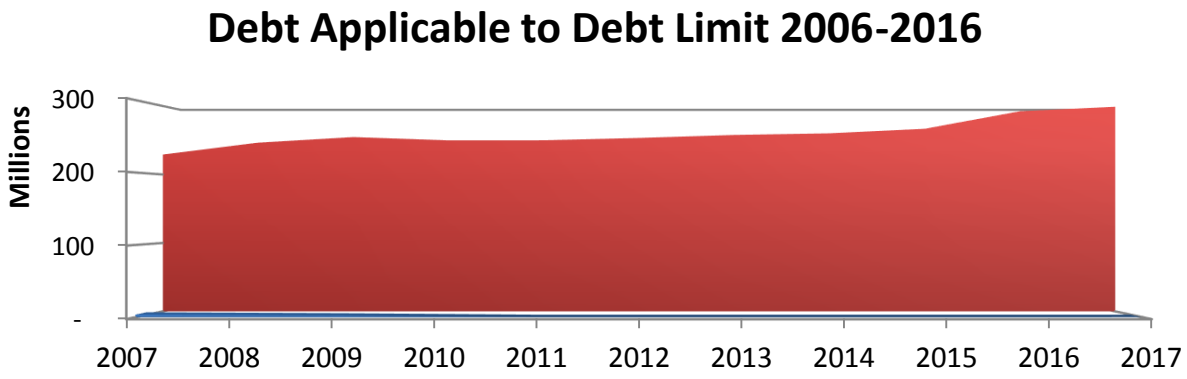
Description	Bond Issue	Outstanding Principal	Outstanding Interest	Outstanding Total
Special Obligation Bonds				
Sales and Use Tax Capital Improvement Bonds, Series 2006A	2006	$ 7,150,000	$ 864,325	$ 8,014,325
Sales and Use Tax Capital Improvement Bonds, Series 2007A	2007	1,060,000	337,432	1,397,432
Sales and Use Tax Capital Improvement Bonds, Series 2009A	2009	1,600,000	166,063	1,766,063
Sales and Use Tax Capital Improvement Bonds, Series 2013	2013	0	548,725	548,725
Sales and Use Tax Capital Improvement Bonds, Series 2015	2015	965,000	117,923	1,082,923
Arkansas Ad Valorem Library Expansion Tax Bonds, Series 2017	2017	560,000	406,577	966,577
		11,335,000	2,441,045	13,776,045
Revenue Bonds				
Parking Revenue Improvement Bonds, Series 2012	2012	215,000	164,270	379,270
HMR Tax Bonds 2014 Debt Service Series 2014	2014	315,000	387,312	702,312
Water & Sewer System Refunding, Series 2014	2014	1,665,000	162,450	1,827,450
		2,195,000	714,032	2,909,032
		$ 13,530,000	$ 3,155,077	$ 16,685,077

City of Fayetteville, Arkansas
Computation of Legal Debt Margin
December 31, 2017

General Obligation Debt Limit

Debt margin is a calculation based on the assessed value of property located within the City limits. The debt limit is established by state statute and is limited to 20% of assessed value.

2017 Assessed Value		$ 1,494,501,610	*
Debt Limit - 20% of Assessed Value		298,900,322	
General Obligation Bonds Payable	$ -		
Less: Debt Service Fund	-		
Total Debt Applicable to Debt Limit		-	
Legal Debt Margin		$ 298,900,322	



Enterprise Fund Debt Limit (Revenue Bond Debt)

Enterprise fund debt is established by the cash flow for each enterprise fund. For example, the Water & Sewer Fund must be able to generate sufficient cash flows to meet normal operating and capital, as well as provide sufficient resources to meet the annual debt service requirements. Prior to issuing enterprise fund bonds, an analysis of current revenues and expenses is conducted to determine the revenues required to support a bond issue.

Special Obligation Bond Debt Limit

Special obligation bond debt is limited by the maximum amount of the special source (such as sales tax) can generate within terms of bond covenants.

** Note: The assessed value does not include City utilities.*

City of Fayetteville, Arkansas
Total Debt to Maturity Schedule - All Funds
December 31, 2018

Maturity Year	Principal Amount: Beginning Balance	Principal Amount: Additions	Principal Amount: Reductions	Principal Amount: Ending Balance	Interest	Annual Debt Requirement
2018	94,040,000	0	13,530,000	80,510,000	3,155,077	16,685,077
2019	80,510,000	0	14,020,000	66,490,000	3,098,631	17,118,631
2020	66,490,000	0	3,930,000	62,560,000	2,520,216	6,450,216
2021	62,560,000	0	4,625,000	57,935,000	2,183,474	6,808,474
2022	57,935,000	0	9,230,000	48,705,000	2,018,174	11,248,174
2023	48,705,000	0	9,375,000	39,330,000	1,721,881	11,096,881
2024	39,330,000	0	2,260,000	37,070,000	1,348,100	3,608,100
2025	37,070,000	0	1,265,000	35,805,000	1,212,443	2,477,443
2026	35,805,000	0	1,305,000	34,500,000	1,174,187	2,479,187
2027	34,500,000	0	1,345,000	33,155,000	1,130,791	2,475,791
2028	33,155,000	0	1,395,000	31,760,000	1,078,485	2,473,485
2029	31,760,000	0	4,360,000	27,400,000	12,630,635	16,990,635
2030	27,400,000	0	1,505,000	25,895,000	967,047	2,472,047
2031	25,895,000	0	1,570,000	24,325,000	903,553	2,473,553
2032	24,325,000	0	1,635,000	22,690,000	837,297	2,472,297
2033	22,690,000	0	1,705,000	20,985,000	767,243	2,472,243
2034	20,985,000	0	1,775,000	19,210,000	693,361	2,468,361
2035	19,210,000	0	1,855,000	17,355,000	616,377	2,471,377
2036	17,355,000	0	1,925,000	15,430,000	543,152	2,468,152
2037	15,430,000	0	2,000,000	13,430,000	467,323	2,467,323
2038	13,430,000	0	1,690,000	11,740,000	401,893	2,091,893
2039	11,740,000	0	1,750,000	9,990,000	341,236	2,091,236
2040	9,990,000	0	1,115,000	8,875,000	278,293	1,393,293
2041	8,875,000	0	1,150,000	7,725,000	239,480	1,389,480
2042	7,725,000	0	1,190,000	6,535,000	199,317	1,389,317
2043	6,535,000	0	1,230,000	5,305,000	161,803	1,391,803
2044	5,305,000	0	1,265,000	4,040,000	123,220	1,388,220
2045	4,040,000	0	1,305,000	2,735,000	83,417	1,388,417
2046	2,735,000	0	1,345,000	1,390,000	42,395	1,387,395
2047	1,390,000	0	1,390,000	0	10,700	1,400,700
	$ 94,040,000	$ 0	$ 94,040,000	$ 0	$ 40,949,200	$ 134,989,200

City of Fayetteville, Arkansas
General Government & Miscellaneous Activity
Division Overviews and Performance Measures

Mayor's Administrative Division

The Mayor is the elected Chief Executive Officer for the City of Fayetteville and is the presiding officer for the City Council. As Chief Executive Officer of the City, the Mayor has a statutory duty to oversee the enforcement of city policies, ordinances, administrative rules and State laws, as well as direct city offices and employees to discharge their duties. The Mayor accomplishes this task by providing and maintaining an open door policy for residents, business interests, and other interested parties to discuss city policies, concerns, and requests.

Chief of Staff Division

This division is responsible for the management of the fourteen divisions that comprise the Operations Department. This program directs and manages these divisions in a manner that will minimize operational costs and provide excellent service to the customers of the department which includes the citizens of the community and internal City departments/divisions. This Division is also responsible for the Emergency Management of significant emergency events that take place within the City of Fayetteville and manages those events to best utilize resources available, minimize risk to citizens, and ensures a fast response to hazards that impact the City.

Communications & Marketing Division

This division reports to the Chief of Staff and is the primary point-of-contact for dissemination of public information concerning city activities, programs, and special events and serves as the overall clearinghouse for public information to be provided to the City Council, press, and public. Communications and Marketing maintains the web sites (internet and intranet) and the city's social media channels. The Director is public policy advisor to the Mayor, develops working relationships that facilitate and promote the City's legislative agenda, and oversees the operations of the Division of Media Services.

City Attorney Division

This division provides general legal advice, drafts of ordinances and resolutions, and special services to the City Council, Mayor, Planning Commission, and Board of Adjustments, as well as city departments and staff. This office also represents the City in land condemnation and other civil cases in State and Federal courts and in appeals to State and Federal appellate courts.

City Prosecutor Division

This office investigates, prepares, and prosecutes cases set for trial in District and Circuit courts and takes complaints, which results in the City Prosecutor sending a warning letter, issuing a prosecutor subpoena, filing a warrant, or closing the file. The City Prosecutor deals with all crimes of misdemeanor status which occur within the Fayetteville city limits. The hot check program assists Fayetteville merchants and citizens in regaining lost revenue due to receiving checks returned by financial institutions for insufficient balance or account closed status (hot checks).

City Prosecutor Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Complaints/Circuit Court Cases	727 / 36	800 / 20	675 / 32	700 / 30
2. Code Complaints	166	175	175	170
3. Warrant/Nonwarrant Charges	464 / 9,660	600 / 10,800	440 / 10,900	450 / 10,900
4. DWI's	1,752	2,000	2,100	2,050
5. Batteries - Domestic/Other	263 / 110	300 / 175	275 / 110	275 / 110
6. Trials - District & Circuit Courts	51	70	60	50

Fayetteville District Court Division

The District Judge is an elected position responsible for the adjudication of all criminal and civil cases. This division provides a forum for the prompt resolution of cases filed. The criminal program is responsible for processing all criminal, traffic, and parking violations filed by area law enforcement agencies. The small claims and civil cases program provides a forum for citizens to file lawsuits to recover money or property valued at $25,000 or less.

District Court Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Criminal Cases Filed	21,479	25,525	22,268	23,182
2. Civil Cases Filed	1,924	2,500	2,478	2,500
3. Criminal Trial Settings	13,080	13,500	14,000	15,000
4. Civil Trial Settings	1,924	2,200	2,000	2,100
5. Fines/Costs Assessed	$ 4,793,369	$ 5,560,500	$ 5,326,670	$ 5,300,000
6. Interviews Conducted	1,083	550	800	850
7. Persons Assigned Public Service	1,051	485	850	875
8. Hours Public Service Assigned	3,770	4,000	4,000	4,000
9. Court Session/Week (Hours)	20	17	22	22
10. Cases Set for Hearing/Week	25	25	25	25

Economic Development

This division assists the Mayor, City Council, Chief of Staff, Department Directors, Division Heads and staff in the execution and implementation of the Fayetteville First Economic Development Strategic Plan. Additionally, this position serves as the primary point of contact for all economic development activities, responses to site selectors/owners/business representatives interested in investing in the City and works towards retaining, recruiting, and expanding economic development opportunities resulting in jobs retention and growth and sales and property tax growth in the City. This division is also responsible for coordinating and facilitating efforts towards the enhancement of the City's workforce and talent pool. This division is directly responsible for the administration of contracted economic development services currently provided by the Fayetteville Chamber of Commerce and StartUp Junkie Consulting.

Economic Development Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Net New Businesses Opened within Targeted Industry Sectors*	N/A	N/A	N/A	150
2. Net New Jobs Created within Targeted Industry Sectors and Average wages*	N/A	N/A	N/A	600
3. New Retail/ Service Establishments Opened*	N/A	N/A	90	100
4. Inquiries from Prospective Companies Received*	N/A	N/A	20	50
5. Business Retention & Expansion Surveys Completed for Separate Targeted Industry Sectors Quarterly	96	100	105	100
6. Number of Businesses Licensed for the year*	3,488	N/A	3,650	3,750

* New performance measure - prior data not available.

Media Services Division

This division operates the Fayetteville Government Channel (FGC), the Fayetteville Public Access Channel (FPTV) and the Fayetteville Education Channel. The division also supports the Telecommunications Board and the City Council on communications issues and sees that the Public Access provider contract is fulfilled. The Fayetteville Television Center is equipped, maintained, and configured with technologies suited for government, public access and education television, video production, and public training. FGC keeps citizens informed on local government issues and services and helps create an open and participatory government. FPTV provides citizens a way to effectively exercise their first amendment rights. The Education Channel connects citizens to public school district news, information, and educational programming. This division also supports City Administration with internal and external media and messaging creation that promotes city services.

Media Services Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. FGC Meetings Recorded	369	550	368	380
2. FGC Programs Produced	46	60	51	40
3. FGC Total Program Hours	434	580	445	480
4. FPTV Hours Video Equipment Used	15,221	15,748	17,895	17,500
5. FPTV Workshops and Trainings	525	623	518	525
6. FPTV Internally Produced Programs Cablecast	1,055	1,021	1,042	1,060
7. FPTV Externally Produced Programs Cablecast	372	554	400	400
8. Education Channel Total Program Hours	2	100	2	5
9. Education Channel Programs Produced	0	25	0	0

Internal Audit Division

This division assists the Mayor, City Council, Department Directors, Division Heads, and staff in realizing a satisfactory operation to safeguard the resources and assets of the City. The Internal Auditor objectively reviews and appraises accounting and operating records and internal controls throughout the City, reports exceptions noted, and recommends practical and economic corrective actions to be taken. This program provides an independent evaluation of City activities in order to promote economy, effectiveness, and efficiency in the City by using sound management principles and by maintaining a high level of public trust and confidence in the City's staff and public officials to deliver desired and needed services.

Internal Audit Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Performance Audits	3	4	2	4
2. Special Projects	12	14	8	14
3. Audit Committee Mtgs. Facilitated	3	3	3	3

City Clerk/Treasurer Division

This division maintains the official records and public documents of the City. It also provides support for the City Council by preparing agendas and recording and transcribing the proceedings of the meetings. Staff maintains the City's Code of Ordinances, works in cooperation with the Washington County Election Commission in planning elections, and maintains the Policies and Procedures Manual for the City. This division maintains the City's Boards and Committees, schedules meetings for city rooms, and maintains a calendar of those meetings. The City Clerk also serves on the Fire and Police Pension Boards, attends the meetings, prepares the agendas and correspondence, and records and transcribes the proceedings of the meetings.

City Clerk Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Meetings Attended	362	280	250	275
2. Agendas/Minutes Prepared	105 / 33	105 / 34	105 / 34	105 / 34
3. Ordinances/Resolutions Passed	106 / 253	85 / 235	85 / 250	85 / 250
4. Committee Vacancies/Applicants	57 / 191	70 / 125	60 / 175	60 / 150
5. Meeting Rooms Scheduled	1,371	1,250	1,200	1,200
6. Elections Coordinated	2	0	0	1
7. Permanent Record Retention	368,703	300,000	550,000	550,000
8. Policy & Procedure Changes	6	10	15	10
9. Code of Ordinance Updates	44	45	65	50

City of Fayetteville, Arkansas
Finance & Internal Services Activity
Division Overviews and Performance Measures

Chief Financial Officer Division

This division's primary purpose is to provide leadership and overall direction to the various divisions within the Finance & Internal Services Department. The Chief Financial Officer (CFO) establishes and directs budget parameters to accomplish the Mayor's overall goals and objectives for the fiscal year, advises the Mayor and/or City Council of citywide financial issues, and provides alternative solutions to financial problems or issues. The CFO is also responsible for the monitoring and management of the current year budget on a day to day basis and provides advice and support to the Mayor and the Chief of Staff on an as needed basis.

Human Resources Division

This division is committed to attracting and retaining a diverse, highly qualified and high performing multi-generational workforce. A diverse and highly talented workforce will support the delivery of excellent services to the citizens of Fayetteville. Staff will administer a competitive total rewards package and support a work environment that is safe, healthy and enriching. Polices and practices will be administered and effectively communicated to support the City in meeting its goals through our most valuable resource - City employees.

Human Resources Demand/Workload	Actual 2014	Actual 2015	Estimated 2016	Budgeted 2017
1. New Hires	143	180	170	175
2. Employees Newly Eligible for 401 & 457 Plans	63	56	61	53
3. Job Applications Processed	5,612	5,800	6,044	6,100
4. Worker's Comp Incidents/Injuries Receiving Medical Treatment	82	100	74	85

Accounting & Audit Division

This division provides financial reports and analysis to City Management, City Council, City Departments, and the public and maintains accounting records in accordance with Generally Accepted Accounting Principles for municipal governments. The division provides a system for processing payments for city obligations, payroll, and pension checks; provides monthly financial statements and operating reports; prepares a Comprehensive Annual Financial Report (CAFR) that meets requirements for the GFOA Certificate of Excellence in Financial Reporting; pays city obligations to maintain a good credit rating and cash availability; maximizes earnings on investments in compliance with applicable State laws and city ordinances and resolutions; oversees bond issuance and compliance; processes payroll and pension checks; maintains records for wages and withholdings; reports payroll information to other governments; and oversees the annual audit.

Accounting & Audit Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. External Audit and CAFR	1	1	1	1
2. Funds/Account Groups Maintained	31	29	31	31
3. Financial Statements/Ledgers	26	26	26	26
4. Bond Issues Outstanding	10	10	11	10
5. Payrolls Prepared	31	30	30	30
6. Pension Distributions Processed	24	24	24	24

City of Fayetteville, Arkansas
Finance & Internal Services Activity
Division Overviews and Performance Measures

Budget & Information Management Division

This division is responsible for preparing and monitoring the City's Annual Budget and Work Program, preparing the biannual update to the City's Capital Improvements Program, and ensuring the funds are expended/expensed as appropriated by City Council. Additionally, the division performs special duties and conducts special studies as requested by the Chief Financial Officer, the Mayor, and the City Council. Finally, the division reviews performance measures and quarterly reports submitted by other city divisions to ensure the accuracy of the listed statistics relating to the budgeted performance measures.

Budget & Information Management Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Budget Submissions Reviewed	101	115	96	96
2. CIP Submissions Reviewed	92	86	153	103
3. Programs Reviewed: Budget to Actual - Monthly	128	115	128	130
4. Budget Amendments Processed	487	550	405	450
5. Funds Reviewed	24	20	24	24

Facilities Management Division

This division maintains city-owned buildings to provide safe and sound environments, electrical systems, heating and air conditioning systems, and plumbing systems. The division performs janitorial and other services on city owned facilities by maintaining cleanliness inside as well as the exterior. Other duties are keeping grounds in presentable fashion, safe entrance and egress to each building, securing of the facilities, and setting up for various functions. The oversight of contracted services is also included in this division to ensure the projects are on time, within budget, and meet industry quality tolerances.

Facilities Management Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. City-owned Buildings	61	60	63	64
2. City Buildings Maintained	49	47	50	51
3. Buildings Maintained (Square Feet)	348,177	353,625	382,125	388,625
4. City Buildings Janitorial Services	12	13	13	13
5. Janitorial Services (Square Feet)	164,659	170,659	177,659	177,659
6. Service Request	489	500	950	1,000
7. Projects	40	40	50	45
8. Managed Contracts < 20,000	62	70	74	25
9. Managed Contracts > 20,000	6	5	9	20
10. Preventative Maint. Inspections	382	386	391	395

Purchasing Division

This division is responsible for assisting in the purchase of all supplies and acquiring construction and miscellaneous services for all city departments in accordance with State and Federal statutes, city ordinances, and proper purchasing procedures, as well as disposing of surplus city property. This division also manages the City's insured and self-insured programs. Management of the insured program includes the evaluation of insurance needs, the purchase of insurance policies, and coordination of all losses. Management of the self-insured program includes the judgment and damages from which all third-party liability and city property damages under deductibles or uninsured are paid.

Purchasing Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Formal Bids/RFPs/RFQs Requested	75	75	100	100
2. Purchase Orders Issued	788	530	700	700
3. Insurance Claims Processed	88	75	78	83
4. Purchasing Card Transactions	17,621	18,500	17,500	17,500
5. Purchasing Card Volume	$ 12,112,416	$ 13,000,000	$ 12,000,000	$ 12,000,000
6. Bid/RFP/RFQ Volume	$ 25,305,559	$ 20,000,000	$ 20,000,000	$ 70,000,000

Information Technology Division

This division provides Information Technology (IT) and Geographic Information Systems (GIS) support for city divisions across 53 locations. Currently, the division supports approximately 800 user accounts, 500 personal computers, 80 network infrastructure devices, 100 servers, 500 desktop phones, 325 wireless devices, 2 Call centers, 55 Call handlers, and 260 printers. IT strives to ensure technology requests and projects are implemented in accordance with citywide goals and initiatives. IT focuses on implementing processes and procedures to ensure the effective and economical use of IT resources, while improving staff efficiency and improving services to the citizens of Fayetteville. Staff makes every effort to operate equipment to its maximum useful life but also replaces equipment when needed to ensure optimal efficiency. To manage the replacement of technology items, staff maintains an accurate inventory and standardized replacement schedule for technology-based products. GIS provides geographic information and geographic data management services to all city departments. The City's GIS operates to help analyze city infrastructure and assist citizens and employees in making informed decisions regarding existing conditions and future needs. Specific services include system integration strategies, software and data needs analysis, software support, map production, interactive map web pages, and geographic database management. GIS provides key services related to the management of public infrastructure assets, including transportation, water, and wastewater. The performance measures for the division are based on service requests. End users submit service requests through a centralized help desk and are either assigned a work order ticket or assigned to a project manager.

Information Technology Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Service Requests - Desktop	1,368	2,000	2,000	2,100
2. Service Requests - Network	536	750	750	750
3. Service Requests - Application Systems	1,158	1,500	1,300	1,700
4. Service Requests - Fire	164	400	275	300
5. Service Requests - Telecommunications	254	350	280	350
6. Projects	54	50	73	78

City of Fayetteville, Arkansas
Police Activity
Division Overviews and Performance Measures

Central Dispatch Division

This division is a 24-hour operation, which provides emergency and non-emergency call taking and dispatching for police, fire, and city services, as needed. The center is also the primary answering point for Fayetteville 9-1-1 calls, which includes transferring emergency calls to the appropriate agencies.

Central Dispatch Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Total Calls for Service	60,459	63,000	60,100	61,400
A. Police	47,646	49,600	46,300	47,400
B. Fire	10,368	10,400	11,300	11,500
C. Citywide	2,445	3,000	2,500	2,500
2. Police Self-Initiated Calls	60,645	65,000	53,206	54,000
3. Telephone (Minus 9-1-1)	140,911	152,250	140,000	141,000
4. 9-1-1 Calls	42,634	47,000	42,000	43,000
5. Average 9-1-1 Calls per Day	117	128	115	117

Police Department

This department provides patrol and investigative services including detection and suppression of criminal activity, traffic enforcement, accident investigation, and initial and follow-up investigations concerning drug related crime/intelligence reports from the Patrol Program, other law enforcement agencies, and the general public. The department also provides for administrative control, logistical support, policy setting, and decision making relative to all aspects of the department's operations. Staff provides clerical support for data entry of all cases, tickets, accidents, and arrest narratives as well as collecting the bonds and fines assessed through the Fayetteville District Court. The department's CALEA accreditation process ensures efficient use of resources and improves delivery of services to the community.

Police Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Calls for Service	47,646	49,600	46,300	47,400
2. Code "0" (Officer not Available to Respond)	237	155	118	140
3. Emergency Response - Minutes	6:01	5:20	6:04	6:00
4. Traffic Accidents	3,553	3,300	3,164	3,200
5. Traffic Accidents Fatal/Injury	7 / 218	3 / 190	6 / 196	5 / 200
6. Tickets Issued	11,327	13,700	10,540	11,000
7. Warnings Issued	13,337	16,190	14,220	14,000
8. Arrests Made	4,341	4,140	4,150	4,200
9. DWI Arrests	863	900	786	800
10. Patrol Drug Arrests	1,555	1,650	1,166	1,200
11. Investigative Cases Assigned	1,092	1,400	1,300	1,300
12. Annual Crime Rate per 1,000 (Local)	57.90	55.00	56.80	57.00
13. Drug Task Force Drug Cases	823	870	420	460

City of Fayetteville, Arkansas
Fire Activity
Division Overviews and Performance Measures

Fire Department

This department responds to all types of hazards encountered by citizens including fires, situations of entrapment, emergency medical calls for service, and hazardous materials incidents. The department's goal is to arrive on scene of every emergency in 6 minutes or less, 90% of the time. This department is responsible for public education, code enforcement/building inspections, and fire origin/cause investigations with the following goals: to investigate 100% of all fires; inspect 6,500 commercial occupancies in addition to the state mandated inspections; and reach 20,000 children and adults annually with seasonal safety messages and training. All personnel are provided with effective and realistic training based on fire and medical service standards, information analysis, and emergency response demands. The hazardous materials response program was established through an inter-local co-operation agreement between the City of Fayetteville and all cities, towns and rural areas within Washington County.

Fire Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Total Calls for Service	10,457	11,253	11,253	12,000
A. Fire Responses	532	433	433	612
B. EMS Responses	7,449	8,106	8,106	8,544
C. Rescue Responses	665	596	596	768
D. Other Responses	1,811	2,118	2,118	2,076
2. Fire Emergency Responses <6 Minutes - Goal: 90%	62%	64%	64%	64%
3. Total Inspections - Goal: 6,500	813	1,500	1,500	1,500
4. Educational Contacts - Goal: 20,000	8,332	12,000	12,000	9,000
5. Total Investigations	81	95	95	100
6. Training Hours - Goal: 24,276	14,282	15,300	15,300	30,940
7. Hazmat Responses	233	210	210	250

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Development Services Director Division

This division makes certain that as the community continues its rapid expansion in both its regulatory framework and its vision for the future, that the developers, builders, and business entrepreneurs investing and building in the community are treated fairly, with consistency, and with predictability through the community's development review and approval process. The role of this program is to cross divisional and departmental lines of authority when issues conflict and to create a more seamless regulatory framework.

Development Services Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Newly Issued Business Licenses	473	400	425	450
2. Annual License Renewals	3,049	3,783	3,365	3,450
3. % of Annual License Renewals	99	100	100	100
4. Inactive/Denied Licenses	1,496	2,000	1,880	2,250

Sustainability & Resilience Division

This department is focused on guiding the City towards becoming a resource efficient community of livable neighborhoods that meets present needs while providing opportunities to support the long term health, well-being, and prosperity of future generations. The department develops and implements policies and projects that can be quantified through a triple bottom line accounting framework focused on social, environmental and financial performance metrics. The department also provides support and research services to other city departments and divisions and the City Council.

Sustainability & Resilience Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Policy Analysis and Ordinance Adoption	9	5	6	6
2. Bicycle and Pedestrian Projects, Programs, and Initiatives*	15	65	18	20
3. Intra-Division Projects and Collaborations	10	13	14	12
4. Energy Efficiency and Renewable Projects	8	3	9	6
5. Grant and Award Applications	5	7	6	5

* The tracking methodology of Bicycle and Pedestrian Projects, Programs, and Initiatives changed from tracking individual events to groups/types of events.

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Building Safety Division

This division promotes and protects the health, safety, and welfare of the citizens of Fayetteville by assuring that buildings are designed and constructed in accordance with current local, state, and federal construction codes. The division serves the community by performing inspections and consultations on-site and investigating complaints from the public. The division is also responsible for maintaining a building code reference library, archiving of construction documents, and posting construction-related information and statistics to the city website.

Building Safety Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Building Permit Applications Submitted	1,222	1,145	1,154	1,145
2. Building Permits Issued	1,107	1,053	1,015	998
3. Other Permit Applications Submitted	3,948	4,784	4,272	4,114
4. Inspections Performed	29,376	19,535	29,142	29,429
5. Square Feet Constructed/Altered	2,969,508	3,810,745	1,867,460	1,858,450
6. Single Family Detached Permits Issued	485	428	423	418

City Planning Division

This division manages the administration and enforcement of zoning and development regulations for the City and its planning area; provides professional services and advice to the Mayor, the City Council, the Planning Commission, committees, and other city divisions involved in growth management; processes all land use activity and reviews building permits to ensure compliance; performs field analysis and inspection; formulates recommendations; responds to public inquiries and complaints; and issues violation notices when necessary. As growth continues at high rates, funds are organized to support the essential functions necessary to comply with notification requirements, public hearings, research, and reporting activities. Increased efficiency, productivity, and consistency are priorities for this program.

City Planning Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Public Meetings & Agendas Sessions	105	110	100	100
2. Development Consultant Meetings/Staff Hours	394 / 394	400 / 400	470 / 470	400 / 400
3. Planning Reports	587	450	450	450 / 450
4. Violations Reported	1,688	1,000	1,000	1,000
5. Building Permits Reviewed/Staff Hours	1,182 / 592	1,200 / 600	1,300 / 650	1,200 / 600

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Engineering Division

This division is responsible for all in-house professional engineering design services and provides contract management of outside engineering and construction services; design review and oversight of waterline, sanitary sewer, storm sewer, drainage, sidewalk, and street projects; and engineering design criteria and specifications for all infrastructure work within the City. Staff provides technical review of all subdivisions, lot splits, and small and large scale developments for compliance with the City's design criteria. As a participant in the National Flood Insurance Program, this division provides flood hazard program administration and plan review, as well as EPA Phase II NPDES stormwater and erosion control program development and permit compliance. The Trails Coordinator housed in the division is responsible for planning design, permitting, and other tasks related to trail construction. Other services include acquiring property, easements, and rights-of-way as required by various capital improvements, maintaining the records of city properties, easements, and rights-of-way, providing services for the sale or purchase of property, providing inspection and construction management services for projects designed and/or constructed by city staff, and ADA review for compliance for pedestrian safety on sidewalks and driveways. This division also maintains records for subdivisions, utilities, and other city-related maps and provides administration of the Right-of-Way Acquisition and Public Construction programs.

Engineering Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Construction Plan Reviews	408	617	460	500
2. Grading Permits Issued	82	113	115	120
3. Floodplain Development Permits Issued	21	8	4	7
4. Construction Projects Inspected	115	113	117	120
5. Residential Subdivision Final Plats	8	8	10	10
6. Residential Subdivision Final Plats - Number of Lots	309	300	350	350
7. Sidewalk Inspections	1,650	1,792	1,800	1,850
8. City Design Projects Completed	14	12	18	15
9. Projects Requiring Acquisition of Easements and ROW	20	25	21	24
10. Number of Appraisals	12	11	10	12
11. Easement/ROW Acquisitions	110	178	80	90
12. Trail Projects	6	8	8	6
13. Trail Miles Designed	3	7	3	3

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Community Resources Division

This division is responsible for administering the costs and charges related to the planning and implementation of community development projects funded in whole or in part by the Community Development Block Grant (CDBG). The division provides assistance for low and moderate income homeowners through the housing rehabilitation/repair program and addresses conditions that threaten the immediate health or safety of the occupants; administers the homeowner component of the Redevelopment Program; and provides assistance for low to moderate income homeowners in meeting the requirements of city codes. Funding is provided for taxi coupons for the elderly, as well as transportation assistance for low to moderate income citizens of the community. In addition the CDBG program provides funding for non-profits in the community.

The division also seeks to enhance the health, safety, and general welfare of neighborhoods and citizens through efficient and effective city code enforcement. All actions are conducted in a responsive and fair manner focusing on customer service and public awareness, while respecting the property rights of citizens. This is accomplished by certified Code Compliance Officers patrolling designated areas of the City on a rotating basis, as well as responding to complaints filed by citizens in reference to possible code violations. If violations are found through the inspection process, established program procedures are implemented to correct the violation.

Community Resources Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Public Hearings	1	2	2	2
2. CDBG & HOME Applications	2	1	2	2
3. Sub-Recipient Monitoring	3	2	2	1
4. Audit/Monitoring Resolution	0	0	1	0
5. Related Statutory Compliance	0	0	0	0
6. Sub-Recipient Applications Requested	16	15	15	15
7. CDBG Project Inspection Visits	0	50	50	50
8. Housing Project Specifications/Bids	0	40	10	20
9. CDBG Service Requests	7	2	2	2
A. Service Requests w/Cases	7	2	2	2
10. Applications for Federal Assistance for Violations Received	7	2	2	3
11. Taxi Coupons Issued	11,969	3,600	13,000	13,000
12. Requests for Applications	82	60	75	75
13. Code Compliance Service Requests	3,327	3,000	3,000	3,000
A. Service Requests w/Cases	1,324	1,400	1,400	1,500

Animal Services Division

This division provides a facility for handling animals, processing redemptions and adoptions, and educating the public regarding responsible animal ownership. The division provides 24-hour emergency and rescue services and enforces the Arkansas Rabies Control Act and City Ordinances. The division provides a clinic staffed with a veterinarian that allows for the animals adopted from the shelter to be spayed or neutered, thus complying with State law that all adopted shelter animals are sterilized. The clinic also provides for the medical needs of sheltered animals and the prompt treatment of injured or ill animals rescued after hours as the veterinarian is on call 24-hours a day. Animal Control staff assists the prosecutor's office in prosecuting animal abuse cases by writing official reports and by being trained in animal related investigation skills.

Animal Services Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Fayetteville Strays Sheltered	1,625	2,200	2,000	2,000
2. Fayetteville Surrenders Sheltered	531	740	530	530
3. Citizen Calls	6,680	8,100	6,500	6,500
4. After Hours Emergency Reponses	875	1,200	915	950
5. Animal Bite Investigations	69	100	75	75
6. Animal Cruelty Investigations	401	500	400	400
7. Citations Issued	95	75	75	75
8. Adopted Animals Sterilized	997	1,400	1,100	1,100

City of Fayetteville, Arkansas
Transportation Services Activity
Division Overviews and Performance Measures

Transportation Services Division

This division manages and coordinates construction and maintenance of rights-of-way, streets, sidewalks, trails, drainage, and traffic control within the City. Also managed by this division are the In-House Pavement Improvement Project, the Sidewalk Improvement Project, and the Trail Development Project, which are funded in the City's Sales Tax Capital Fund.

Transportation Services Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. ROW Brush/Tree Trimming - Hours	5,494	4,500	4,500	5,000
2. ROW Mowing - Hours	5,347	5,300	5,300	5,300
3. ROW Litter Removed - Tons	21.65	25.00	25.00	25.00
4. Street Sweeper Debris Removed - Tons	754	1,450	1,450	1,450
5. Asphalt Overlay - Miles	14.69	10.00	10.00	14.00
6. Street Maintenance/Repairs - Hours	8,321	8,700	8,500	8,700
7. Drain Pipe Installation - Feet	2,985	4,500	4,500	4,500
8. Drainage Projects Completed	175	120	177	175
9. Street Striping - Contracted Linear Feet	235,159	350,000	250,000	250,000
10. Traffic Signals Maintained	125	125	125	125
11. Street/Trail Light Maintenance - Hours	1,121	900	900	1,000
12. Trail Construction - Miles	3.31	4.27	3.00	3.34
13. Bridge Construction	4	4	6	3
14. Sidewalk Construction - Feet	13,146	10,500	10,500	15,000
15. Curb Construction - Feet	10,177	8,500	8,500	10,000
16. ADA Access Ramps to Install	43	36	26	36

Parking Management Services

This division implements parking rules and enforces parking regulations for the Downtown and Entertainment Districts and Residential parking program. The division is responsible for increasing public awareness of ordinances which regulate parking and responding to the needs of citizens regarding inquiries and complaints concerning parking matters. The division also manages event parking for the Walton Arts Center (WAC) shows and oversees the City's special events permits process.

Parking Management Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Citations Issued	24,877	21,500	22,000	21,500
2. Spaces Managed	2,872	2,890	2,872	2,876
3. Special Events Permits Processed	64	70	80	90
4. WAC Events Staffed	100	110	112	115
5. Total Revenue	$ 1,750,744	$ 1,800,000	$ 1,853,534	$ 1,927,620

Fleet Operations

This division is responsible for the maintenance and replacement of vehicles and equipment to ensure the fleet is safe and will perform properly during operation. The total fleet size of 674 vehicles consists of 54 emergency response, 39 administrative support, 36 solid waste/recycling, 118 off-road, 180 light/medium/heavy duty trucks, 94 miscellaneous equipment, and 154 non-motor pool units. In-house maintenance is supported by sublet operations such as major air conditioner and automatic transmission repairs and accident repair/refinishing.

Fleet Operations Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Repair Requests	5,011	5,485	4,965	5,200
2. Vehicle/Equipment Repair Hours	13,269	20,794	14,110	20,000
3. Preventive Maintenance Service/Inspections	1,431	1,411	1,535	1,600
4. Preventive Maintenance Generated Repairs	590	960	548	700
5. Road Failures	306	390	352	390

Parks & Recreation Department

The department manages city parks and recreational programs to provide a safe and diversified park system that encourages community pride, visionary planning and operations, and environmental stewardship. Recreational programs managed by staff include youth softball and soccer, girls softball, adult softball, kickball, co-ed volleyball, summer camps, special events and a race series. The Yvonne Richardson Community Center (YRCC) promotes a diversified recreational, educational, and social program for the community. The department partners with several special interest groups in the use of city recreational facilities to meet the needs of citizens. The community gardens and volunteer programs are integral components of the work plan. Staff plans and executes the expenditure of a 1% Hotel, Motel, and Restaurant (HMR) tax for construction, development, and maintenance of parks. The department manages a comprehensive tree preservation and planting program, as well as administrates the Tree Preservation and Park Land Dedication Ordinances.

Parks & Recreation Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Park Sites/Acreage Maintained	69 / 3,767	69 / 4,352	69 / 3,771	70 / 3,778
2. Trail Miles Maintained - Hard/Natural Surface	44 / 33	46 / 34	47 / 37	50 / 38
3. Park & Trail Volunteer Hours	10,004	11,000	10,500	11,000
4. Recreation Program Participants	10,780	10,234	9,500	10,500
5. Race Series Events/Participants	8 / 3,583	6 / 3,275	7 / 3,290	6 / 4,100
6. Gulley Concert Attendance	6,775	6,300	7,800	7,000
7. YRCC Programs or Events/ Participants	20 / 17,094	25 / 25,000	20 / 21,000	20 / 21,000
8. Swimming Pool Attendance	22,621	25,000	19,565	21,000
9. Daily/Season Fishing & Boating Permits Lake Fayetteville	3,682	2,400	4,207	4,250
10. Daily/Season Fishing & Boating Permits Lake Sequoyah	1,944	1,900	1,900	1,950
11. Escrow Trees Planted	39	28	44	146
12. Preservation Acres/Mitigation Trees	233 / 1,573	50 / 650	40 / 1,970	137 / 1,772

Utilities Director Division

This division is responsible for the management of the Water & Sewer Maintenance and Wastewater Treatment Plant Divisions as well as various capital improvement projects within the Water & Sewer Fund. Program outcomes relate to drinking water quality, environmental protection, customer services, and adequate infrastructure. Departmental performance includes intangible and tangible measures with key indicators coming from customer surveys, quarterly accomplishments, project advances, and issue resolutions. The project management team is also included in this division.

Demand/Workload

1. Manage the asset conditions, capacity of the public infrastructure system, regulatory compliance, and capabilities of the workforce.
2. Evaluate the rate structure to determine if it is going to support the financial needs of the water and wastewater systems.
3. Incorporate the master water study and master wastewater study findings into a capital program and ensure that these projects are carried out in a timely manner.
4. Assess impacts of growth and expansion upon infrastructure and structure capital programs to meet the growth and expansion.
5. Continue to implement the small water main replacement program to eliminate undersized and deteriorated piping using the boring machine.
6. Develop the first line supervisors to understand their role in the bigger picture of serving the public.

Utilities Financial Services Division

This division provides billings to utility customers on a monthly basis and the collection of revenue for the City. The utility billings include charges for water, sewer, fire protection, trash and recycling, and related service charges. Over 42,000 utility accounts are billed monthly. The division collects utility bill revenues, impact fees, court fines, building permit fees, HMR tax payments, and parking tickets. Staff reconciles revenue on a daily basis. This division is also responsible for accounting related work that needs to be done for the Water & Sewer Fund.

Utilities Financial Services Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Utility Bills Processed	497,700	499,750	500,290	502,880
2. On/Off/Internal Orders Processed	33,236	34,250	34,612	34,700
3. New Accounts Added	704	550	1,024	675
4. Utility Payments Processed	475,707	475,000	481,596	480,000
5. Utility Deposits Processed	7,550	7,900	7,520	7,600
6. Other Cash Receipts Processed	119,639	115,100	117,430	117,500
7. Call Center Calls Processed	54,649	56,900	55,096	55,250
8. Total Utility Customers Billed	44,116	45,290	45,777	45,900

Water & Sewer Maintenance Division

This division manages the operations, maintenance, and safety of the water distribution system, water storage tanks and pump stations, sewer mains and manholes, meter reading and maintenance, backflow prevention, both wastewater treatment plants, and new service connections.

Water & Sewer Maintenance Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Water Leaks Repaired	622	590	610	630
2. Water Line Constructed - Feet	12,900	11,500	6,700	6,000
3. Fire Hydrants Repaired/Installed	76	75	80	90
4. Water Pumped (Average MGD)	15.0	13.0	14.0	14.0
5. Sewer Lines Cleaned - Feet	791,440	600,000	650,000	700,000
6. Sewer Lines Replaced/Sliplined - Feet	12,007	12,500	12,500	12,000
7. New Water Connections Made	228	240	240	230
8. New Sewer Connections Made	93	165	150	140
9. Meters Read	497,008	502,000	502,000	503,000
10. Meters Installed	762	630	720	700
11. Meter Accounts	43,145	42,820	43,350	43,500
12. Meters Tested	1,492	1,500	1,500	1,600
13. Backflow Devices Tested	100	163	165	400

Wastewater Treatment Division

This division manages the operations, maintenance, safety, and compliance of the wastewater treatment facilities, lift stations, and the Biosolids Management Site. Additionally, this division monitors and maintains the Woolsey Wet Prairie Wetlands site.

Wastewater Treatment Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Estimated 2018
1. Average MGD Treated	11.10	0	11.60	12.10
2. Average BOD Loading (lbs./day)	29,377	0	29,850	30,350
3. Average TSS Loading (lbs./day)	22,923	0	23,400	23,900

Airport Services Division

This division manages the Fayetteville Municipal Airport (Drake Field) to FAR Part 139 Standards, administers Federal and State Aviation Grant funding, and oversees capital development projects, the self-serve fuel facility, tenant leases, and the FBO.

Airport Services Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Fuel Dispensed (Gallons)	368,382	366,800	351,000	360,000
2. Number of Operations (Landings/Take Offs/Taxi)	24,024	22,000	22,700	23,000

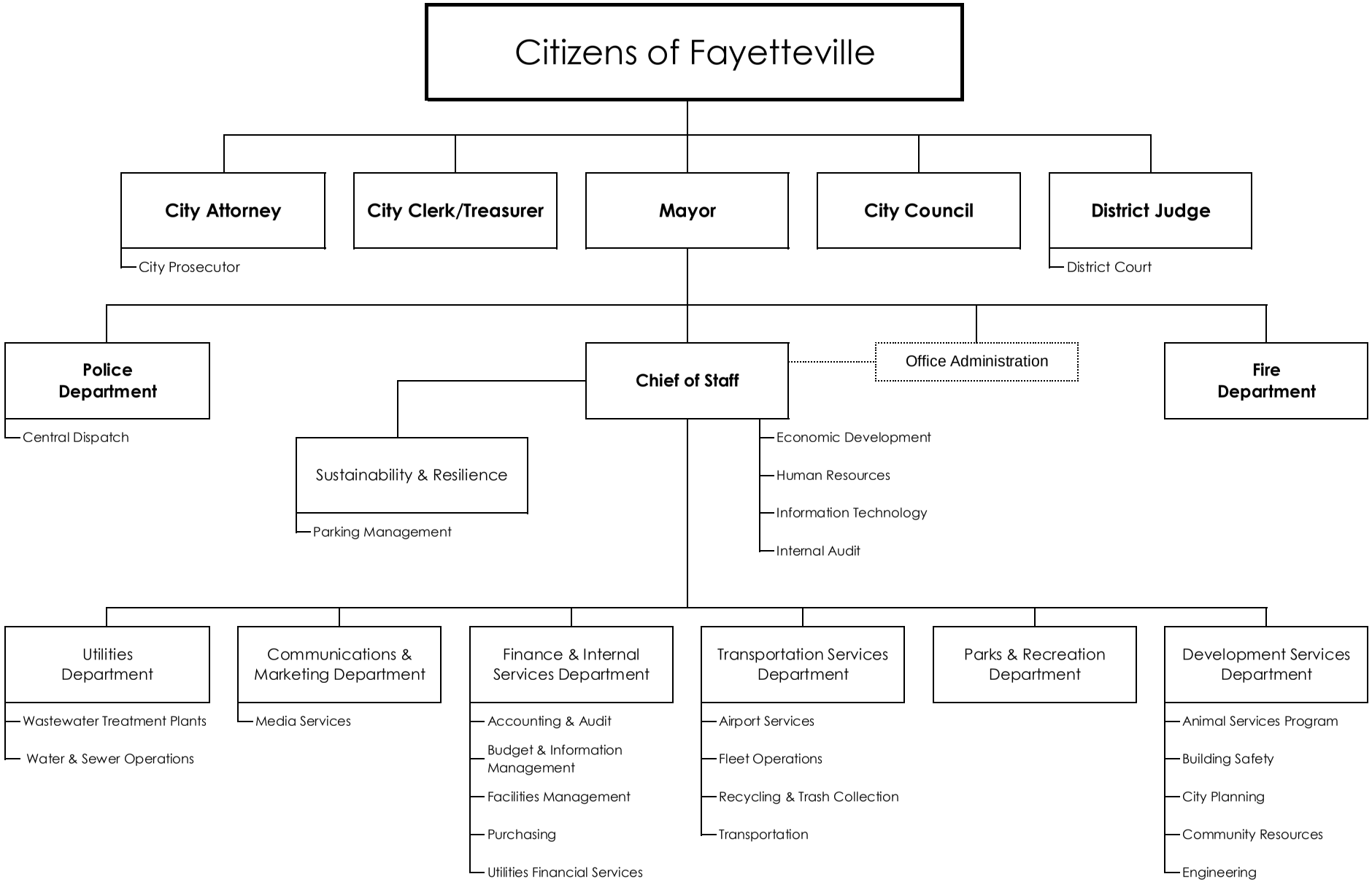
Recycling & Trash Collection Division

This division provides for the collection, transportation, disposal, processing, and marketing of trash and recyclables generated within the City. In addition to the commercial and residential collections of trash, recyclables, and yard waste, the division also administers other services including bulky waste curbside collection, ward bulky waste clean ups, an Adopt-a-Street litter program, apartment recycling, and special event trash and recycling services. Educational programs are provided and include the Recycling Something Marketing/Education campaign designed to create behavior change towards more sustainable behaviors.

Recycling & Trash Collection Demand/Workload	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
1. Residential Accounts - Apartment - Individual Meter	8,174	8,300	8,400	8,450
2. Commercial Accounts - Lodal	1,583	1,580	1,600	1,610
3. Commercial Accounts - Carts	755	770	760	770
4. Commercial Accounts - Cardboard	209	205	220	225
5. Commercial Accounts - Recycling Bins	320	315	335	340
6. Commercial Accounts - Dumpster Recycling	25	28	25	28
7. Apartment Recycling- Units	1,381	1,400	1,850	1,950
8. Dumpster Lease	1,069	1,040	1,085	1,085
9. Residential Carts Collected	21,948	22,000	22,100	22,500
10. Residential Exemptions/Door Service	141	200	146	150
11. Total Drop Box Loads Pulled	3,784	3,900	3,700	3,800
12. Recycling Tonnage Diverted	6,413	6,150	6,440	6,500
13. Drop-Off Brush - Cubic Yards	13,828	15,000	15,600	16,000
14. Drop-Off Grass - Cubic Yards	1,014	1,200	1,100	1,200
15. Drop-Off Leaves - Cubic Yards	4,356	4,600	4,700	4,700
16. Curbside Yard Waste - Tons	2,992	2,500	2,700	2,700
17. Compost Sold - Cubic Yards	2,988	2,700	3,100	3,100
18. Mulch Sold - Cubic Yards	5,631	4,500	5,000	5,500

City of Fayetteville, Arkansas

Organizational Chart



Officials of the City of Fayetteville, Arkansas

Elected Officials

Mayor	Lioneld Jordan	479.575.8330	mayor@fayetteville-ar.gov
Ward 1, Position 1	Adella Gray	479.442.4958	Ward1_pos1@fayetteville-ar.gov
Ward 1, Position 2	Sarah Marsh	479.442.3095	Ward1_pos2@fayetteville-ar.gov
Ward 2, Position 1	Mark Kinion	479.521.7632	Ward2_pos1@fayetteville-ar.gov
Ward 2, Position 2	Matthew Petty	479.442.5536	Ward2_pos2@fayetteville-ar.gov
Ward 3, Position 1	Justin Tennant	479.973.5202	Ward3_pos1@fayetteville-ar.gov
Ward 3, Position 2	Sarah Bunch	479.442.3535	Ward3_pos2@fayetteville-ar.gov
Ward 4, Position 1	John La Tour	479.442.4612	Ward4_pos1@fayetteville-ar.gov
Ward 4, Position 2	Alan Long	479.442.5415	Ward4_pos2@fayetteville-ar.gov
City Attorney	Kit Williams	479.575.8313	kwilliams@fayetteville-ar.gov
City Clerk/Treasurer	Sondra Smith	479.575.8323	City_clerk@fayetteville-ar.gov
District Judge	William A. Storey	479.587.3590	wstorey@fayetteville-ar.gov

Management Staff

Executive Staff

Chief of Staff	Don Marr	479.575.8330	dmarr@fayetteville-ar.gov
Police Chief	Greg Tabor	479.587.3565	police@fayetteville-ar.gov
Fire Chief	David Dayringer	479.575.8365	fire@fayetteville-ar.gov

Senior Department Directors

Chief Financial Officer	Paul A. Becker	479.575.8330	pbecker@fayetteville-ar.gov
Communications & Marketing Director	Susan Norton	479.575.8330	snorton@fayetteville-ar.gov
Development Services Director	Garner Stoll	479.575.8265	gstoll@fayetteville-ar.gov
Parks & Recreation Director	Connie Edmonston	479.444.3471	parks_and_recreation@fayetteville-ar.gov
Sustainability & Resilience Director	Peter Nierengarten	479.575.8272	pnierengarten@fayetteville-ar.gov
Transportation Services Director	Terry Gulley	479.575.8228	transportation@fayetteville-ar.gov
Utilities Director	Tim Nyander	479.575.8330	tnylander@fayetteville-ar.gov

Division Heads

Accounting Director	Marsha Hertweck	479.575.8281	accounting@fayetteville-ar.gov
Airport Services Manager	Summer Fallen	479.718.7642	sfallen@fayetteville-ar.gov
Billing & Collection Manager	Cheryl Partain	479.521.1258	cpartain@fayetteville-ar.gov
Budget Director	Kevin Springer	479.575.8347	budget_research@fayetteville-ar.gov
Building Safety Director	Mark Whitaker	479.575.8252	mwhitaker@fayetteville-ar.gov
City Engineer	Chris Brown	479.575.8206	engineering@fayetteville-ar.gov
City Prosecutor	Brian Thomas	479.575.8377	bthomas@fayetteville-ar.gov
Community Resources Director	Yolanda Fields	479.575.8260	community_services@fayetteville-ar.gov
Director of Economic Vitality	Devin Howland	479.575.8221	dhowland@fayetteville-ar.gov
Director of Media Services	Doug Bankston	479.444.3434	dbankston@fayetteville-ar.gov
Dispatch Manager	Kathy Stocker	479.587.3555	police@fayetteville-ar.gov
District Court Administrator	Dena Stockalper	479.587.3591	district_court@fayetteville-ar.gov
Facilities & Building Construction Mgr.	Wade Abernathy	479.575.8363	wabernathy@fayetteville-ar.gov
Fleet Operations Superintendent	Jesse Beeks	479.444.3495	fleet@fayetteville-ar.gov
Human Resources Director	Brenda Reed	479.575.8278	human_resources@fayetteville-ar.gov
Information Technology Director	Keith Macedo	479.575.8320	kmacedo@fayetteville-ar.gov
Internal Auditor	Steve Dotson	479.575.8261	sdotson@fayetteville-ar.gov
Parking Manager	Justin Clay	479.575.8280	parking@fayetteville-ar.gov
Purchasing Manager	Andrea Rennie	479.575.8256	purchasing@fayetteville-ar.gov
Recycling & Trash Collection Director	Jeff Coles	479.575.8398	recyclingandtrash@fayetteville-ar.gov
Water & Sewer Operations Manager	Mark Rogers	479.575.8386	mrogers@fayetteville-ar.gov

City of Fayetteville, Arkansas
2018 Operating Budget
Outside Agency Funding

	Actual 2016	Budgeted 2017	Estimated 2017	Budgeted 2018
General Fund (1010):				
Fayetteville Boys & Girls Club	$ 225,000	$ 225,000	$ 225,000	$ 225,000
Your Media (Public Access Provider)	153,570	157,520	157,520	161,580
AAANWA (Senior Center)	101,205	98,887	98,887	98,887
Arkansas Air & Military Museum	23,650	22,700	22,700	24,700
Seven Hills Homeless Center	0	253,000	253,000	103,000
*NWA Regional Planning	51,506	51,506	51,506	51,506
*Central Emergency Medical Service	445,895	445,895	445,895	445,895
Total General Fund	1,000,826	1,254,508	1,254,508	1,110,568
Street Fund (2100):				
Ozark Regional Transit	300,000	300,000	300,000	300,000
Razorback Transit	233,859	250,000	250,000	250,000
Total Street Fund	533,859	550,000	550,000	550,000
Total Outside Agency Funding	$ 1,534,685	$ 1,804,508	$ 1,804,508	$ 1,660,568

* These Outside Agencies Have Interlocal Governmental Agreements.

LISTING OF ACRONYMS

AAANWA ..... Area Agency on Aging of Northwest Arkansas
A&P ..... Advertising & Promotion
ADA ..... Americans with Disabilities Act
ADEQ ..... Arkansas Department of Environmental Quality
ADH ..... Arkansas Department of Health
AED ..... Automated External Deliberator
AEP ..... Arkansas Electric Power
AHTD ..... Arkansas Highway Transportation Department
AMRR ..... Arkansas and Missouri Railroad
APS ..... Advanced Public Safety
ARFF ..... Aircraft Rescue Fire Fighting
A/V ..... Audio/Visual
AVL ..... Automatic Vehicle Location
BMS ..... Bio-Solids Management Site
BWD ..... Beaver Water District
CAD ..... Computer Aided Design
CAFR ..... Comprehensive Annual Financial Report
CALEA ..... Commission on Accreditation for Law Enforcement Agencies
CAT ..... Community Access Television
CCTV ..... Closed Circuit Television
CDBG ..... Community Development Block Grant
CFO ..... Chief Financial Officer
CIP ..... Capital Improvements Program
CMS ..... Content Management System
CPI ..... Consumer Price Index
CPR ..... Cardiovascular Pulmonary Resuscitation
CPU ..... Central Processing Unit
DDS ..... Data Security Standards
DOT ..... Department of Transportation
DTF ..... Drug Task Force
DVD ..... Digital Versatile Disc
DWI ..... Driving While Intoxicated
ECM ..... Enterprise Content Management
EDMS ..... Electronic Document Management System
EMS ..... Emergency Medical Services
EMT ..... Emergency Medical Technician
EPA ..... Environmental Protection Agency
ERP ..... Enterprise Resource Planning
ERS ..... Emergency Response Station
ERT ..... Emergency Response Team
FAA ..... Federal Aviation Administration
FAR ..... Federal Aviation Regulation
FASB ..... Financial Accounting Standards Board
FBO ..... Fixed Based Operator
FCC ..... Federal Communication Commission
FEDC ..... Fayetteville Economic Development Council
FEEDC ..... Fayetteville Expressway Economic Development Corridor
FEMA ..... Federal Emergency Management Agency

LISTING OF ACRONYMS, (continued)

FGC ..... Fayetteville Government Channel
FHWA ..... Federal Highway Administration
FOIA ..... Freedom of Information Act
FPL ..... Fayetteville Public Library
FPTV ..... Fayetteville Public Access Channel
FTE ..... Full-Time Equivalent
GA ..... General Aviation
GAAP ..... Generally Accepted Accounting Principles
GASB ..... Governmental Accounting Standards Board
GFOA ..... Government Finance Officers Association
GHG ..... Greenhouse Gas
GIS ..... Geographic Information System
GPS ..... Global Positioning System
HEARTH ..... Homeless Emergency Assistance and Rapid Transition to Housing Act
HMI ..... Human Machine Integration
HMR ..... Hotel/Motel Restaurant Tax
HOME ..... HOME Grant Program
HR ..... Human Resources
HUD ..... Housing & Urban Development
HVAC ..... Heating, Ventilation, and Air Conditioning
IFS ..... Influent Pump Station
ILS ..... Integrated Library System
IP ..... Internet Protocol
IPP ..... Industrial Pretreatment Program
ISO ..... International Standards Organization
IT ..... Information Technology
LAN ..... Local Area Network
LED ..... Light Emitting Diode
LEED ..... Low energy Electron Diffraction
LOPFI ..... Local Police and Fire Retirement
LPR ..... License Plate Recognition
MCT ..... Mobile Computer Terminal
MDT ..... Mobile Data Terminal
MGD ..... Million Gallons per Day
MLK ..... Martin Luther King
MMBTU ..... One Million British Thermal Units
MRF ..... Materials Recovery Facility
MSA ..... Metropolitan Statistical Area
MUTCD ..... Manual on Uniform Traffic Control Devices
MVR ..... Mobile Video Recorder
NEA ..... National Endowment for the Arts
NPDES ..... National Pollutant Discharge Elimination System
NWA ..... Northwest Arkansas
NWACC ..... Northwest Arkansas Community College
NWAEDD ..... Northwest Arkansas Economic Development District
NWARPC ..... Northwest Arkansas Regional Planning Commission
O&M ..... Operation & Maintenance
OCLC ..... Online Computer Library Center
ORT ..... Ozark Regional Transit

LISTING OF ACRONYMS, (continued)

PA.....Public Address
PACE.....Property Assessed Clean Energy
PAPI..... Precision Approach Path Indicator
PC ..... Personal Computer
PCI.....Payment Card Industry
PCIDSS .....Payment Card Industry Data Security Standard
PEG .....Public/Education/Government
PO .....Purchase Order
PRAB. .....Parks & Recreation Advisory Board
RFID. .....Radio-Frequency Identification
RFP .....Request for Proposals
RFQ ..... Request for Qualifications
ROW.....Right-of-Way
RTC..... Recycling & Trash Collection
RTU .....Remote Terminal Units
SAN ..... Storage Area Network
SCADA.....Supervisory Control & Data Acquisition
SCBA..... Self-Contained Breathing Apparatus
SSMA..... SQL Server Migration Assistant
SNAPS .....Special Needs Assistance Programs
SQL.....Structured Query Language
SSO.....Sanitary Sewer Overflow
SSRS..... SQL Server Reporting Services
STAR ..... Sustainability Tools for Assessing & Rating
STP .....Surface Transportation Program
SUV.....Sport Utility Vehicle
SWEPCO .....Southwestern Electric Power Company
TIF ..... Tax Increment Financing
TOD ..... Transit Oriented Development
TSS ..... Total Suspended Solids
TV .....Television
UDC .....Unified Development Code
UPS ..... Uninterruptable Power Supply
USACE..... United States Army Corps of Engineers
USDA.....United States Department of Agriculture
UTV .....Utility Task Vehicle
UV..... Ultra Violet
VoIP.....Voice over Internet Protocol
VR..... Video Recorder
W&S, W/S ..... Water & Sewer
WAC ..... Walton Arts Center
WAN.....Wide Area Network
WORK .....Watershed Conservation Resource Center
WWT..... Wastewater Treatment
WWTP..... Wastewater Treatment Plant
YRCC ..... Yvonne Richardson Community Center

GLOSSARY

ACCOUNTING SYSTEM. Records and procedures that discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds.

ACCRUAL. Revenue and expenses are recorded when they are incurred.

AD VALOREM. A basis for levy of taxes upon property based on value.

AGENCY FUND. A fund consisting of resources received and held by the governmental unit as an agent for others.

APPROPRIATION. An authorization granted by the board to incur liabilities for specific purposes.

ASSETS. Probable future economic benefits obtained or controlled by a particular entity as a result of past transactions or events.

BALANCED BUDGET. A budget balanced by fund, means the total anticipated revenues are equal to or exceed the budgeted expenditures for that fund.

BOND. A written promise to pay a specified sum of money, called the face value or principal amount, at a specified date or dates in the future, called the maturity date(s), together with periodic interest at a specified rate.

BOND DISCOUNT. The excess of the face value of a bond over the price for which it is acquired or sold.

BOND PREMIUM. The excess of the price at which a bond is acquired or sold over its face value.

BONDED DEBT. The portion of indebtedness represented by outstanding bonds.

BUDGET. A financial operating plan consisting of estimates of proposed expenditures for a given period and the proposed means of financing them.

BUDGET CONTROL. The control or management of the approved Budget for the purpose of keeping expenditures within the limitations of available appropriations and available revenues.

BUDGET DOCUMENT. The instrument used by the budget-making authority to present a comprehensive financial program to the appropriating body.

BUDGET MESSAGE. A general discussion of the budget as presented in writing by the Mayor to the City Council. The message contains an explanation of the principal budget items and recommendations regarding the financial policy for the coming year.

CAPITAL BUDGET. This budget deals with large expenditures for capital items normally financed by borrowing. Usually capital items have long-range returns, useful life spans, are relatively expensive, and have physical presence such as buildings, roads, sewage systems, etc.

CAPITAL IMPROVEMENT. Any property, asset, or improvement with an estimated value greater than five thousand dollars, and estimated life or usefulness of one or more years, including land, interest therein and including constructions, enlargements, and renovations.

CAPITAL IMPROVEMENT PROGRAM. An approach or technique for identifying and forecasting capital outlay decisions that a government expects to make over a five year period.

CAPITAL OUTLAY. Expenditures that result in the acquisition of or addition to fixed assets.

CAPITAL PROJECTS FUND. A fund created to account for all resources to be used for the acquisition or construction of designated fixed assets.

CASH. Legal tender or coins that can be used in exchange for goods, debt, or services. This includes the value of assets that can be converted into cash immediately

CONSTRUCTION WORK IN PROGRESS. The cost of construction work that has been started but not yet completed and placed in service.

CONTINGENCY FUND. Funds set aside for unforeseen expenses of uncertain amounts or funds set aside for identified expenses, such as salary increases, but for which amounts are uncertain.

CONTRACTUAL SERVICE. An agreement to perform a service or task by external organizational units. A group of accounts which cover the above as well as travel and training and other miscellaneous services.

DEBT SERVICE. The amount of money necessary to pay interest on an outstanding debt, the principal of maturing bonds, and required contributions to a sinking fund for term bonds.

DEBT SERVICE FUND. A governmental type fund used to account for accumulations of resources that are restricted, committed, or assigned to expenditures for principal and interest.

DEMAND. Demand is the external factor that demonstrates the "need" for a program. Demand data enables decision-makers to adjust services and costs to respond to changes in direction for the service.

DEPARTMENT. Departments are the major organizational subdivisions. They have a broad overall purpose. In the City of Fayetteville organization structure, each department is comprised of one or more divisions.

DEPRECIATION. Expiration in the service life of fixed assets, attributable to wear and tear, deterioration, action of the physical elements, inadequacy, and obsolescence.

DESIGNATED FUND. Funds created to account for assets set aside for a specific purpose.

DIVISION. Divisions are the major functional sub-divisions and correspond roughly to the departmental hierarchy used by the City. Each Division reports to one or more departments.

EFFECTIVENESS. Effectiveness data enables decision-makers to see that quality does not suffer as productivity increases, and that constituents are satisfied with services.

ENCUMBRANCE. An account used to record the estimated amount of contracts, salary commitments and purchase orders that are chargeable to an appropriation.

ENTERPRISE FUND. A fund established to finance and account for the acquisition, operation, and maintenance of governmental facilities and services which are entirely or predominantly self-supporting by user charges.

EXPENDITURE. Under the current financial resources measurement focus (modified accrual basis), decreases in net financial resources not classified as other uses.

EXPENSE. An outflow of resources that results in the consumption of net assets by the entity during the reporting period..

FIDUCIARY FUND. Any fund held by a governmental unit as an agent or trustee.

FISCAL YEAR. A 12-month period of time to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations.

FIXED ASSET. Long-term assets that are intended to be held or used, such as land, buildings, machinery, furniture, and other equipment. Fixed assets depreciate.

FRANCHISE TAX. Fees levied on a corporation in return for granting a privilege sanctioning a monopoly or permitting the use of public property, usually subject to regulation set by the governing body.

FULL-TIME EQUIVALENT POSITION (FTE). A part-time position converted to the decimal equivalent of a full-time position based on 2,080 hours per year. For example, a summer lifeguard working for four months, or 690 hours, would be equivalent to .33 of a full-time position.

FUND. A fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities, or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

FUND BALANCE. Fund equity of a fund or in Governmental Funds, the amount assets exceed liabilities. Unrestricted Fund Balances are available for appropriation.

FUND EQUITY. The excess of assets over liabilities. A portion of the equity may be reserved, restricted or designated; the remainder is undesignated Fund Balance.

GENERAL FUND. A fund used to account for all transactions of a governmental unit that are not accounted for in another fund.

GOAL. A goal is a statement of desired conditions to be maintained or achieved through the efforts of an organization. Actual total achievement may be impossible, but the goal is a standard against which to measure progress toward ideal conditions. A goal is a definition of results toward which the work of the organization is directed.

GOVERNMENTAL FUND. A generic classification of funds sued to account for activities primarily supported by taxes, grants, and similar revenue sources.

GRANT. A contribution by one governmental unit to another unit. The contribution is usually made to aid in the support of a specified function or for the acquisition or construction of fixed assets.

INCOME. A term used to represent the excess of revenues earned over the expenses incurred in carrying on an enterprise operation.

INTERGOVERNMENTAL REVENUE. Revenue from other governments. Grants, entitlements, and shared revenues are types of intergovernmental revenue.

INTERNAL SERVICE FUND. A fund established to finance and account for services and commodities furnished by a designated department to other departments. Amounts expended by the fund are reestablished from either operating earnings or by transfers from other funds.

INVESTMENT. Securities held for the production of income in the form of interest and dividends.

LIABILITY. Probable future sacrifices of economic benefits arising from present obligations of a particular entity to transfer assets or provide services to other entities in the future as a result of past transactions or events.

LINE-ITEM. A detailed classification of an expense or expenditure classified by object within each Division.

LONG-TERM DEBT. Debt with a maturity of more than one year after the date of issuance.

MODIFIED ACCRUAL BASIS. Governmental funds use the modified accrual basis of accounting. Revenues are recognized in the period in which they become both available and measurable. Expenditures are recognized at the time a liability is incurred.

NET INCOME. A term used in governmental enterprise to designate the excess of total revenues over total expenses.

NONOPERATING EXPENSE. Proprietary fund expenses incurred in performance of activities not directly related to supplying the basic service by a governmental enterprise.

NONOPERATING INCOME. Proprietary fund income that is not derived from the basic operations of such enterprises.

OBJECT CODE. Expenditure classification according to the types of items purchased or services obtained; for example, personnel services, materials and supplies, contractual service, and capital.

OBJECTIVE. An objective is a decision about the amount of progress to be made within a specified period of time. It states in measurable and quantitative terms the results to be achieved within a specified time and plans the incremental steps to achieve the goal.

OPERATING TRANSFER. Legally authorized interfund transfers from a fund receiving revenue to the fund that makes expenditures.

ORDINANCE. A formal legislative enactment by the governing board of a municipality. If it is not in conflict with any higher form of law, such as a state statute or constitutional provision, it has the full force and effect of law within the boundaries of the municipality to which it applies.

PERFORMANCE BUDGET. A budget which relates appropriations to work loads. By featuring unit measures, performance budgets are believed to express official and citizen interest in the managerial value of efficiency.

PERFORMANCE MEASURES. Performance measures provide a means of identifying the level of service provided. Performance measures include a measurement of Demand, Workload, Productivity, and Effectiveness.

PROGRAM. Operating units within a Division. Each program represents a specific type of activity within its Division aimed at providing a service for which the City is responsible.

PROGRAM BUDGET. A budget which relates appropriations to goals. Budget makers practicing this approach strive to appropriate sums to non-organization, goal-oriented cost centers. Program budgeting is believed to express official and citizen interest in planning and in the effective use of resources.

PROGRAM OBJECTIVES. A program objective is a decision about the amount of progress to be made within a specified period of time in reducing the gap between real conditions and the ideal conditions described in the Program Description. It states in measurable quantitative terms the results to be achieved within a specified time and plans the incremental steps to achieve them.

PRODUCTIVITY. Unit cost (productivity data) enables decision-makers to measure efficiency, as opposed to total expenditures. Productivity unit costs can also be used to quickly estimate the cost of adding more service or savings realized from reductions in service.

PROPRIETARY FUND. Sometimes referred to as "income-determination" or "commercial-type" funds. Examples are enterprise and internal service funds.

RESERVE. An account that records a portion of the fund equity that must be segregated for some future use and which is not available for further appropriation or expenditure.

RETAINED EARNINGS. The accumulated earnings of an enterprise or internal service fund that have been retained in the fund and that are not reserved for any specific purpose.

REVENUE. Additions to fund financial resources other than from interfund transfers and debt issue proceeds.

SPECIAL REVENUE FUND. A fund established to account for revenues from specific taxes or other earmarked revenue sources that by law are designated to finance particular functions or activities of government.

TAX. A compulsory charge levied by a governmental unit for the purpose of raising revenue. These revenues are used to pay for services or improvements provided for the general public benefit.

UNRESERVED FUND BALANCE. The amount remaining in a fund that is not reserved for some future use and which is available for further appropriation or expenditure.

USER CHARGE. A charge levied against users of a service or purchasers of a product of an enterprise or internal service funds.

WORKLOAD. Workload data answers the question about how much service is being provided, as well as how output is meeting service demand. Workload data is also the basis, along with total expenditures, for unit cost or productivity indicators.

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Council Member Mark Kinion
Ward 2 Position 1

Council Member Matthew Petty
Ward 2 Position 2

Council Member Justin Tennant
Ward 3 Position 1

Council Member Sarah Bunch
Ward 3 Position 2

Council Member John La Tour
Ward 4 Position 1

Council Member Alan T. Long
Ward 4 Position 2

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

City of Fayetteville Arkansas
City Council Meeting
November 7, 2017

A meeting of the Fayetteville City Council was held on November 7, 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: Council Members Adella Gray, Mark Kinion, Matthew Petty, Justin Tennant, Sarah Bunch, John La Tour, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Absent: Council Members Sarah Marsh and Alan Long.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan welcomed journalism students from the University of Arkansas.

City Council Meeting Presentations, Reports, and Discussion Items:

Monthly Financial Report - Paul Becker

Paul Becker, Chief Financial Officer gave a brief summary of the Monthly Financial Report for 2017. He stated the city is looking good going into 2018.

Council Member La Tour: What was the overall sales tax rate increase?

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Paul Becker: About 4.7% over the prior year.

Council Member La Tour: Would you say that is a good rate of increase or mediocre?

Paul Becker: It is good.

Council Member La Tour: It is very good.

Paul Becker: It is more than I projected. I hope it continues.

Agenda Additions: None

Consent:

Approval of the October 17, 2017 City Council Meeting Minutes.

Approved

Bid #17-50 JA Riggs Tractor Company: A resolution to award Bid #17-50 and authorize the purchase of a Caterpillar 930M Four-Wheel Drive Articulated Loader from JA Riggs Tractor Company of Springdale, Arkansas in the amount of $175,962.00 for use by the Recycling and Trash Collection Division.

Resolution 224-17 as recorded in the office of the City Clerk

Professional Turf Products, L.P.: A resolution to authorize the purchase of a Toro Ground Master 4000D from Professional Turf Products, L.P. of Lenexa, Kansas in the amount of $65,156.88, pursuant to a National Joint Powers Alliance cooperative purchasing contract, for use by the Parks and Recreation Department, and to approve a budget adjustment.

Resolution 225-17 as recorded in the office of the City Clerk

Alamo Industrial: A resolution to authorize the purchase of an Alamo RidgeRunner remote control slope mower from Alamo Industrial of Seguin, Texas in the amount of $48,220.66, pursuant to a National Joint Powers Alliance cooperative purchasing contract, for use by the Parks and Recreation Department, and to approve a budget adjustment.

Resolution 226-17 as recorded in the office of the City Clerk

MHC Kenworth: A resolution to authorize the purchase of a 2018 Kenworth T800 Truck Tractor from MHC Kenworth of Springdale, Arkansas in the amount of $135,052.44, pursuant to a National Joint Powers Alliance cooperative purchasing contract, for use by the Wastewater Treatment Division.

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Resolution 227-17 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution to approve a budget adjustment in the amount of $5,603.00 recognizing hazmat services revenue received from Washington County and increasing the related expense budget.

Resolution 228-17 as recorded in the office of the City Clerk

2017 Arkansas Department of Environmental Quality Grant: A resolution to authorize acceptance of a 2017 Arkansas Department of Environmental Quality grant through the Boston Mountain Solid Waste District in the amount of $8,000.00 for the purchase of food waste carts for the composting program, and to approve a budget adjustment.

Resolution 229-17 as recorded in the office of the City Clerk

Campbell Bell Property Owners Association, Inc.: A resolution to approve a lease agreement with the Campbell Bell Property Owners Association, Inc. for fourteen (14) parking spaces in Fayetteville Municipal Parking Lot 1, located at 160 West Mountain Street, for an additional five (5) years at a monthly cost of $50.00 per parking space.

Resolution 230-17 as recorded in the office of the City Clerk

Blocker & Wallace Service, LLC: A resolution to authorize a service contract with Blocker & Wallace Service, LLC in the total amount of $31,355.18 for the repair of two mechanical blower units used at the West Side Water Resource Recovery Facility.

Resolution 231-17 as recorded in the office of the City Clerk

RFP #17-06 Collection Bureau of America, Ltd: A resolution to award RFP #17-06 and authorize a one-year contract with Collection Bureau of America, Ltd for account collection services with an option to renew for up to four (4) additional one-year terms.

Resolution 232-17 as recorded in the office of the City Clerk

Arkansas Roofing Kompany Conway, Inc. Change Order 2: A resolution to approve Change Order No. 2 to the contract with Arkansas Roofing Kompany Conway, Inc. in the amount of $55,000.00 by expanding the project scope to include rehabilitation of the South Delta Aviation hangar roof and installation of gutters on the Wings Avionics hangar.

Resolution 233-17 as recorded in the office of the City Clerk

Granicus, Inc.: A resolution to approve the First Amendment to the contract with Granicus, Inc. in the amount of $1,140.00 for the purchase of a virtual performance accelerator, and to approve an annual 10% project contingency for the purchase of software, maintenance, and licenses for the Granicus system.

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Resolution 234-17 as recorded in the office of the City Clerk

L.D. 'Abby" Abbiatti Boat Ramp: A resolution to name the boat ramp at Lake Fayetteville the "L.D. 'Abby' Abbiatti Boat Ramp" in honor of the late L.D. Abbiatti.

Resolution 235-17 as recorded in the office of the City Clerk

Northwest Arkansas Regional Planning Commission: A resolution to approve a one-year contract with the Northwest Arkansas Regional Planning Commission in the amount of $41,505.61 for a Stormwater Education Program for 2018.

Resolution 236-17 as recorded in the office of the City Clerk

Council Member Kinion moved to accept the Consent Agenda as read. Council Member La Tour seconded the motion. Upon roll call the motion passed 6-0. Council Members Kinion, Petty, Tennant, Bunch, La Tour, and Gray voting yes. Council Members Marsh and Long were absent.

<u>Unfinished Business:</u>

Small Cell Communications Facilities: An ordinance to enact §110.03 **Small Cell Facilities and Networks** into Chapter 110: **Telecommunication Franchise, Billposting, and Small Cell Facilities and Networks.** *At the October 17, 2017 City Council Meeting this ordinance was left on the second reading. At the October 3, 2017 City Council Meeting this ordinance was left on the first reading.*

Council Member Gray moved to suspend the rules and go to the third and final reading. Council Member Kinion seconded the motion. Upon roll call the motion passed 6-0. Council Members Kinion, Petty, Bunch, La Tour, and Gray voting yes. Mayor Jordan voting yes. Council Member Tennant recused. Council Members Marsh and Long were absent.

City Attorney Kit Williams read the ordinance.

Assistant City Attorney Blake Pennington gave a brief description of the ordinance and spoke about amendments being proposed. He stated the City Council received an email copy of the amendments and suggested amending Exhibit A to the current copy that Council has viewed so there can be more discussion.

A discussion followed on how the amendments were arranged in Exhibit A.

Council Member Petty stated he had a meeting with staff and telecommunication providers to help create some amendments that would make the ordinance a little more flexible. He spoke about height limits for poles. He stated another way for flexibility is allowing the Zoning and Development Administrator to grant variances. He thanked the staff for their work.

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Assistant City Attorney Blake Pennington: The specific changes are in (E)(1) which talks about collocated facilities and facilities located on existing structures, which grants additional five feet by right. If there is an existing telephone pole, we recognize the providers are going to have to stick an antenna on top of that. Instead of going through the variance process with the Planning Director every time, they can go up to five feet automatically. They can request an additional amount, but no more than 10 feet total. Under new facilities in public rights of way, we changed it to base the height limitation on street classification and also allow for that variance procedure for an additional 10 feet if needed because of topographical considerations or line of sight issues. We clarified in (F)(6) about the distance between new facilities. Basically, we are trying to spread out ugly poles as much as possible.

Cathy Foraker, AT&T thanked city staff for their work and is grateful for the amendments.

Susan Davis, Verizon stated great progress has been made for a favorable ordinance for the city and wireless carrier industry. She spoke in favor of the amendments. She requested more time for the industry to make final technical changes.

Brent Stephenson, 318 South Pulaski Street in Little Rock stated he is representing T-Mobile. He thanked the city staff for their work. He requested more time to work on technical clarifications. He spoke in favor of the amendments.

John Scott, Ward 3 citizen. He stated he is an attorney representing AT&T and requested the ordinance as a whole be tabled to allow more time to work on it.

Marcus Hall, Poplar Street believes technical clarifications as defined by the providers seems to mean financial. He is fearful that state legislation could get involved if dragged out. He stated he wants the City Council to vote in favor of the ordinance.

Council Member Kinion spoke in favor of the amendments. He stated a standard and baseline is being set that can be reviewed in the future if a specific situation needs to be looked at that is going to be inhibited because of what they've passed tonight. He believes it is a flexible baseline that will meet the needs of the community, as well as the needs of the technology as it develops.

Council Member Kinion moved to amend the ordinance to Exhibit A that was emailed to the City Council. Council Member Petty seconded the motion. Upon roll call the motion passed 5-0. Council Members Kinion, Petty, Bunch, La Tour, and Gray voting yes. Council Member Tennant recused. Council Members Marsh and Long were absent.

Council Member Petty: I'm not for or against tabling for any particular reason. I would like to hear from one of the carriers about the technical clarifications. I'm reluctant to table it because it's been worked on for so long and there has been numerous meetings.

Council Member Kinion believes they are ready to move forward as amended. He stated what is in front of them is very well incorporated with the established Unified Development Code. He stated it has been discussed for a long time. He stated there has been a lot of technical information provided and we have had time to compare it with other communities with the implementation. He

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believes it is a good amendment and can meet the needs of the providers, community, and provide the technology.

John Scott stated this is an unusual situation where businesses who want to invest in the city aren't trying to rush something through. He stated two to four weeks would allow it to be done better and allow engineering more time to know what communities to devote resources too. He stated Verizon, T-Mobile, and AT&T are unified carriers and they are the ones who provide connectivity. He stated there is no state law on the books that will be place in the next four weeks. He spoke about federal law. He requested more time for the amended ordinance to be reviewed. He stated they want to invest in the community and they aren't challenging the money. He stated they are requesting more time as a matter of clarity.

Brent Stephenson stated he was still on the phone with city staff at 4:30 p.m. before the City Council meeting trying to clarify some of the faults and nuances of the ordinance. He stated the municipalities that have the best ordinances will be first in line. He stated he wants to make sure the technology and public policy match up. He requested more time for the ordinance to be reviewed.

Marcus Hall stated he feels like there is a little bit of hollow threats in some of the statements. He stated it is a very lucrative arena. He believes there are plenty of investments that will come in the community. He wants the City of Fayetteville to be a leader. He requested the ordinance to be passed and not tabled.

Cathy Foraker stated progress was made, but is requesting more time for the language to be reviewed.

Brian Adams, 61 Shipley stated he was a contract employee for Verizon. He requested for the item to be tabled to allow more time for the language to be reviewed.

Council Member Kinion: I want to hear from our staff about the integration of what we have before us in regard to technology, as well as the integration in our current standards with our Unified Development Code.

Assistant City Attorney Blake Pennington: We tried to incorporate as much language from the UDC as possible.

Council Member Kinion: I was trying to look at the balance between the current UDC, which we have to revise regularly in order to meet the changes in the community. We also recognize it is there for reason. I would hate to impair our logic in establishing standards that are already in the code.

Assistant City Attorney Blake Pennington: A lot of the definitions are carried over from the UDC. We have adopted our construction management standards. The process for obtaining a new facility on private property is just adopting the conditional use standard and process for cell towers. We didn't want to stray too far from language our staff is already comfortable with and language you have passed in the past. This is a brand-new area and there are a lot of things that had to come

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into play for this. There were two copies of the ordinance that I emailed to Cathy this afternoon. One had some old language from a variance procedure that had been updated. That was the only difference and it was not an issue we talked about at all today. Other than me saying, this was the change between the first and second version. We loosened the language based upon the Planning Director's recommendation. We moved from an undue hardship standard to a difficult to provide service standard. That was the only difference between those two versions. The definitions haven't changed other than us adding the definition, stealth technology, from the very beginning. The intent of the ordinance is that a structure is a support structure and a facility is all of it. We have staff who is knowledgeable and comfortable with the language and they can work with the providers if there are any questions. If questions remain, they have the ability to appeal to the City Council.

Council Member La Tour gave a brief description about frequency modulation and amplitude modulation. He stated when you have an ordinance that places a height restriction of five feet or ten feet above the pole, those can have a massive impact on the service area of the antenna. He believes the carriers engineers need more time to review the changes. He stated he needs time to review the content. He spoke about his concerns with absent Council Members. He believes the item should be tabled.

Council Member Petty: I'm ready to vote on this tonight. It is a good ordinance and we have been diligent in its drafting. I think if the industry representatives had the ability to make the decision, they would vote yes too, but some of these things might need to be checked by a larger bureaucracy. I don't see the harm in two weeks, but I'm a little frustrated by waiting longer. I don't see there is eminent preemption legislation, which would be my primary concern about waiting. I share Council Member La Tour's description of the absent Council Members.

Don Marr, Chief of Staff: Thank you to Cathy Foraker. Back in the legislative session when AT&T introduced a bill, we talked about the importance of having the communities be able to weigh in and talk about what's important to them. They gave us a chance to do that by not running the bill. We've tried to have this conversation with anybody who has come forward. Blake, Susan, and Keith have done a fantastic job of trying to listen to everyone and continuing to negotiate. I don't think waiting two weeks will hurt and will allow their engineering team to review it.

Council Member Gray stated she would be fine to table the item for two weeks.

Council Member Kinion stated he will not be complacent about the well-established UDC that is in place that defines the community and standards.

Don Marr stated the Mayor's direction to the staff is to maintain community aesthetics and the code items that are so important and that have already passed. He stated they have no intention of compromising that. He thanked Council Member Kinion for his leadership.

Mayor Jordan: If you want to table this, then that is okay. This has been going on for months and months. I have come to a point where this needs to end. I agree with Council Member La Tour and Council Member Kinion's points. This isn't the first time I've seen cell towers at the Council. I'm all in favor of 5G, but the day our citizens see giant poles going up in our right-of-way in this

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city, they are going to say something about it. We need to produce the kind of cells that are not obtrusive. I am glad to see these amendments.

A discussion followed about setting a deadline by the next Agenda Session for provider feedback on the existing document to allow turnaround time.

Council Member La Tour moved to table the ordinance to the November 21, 2017 City Council meeting. Council Member Petty seconded the motion. Upon roll call the motion to table passed 5-0. Council Members Kinion, Petty, Bunch, La Tour, and Gray voting yes. Council Member Tennant recused. Council Members Marsh and Long were absent.

This ordinance was left on the third reading and tabled to the November 21, 2017 City Council meeting.

RZN 17-5925: (820 S. Government Ave./Barnes): An ordinance to rezone that property described in rezoning petition RZN 17-5925 for approximately 1.73 acres located at 820 South Government Avenue from RMF-24, Residential Multi Family, 24 units per acre, MSC, Main Street Center, and I-1, Heavy Commercial & Light Industrial to I-1, Heavy Commercial & Light Industrial. *At the October 17, 2017 City Council Meeting this ordinance was left on the second reading.*

Council Member Gray moved to suspend the rules and go to the third and final reading. Council Member Tennant seconded the motion. Upon roll call the motion passed 6-0. Council Members Kinion, Petty, Tennant, Bunch, La Tour, and Gray voting yes. Council Members Marsh and Long were absent.

City Attorney Kit Williams read the ordinance.

Council Member Petty stated he can't support this as it is presented. He believes it sets a bad precedent. He stated to rezone this item gets dangerously close to spot zoning. He stated it could allow a petroleum storage facility by right and highlights the risk. He stated he is concerned about removing the right for residential to happen there. He believes it introduces a new barrier that shouldn't be there.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Council Members Kinion, Tennant, Bunch, La Tour, and Gray voting yes. Council Member Petty voting no. Council Members Marsh and Long were absent.

Ordinance 6006 as Recorded in the office of the City Clerk

<u>New Business:</u>

Bid #17-49 Diamond International Trucks, Inc.: A resolution to award Bid #17-49 and authorize the purchase of five (5) International 7300 4x2 Recycling Trucks with Kann Bodies from

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Diamond International Trucks, Inc. d/b/a Summit Truck Group of Lowell, Arkansas in the total amount of $845,500.00 for use by the Recycling and Trash Collection Division.
Terry Gulley, Transportation Services Director gave a brief description of the resolution.

Council Member La Tour: The employees that manage and operate our Recycling program, what is our turnover rate among those people?

Kyle McCarty, Solid Waste Operations Supervisor: So far, this year we've probably had eight positions open within the Recycling field. We have had a tough time staying fully staffed.

Council Member La Tour: What would be the reasons for a high turnover rate? Is there a lot of lifting, is it a difficult job or high risk?

Kyle McCarty: It is definitely a difficult job. They are outside in the elements. The style of truck we use is where the drivers are outside of the truck at every single stop. They pick up every bin and all of that weight on the truck is something their back has lifted.

Council Member Gray: Have you looked at different styles of trucks to try to do something that might be easier on the workers?

Terry Gulley: It has been brought up. We have attended WasteExpo and looked at every available truck there. We've talked to Kann Manufacturing that makes these particular trucks we use. These have been greatly improved over trucks we started the program with. We adjusted so the employee did not have to step up and down on the truck, and got it lower to reduce shoulder injuries. We have looked at other types of trucks, but we have not found anything that fits the ability to pick up the eight different types of items we do now.

Mayor Jordan: Did you get employee input about the truck type?

Kyle McCarty stated they haven't had the opportunity to have a demo truck provided to the city for the drivers to be able to use. He spoke about trough trucks and the city's eight commodity needs. He spoke about cardboard challenges. He stated the trough truck doesn't provide a means to compact the plastics because it takes up so much room due to the air volume in the bottles. He stated to be able to utilize the compactors that they have compared to the trough trucks, there was some limitations based on size and available space.

Mayor Jordan: You don't have enough space for the cardboard and plastics to be compacted?

Kyle McCarty: Yes, sir. I would say the plastics is the highest because loading it in the trough truck there isn't a compaction system similar to what we have. You can move the partitions that are inside the body to try to optimize what space you use, but the overall capacity of the trough truck that they bid was 41 cubic yards. We are able to do 30 yards worth of plastics on our trucks. Loading the cardboard was a difficult option to get it to lay in the truck flat to make more room.

Terry Gulley spoke about trough truck bids.

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Mayor Jordan confirmed the item had been through the Equipment Committee.

Louise Mann, 629 Gray Avenue spoke about an article from EarthFix, which is a public media partnership of Oregon public radio. She spoke about the contamination percentage for multi-stream recycling. She spoke about the Port Townsend trough trucks. She requested to know how the trucks being approved tonight would reduce employee turnover. She stated her concern is that the city is buying the trucks and getting ready to do a rate study and in six months when the rate study is complete, the city will go to single stream. She spoke about bins on wheels.

Mayor Jordan: Is our contamination rate under 5%?

Brian Pugh, Waste Reduction Coordinator: When we did a pilot last year and picked up all materials in the bins, it was closer to 2% of things in the bin that were not recyclables.

Mayor Jordan: That's good.

Brian Pugh: We don't have any doubt that our recycling program provides clean materials. I don't think the trucks are going to reduce turnover. Our trucks are what they are and our drivers have to get out and sort the materials. It's not a job for everybody. The Council decided back in February with our Diversion Plan that we were going to stick with our program the way it is. We have been delayed with the truck purchases. The city is growing and we need these trucks today. We want to expand our collections. Even if we order them tomorrow, it could take eight to ten months before we get the trucks. I encourage the Council to let us buy these trucks so we can do the work you have asked us to do. As far as after the rate study and what's going to happen with single stream, I don't think that is even a consideration for the Council at this point. We were told we were not to prioritize single stream for the next ten years. We are going to continue with the program we have and make the best of it. We are going to treat our workers the best we can with the equipment we have.

Mayor Jordan: What about bins on wheels that Louise mentioned?

Brian Pugh: In 2002, we were spending around $30,000 a year on 18-gallon bins. That wasn't any wheeled carts. In 2017, we have encouraged citizens to put paper items in one bin and cans and bottles in another bin. We have had to double the purchases of the bins we have in our program. We are spending close to $55,000 a year on containers for the program. If we were to switch that and go to a stackable system that has some kind of cart dolly, the cost would be a lot higher than what it is currently. I don't think making citizens sort more is going to increase participation. In Port Townsend, we were told they have that separated into four different areas. Glass, cardboard, and mixed paper is separated. Bottles and cans go together. When they told us that the bottles and cans were brought back to their facility and sent to a single stream facility for further processing, we assumed that was not something Council wanted us to pursue.

Council Member Kinion: We looked at single stream and we decided not to do single stream for the next ten years. We went to committee, it came to Council and that is where we stand. To speculate on that is simply a wild speculation. In our operations, we have to look at the efficiencies because this is an Enterprise budget. We are looking at a rate study. We will be using this model

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we have with these trucks and curbside sorting to set the rate as we go forward. This is going to set the baseline, standard, and operational cost associated with the activity that's going to be imperative as we look at the total cost of the Recycling Program. It's no secret our Recycling Program cost more than what we make off of it. We are doing it because it is the right thing to do. We have put off this purchase for so long that our current fleet of vehicles is falling apart. We have looked at every option. We have looked at managing the situation so our recyclables are acceptable in the market.

Louise Mann: The generation leaving Fayetteville is 60 years of age and older. I'm not happy about paying 9% sales tax when I see the process that was used to study single stream. Over the past two years the guys that run these trucks could have designed the perfect truck and been a model for the nation. Single stream is a mess and we have been dumping on countries that don't have good environmental or child labor laws. We are going to see more 60 and older people leaving. We are going to be losing money, experience, and volunteers. This staff has used my ideas and it has benefited the city.

Council Member Kinion: Ms. Mann, we have ultimate respect for you and your information. You have been one of the best educators for me. Tonight, we are talking about purchasing vehicles so we can continue a program based on the information we have. We have to move forward and get these into operation.

Council Member La Tour stated he supports the purchase of the trucks because of the need for them. He stated it is the same system, but just a newer model. He stated he can see value in what Ms. Mann is teaching. He spoke about trough trucks and mechanisms to help the employee have a better work experience.

Don Marr, Chief of Staff stated he thinks Louise Mann is probably the resident expert on recycling in Arkansas. He spoke about the teachings of Ms. Mann. He spoke about his time working in the Recycling & Trash Collection Division. He stated we are not spending one second on single stream recycling. He spoke about employee safety, truck design, and worker injury. He stated they are committed to talking to the people who build trucks about what changes can be made. He stated Brenda Reed, HR Director is committed to addressing and looking at staff retention and recruitment. He stated there are some challenges, we pick up more commodities, we compress items, and we do not want to dump as much because going back and forth also has a cost on the rate payer. He stated it's not to get to single stream, it is to have the most efficient curbside pickup program possible and safest for the worker. We are not ignoring the fact that we have to take care of workers.

Mayor Jordan: I have never been a strong proponent of single stream because of the contamination rate. I am part of the past 60 group and I was trained to recycle. I separate my glass, plastic, and paper. We looked at some of the trough trucks, but we couldn't seem to get the capacity. They are $18,000 more than each one of these trucks. I have to balance the finances of the city. Maybe, we can look at something later on. We had put off buying these trucks because we were having the discussion about single stream or keeping curbside. It went through the Equipment Committee. What are the thoughts of the committee?

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Council Member Gray: We heard many of the same discussions we've heard tonight about the importance of having these trucks so we can deliver services. I had asked Terry Gulley to report to us and he told these exact same things to the Equipment Committee. We felt like we had to buy the trucks.

Mayor Jordan: We don't have the capacity on the trough trucks to do the cardboard program like we need to do it. We got the added expense, plus we don't have the same capacity to do the plastic and cardboard that we need to do.

Council Member La Tour: The Equipment Committee did have a discussion. Terry Gulley told me were staying with the same recycling program. We approved it.

Council Member Bunch: At the Equipment Committee we heard the same thing you have heard tonight. I feel comfortable voting on these trucks because our fleet is barely operating. We need to do something pretty quick.

Council Member La Tour moved to approve the resolution. Council Member Bunch seconded the motion. Upon roll call the motion passed 6-0. Council Members Kinion, Petty, Tennant, Bunch, La Tour, and Gray voting yes. Council Members Marsh and Long were absent.

Resolution 237-17 as recorded in the office of the City Clerk

Arkansas Crime Information Center Bid Waiver: An ordinance to waive the requirements of formal competitive bidding through 2022, and to authorize payments to the Arkansas Crime Information Center for fees related to state computer and teleprocessing transactions in 2017.

City Attorney Kit Williams read the ordinance.

Greg Tabor, Chief of Police gave a brief description of the ordinance.

Council Member Gray moved to suspend the rules and go to the second reading. Council Member Tennant seconded the motion. Upon roll call the motion passed 6-0. Council Members Kinion, Petty, Tennant, Bunch, La Tour, and Gray voting yes. Council Members Marsh and Long were absent.

City Attorney Kit Williams read the ordinance.

Council Member Gray moved to suspend the rules and go to the third and final reading. Council Member La Tour seconded the motion. Upon roll call the motion passed 6-0. Council Members Kinion, Petty, Tennant, Bunch, La Tour, and Gray voting yes. Council Members Marsh and Long were absent.

City Attorney Kit Williams read the ordinance.

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Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Council Members Kinion, Petty, Tennant, Bunch, La Tour, and Gray voting yes. Council Members Marsh and Long were absent.

Ordinance 6007 as Recorded in the office of the City Clerk

RZN 17-5933 (1324 W. Cleveland St./Arkansas Legacy, LLC): An ordinance to rezone that property described in rezoning petition RZN 17-5933 for approximately 3.29 acres located at 1324 West Cleveland Street from RSF-4, Residential Single Family, 4 units per acre to NC, Neighborhood Conservation and RI-U, Residential Intermediate-Urban subject to a Bill of Assurance.

City Attorney Kit Williams read the ordinance.

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

Mayor Jordan: Was there any opposition at the Planning Commission about the project?

Andrew Garner There was not. There was no public comment at the Planning Commission.

Paul Jeske, Applicant, 2820 Riverside Drive, Salem, Oregon stated he wants to do the same thing the city wants to do in terms of traditional town form. He believes they are being sensitive to the neighbors. He has concerns about the parking lot at the corner of Hall Street and Cleveland Street. He stated parking lots don't contribute to the neighborhood.

Brian Teague, Community by Design stated he was representing the owner of the property. He stated he attended two Ward 4 meetings and there wasn't any opposition. He stated the transitional nature of the proposal is compatible with the surrounding neighborhoods. He believes the project won't have an impact on traffic.

Council Member Gray moved to suspend the rules and go to the second reading. Council Member La Tour seconded the motion. Upon roll call the motion passed 6-0. Council Members Kinion, Petty, Tennant, Bunch, La Tour, and Gray voting yes. Council Members Marsh and Long were absent.

City Attorney Kit Williams read the ordinance.

Council Member Gray stated she was very pleased to support the ordinance.

Council Member La Tour moved to suspend the rules and go to the third and final reading. Council Member Gray seconded the motion. Upon roll call the motion passed 6-0. Council Members Kinion, Petty, Tennant, Bunch, La Tour, and Gray voting yes. Council Members Marsh and Long were absent.

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City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Council Members Kinion, Petty, Tennant, Bunch, La Tour, and Gray voting yes. Council Members Marsh and Long were absent.

Ordinance 6008 as Recorded in the office of the City Clerk

Central Emergency Medical Services: A resolution to approve the sale of the property and building at 833 North Crossover Road to Central Emergency Medical Services for use as an ambulance station for $175,000.00 and to approve Mayor Jordan's execution of a deed and any other necessary documents to effectuate this sale.

David Dayringer, Fire Chief gave a brief description of the resolution. He stated two bids were received for the property and staff recommends accepting the lower bid. He spoke about the compelling reasons to accept the lower bid in the interest of public safety.

Mayor Jordan: There was $2,000 difference in the price. Can we take into other considerations when we look at this sort of thing?

City Attorney Kit Williamson: Yes. This is similar to when we considered selling two acres to Kum & Go or Casey's. I informed the City Council at the time that you could take into consideration something besides money. The money is obviously important, but there can be other considerations such as public benefit. The amount between the two prices bid is barely over 1%. It's $2,000 over $175,000. There is also a monetary benefit. We are members of CEMS. We help fund their operations because an ambulance service can't fund all of this operation. The county, city, and other cities help fund the operation of CEMS. By allowing a sale in this manner they get a facility that already has an extremely large garage. It is a good location. It has the facilities that are better able to be equipped as an ambulance station than some other piece of property they would have to try to acquire. If you decide the considerations are enough to overcome the $2,000, you are on safe ground.

Council Member La Tour: It is a win for everybody. I believe we should do this.

Stuart Sanders, Elkins Resident: I am a Commercial Real Estate Appraiser. I saw an advertisement in the paper that the city was proposing to transfer this property based on an appraisal that had been performed to Central Emergency Medical Services. I was concerned of the amount of the appraisal. I did an appraisal of the property and I looked at the appraisal that was performed. The appraisal preformed was based on its valuation as a residence. It's an office and has been utilized as an office for the last 11 years. The proposed uses are for office for both the ambulance service and for myself.

Arkansas Law Act 470 states, "Municipal real estate or personal property to be disposed of as one unit shall not be sold without competitive bidding if the amount exceeds $20,000 or the maximum provided by resolution unless the Mayor certifies in writing to the governing body of the

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municipality that in his or her opinion the fair market value of the item or lot is less than the amount established by the ordinance." I submitted a competitive bid and my bid won, based on dollar amount. The state statute itself is qualified on dollar amounts. If the amount exceeds $20,000 then bids are in dollars. If other considerations can be tabulated, then why not sell the property to whoever you wanted to begin with for $1. Why go through this charade? As far as the argument of saving lives, I agree that CEMS saves lives. Why can't they continue to save lives from their dispatch office just across the street? I don't believe you are complying with the state statute.

City Attorney Kit Williams: This was not a charade. It had to be out for competitive bidding because that's what state law says. That doesn't mean money alone is something that can be used by the city or considered by the city in the sale of property. In 2013, the City Council was considering the sale of 2 acres of land to Kum & Go or Casey's. I issued a one-page memo entitled "Considerations relevant to the offers to purchase the two-acre parcel." In that memo, I quoted from Arkansas Attorney General Opinion No. 2001-135: "With respect to the issue of consideration, it is well established that a municipal corporation may convey public property or an interest therein based upon consideration other than money." An earlier Arkansas Attorney General Opinion No. 96-351 stated: "The Arkansas Supreme court has held that even non-monetary consideration can be adequate if a 'public advantage' will result from the lease." Act 470 merely states that municipal real estate "shall not be sold without competitive bidding." It never states that only monetary consideration can be considered. The court interprets statutes as saying, "It is well-settled that any interpretation of a statute by this court subsequently becomes a part of the statute itself. The General Assembly is presumed to be familiar with this court's interpretations of its statutes, and if it disagrees with those interpretations, it can amend the statutes. Without such amendments, however, our interpretations of the statutes remain the law."

Even though the Legislature amended A.C.A. 14-54-302 Purchase, Lease and Sale Authorized by adding "disposal" and later requiring real estate to be sold with "competitive bidding," it did not change the Arkansas Supreme Court's well-established rule that such sale could be "based upon consideration other than money." The Legislature could have added a "cash only" provision as they did in A.C.A. 22-6-601 (h) for the sale of state real property, but it did not, which leaves the long-standing rule allowing "public benefit" to be part of the consideration for municipal land sales. Every major city in Arkansas has invested in an industrial park or some other thing like that where they have acquired land that they want to sale to help industry or business come to their town. We have done that many times. We sometimes give a discount if we really want the business there. We aren't considering just money. We are considering the public benefit, which the Supreme Court has interpreted as being appropriate. In the ordinance it says, the City Council has approved a deed limitation to ensure that the use of the property shall be and remain to be for Central Emergency Medical Services provision of ambulance and other governmental type services. In this particular case, there is a clear public benefit that you can consider.

Council Member Tennant: If we pass this resolution, it still has to go through closing?

City Attorney Kit Williams: Yes.

Council Member Tennant: If that falls through, then we could take the second bid?

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City Attorney Kit Williams: Yes.

Council Member Tennant: In your opinion, if litigation arises, you think it's defendable?

City Attorney Kit Williams: Yes, I believe the Supreme Court has made it clear that something besides monetary value can be used by a municipality in considering to sale a property. There have been two cases where they have said that. We have the Attorney General opinion that says this is well established law in Arkansas.

Mayor Jordan: When the Chief brought this to me, he said they were trying to hit a nine-minute response time. That means lives and that means property. I support this.

Council Member Gray moved to approve the resolution. Council Member La Tour seconded the motion. Upon roll call the motion passed 6-0. Council Members Kinion, Petty, Tennant, Bunch, La Tour, and Gray voting yes. Council Members Marsh and Long were absent.

Resolution 238-17 as recorded in the office of the City Clerk

VIP Club: An ordinance to approve the application of Sami Ammar Haddaji, on behalf of VIP Club for a permit to operate as a private club in the City of Fayetteville at 326 North West Avenue #6.

City Attorney Kit Williams read the ordinance.

Kenneth R. Mourton, Attorney for the Applicant stated his clients are requesting an application to have approval to operate a private club.

Greg Tabor, Chief of Police: I have some concerns about this. The concerns are not with the applicant, it is with the location. The applicant has had an alcohol permit before and no known violations while he had that permit. This location is at the intersection of West and Watson. There are also three other very popular bars in that area. In early summer, we started seeing issues down in that specific area of West and Watson. Issues like I've never seen since I've been a Police Officer, but for sure since I've been the Police Chief. I meet with the Mayor every Monday and a lot of those meetings are dominated about discussions of West and Watson. We've worked with local property owners to get more lights and to control parking. We have had situations where it has maxed us out at 2 a.m. We have had the County and the University to help answer calls because of the ruckus. We have had some serious crime occurring down there at 2 a.m., such as aggravated assault and shooting. We have concerns about people pouring into the streets and we can't seem to get them to move along. We have concerns about emergency vehicle access. We have put a light trailer and a surveillance trailer down there. We have involved the Fire Department to help us with blocked emergency exits. We have worked extremely hard since the summer to get this under control. In the last three weeks, it has gotten better because of a combination of things. We think it is because we have put more officers down there. We have pulled the bike officers from the mall and put them down there. We have spent a significant amount of money on overtime. The Social

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Club went out of business down there and if we put a 4th club back into that proximity, we are going to have the same issues we were having several months ago.

Council Member Petty: Is it your sense that it's the number of people there, more than operations of the particular clubs that is contributing to the problem?

Greg Tabor, Chief of Police: It is all the above. You have over service at some of your clubs. Then people pour out onto the streets and that causes fights.

City Attorney Kit Williams: When you say over service, do you mean too much alcohol being served to an individual?

Greg Tabor, Chief of Police: Yes, too much alcohol being served in those establishments. If you took these four bars and separated them on each end of West and Dickson, I don't think you would have the problems. You wouldn't have as many people congregating in that area at 2 a.m. when the bars let out.

City Attorney Kit Williams: Are you getting any help from the ABC on trying to have a little bit better cooperation from the current bar owners?

Greg Tabor, Chief of Police: We have. That was about the first step we took. We talked to the bar owners. We were getting cooperation from them, but they can only do so much. We have involved ABC and there have been some violations written. There have been some fire code violations written also. We have involved everybody we know to involve.

Council Member Petty: There have been a concentration of bars there for a number of years. It seems like in the last six months there has been an escalation. Is that accurate?

Greg Tabor, Chief of Police: That is a fair statement. One of the bars may have changed their business model. It is used to be an event type center and now it is more of a bar.

Council Member La Tour: I defer to your opinion. Criminal justice is your living, not mine. If you think it's a bad idea, then I think it is a bad idea.

Council Member Kinion: Mr. Mourton, you have heard the concerns. There needs to be some kind of resolution to handle the concerns. This is an entertainment area with bars and this is a building that has typically been a bar. I hate to discriminate on a business point because you have the right to use your building to support a business. I don't know what an alternative business would be. Do you know of a way to resolve an issue of increased crime in the area if you were to be given the opportunity to establish a club?

Kenneth R. Mourton: I will visit with my client about that. I've owned a beer distribution facility for 30 years and it has changed quite a bit in those years. My client has cut down the occupancy level to 50% of what the occupancy level was before. As far as what can be done, I don't have the expertise in that field. My clients would be willing to meet with Chief Tabor and do what they

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could to assist. It may be an overall issue with the whole Entertainment District. Maybe the Chief and the merchants in the area could have that discussion to resolve some issues.

Mayor Jordan: We could leave it on this reading to see if anything could be worked out.

Council Member Kinion: I would like to leave it on the First Reading. I live in this area and the nature of that area can be rambunctious. We have seen a higher density of population. We have parking in the area. We have a cycle of increased incidence, but I hope there's a way it can be managed so it doesn't impair the opportunity for the business.

Kenneth R. Mourton: My clients would be happy to meet for discussions.

Council Member Kinion spoke about it being a good idea for a meeting.

Council Member Tennant: I appreciate the time to get some more information. I hate to discriminate against a business because of the timing. Maybe they are going to do something better to make the area better. I'm more concerned with the process of what happens to a club if they are deemed to be causing issues and adding to the problems. Does ABC step in and what are the legal ramifications?

City Attorney Kit Williams: Back in the 1990's we had a severe problem with what was called, River City on North College. We determined they were a nuisance and closed them down. I don't know of any other time we have done that. It is theoretically possible, but when you have three clubs emptying out at the same time, I don't know who you are going to point the finger at.

Greg Tabor, Chief of Police: ABC has a strict set of rules. Anytime that we catch somebody fighting and we know they were in a certain club, it is a violation on that club. We have a process for any alleged ABC violation. We send that information to the ABC and they deal with it administratively. There are some things we could do in working with the applicant to address our concerns. How formal does it need to be? Would it be like a Bill of Assurance? I still have the concern about the 2 a.m. time. I had not heard about the decreased occupancy and that it is a great idea. I have concerns, no matter how good a job they are doing. Those people are still pouring out into the streets where the problems are starting.

City Attorney Kit Williams: We are in unchartered territories. There is no guidance in the law. It says you can approve or disapprove. It doesn't say what you are supposed to look at or decide. If you are going to disapprove it, there needs to be some good reasons. We have heard some reasons. It is not the policy of Fayetteville to keep buildings vacant. We don't want to have that as a final result, so hopefully we can work something out. I have some ideas that I can talk with Chief Tabor about.

Kenneth R. Mourton: My clients don't want any problems. They have been in business in that area before and they have never had a violation with the ABC or Police Department as far as I know. It is a problem, but it's a problem bigger than just my clients. We are willing to do what we can to work everything out.

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Don Marr, Chief of Staff: During the legislative session this came about because communities wanted an input on the front end into the permit request. Our old dance hall permits were conditional uses that allowed the city to work with the operators to put conditions in place. Kit and I have talked about the need to revamp this process as it relates to the city. These applications are sometimes coming in to a Council Member or the City Attorney office. The entity who is probably the best to address it is our Police Department. As we develop this new process, these applications are probably going to start at the Police Department so we can have information on the front end. It's not normally our practice as a city to not support new business owners and the development of buildings, but at the same time we need to maintain a safe environment.

Kenneth R. Mourton: This is different in that all applications before the ABC, the city has requested the Police Department to respond if they have objections. A lot of this activity down there comes from a lot of other clubs that has on premise restaurant, liquor, and beer license. Other than the ABC asking the city to give input, there's not a lot the city can do. On private clubs, now you have to have the city to sign off through an ordiancne, which is probably discriminatory on the issues of your restaurant, hotel, liquor by the drink. It is a bigger issue that has to be looked at.

This ordinance was left on the First Reading

Announcements:

Don Marr, Chief of Staff: On November 17, 2017 at 6:00 p.m. will be the parade and lighting for Lights of the Ozarks. The lights will be on from 5:00 p.m. to 1:00 a.m. nightly with carriage rides and other treats on the square.

City offices will be closed on Friday, November 10, 2017 in observance of Veteran's Day. All Solid Waste commercial routes will run on Friday. We don't have residential route pick up on Friday.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 8:19 p.m.

Lioneld Jordan, Mayor **Sondra E. Smith, City Clerk Treasurer**

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To: Mayor Lioneld Jordan [submitted through Sondra Smith, Fayetteville City Clerk]

From: Alan Long

CC: City Attorney

Date: November 18th, 2017

Subject: Letter of Resignation

Mayor Jordan,

It has been my honor and privilege to serve as a city council member for the citizens of Fayetteville since 2013. Helping my constituents with various concerns has truly brought joy to my life. My goal has always been to help the citizens of Fayetteville have better access to their local government, and it has been my pleasure to work towards that goal.

The citizens of west Fayetteville have vast concerns regarding traffic infrastructure, extended commute times due to lacking connectivity, access to pedestrian modes of transportation, and the lack of parks that service the thousands of homes in west and northwest Fayetteville.

Additionally, the growth of the University of Arkansas has increased the strain on Fayetteville infrastructure, especially in Ward four. This impact has caused great concern in campus edge areas due to over-occupancy of residential single family homes and the related increased traffic patterns. It is my hope that the City of Fayetteville and the University of Arkansas will continue to work in tandem to solve these issues and be proactive in planning for growth in Fayetteville. I have done my best to highlight those concerns while serving my constituents.

After much consideration, I have decided to resign my position on the Fayetteville City Council. I have come to this decision due to family and professional obligations combined with the enormous time commitment required of a council member. I sincerely hope that those who follow in my place will have the passion for public service and constituent outreach that I do. I have confidence that the current city council will continue to carry out goals and endeavors that will benefit all of Fayetteville.

To all of my fellow council members and the citizens of Fayetteville, thank you for the opportunity that you have given me. It is with a great sense of gratitude and respect for the citizens of Fayetteville that I resign my position effective immediately.

Sincerely,

Alan Long

CityClerk

From: Jordan, Lioneld
Sent: Monday, November 20, 2017 11:22 AM
To: CityClerk; Alan Long (Longward4@gmail.com); Pennington, Blake; Broyles, Lana; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Lynch, Rhonda; Mulford, Patti; Norton, Susan; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Bunch, Sarah; La Tour, John; Long, Alan
Subject: RE: Letter to the Mayor

Categories: FYI

Alan,
Thank you for your service to the city. It has been an honor serving with you.
All the best to you in the future.
Mayor Jordan

Sent from my Verizon 4G LTE smartphone

-------- Original message --------
From: CityClerk <cityclerk@fayetteville-ar.gov>
Date: 11/20/17 7:55 AM (GMT-06:00)
To: "Alan Long (Longward4@gmail.com)" <Longward4@gmail.com>, "Pennington, Blake" <bpennington@fayetteville-ar.gov>, "Broyles, Lana" <lbroyles@fayetteville-ar.gov>, citycouncil@matthewpetty.org, "Marr, Don" <dmarr@fayetteville-ar.gov>, "Eads, Gail" <geads@fayetteville-ar.gov>, "Roberts, Gina" <groberts@fayetteville-ar.gov>, "Johnson, Kimberly" <kjohnson@fayetteville-ar.gov>, "Williams, Kit" <kwilliams@fayetteville-ar.gov>, "Branson, Lisa" <lbranson@fayetteville-ar.gov>, "Jordan, Lioneld" <ljordan@fayetteville-ar.gov>, "Lynch, Rhonda" <rlynch@fayetteville-ar.gov>, "Mulford, Patti" <pmulford@fayetteville-ar.gov>, "Norton, Susan" <snorton@fayetteville-ar.gov>, "Smith, Lorinda" <losmith@fayetteville-ar.gov>, "Smith, Sondra" <ssmith@fayetteville-ar.gov>, "Gray, Adella" <ward1_pos1@fayetteville-ar.gov>, "Marsh, Sarah" <ward1_pos2@fayetteville-ar.gov>, "Kinion, Mark" <ward2_pos1@fayetteville-ar.gov>, "Tennant, Justin" <ward3_pos1@fayetteville-ar.gov>, "Bunch, Sarah" <ward3_pos2@fayetteville-ar.gov>, "La Tour, John" <ward4_pos1@fayetteville-ar.gov>, "Long, Alan" <ward4_pos2@fayetteville-ar.gov>
Subject: Letter to the Mayor

Please remit this letter to the mayor and city council members.

Sincerely,

Alan

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Sondra Smith,** City Clerk
Don Marr, Chief of Staff
Paul Becker, Chief Financial Officer

FROM: **Kit Williams**, City Attorney

DATE: **November 20, 2017**

RE: **Former City Council Member Alan Long's Resignation**

This morning at 7:56 a.m. I received an unsigned, but apparently authentic, scanned "Letter of Resignation" from Alan Long to "Mayor Jordan (submitted through Sondra Smith, Fayetteville City Clerk)" with a "CC: City Attorney." This letter was dated "November 18th 2017." I believe this letter has clarified that the Office of Council Member from Ward Four, Position Two is now vacant.

As I warned in you in my November 2, 2017 memo, A.C.A. § 14-43-411(b)(1) requires:

> "**at the first regular meeting after the occurrence of the vacancy**, the city council shall proceed to either elect by majority vote of the remaining members elected to the council an alderman to serve for the unexpired term or call for a special election. . . . "

That "first regular meeting after the occurrence of the vacancy," is tomorrow, November 21, 2017. The City Council must then either elect a replacement Council Member or call for a special election pursuant to A.C.A. § 7-11-105(a). The first motion on this issue should be one either moving to elect a new Council Member by Council Member vote or a motion to call for a special election. Once either the election by City Council versus special election option is selected, the appropriate procedure for either option can begin.

The state statute is silent about what Council Members should do prior to electing "by majority vote" the new Council Member. In the past when we had plenty of time to plan such election, persons applied and were often interviewed by the City Council

during the meeting. Then a public vote was taken to elect the replacement. I do not know if attempting to get applications would be feasible tomorrow night with so little time for persons to apply. Please think about how you would like to proceed.

I believe the procedure is almost totally discretionary with the City Council. I do recommend that this be the last order of business so as not to delay citizens appearing for items already on the agenda. Additionally, any applicant should experience at least one night's City Council meeting before being appointed to such an important position.

The statute refers to A.C.A. § 7-11-101 to fill a vacancy by special election. My review of that subchapter reveals a special election could be held on February 13, 2018. I will prepare a call for a special election resolution in case this is what the majority of the City Council votes to do.

CityClerk

From: galileo81580@gmail.com on behalf of Kyle Smith <KyleSmith@projectgalileo.net>
Sent: Tuesday, November 21, 2017 8:02 AM
To: Mayor; Gray, Adella; Marsh, Sarah; Kinion, Mark; Matthew Petty; Tennant, Justin; Bunch, Sarah; La Tour, John
Cc: Marr, Don; CityClerk
Subject: City Council Ward 4 Position 2 Vacancy

2801 W Dove Dr
Fayetteville, AR 72704
(518)595-3595

November 20, 2017

Mayor Lioneld Jordan, & City Council
113 W Mountain St
Fayetteville, AR 72704

Dear Mayor Jordan and Council,

Residents in Ward 4 deserve full representation in matters at City Council. While I am disappointed to hear Alan Long's resignation as my City Council representative, I also feel called to submit my name for consideration to continue his term in Ward 4 Position 2.

The public will most readily recognize me from my involvement in writing and passing the city's Civil Rights Ordinance. But here at City Hall, you all know me as a frequent citizen participant at City Council meetings. I am also completing a 2-year term on the Environmental Action Committee that has allowed me to learn about the inner workings of many essential city services. I understand the commitment involved in municipal service, current issues facing the city, and the needs of Ward 4. And I'm ready to get to work tonight.

It's been just over a year since residents faced a decision between two starkly different campaign visions for Fayetteville. While the specific candidate voters chose is no longer available, I am committed to pursuing the same principles they expressed in selecting Alan Long. With 15 family members living in 8 different neighborhoods, all west of I-49 in Ward 4, my roots in the area run both deep and wide. West Fayetteville is my home and I have a personal stake in making sure we develop Fayetteville responsibly with the needs of current and future residents at the forefront.

There are several important issues on your agenda in coming weeks, and even tonight with the annual budget, management of public rights of way, and a park lease near the boundary of Ward 4. I encourage you to act quickly to fill the vacancy with someone immediately prepared to fulfill the vision expressed by voters in 2016. I believe I am the best person to do that, and respectfully request your nomination to Ward 4 Position 2.

Best regards,

Kyle Smith

CityClerk

From: Wayne Bell <Wayne.Bell@bnsflogistics.com>
Sent: Tuesday, November 21, 2017 3:20 PM
To: Mayor; CityClerk
Subject: Kyle Smith City Council

To Whom it May Concern;

My name is Wayne Bell and I am a citizen of Fayetteville, Arkansas. I would like to endorse Kyle Smith for the city council post that is up for appointment tonight. Kyle is a wonderful representative of what Fayetteville has to offer and I think he would make an excellent addition.

Best,
Wayne Bell

Wayne Bell
Program Training Manager
Learning & Development
2710 S. 48th Street
Springdale, AR 72762 USA
Office: (479) 203-5533
wayne.bell@bnsflogistics.com
www.bnsflogistics.com

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If you have received this transmission in error, please destroy it immediately.

CityClerk

From: Kati Street <kt.street4@gmail.com>
Sent: Tuesday, November 21, 2017 3:23 PM
To: mayer@fayetteville-ark.gov; CityClerk
Subject: City council meeting 11/21

I would like to have Kyle smith to fill the vacant seat for the meeting tonight.

Kati Street
A resident of Fayetteville, AR
Sent from my iPhone

CityClerk

From: Mayor
Sent: Tuesday, November 21, 2017 3:24 PM
To: Jordan, Lioneld
Cc: City_Clerk-old
Subject: FW: Kyle Smith for City Council

From: Hawley Woods [mailto:hawley.woods@gmail.com]
Sent: Tuesday, November 21, 2017 3:20 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Kyle Smith for City Council

Mayor Jordan,

Please consider selecting Kyle as our replacement councilman. He's been very involved and active in our community and I believe he is the best choice for this position. To my knowledge, he's been attending meetings and would have less of a learning curve than the other candidates.

Thank you for your consideration on this matter and for all that you do for our city.

Hawley Woods
701 W. Sycamore St. Apt 71
Fayetteville, AR 72703

CityClerk

From: Rob Qualls <robqualls@yahoo.com>
Sent: Tuesday, November 21, 2017 3:33 PM
Subject: Alderman Vacancy - Kyle Smith

Good Afternoon,

This note is in support of Kyle Smith for appointment to the Ward 4 position 2 seat vacated by Alan Long. I cannot think of anybody more ready to step and hit the ground running. He has been attending City Council Meetings, and Agenda Sessions, and even attended the recent 8Am Budget Meeting. He's been a leader in his community, and I"m confident that he would be a great Alderman.

Thanks,
Rob Qualls
501-517-7579

CityClerk

From: Mayor
Sent: Tuesday, November 21, 2017 3:47 PM
To: City_Clerk-old
Subject: FW: Kyle Smith

From: Dr. Sandra Tedder [mailto:sted41@yahoo.com]
Sent: Tuesday, November 21, 2017 3:28 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Kyle Smith

Hello,

I think Kyle would do a great job on the city council. Please consider him!

Thank you for all you do for Fayetteville, I really appreciate you!

Sandra Tedder, Ph.D.

CityClerk

From: Mayor
Sent: Tuesday, November 21, 2017 3:47 PM
To: City_Clerk-old
Subject: FW: Ward 4 position

From: larajo@larajo.com [mailto:larajo@larajo.com]
Sent: Tuesday, November 21, 2017 3:36 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Ward 4 position

Hi, Mayor Jordan!

I've been following the news about the open Ward 4 position, and I wanted to drop a note of support for Ward 4's Kyle Smith. I got to know him when I worked on the civil rights ordinance elections and have been impressed with him ever since. He's smart, level headed, open minded, and capable of seeing all sides of an issue and making decisions based on what he learns. I am not a resident of Ward 4, so I'm not sure how much weight my recommendation would carry, but I think he's a perfect representative for the city of Fayetteville.

thanks for reading, and best to you and your family for Thanksgiving!

Lara Hightower
193 W. 29th St.
Fayetteville

CityClerk

From: Mayor
Sent: Tuesday, November 21, 2017 3:47 PM
To: City_Clerk-old
Subject: FW: In Support of Kyle Smith

-----Original Message-----
From: Hall, Spencer C [mailto:spencer.c.hall@vanderbilt.edu]
Sent: Tuesday, November 21, 2017 3:41 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: In Support of Kyle Smith

Mayor Jordan,
As a graduate from the U of A and current graduate student looking forward to returning to Fayetteville, I would like to voice my support for Kyle Smith to serve as an interim council member.
Having known Kyle for several years, I can attest to both his character and aptitude. Kyle is not only highly involved in the life of Fayetteville, but he actively seeks out expert advice and opinion on a wide range of topics.
Kyle is no talking head or ideologue, he is dedicated to making Fayetteville, my once and future home, the greatest city it can be.
Sincerely,
Spencer Hall
MA University of Arkansas '15
Graduate Researcher Vanderbilt University

CityClerk

From: Judith Levine <judithrobinsonlevine@gmail.com>
Sent: Tuesday, November 21, 2017 3:53 PM
To: Gray, Adella; Tennant, Justin; Marsh, Sarah; La Tour, John; Bunch, Sarah; Petty, Matthew; Kinion, Mark; Long, Alan; Mayor; CityClerk
Subject: Kyle Smith

Dears,

I can think of no better qualified candidate to fill Alan Long's seat than Kyle Smith. He is smart, articulate, a good listener, in short an excellent colleague. He has been interested and involved in city politics for as long as I have known him attending almost every city council meeting and many other public city, county and state meetings as a well rounded and concerned citizen. I highly recommend allowing him the opportunity to sit along side you as you conduct the important business of making Fayetteville as wonderfully inclusive as it has been for many years, now.

best,

Judith Levine
904 Park Avenue
Fayetteville, AR
72701

CityClerk

From: Sam Karnatz <skarnatz@starfishnw.org>
Sent: Tuesday, November 21, 2017 3:55 PM
To: CityClerk; Mayor
Subject: Kyle Smith for Ward 4

After hearing about Alan Long's sudden departure I was immediately concerned about the vacancy he will be leaving behind. As a resident of Ward 2 in Fayetteville I think it is vastly important to replace Alan with someone knowledgeable and ready to serve the city. I think Kyle Smith is that person. He has a proven record of support for this city and he will do a great job if he is appointed.

Thank you,

Sam Karnatz
Technology Coordinator
NWAESC
4 N. Double Springs Rd.
Farmington, AR. 72730
V 479-267-7450
F 479-267-7456

CityClerk

From: Ruth Wilson <widgetwilson@hotmail.com>
Sent: Tuesday, November 21, 2017 3:58 PM
To: Mayor; CityClerk
Subject: Support for Kyle Smith for Ward 4

Kyle has shown great leadership qualities and has been involved as a member of many activities in this city. He would make a great replacement for Councilman Long on the City Council. He is kind, courteous, hard-working, and dedicated to making Fayetteville the best it can be. He has frequently attended city council meetings and has helped this city pass the LGBTQ ordinance that puts us at the front of where this world should be as a city. Please consider him for the seat in Ward 4.

Disclaimer* I am not a member of Ward 4, but I am a citizen of this town. My address is 1407 E. Rosemont St, 72703 and my full name is Ruth Manon Wilson. Thank you for your consideration!

CityClerk

From: Mayor
Sent: Tuesday, November 21, 2017 4:14 PM
To: City_Clerk-old
Subject: FW: Ward 4 Position

-----Original Message-----
From: Marilyn Braswell [mailto:askmimi9296@yahoo.com]
Sent: Tuesday, November 21, 2017 4:14 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Ward 4 Position

I hope that u will consider Kyle Smith for the open Ward 4 Position.
Marilyn Braswell, Clabber Creek 1
Fayetteville

Sent from my iPhone

CityClerk

From: Marilyn Braswell <askmimi9296@yahoo.com>
Sent: Tuesday, November 21, 2017 4:15 PM
To: CityClerk
Subject: Ward 4 Position

I hope that u will consider Kyle Smith for the open Ward 4 Position on the City Council.
Marilyn Braswell, 2255 N Hidden Creek Dr, Fayetteville

Sent from my iPhone

CityClerk

From: Mayor
Sent: Tuesday, November 21, 2017 4:19 PM
To: City_Clerk-old
Subject: FW: Kevin Smith and the city council vacancy.

From: Blake [mailto:blakealanfoster@gmail.com]
Sent: Tuesday, November 21, 2017 4:17 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Kevin Smith and the city council vacancy.

Hello. My name is Blake and I am a member of the community here in Fayetteville. I myself am not an active political member of our city, but I have been informed that Kevin Smith is one of the folks trying to fill a vacancy left on the city council. I felt it may be good to voice my opinion here that Kevin Smith would be a great option for the city council seat. I know of Kevin and he is a great teacher, leader and just an all around good guy. I really hope you will take in account the opinions of the people because I know a lot of us would love to have Kevin in that seat. Thank you for your time and good luck on your decision!

CityClerk

From: Mayor
Sent: Tuesday, November 21, 2017 4:26 PM
To: City_Clerk-old
Subject: FW: Kevin Smith and the city council vacancy.

From: Blake [mailto:blakealanfoster@gmail.com]
Sent: Tuesday, November 21, 2017 4:25 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Re: Kevin Smith and the city council vacancy.

I realized reading this back that I typed Kevin smith throughout this entire email instead of Kyle Smith. That is very embarrassing! I apologize for the confusion.

CityClerk

From: John Hart <arkjohnhart@gmail.com>
Sent: Tuesday, November 21, 2017 4:54 PM
To: Mayor; CityClerk
Subject: Kyle Smith for Ward 4

Mr. Jordan and Ms. Smith,

I know you are both inundated with emails at the moment, so I just wanted to share my support for Mr. Kyle Smith tonight. His dedication to the city we love is paramount, but I suspect you both are already acutely aware of this. Thank you for your time, and I hope I've kept this brief enough.

-John Hart

Virus-free. www.avast.com

CityClerk

From: Timoteo Guajardo <timoteo.guajardo@gmail.com>
Sent: Tuesday, November 21, 2017 5:42 PM
To: Mayor; CityClerk
Subject: Kyle Smith for Ward 4

Good Afternoon,

Please consider appointing Kyle to fill the Ward 4 vacancy. He represents the interests of a wide variety of Fayetteville residents, and is very involved in council meetings already. I believe him to be the best person for the job.

Regards,

TJ Guajardo

CityClerk

From: Jess Goodwin <jess.goodwin20@gmail.com>
Sent: Tuesday, November 21, 2017 6:20 PM
To: CityClerk
Subject: City Council Vacancy

Dear City Council members,

Kyle Smith has applied to fill the recently vacated city council position. I think that he is uniquely qualified for this position for the following reasons:

Kyle is well-educated on the workings of city government and has shown himself to be invested in the process. He has regularly attended meetings and demonstrates an unusual degree of commitment to local government affairs.

Kyle has a long history of civic engagement, most recently in the form of the For Fayetteville campaign. Whether you agree with his positions or not, it is clear that he is willing to spend his time and energy to make Fayetteville a better place to live.

Kyle is articulate and well-educated. He teaches in the public schools--a position that requires that he be able to make ideas clearly understandable on a daily basis. He has shown through multiple public statements that he can present a position succinctly and simply, and that ability is important for a public official.

Kyle's character is outstanding. He is civil and ethical, and has shown that he cares very deeply for his community. His level of engagement and service are rare, and I can't imagine that anyone will come forward who can match his credentials. I think that he is representative of the kind of community Fayetteville is: progressive, fair, and committed to better lives for its citizens in a beautiful setting.

Thank you,

Jess Goodwin

CityClerk

From: Mayor
Sent: Wednesday, November 22, 2017 7:56 AM
To: City_Clerk-old
Subject: FW: Ward 4 Replacement

For file

From: Tom Sawyer [mailto:tomsawyer@driftersinn.com]
Sent: Tuesday, November 21, 2017 5:04 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Cc: Mayor <Mayor@fayetteville-ar.gov>; Matthew Petty <citycouncil@matthewpetty.org>; Marsh, Sarah <ward1_pos2@fayetteville-ar.gov>; Gray, Adella <ward1_pos1@fayetteville-ar.gov>; Kinion, Mark <ward2_pos1@fayetteville-ar.gov>; Tennant, Justin <ward3_pos1@fayetteville-ar.gov>; Bunch, Sarah <ward3_pos2@fayetteville-ar.gov>; La Tour, John <ward4_pos1@fayetteville-ar.gov>
Subject: Ward 4 Replacement

Dear Mayor Jordan and members of the City Council,

My wife and I are unable to attend tonight's City Council meeting, but we would like to offer our support for Kyle Smith to be named Mr. Long's replacement to finish out his term.

Mr. Smith has been active in Fayetteville both socially and politically for quite some time now. We believe he would be a great representative for the residents of Ward 4 and for Fayetteville as a whole.

Thank you for your time.

Sincerely,

Tom & Sara Sawyer
1610 N Ramsey Ave
Fayetteville
479.276.2744

--

"...America has great reporters and a great free press... if you do not subscribe to your local paper, you should fix that... get your credit card, pay to get behind that pay wall at your local paper. Seriously. Your country needs you." - Rachel Maddow, September 20, 2017

CityClerk

From: Mayor
Sent: Monday, November 27, 2017 7:47 AM
To: Jordan, Lioneld
Cc: Marr, Don; City_Clerk-old
Subject: FW: Ward 4 Appointment

fyi

-----Original Message-----
From: David Condolora [mailto:davidcondolora@me.com]
Sent: Saturday, November 25, 2017 8:36 AM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Ward 4 Appointment

Mayor Jordan,

I am writing to express my great displeasure at the handling of the recent Ward 4 vacancy. While the choice of the council to simply appoint someone to fill the vacancy may be according to the letter of the law, it is clearly the wrong decision.

The appointment of Kyle Smith to fill the remainder of Alan Long's term means that the people of Ward 4, and indeed, of the entire city of Fayetteville, will have one less elected representative on the city council. While appointment is legal, and may have been a good decision if the time remaining in Alan Long's term was shorter, the choice to appoint someone to fill what amounts to the vast majority of time in the term is wrong. While I am generally in favor of saving taxpayer dollars, a special election in this case would have been an extremely appropriate use of funds. It would have ensured that the voice of the people of Ward 4 would be heard. I can think of few better uses for taxpayer funds.

This decision was disheartening and inappropriate.

Thank you for your time.

Sincerely,

- David Condolora

November 20th, 2017

Mayor Lioneld Jordan
City of Fayetteville, Arkansas
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mr. Mayor,

I am writing in regards to the vacant seat on the City Council representing Ward 4.

I would like to formally announce my interest in filling the seat for the remainder of the term left vacant by Mr. Long. As you know I am a long time resident of Ward 4 and am very active on numerous city and county committees. As you also know, I lost to Mr. Long in a runoff when he was first elected to this seat.

In order to save the city the costs involved with a special election, I offer my services to fill the remaining term of Mr. Long, without the intention of running for election after that term has expired. I feel this would save the city money and allow time for properly prepared candidates to run a campaign at the end of the term.

I am available to answer any questions you may have concerning this. Thank you for your time and your service to our city.

Sincerely,

Mike Emery
2598 N. Indian Oaks Dr.
Fayetteville, AR 72704
479-935-0485
emery.mike@me.com

CityClerk

From: jaynwark1977@gmail.com
Sent: Tuesday, November 21, 2017 9:04 AM
To: CityClerk
Subject: Alderman Long's open seat

Dear Fayetteville City Council,

I am a longtime resident of Fayetteville, while I do get to involved with city council meetings I do vote during elections.

With Long's resignation of his seat it leaves the city with two options. 1 being costly to the city and it's tax payers having a special election.
2 appointing someone to that seat during today's meeting.

I am a good friend of Mr. Mike Emery, he is very knowledgeable in the city workings and a very wise choice for the open seat.

He is very evolved in many communities in the city and county. He is an open and honest person and would serve the city well.

Please consider him for this seat.

Sincerely,
James R Hill
1151 E. Shepherd Ln. Apt 203
Fayetteville, AR 72703

Formally living at
1786 N. Gregg Ave. Apt 1
Fayetteville, AR 72703.

Sent from my iPhone

CityClerk

From: Tim Stidham <stidham.tim@gmail.com>
Sent: Tuesday, November 21, 2017 4:08 PM
To: CityClerk
Subject: Mike Emery

I want to let the council know that Mike Emery has my full support to fill the vacancy left in Ward 4. We would be happy to have him as our councilman. Tim and Leigh Stidham
2241 W Cartier St
Fayetteville, AR 72704
Bel Claire Neighborhood.

Tim Stidham
479-466-2731

Smith, Sondra

From: Smith, Sondra
Sent: Tuesday, November 21, 2017 4:40 PM
To: 'bpennington@fayetteville-ar.gov'; Broyles, Lana; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Lynch, Rhonda; Mulford, Patti; Norton, Susan; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Cc: 'baezdehicks@gmail.com'
Subject: FW: Regarding Ward 4 open position

Gentlemen,

I am writing to express my thoughts on the course of action to take regarding the open position left on the council with Alan Long's resignation.

First, I believe there are plenty of qualified people already known to the council through their volunteer service on commissions or previous candidacy to avoid the expense of a special election.

There are two candidates that I would like to mention.

First there is Mike Emery. He is a veteran and an involved member of the community. He is well respected and qualified for the position and would serve the citizens of ward 4.

I would also like to bring up that our minority community has zero representation in city government other than advisory committee. There are a number of involved and well qualified people who would be wonderful for this position. D'Andre Jones was a great candidate when he ran and is involved in volunteer committees. He is well known in within Black and Hispanic communities and would be a wonderful representative for the ward. It would also be a great opportunity to live up to the values it purports to uphold.

Thank you for your consideration.

Please feel free to forward to other members of the council

Maria Baez de Hicks

CityClerk

From: Charles W. Adkins, Jr. MAJ, LG, US Army (Retired) <charles.w.adkins.jr@aol.com>
Sent: Tuesday, November 21, 2017 4:40 PM
To: Jordan, Lioneld; Mayor; CityClerk
Subject: Vacant Ward 4 Position--Appointment of Mike Emery

Categories: Forwarded, Saved File

Good evening Mr. Mayor,

Request the Fayetteville City Council fill the Ward 4 Position vacated by Alan Long by appointment. Recommend that Mr. Mike Emery, Clabber Creek Neighborhood, be appointed to fill the positon. Mike has the unequivocal experience, thru service on several City Committees, to not only represent Ward 4, but our great City as a whole.

I'd be at the City Council meeting tonight, but I am on Granddad duty and am enjoying it very much.

TC & TTYL

Yours In Patriotism,

CHUCK

Charles W. Adkins, Jr.
Adjutant, MOPH Region V
CDR, MOPH Department of Arkansas
CDR, MOPH Chapter 460
Vice Chairman, Fayetteville National Cemetery Advisory Council
479.263.6772

CityClerk

From: Sybil Craig <SLCraig@airmail.net>
Sent: Tuesday, November 21, 2017 5:21 PM
To: CityClerk
Subject: Appointment of Mike Emory to Fill Ward 4, Place 2 Position

Hello,

I'd like to lend my support to the appointment of Mike Emory for the remainder of Alan Long's term in Ward 4 (Place 2). Mike is a neighbor and would make an excellent candidate to finish out Alan's term.

Thank you

Sybil Craig

2605 N. Indian Oaks Drive

Fayetteville, AR 72704

CityClerk

From: Mayor
Sent: Monday, November 20, 2017 4:12 PM
To: Jordan, Lioneld
Cc: City_Clerk-old
Subject: FW: Vacated Ward 4 Position 2 Appointment
Attachments: Andrew Miles' Interest in Vacant Ward 4 Position.pdf

Categories: Forwarded, Completed

fyi

From: Andrew Miles [mailto:miles.andrew16@gmail.com]
Sent: Monday, November 20, 2017 3:56 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Vacated Ward 4 Position 2 Appointment

Mr. Mayor,

Attached is a formal letter of my interest in the recently vacated Ward 4 Position 2 seat. Should you wish to speak with me before the council meeting tomorrow, please do not hesitate to reach out via email or my cell, (214) 797-2187.

Best,
Andrew Miles

November 20th, 2017

Mayor Lioneld Jordan
City of Fayetteville, AR
113 W. Mountain St.
Fayetteville, AR 72701

Mr. Mayor,

I write to you today regarding the recently vacated Ward 4 Seat 2 Alderman's position.

I know Alan Long and highly respect the manner in which he represented Ward 4 over the last five years, and I would like to formally put forward my name in consideration of filling his seat. I am an 11-year resident of Fayetteville, and have called Ward 4 my home for the past five years. I ardently believe in public service and am the current vice chair of the Environmental Action Committee. As a Razorback alum, both undergrad and graduate degrees, I am committed to growing the city I love, and can think of no better way than as a representative of my neighbors and community at large.

I understand that it is the council's requirement to determine the way the seat is filled at tomorrow's meeting. Though I am very supportive of a special election, should the council decide to elect a citizen themselves, I would be honored to serve the remainder of the Seat 2 term.

This vacancy must have come as quite a shock on such short notice, and I appreciate the load your schedule tomorrow likely gained as a result; however, should you wish to speak to me further regarding my qualifications, I will be available tomorrow during the day, and will be present at the city council meeting in the evening.

Kind Regards,

Andrew Miles 11/20/2017

CityClerk

From: Will Dockery <willdockery3@gmail.com>
Sent: Monday, November 20, 2017 9:47 PM
To: CityClerk
Subject: Ward 4 Council Spot Application

Categories: Responded

May I get an application for the newly vacant Ward 4 position please?

Thank you,

Will Dockery

CityClerk

From: CityClerk
Sent: Tuesday, November 21, 2017 7:54 AM
To: 'Will Dockery'
Subject: RE: Ward 4 Council Spot Application

Will,

My understanding is there is not an application process. Citizens interesting in filling the vacant seat are encouraged to attend the City Council meeting tonight at 5:30 pm to express their interest in serving the remainder of the seat. The City Clerk office has received a few letters from citizens which have shown interest in filling the vacated seat. If you would like to send a letter to cityclerk@fayetteville-ar.gov our office will be happy to forward your letter to the Mayor and Council Members before the meeting this evening. I believe the Council Members will determine this evening if they wish to appoint someone to fill the remainder of the term or if a special election will be called.

Have a nice day!
Lisa

From: Will Dockery [mailto:willdockery3@gmail.com]
Sent: Monday, November 20, 2017 9:47 PM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Ward 4 Council Spot Application

May I get an application for the newly vacant Ward 4 position please?

Thank you,

Will Dockery

CityClerk

From: Spencer T. Brown <Spencer.Brown@healogics.com>
Sent: Tuesday, November 21, 2017 1:32 PM
To: CityClerk
Subject: Open Alderman 4 Position
Attachments: District 4 Alderman.pdf

Categories: Saved File, Forwarded

Please see my attached letter of interest

Thank you

Spencer T. Brown
479-236-3224

Good Evening Council Members:

It is my pleasure and a privilege to address you this evening. I am Spencer T. Brown and I would be honored to serve on the Fayetteville City Council. It is a strong belief of mine, that you must have a servant's heart to work for the people. I believe that my previous service to the community demonstrates this mindset. If I am appointed by council and given that opportunity to serve my community more publicly, I pledge that I will do all that I can to guarantee Fayetteville's continued growth is done the *Fayetteville way*. I will endeavor to make decisions that are fiscally responsible and have the people of Fayetteville's interest first. As a long-term resident of the community, a husband, and a father of three children in the Fayetteville School District, my devotion runs deep for Fayetteville and I have a passion to continue making our Fayetteville a even better place to work, live, and enjoy with our families.

Occupation and Education

- I am a native of Morrilton, AR
- University Of Arkansas, Bachelor of Arts in criminal Justice
- Former Fayetteville Police Officer
- Over 10 years of Pharmaceutical Sales experience
- Director of Mercy Hyperbaric and Wound Care Center

Personal Information

- I spent most of my youth in Morrilton, AR and attended Morrilton High School
- Came to Fayetteville in 1991 to attend the University of Arkansas where I played football for the Arkansas Razorbacks, winning SEC west Division in 1995
- Four year letterman and recipient of the Jim Thorpe Dedication Award
- I am blessed to be married to the extremely talented Ashley Glass-Brown and we have 4 beautiful children Spencer, sophomore student athlete at Lyons College; Xavier & Whitney, age 10; and Jordan, age 6, all students at Owl Creek.
- I have been a resident of Fayetteville for over 20 years and over 17 of those years I have resided in Ward 4.

Community Involvement

- President of Helping Children Learn (HCL)
- NWA Director and Board Member, Arkansas Hard At Work Kids (H.A.W.K.s)
- Past Board Member of the Yvonne Richardson Center
- Past Member of Hall of Honor Board of Directors and Advisory Board, Razorback Foundation Inc.
- Member of Hill City Masonic Lodge PHA
- Member of Razorback A-Club

- Past Member of Elks Lodge
- NAACP
- Watchdog Dad
- M&N Augustine Foundation

Key Issues

- First, talk to the constituents here of Ward 4, their concerns, what has been accomplished, and what still needs to be done.
- Make sure we keep Fayetteville unique; by making sure we grow in a manner that the city can handle and in a responsible way.
- Make sure our classroom sizes are keeping up with area growth so our youth can continue to be provided with the best education possible; and teachers are not overwhelmed with students.
- Continue to watch and improve infrastructure throughout the city.
- Continued work on our beautiful park system and extending access to our trails for more Fayetteville citizens.
- Help our homeless by providing meals, shelter, and other services.

Sincerely,

Spencer T. Brown

CityClerk

From: Chris White <cwhite@communityclinicnwa.org>
Sent: Tuesday, November 21, 2017 2:37 PM
To: CityClerk
Subject: Open Alderman Position - Ward 4
Attachments: Chirs White Resume.doc

To the Honorable Mayor and City Council of Fayetteville,

I would like to express interest in the open Alderman position for Ward 4. My name is Christopher White and I have been a Fayetteville resident for over 15 years. I currently hold positions on the Housing Authority Board, as Vice Chair, and positions on several state level boards; one an appointment by Gov. Hutchison. I work in the non-profit world and have a passion for serving the underserved. As a resident since 1998, I have seen Fayetteville grow by leaps and bounds and have also seen the growing pains associated with such fast growth. Housing, Transportation, Connectivity and maintaining Fayetteville's unique character are all very important issues to myself and the residents of Ward 4. If the council chooses to appoint a citizen to the Alderman position in Ward 4, I would very much like to be considered. Please feel free to review my attached resume. I will be available by phone tonight if there are any questions I can answer, 4798417998. I have a prior engagement with my 11 month old son.

Many Thanks,

Christopher White

Christopher White

Community Outreach Specialist

Action-driven Community Outreach Specialist with 4 years experience in nonprofit grants management, leading diverse teams, building coalitions, facilitating community collaboration and cross-cultural outreach. Adept bilingual communicator well-versed in working with Congressional, State and Local officials, key stakeholders and the media. Excellent ability to generate innovative ideas as approaches to solve complex problems.

Experience

DRUG FREE COMMUNITIES GRANT MANAGER **2013-Present**
St. Francis House, NWA, Inc., dba Community Clinic Springdale AR

- Developed the SAMHSA Drug Free Community Program maintaining a budget of $125,000, impacting tens of thousands of lives annually with program activities that facilitated impactful solutions to local substance issues.
- Coordinated the integration of the SAMHSA Drug Free Community Program into the Northwest Arkansas Tobacco Free Coalition to form the Northwest Arkansas Tobacco Drug Free Coalition with over 60 Members and reaching over 100,000 participants annually.
- Monitored SAMHSA reporting and grant compliance requirements. Managed and maintained governmental reporting (SAMSHA) through Drug-Free Communities Support Program Interactive Reporting Site (DFC Me).
- Launched initiatives to facilitate program development and improve quality outcomes, such as community organizing, multi-agency coordination and cross-cultural outreach and advocacy.
- Maximized program effectiveness through coordination with Local Law Enforcement Agencies, City Officials, Area Schools, Community Organizations, Health Agencies, and Stakeholders to identify and target key intervention points.
- Facilitated the collaboration of community and grant-specified partnerships to share resources and to increase advocacy-activity.
- Developed message delivery for news media, volunteers, stakeholders and decision makers in accordance with program action plans.

Graduate Assistant, University of Arkansas **2010-2013**

- Assisted with the facilitation and management of a classroom (200 students), along with the coordination of classroom activities and written exams.

Human Resources Supervisor, George's Inc. **2007-2010**

- Mentored and guided a team of 8 HR professionals in the recruitment and training of new hires. Maintained benefits packages for over 800 employees.

Community Involvement

- Fayetteville Housing Authority Board, Vice Chairman/Commissioner, 2014-now
- Arkansas Prevention Network, President, 2014-now
- Springdale Kiwanis, Vice President, 2013-now
- Alcohol and Drug Abuse Coordinating Council - Appointed by Governor Asa Hutchinson, 2016-now
- Northwest Arkansas Tobacco & Drug Free Coalition, Member, 2013-now
- Elisabeth Richardson Center, Volunteer, 2015-now

Areas of Expertise

- Drug Free Community Programs
- Nonprofit Operations
- Board Leadership
- Policy and Program Development
- Policy & Regulatory Compliance
- Administrative Systems
- Budget Planning & Cost Control
- Quality Assurance & Improvement
- Grant Administration
- Grant Research , Writing, Evaluation & Data Analysis
- Community Collaboration
- Cross-Cultural Communication, Networking, Advocacy & Rapport
- Resource Coordination & Allocation
- Project Development & Management
- Volunteer Recruitment & Motivation
- Media & Public Relations
- Marketing & Communication Strategy
- Event Planning
- Donor Cultivation & Fund Raising
- Fluent in Spanish
- Proficient in Word, Excel , Outlook & DFCMe

Education

University of Arkansas, Fayetteville
- MA in Spanish Literature, 2013
- BA in Anthropology, Spanish, Latin American Studies, 2007

Contact Information

479-841-7998
christopherwhite.business@gmail.com

CityClerk

From: Teresa Turk <teresa_turk@hotmail.com>
Sent: Tuesday, November 21, 2017 2:54 PM
To: CityClerk
Subject: Interest in Serving on the City Council for Ward 4
Attachments: Ward4_city_council_turk.pdf

Categories: Forwarded, Saved File

Good Afternoon,
Please find attached a letter to Mayor Jordan and the City Council expressing my interest in replacing Alderman Long on the Fayetteville City Council.

Please contact me if you have any questions and I will be attending the City Council meeting tonight.

Thank you very much,
Teresa Turk

Sent from Outlook

To: Mayor Lioneld Jordan and the Fayetteville City Council

From: Teresa Turk
1408 Cleveland St. (Ward 4)
Fayetteville, AR 72701
Teresa_turk@hotmail.com

November 21, 2017

Dear Mayor Jordan,

Yesterday I learned that Alan Long, Alderman for Ward 4, had resigned effective immediately and has vacated his seat. I am interested in serving out his term on the City Council. Please consider me as a candidate to replace Alderman Long.

As a resident of Fayetteville for over 13 years, 12 of those years spent as a Ward 4 resident, I feel I understand the issues that affect the residence of this ward and can be a voice for their concerns at the City Council.

Since returning to Fayetteville in 2012, I have been an active member and contributor to the Fayetteville community by serving on the Historic District Commission (2013-present), the Civil Rights Commission (2016-present) and as the University Height Neighborhood Association Treasurer (2013-present).

My interests in serving on the City Council are not only to represent the residents of Ward 4, but to find solutions to the many challenges to Fayetteville's rapid growth in the 21st century. Those challenges include how to retain the laid back and welcoming Fayetteville character ("keeping Fayetteville funky"), how to preserve our historic properties while implementing smart and compatible growth, how to incentivize sustainability and living leaner on the planet, and how to be inclusive of all people who are on different life journeys.

If I am selected to represent Ward 4 residents, I will focus on getting up to speed on the current issues before the City Council, meeting with a variety of Ward 4 residents, and be prepared to fully serve at the next meeting on December 5th.

Thank you for your consideration.

CityClerk

From: Mayor
Sent: Tuesday, November 21, 2017 3:47 PM
To: City_Clerk-old
Subject: FW: Ward 4 City Council Vacancy

From: Julie McQuade [mailto:jewlzmcq@gmail.com]
Sent: Tuesday, November 21, 2017 3:30 PM
To: Bunch, Sarah <ward3_pos2@fayetteville-ar.gov>; citycouncil@matthewpetty.org; Kinion, Mark <ward2_pos1@fayetteville-ar.gov>; Marsh, Sarah <ward1_pos2@fayetteville-ar.gov>; Gray, Adella <ward1_pos1@fayetteville-ar.gov>; ward3_pos1@ci.fayetteville.ar.us; La Tour, John <ward4_pos1@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>; ward3_pos2@ci.fayetteville.ar.us
Subject: Ward 4 City Council Vacancy

Good afternoon City Council,

I just heard about Alan Long's resignation from the City Council this afternoon and about your upcoming decision to fill that vacancy. I am unable to attend tonight's City Council meeting, as I have a previous obligation that cannot be changed on short notice.
However, I would be very interested in filling that position for the remainder of the term.

I believe all of you know me from when I was an employee of the City of Fayetteville, except for Mr. John La Tour, and know that I have a great deal of knowledge regarding how the City of Fayetteville operates and the scope of City Council responsibility. I would be able to 'hit the ground running' if chosen, greatly reducing the amount of time and energy needed to orient a new council member. I have always been a passionate advocate for public engagement and listening to the people of Fayetteville.

I have been a resident of Fayetteville since 2004 and moved to Ward 4 this past June.

I know you will be deciding how to fill the vacant position in your meeting this evening. If the opportunity allows, I would like to be considered for the position. I am willing to provide any information, references or credentials and attend any interviews or other process you deem necessary in choosing your fellow council member.

Thank you for your consideration.

Julie McQuade Heyes
941 N Blazing Star Drive
Fayetteville AR 72704

479-957-7797

CityClerk

From: Still Hurting <bluecheer1950@gmail.com>
Sent: Tuesday, November 21, 2017 4:24 PM
To: CityClerk
Subject: Ward 4

As a family of 3 in ward 4, we hope Billy Townsend (no relation) is chosen to replace Alan Long. If it comes to an election he will have our votes. Thank you.

Ron Townsend

Smith, Sondra

From: Marr, Don
Sent: Tuesday, November 21, 2017 4:43 PM
To: Smith, Sondra
Subject: FW: Ward 4 Open Position

Importance: High

Potential interested individual for the Ward 4 open seat.
Don

From: J. L. Jennings Jr. [mailto:jxj027@uark.edu]
Sent: Monday, November 20, 2017 2:32 PM
To: Marr, Don <dmarr@fayetteville-ar.gov>
Subject: Ward 4 Open Position
Importance: High

Dear Mr. Marr,

Good afternoon. I hope this email finds you well. From reading a news report, I noticed that Alan Long has resigned his position on the City Council for Ward 4. I currently live in Ward 4 and serve on the Parks and Recreation Advisory Board as well as the Park's representative on the Botanical Gardens of the Ozarks Board of Directors. I am very interested in filling this position.

What will be the process for selecting a new alderman to replace Mr. Long?

Thank you for your time and consideration. I look forward to hearing from you soon, and I hope you have a great day!

Warm regards,

JL JENNINGS, M.ED
ASSISTANT DIRECTOR OF RETENTION
FOOTBALL & MEN'S TENNIS
479.5756630 (w) | 479.575.4939 (f) | 479.200-0655 (c) jxj027@uark.edu
Jerry & Gene Jones Family Student-Athlete Success Center
| 1229 W. Meadow | Fayetteville, AR 72701
| www.ArkansasRazorbacks.com

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Handed out at Agenda Session
11-14-17

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Mayor Jordan**
City Council

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **November 14, 2017**

RE: **Small Cell Facilities ordinance – Administration Recommendation**

Based on the comments received from the interested providers, the Administration recommends adopting the following changes:

1. The addition of "to the extent technically feasible" to (E)(1)(a) regarding the step-back requirement for facilities placed on top of buildings. The Administration recognizes that technical feasibility may play a role in the placement of these facilities on the top of buildings.
2. Replace the last sentence in (E)(2) with "except as otherwise allowed by 47 U.S.C. §1455." The intent of the last sentence is similar to but not exactly the same as the "substantial modification" standard set by federal law. It makes sense to align with the federal standard on this.
3. Renumber the existing (F)(8) to (G). Since this will apply to both (E)and (F), it should not have been included in (F).
4. Insert "not" in the existing (F)(8)(d), which would be the new (G)(4). This was an oversight in the initial drafting.
5. The providers are concerned about squatters claiming sites without having any intent to deploy. To address this, the Administration recommends adopting a permit expiration of 120 days if installation or construction has not been initiated.

EXHIBIT A

110.03 Small Cell Facilities and Networks

(A) Definitions: As used in § 110.03, the following terms shall have the meanings set out below:

(1) *Administrative Review* means non-discretionary evaluation of an Application by the Zoning and Development Administrator. This process is not subject to a public hearing or conditional or special review process.

(2) *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of telecommunications services:

(a) *Distributed antenna system (DAS)* means a network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.

(b) *Small Cell Facility* means a Telecommunications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(c) *Small Cell Network* means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

(3) *Applicant* means any person or entity that is engaged in the business of providing wireless services or the wireless infrastructure required for wireless services.

(4) *Competing local exchange carrier* means a telecommunications provider that has received a certificate of public convenience and necessity from the Arkansas Public Service Commission under the authority of Ark. Code Ann. § 23-17-409 and is authorized to install equipment and operate within the public rights of way or on public or private property in the City of Fayetteville. This shall include distributed antenna systems, small cell facilities and small cell networks.

(5) *Person* means any individual, resident, citizens, business firm, corporation, partnership, governmental agency, or institution.

(6) *Stealth technology* means systems, components and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.

(7) *Streets* means all streets, roads, highways, alleys, rights-of-way, public *utility* easements, public property, public ways and air space over such streets, roads, alleys, public rights-of-way, public utility easements, public property and public ways located within the geographic limits of the city.

(8) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information sent and received, whether wired or wireless.

(9) *Telecommunications facilities or facilities* means all conduits, manholes, poles, antennas, transceivers, wires, cable (including fiber optic cable), technology, and appurtenances owned or utilized by a telecommunications provider or third party infrastructure provider and located in, under or over the streets of the city or on public or private property and utilized in the provision of telecommunications services. This includes without limit, towers of all types, and base stations, including but not limited to buildings, church steeples, water towers, signs, poles, streetlights, traffic signals, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

(10) *Telecommunications Provider or provider* means any person, firm, corporation, partnership or other business entity, other than the city, that provides telecommunications services within or without the geographic

boundaries of the city by utilizing telecommunications facilities to provide telecommunications services. This shall include competing local exchange carriers or businesses that install small cell facilities on behalf of telecommunications providers.

(11) *Telecommunications services or services* means any service delivering telecommunications by a telecommunications provider that the provider is authorized to provide under federal, state and local law, except that these terms do not include cable service as defined by the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. §521 et seq., and the Telecommunications Act of 1996.

(B) Compliance with State and Federal Regulations. Applicant shall comply with all applicable state and federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator. Applicant shall not be required to enter into any franchise agreement with the City.

(C) Consolidated Application. An applicant may file one consolidated application for a small cell network of up to ten (10) individual small cell facilities of a substantially similar design every seven calendar days. The City may require a separate application for any small cell facilities that are not of a substantially similar design. The form of the permit Application is located on the City's website under Small Cell Facilities and Networks.

(D) An applicant shall submit with the application all documentation or other evidence required by the Zoning and Development Administrator to sufficiently establish the structural soundness of proposed facilities.

(E) Administrative Approval of Co-Located Facilities and Facilities Located on Existing Structures. The Zoning and Development Administrator, following an Administrative Review, may approve the following facility installations:

(1) Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than five feet above the existing structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the existing structure, when such additional height is necessary for improved functionality or safety.

(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade to the extent technically feasible in order to limit their impact

on the building's silhouette. Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline.

(b) Facilities Placed on Sides of Buildings. Facilities which are side-mounted on buildings shall be camouflaged (such as in a light fixture), shrouded, painted or constructed of materials to match the color of the building material directly behind them, and shall not extend above the roof line or extend more than two (2) feet from the façade of the building. The Zoning and Development Administrator may grant a variance of up to three (3) additional feet from the façade of a building when such additional clearance is necessary for improved functionality or safety.

(2) Locating on Existing Tower Not Previously Approved Through §163.13 of the U.D.C. Existing towers that do not have facilities may not add such capability without securing a conditional use permit, except as otherwise allowed by 47 U.S.C. § 1455. ~~Antennas may be replaced by similar antennas at the same height and for the same basic usage as the antennas being replaced~~.

(3) Locating on Existing Towers Previously Approved Through §163.13. Additional facilities may be placed upon any tower already approved through §163.14 of the U.D.C. so long as such additional facilities would not violate any requirements of the conditional use permit or other provisions of §163.13.

(4) Replacement of Existing Structures. If installation of facilities requires the removal and replacement of an existing structure, such as a pole, the new structure shall be considered an existing structure for the purposes of this section as long as the replacement structure is the same height as the existing structure, is constructed of substantially similar material or is a camouflaged/stealth structure, and the replacement structure is located within five (5) feet of the location of the original structure. The provisions of § 110.02(E) shall govern the standards of and procedures for construction or installation of replacement facilities within the public rights of way. The facilities may extend up to five feet above the replacement structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the replacement structure, when such additional height is necessary for improved functionality or safety.

(5) The applicant must submit a letter of intent indicating the intent and agreement to allow co-location of facilities or installation of facilities on an existing structure.

(6) If proposed facilities are not or cannot be adequately camouflaged, the City may require the installation of new stealth facilities.

(7) Any disturbance of City infrastructure (such as, but not limited to, streets, sidewalks, and utilities) shall be repaired and restored by the applicant at its expense and to a condition at least as good as that existing before the work causing such disturbance was commenced.

(8) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located or installed on an existing structure in the public rights-of-way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

(9) Variances. In order to receive a variance under this subsection, an applicant must show that strict enforcement would make it difficult to provide service due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(F) Administrative Approval of New Facilities in Public Rights of Way. Providers proposing the construction or installation of new facilities in the public rights of way (specifically excluding the replacement of existing structures) shall comply with following requirements:

(1) Construction Maintenance. The provisions of § 110.02(E), with the exception of §§ 110.02(E)(3) and (E)(10), shall govern the process of approval for the construction or installation of any new facilities within the public rights of way.

(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other telecommunications facilities in the block for the proposed location, but in no event taller than thirty (30) feet above grade for residential and local streets, forty (40) feet for collector streets, or fifty (50) feet for arterial streets. The Zoning and Development Administrator may grant a variance not to exceed ten (10) additional feet when such additional height is necessary for improved functionality or safety. In order to receive a variance under this subsection, an applicant must also show that strict enforcement would make it difficult to provide services due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(4) Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible. The Zoning and Development Administrator may approve the installation of a standard utility pole in areas where such installation will not degrade the streetscape but any facilities shall be camouflaged to the greatest extent possible. Camouflaging and stealth technology shall be required in all residential areas, improvement districts (including, but not limited to, the Dickson Street area and College Avenue improvement corridor), and any area in which utilities have been installed or relocated underground. Understanding that new technologies are anticipated to change the components of telecommunications facilities, the Administrator may determine if a telecommunications facility or component of a telecommunications facility is designed to be stealth.

(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.

(6) Distance between new facilities. New non-camouflaged or non-stealth facilities shall be spaced a minimum of five hundred feet (500') from any other new non-camouflaged or non-stealth facility approved under subsection (F). New camouflaged facilities or new facilities utilizing stealth technology to fit within the streetscape (e.g., incorporated within a street light) shall not be subject to this distance requirement.

(7) Information Required to Process Requests for New Facilities.

- (a) Provide a map of the geographic area that your project will serve;
- (b) Provide a map that shows other existing facilities that are used by the telecommunications provider who is making the application;
- (c) Provide a map that shows other potential standalone locations for your facility that have been explored;
- (d) Provide a scaled site plan containing information showing the property boundaries, proposed facility, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography.;
- (e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to install your facility on existing structures. The applicant should demonstrate a good faith effort to locate facilities on existing structures and/or co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant that has not demonstrated a good faith effort with respect to this requirement.

(g) Describe whether you will or will not accommodate equipment of other telecommunications providers that could co-locate on your facility. Describe how such accommodation will impact both your pole and your ground mounted facilities. Provide documentation of your provider's willingness or unwillingness to accommodate other providers who may be able to co-locate on your facility.

~~(8)~~(G) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

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~~(a)~~(1) The City shall supply written notice to the Applicant within thirty days of receipt of an Application clearly and specifically delineating any missing documents or information.

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~~(b)~~(2) Applicant shall submit any supplemental documentation and information to the City.

~~(c)~~(3) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.

~~(d)~~(4) Second or subsequent notices may not specify missing documents or information that were not identified in the original notice of incompleteness.

~~(e)~~(5) This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.

~~(G)~~(H) New Structures on Private Property. Telecommunications providers proposing the construction or installation of new poles or towers on privately owned property in the City shall comply with the provisions of § 163.13 ***Wireless Communications Facilities*** and shall obtain a conditional use permit.

(I) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities. For purposes of this subsection, public property shall not include any public right of way or structures in any public right of way. Small cell facilities installed in the public right of way or on structures in the public right of way shall pay only the fees set forth in subsection (E) and shall not be charged additional fees under this subsection.

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~~(H)~~(J) Permit Expiration. Permits issued for the construction or installation of any telecommunication facilities under this chapter shall expire after a period of six (6) months unless construction or installation of the permitted facility has been initiated.

~~(I)~~(K) Appeals. An Applicant may appeal to the City Council a decision or interpretation made in the Administrative Review process by the Zoning and Development Administrator. Appeals shall follow the procedure set forth in Section 155.02 of the Unified Development Code. Pedestrian access and safety. All facilities shall be installed in such a manner not to impede, restrict, or adversely impact pedestrian or vehicular safety or convenience, or violate any provision of the Americans with Disabilities Act.

~~(J)~~(L) Emergency removal or relocation of facilities. The City retains the right to cut or move any facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. City shall notify the provider after cutting or removing any facility within its rights-of-way. If circumstances permit, the City shall notify the provider in advance of any cutting or removal and give the provider an opportunity to move its own facilities.

Handed out at Agenda Session
11-14-17

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Mayor Jordan**
City Council

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **November 14, 2017**

RE: **Small Cell Facilities ordinance – Provider Comments**

Attached are the comments we received from Mobilitie (by email) and AT&T/Verizon/T-Mobile (in a Word document). We also met with representatives of AT&T and T-Mobile this afternoon to go over their suggested changes. The Administration has agreed with some but not with others.

Agreed Suggestions

1. The addition of "to the extent technically feasible" to (E)(1)(a) regarding the step-back requirement for facilities placed on top of buildings. The Administration recognizes that technical feasibility may play a role in the placement of these facilities on the top of buildings.
2. Replace the last sentence in (E)(2) with "except as otherwise allowed by 47 U.S.C. §1455." The intent of the last sentence is similar to but not exactly the same as the "substantial modification" standard set by federal law. It makes sense to align with the federal standard on this.
3. Renumber the existing (F)(8) to its own lettered paragraph. Since this will apply to both (E)and (F), it should not have been included in (F).
4. Insert "not" in the existing (F)(8)(d). This was an oversight in the initial drafting.
5. The providers are concerned about squatters claiming sites without having any intent to deploy. To address this, the Administration recommends adopting a permit expiration of 120 days if installation or construction has not been initiated.

Other Suggestions

The Administration does not support many of the other changes requested by the providers. These include:
Mobilitie suggested specifically defining "camouflage" contending that it is too broad as currently drafted. When a word is not defined, the dictionary definition controls. Camouflage is somewhat broad but the intent is to not bind the hands of either providers or staff in designing facilities that are compatible with surrounding property.

AT&T/Verizon/T-Mobile made several suggestions:

1. The suggested definition of co-locate in subsection (A) does not fit with either the industry definition we were given by AT&T several weeks ago or the dictionary definition.
2. The suggested definition of technically feasible in subsection (A) is unnecessary.
3. The differentiation between "utility pole" and "wireless support structure" in subsection (A) and used throughout their recommended draft is unnecessary and rather than providing clarity, as is the stated goal, it seems more confusing. Facilities is defined broadly in the ordinance to capture all potential types of installations.
4. The insertion of "reasonable" or "reasonably" throughout the document is unnecessary. The Administration believes that staff will apply this ordinance reasonably and fairly and applicants will have an opportunity to appeal to the City Council if they believe a staff interpretation or application is unreasonable.
5. The administration strongly recommends against the suggestion to move the variance procedure in (F)(3), where it applies only to height, to a more universal application. The Administration does not recommend allowing variances to the other standards set in the ordinance.
6. The administration strongly recommends against weakening the distance requirement in (F)(6). If the suggested language was adopted, the priority on aesthetic concerns would be gutted.

Pennington, Blake Mobilitie

From: Neil Bora <nbora@mobilitie.com>
Sent: Friday, November 10, 2017 9:58 AM
To: Pennington, Blake
Cc: James Mikles
Subject: RE: Small Cell ordinance - Exhibit A as amended 11/7/17
Attachments: EXHIBIT A - Small Cell Facilities and Networks - Amended and Incorporated 11.7.17 - CLEAN VERSION.DOCX; EXHIBIT A - HIGHLIGHTED CHANGES.DOCX

Blake,

Thanks for sending this over. Just to be clear, these highlights are the only changes since the last comment period? If so, these are acceptable except for one section.

Section F(6):

> "Distance between new facilities. New non-camouflaged or non-stealth facilities shall be spaced a minimum of five hundred feet (500') from any other new non-camouflaged or non-stealth facility approved under subsection (F). New camouflaged facilities or new facilities utilizing stealth technology to fit within the streetscape (e.g., incorporated within a street light) shall not be subject to this distance requirement."

Mobilitie understands that the preference is to camouflage technology, and we can certainly do so. However, the description of camouflage is very broad in the section. Throughout the country municipalities are considering camouflage to mean equipment all painted the same color. If that is the case, we can certainly agree to this section. However, the code describes camouflage as:

> "Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent possible including, but not limited to, *use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible."*

My concern is that instead of being asked to paint the equipment on the pole the same color as the pole/surrounding infrastructure or being asked to put the equipment in a box, we will be asked to do the latter requirements (incorporation within street lights, placement within trees).

If we can get a clear definition on "camouflage" as painting the equipment the same color or having ancillary equipment within a box on the pole, we can certainly agree to this. However, the code is very broad on this requirement.

My suggestion is to clarify these camouflage requirements because the current description in the code is overly broad and ranges from practical to improbable from an industry standpoint.

Really appreciate all of your help with these.

Thanks,

Neil Bora
Government Relations Manager
nbora@mobilitie.com
(469)744-0218

AT&T/Verizon/T-Mobile comments

EXHIBIT A

110.03 Small Cell Facilities and Networks

(A) Definitions: As used in § 110.03, the following terms shall have the meanings set out below:

(1) *Administrative Review* means non-discretionary evaluation of an Application by the Zoning and Development Administrator. This process is not subject to a public hearing or conditional or special review process.

(2) *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of telecommunications services:

(a) *Distributed antenna system (DAS)* means a network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.

(b) *Small Cell Facility* means a Telecommunications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment,

power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(c) *Small Cell Network* means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

(3) *Applicant* means any person or entity that is engaged in the business of providing wireless services or the wireless infrastructure required for wireless services.

~~(3)~~(4) *Co-locate* means to install, mount, maintain, modify, operate, or replace telecommunication facilities where technically feasible. "Collocation" has a corresponding meaning.

~~(4)~~(5) ~~*Competing*~~ *Competitive local exchange carrier* means a telecommunications provider that has received a certificate of public convenience and necessity from the Arkansas Public Service Commission under the authority of Ark. Code Ann. § 23-17-409 and is authorized to install equipment and operate within the public rights of way or on public or private property in the City of Fayetteville. This shall include distributed antenna systems, small cell facilities and small cell networks.

~~(5)~~(6) *Person* means any individual, resident, citizens, business firm, corporation, partnership, governmental agency, or institution.

~~(6)~~(7) *Stealth technology* means systems, components and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.

(8) *Streets* means all streets, roads, highways, alleys, rights-of-way, public *utility* easements, public property, public ways and air space over such streets, roads, alleys, public rights-of-way, public utility easements, public property and public ways located within the geographic limits of the city.

"Technically Feasible" means that by virtue of engineering or spectrum usage the proposed placement of a small cell facility, or its design or site location, can be implemented without a reduction in the functionality of the small cell facility.

~~(7)~~(9)

~~(8)~~(10) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information sent and received, whether wired or wireless.

~~(9)~~(11) *Telecommunications facilities or facilities* means all conduits, manholes, poles, antennas, transceivers, wires, cable (including fiber optic cable), technology, and appurtenances owned or utilized by a telecommunications provider or third party infrastructure provider and located in, under or over the streets of the city or on public or private property and utilized in the provision of telecommunications services. This includes without limit, towers of all

Commented [A1]: Co-locate and collocation are used repeatedly below. Intent here is to simply add the commonly accepted definition of those terms. This definition does not affect substance of the provisions below, but rather ensures use of commonly understood meaning. This definition tracks applicable federal law.

Commented [A2]: Revision here to conform definition to commonly used term in the industry.

types, and base stations, including but not limited to buildings, church steeples, water towers, signs, poles, streetlights, traffic signals, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

~~(10)~~(12) *Telecommunications Provider or provider* means any person, firm, corporation, partnership or other business entity, other than the city, that provides telecommunications services within or without the geographic boundaries of the city by utilizing telecommunications facilities to provide telecommunications services. This shall include competing local exchange carriers or businesses that install small cell facilities on behalf of telecommunications providers.

(13) *Telecommunications services or services* means any service delivering telecommunications by a telecommunications provider that the provider is authorized to provide under federal, state and local law, except that these terms do not include cable service as defined by the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. §521 et seq., and the Telecommunications Act of 1996.

(14) "Utility Pole" means a pole or similar structure that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, or for the Collocation of Small Cell Facilities; provided, however, such term shall not include Wireless Support Structures or electric transmission structures.

"Wireless Support Structure" means a structure, such as a monopole; tower, either guyed or self-supporting; billboard; building; or other existing or proposed structure designed to support or capable of supporting telecommunications facilities, other than a structure designed solely for the collocation of small cell facilities. Such term shall not include a Utility Pole.

~~(11)~~(15)

Commented [A3]: As explained below, given the breadth of the term facility (see preceding definition), we felt it would be helpful to add definitions for utility pole and wireless support structure to provide clarity as to when subsections (E) and (F) below apply.

(B) Compliance with State and Federal Regulations. Applicant shall comply with all applicable state and federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator. Applicant shall not be required to enter into any franchise agreement with the City.

(C) Consolidated Application. An applicant may file one consolidated application for a small cell network of up to ten (10) individual small cell facilities of a substantially similar design every seven calendar days. The City may require a separate application for any small cell facilities that are not of a substantially similar design.

The form of the permit Application is located on the City's website under Small Cell Facilities and Networks.

(D) An applicant shall submit with the application all documentation or other evidence required by the Zoning and Development Administrator to sufficiently establish the structural soundness of proposed facilities.

(E) Administrative Approval of Co-Located Facilities and Facilities Co-Located on Existing Wireless Support Structures or Utility Poles. The Zoning and Development Administrator, following an Administrative Review, may approve the following facility installations:

(1) Co-Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than five feet above the existing structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the existing structure, when such additional height is necessary for improved functionality or safety.

(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every reasonable effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade to the extent technically feasible in order to limit their impact on the building's silhouette. Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline.

(b) Facilities Placed on Sides of Buildings. Facilities which are side-mounted on buildings shall be reasonably camouflaged (such as in a light fixture), shrouded, painted or constructed of materials to match the color of the building material directly behind them, and shall not extend above the roof line or extend more than two (2) feet from the façade of the building. The Zoning and Development Administrator may grant a variance of up to three (3) additional feet from the façade of a building when such additional clearance is necessary for improved functionality or safety.

(2) Co-Locating on Existing Tower Not Previously Approved Through §163.13 of the U.D.C. Existing towers that do not have facilities may not add such capability without securing a conditional use permit, except as otherwise allowed by 47 U.S.C. § 1455. ~~Antennas may be replaced by similar antennas at the same height and for the same basic usage as the antennas being replaced~~.

(3) Co-Locating on Existing Towers Previously Approved Through §163.13. Additional facilities may be placed upon any tower already approved through

Commented [A4]: See comments above and below regarding addition of these two terms.

Commented [A5]: We request the phrase "reasonable" be used to place some boundary on the efforts that must be made to conceal the facility. We've proposed this addition in a couple of other places.

Commented [A6]: We suggest that the notion of technically feasible be incorporated into the step back requirement, as such requirements can affect site functionality depending on extent.

Commented [A7]: 6409 addresses different variations of this type of situation under federal law. As a result, we recommend including a general reference to that provision to capture all those scenarios.

§163.14 of the U.D.C. so long as such additional facilities would not violate any requirements of the conditional use permit or other provisions of §163.13.

(4) Replacement of Existing Wireless Support Structures and Utility Poles. If installation of facilities requires the removal and replacement of an existing structure, such as a pole, the new structure shall be considered an existing structure for the purposes of this section as long as the replacement structure is the same height as the existing wireless support structure or utility pole, is constructed of substantially similar material or is a camouflaged/stealth structure, and the replacement structure is located within five (5) feet of the location of the original structure. The provisions of § 110.02(E) shall govern the standards of and procedures for construction or installation of replacement ~~facilities~~ wireless support structures or utility poles within the public rights of way. The facilities may extend up to five feet above the replacement structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the replacement structure, when such additional height is necessary for improved functionality or safety.

Commented [A8]: Change made to track new definitions suggested above.

(5) The applicant must submit a letter of intent indicating the intent and agreement to allow co-location of facilities or installation of facilities on an existing structure.

(6) If proposed facilities are not or cannot be adequately camouflaged, the City may require the installation of new stealth facilities.

(7) Any disturbance of City infrastructure (such as, but not limited to, streets, sidewalks, and utilities) shall be repaired and restored by the applicant at its expense and to a condition at least as good as that existing before the work causing such disturbance was commenced.

(8) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located or installed on an existing structure in the public rights-of-way. ~~If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.~~

Commented [A9]: We have three concerns with the provisions related to dark fiber.

1) Arkansas law already contains provisions on franchises and what compensation may be required of a telecom provider. The dark fiber requirement is not consistent with Ark. Code Ann. 14-200-101.
2)The dark fiber provision is discriminatory in violation of the federal Telecom act at 47 USC 253.
3) State law also controls when an entity is required to obtain a franchise.

Given these provisions of state/federal, it is our recommendation that this provision be dropped.

(9) Variances. In order to receive a variance under this subsection, an applicant must show that strict enforcement would make it difficult to provide service due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(F) Administrative Approval of ~~New~~ Facilities Located on New Utility Poles in Public Rights of Way. Providers proposing the construction or installation of new ~~facilities~~ utility poles to support small cell facilities in the public rights of way (specifically

Commented [A10]: As we've discussed, the definition of facilities above is quite broad covering both antennas, poles, towers, etc., so this provision could be read as precluding the placement of new facilities as broadly defined. Our understanding of the intent here was to limit the installation of new utility poles. We've suggested a new defined term for utility pole and wireless support structure that we believe should be used here to more accurately reflect what we believe the underlying intent of this subsection to be.

excluding the replacement of existing ~~structures~~wireless support structures or utility poles) shall comply with following requirements:

(1) Construction Maintenance. The provisions of § 110.02(E), with the exception of §§ 110.02(E)(3) and (E)(10), shall govern the process of approval for the construction or installation of any new ~~facilities~~ utility poles within the public rights of way.

(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way. ~~If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.~~

(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other utility poles ~~telecommunications facilities~~ in the block for the proposed location, but in no event taller than thirty (30) feet above grade for residential and local streets, forty (40) feet for collector streets, or fifty (50) feet for arterial streets. The Zoning and Development Administrator may grant a variance not to exceed ten (10) additional feet when such additional height is necessary for improved functionality or safety. In order to receive a variance under this subsection, an applicant must also show that strict enforcement would make it difficult to provide services due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(4) Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent reasonably possible including, but not limited to, use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible. The Zoning and Development Administrator may approve the installation of a standard utility pole in areas where such installation will not degrade the streetscape but any facilities shall be camouflaged to the greatest extent reasonably possible. Camouflaging and stealth technology shall be required in all residential areas, improvement districts (including, but not limited to, the Dickson Street area and College Avenue improvement corridor), and any area in which utilities have been installed or relocated underground. Understanding that new technologies are anticipated to change the components of telecommunications facilities, the Administrator may

Commented [A11]: See prior comment re: fiber.

Commented [A12]: Other "telecommunications" facilities may not be at the top portion of a pole. Additionally, as noted above, the definition of "telecommunication facilities" is very broad.

Commented [A13]: Suggest moving this discussion to its on subsection below. Like the preceding Section (E), we believe the intent here is to describe the variance requirement standards generally in this subsection (E) as opposed to the variance process for just height.

Commented [A14]: We request the phrase reasonable be used to place some boundary on the efforts that must be made to conceal the facility.

determine if a telecommunications facility or component of a telecommunications facility is designed to be stealth.

(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.

(6) Distance between new ~~facilities~~utility poles. New non-camouflaged or non-stealth ~~facilities~~ utility poles shall be spaced a minimum of five hundred feet (500') from any other new non-camouflaged or non-stealth ~~facility~~ utility pole approved for that provider under subsection (F). New camouflaged facilities or new facilities utilizing stealth technology to fit within the streetscape (e.g., incorporated within a street light) shall not be subject to this distance requirement.

Commented [A15]: This will prevent "squatting" by one provider in areas in which new wood poles are appropriate and do not disturb the aesthetics of the area. It will also eliminate claims of discrimination under the federal Telecom act at 47 USC 253.

(7) Information Required to Process Requests for Facilities to be Located on New ~~Facilities~~Utility Poles.

(a) Provide a map of the geographic area that your project will serve;

(b) Provide a map that shows other existing facilities that are used by the telecommunications provider who is making the application;

Commented [A16]: A provider would have previously provided the information in (b) to the city with prior applications. Requiring it to be resubmitted would be duplicative. We suggest that this requirement be removed.

(c) Provide a map that shows other potential standalone locations for your facility that have been explored;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed facility, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography.;

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to install your facility on existing structures. The applicant should demonstrate a good faith effort to locate facilities on existing structures and/or co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant that has not demonstrated a good faith effort with respect to this requirement.

(g) Describe whether you will or will not accommodate equipment of other telecommunications providers that could co-locate on your facility. Describe how such accommodation will impact both your pole and your ground mounted facilities. Provide documentation of your provider's willingness or unwillingness to accommodate other providers who may be able to co-locate on your facility.

(8) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

(a) The City shall supply written notice to the Applicant within thirty days of receipt of an Application clearly and specifically delineating any missing documents or information.

(b) Applicant shall submit any supplemental documentation and information to the City.

(c) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.

(d) Second or subsequent notices may not specify missing documents or information that were not identified in the original notice of incompleteness.

(e) This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.

Commented [A17]: Since this section applies to both subsection (E) and (F), we wonder whether it should be its own standalone subsection.

(G) New Structures on Private Property. Telecommunications providers proposing the construction or installation of new poles or towers on privately owned property in the City shall comply with the provisions of § 163.13 ***Wireless Communications Facilities*** and shall obtain a conditional use permit.

(H) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities. For purposes of this subsection, public property shall not include any public right of way or structures in any public right of way. Small cell facilities installed in the public right of way or on structures in the public right of way shall pay only the fees set forth in subsection (E) and shall not be charged additional fees under this subsection.

(I) Appeals. An Applicant may appeal to the City Council a decision or interpretation made in the Administrative Review process by the Zoning and Development Administrator. Appeals shall follow the procedure set forth in Section 155.02 of the Unified Development Code. Pedestrian access and safety. All facilities shall be installed in such a manner not to impede, restrict, or adversely impact pedestrian or vehicular safety or convenience, or violate any provision of the Americans with Disabilities Act.

(J) Emergency removal or relocation of facilities. The City retains the right to cut or move any facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. City shall notify the provider after cutting or removing any facility within its rights-of-way. If circumstances permit, the City shall notify the provider in advance of any cutting or removal and give the provider an opportunity to move its own facilities.

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Mayor Jordan**
City Council

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **November 21, 2017**

RE: **Small Cell Facilities ordinance – Final Recommendation**

Attached is a clean copy of the Administration's final recommendation for the small cell ordinance. The only difference between the version you saw last Tuesday at the agenda session and this version is the removal of the requirement that non-franchise payors dedicate four pairs of dark fiber for the City to use for a public purpose. We see some fairly significant legal risk in including this requirement and recommend removing the provision which appears in earlier versions of this ordinance at (E)(8) and (F)(2). Otherwise, this draft is the same recommendation you saw at the last agenda session.

I am also attaching a copy of the memo I sent last Tuesday that outlines the other changes. If this new draft meets with your approval, please amend the ordinance to adopt this version of Exhibit A before your final vote.

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Mayor Jordan**
City Council

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **November 14, 2017**

RE: **Small Cell Facilities ordinance – Administration Recommendation**

Based on the comments received from the interested providers, the Administration recommends adopting the following changes:

1. The addition of "to the extent technically feasible" to (E)(1)(a) regarding the step-back requirement for facilities placed on top of buildings. The Administration recognizes that technical feasibility may play a role in the placement of these facilities on the top of buildings.
2. Replace the last sentence in (E)(2) with "except as otherwise allowed by 47 U.S.C. §1455." The intent of the last sentence is similar to but not exactly the same as the "substantial modification" standard set by federal law. It makes sense to align with the federal standard on this.
3. Renumber the existing (F)(8) to (G). Since this will apply to both (E)and (F), it should not have been included in (F).
4. Insert "not" in the existing (F)(8)(d), which would be the new (G)(4). This was an oversight in the initial drafting.
5. The providers are concerned about squatters claiming sites without having any intent to deploy. To address this, the Administration recommends adopting a permit expiration of 120 days if installation or construction has not been initiated.

EXHIBIT A

110.03 Small Cell Facilities and Networks

(A) Definitions: As used in § 110.03, the following terms shall have the meanings set out below:

(1) *Administrative Review* means non-discretionary evaluation of an Application by the Zoning and Development Administrator. This process is not subject to a public hearing or conditional or special review process.

(2) *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of telecommunications services:

(a) *Distributed antenna system (DAS)* means a network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.

(b) *Small Cell Facility* means a Telecommunications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(c) *Small Cell Network* means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

(3) *Applicant* means any person or entity that is engaged in the business of providing wireless services or the wireless infrastructure required for wireless services.

(4) *Competing local exchange carrier* means a telecommunications provider that has received a certificate of public convenience and necessity from the Arkansas Public Service Commission under the authority of Ark. Code Ann. § 23-17-409 and is authorized to install equipment and operate within the public rights of way or on public or private property in the City of Fayetteville. This shall include distributed antenna systems, small cell facilities and small cell networks.

(5) *Person* means any individual, resident, citizens, business firm, corporation, partnership, governmental agency, or institution.

(6) *Stealth technology* means systems, components and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.

(7) *Streets* means all streets, roads, highways, alleys, rights-of-way, public *utility* easements, public property, public ways and air space over such streets, roads, alleys, public rights-of-way, public utility easements, public property and public ways located within the geographic limits of the city.

(8) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information sent and received, whether wired or wireless.

(9) *Telecommunications facilities or facilities* means all conduits, manholes, poles, antennas, transceivers, wires, cable (including fiber optic cable), technology, and appurtenances owned or utilized by a telecommunications provider or third party infrastructure provider and located in, under or over the streets of the city or on public or private property and utilized in the provision of telecommunications services. This includes without limit, towers of all types, and base stations, including but not limited to buildings, church steeples, water towers, signs, poles, streetlights, traffic signals, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

(10) *Telecommunications Provider or provider* means any person, firm, corporation, partnership or other business entity, other than the city, that provides telecommunications services within or without the geographic boundaries of the city by utilizing telecommunications facilities to provide telecommunications services. This shall include competing local exchange

carriers or businesses that install small cell facilities on behalf of telecommunications providers.

(11) *Telecommunications services or services* means any service delivering telecommunications by a telecommunications provider that the provider is authorized to provide under federal, state and local law, except that these terms do not include cable service as defined by the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. §521 et seq., and the Telecommunications Act of 1996.

(B) Compliance with State and Federal Regulations. Applicant shall comply with all applicable state and federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator. Applicant shall not be required to enter into any franchise agreement with the City.

(C) Consolidated Application. An applicant may file one consolidated application for a small cell network of up to ten (10) individual small cell facilities of a substantially similar design every seven calendar days. The City may require a separate application for any small cell facilities that are not of a substantially similar design. The form of the permit Application is located on the City's website under Small Cell Facilities and Networks.

(D) An applicant shall submit with the application all documentation or other evidence required by the Zoning and Development Administrator to sufficiently establish the structural soundness of proposed facilities.

(E) Administrative Approval of Co-Located Facilities and Facilities Located on Existing Structures. The Zoning and Development Administrator, following an Administrative Review, may approve the following facility installations:

(1) Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than five feet above the existing structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the existing structure, when such additional height is necessary for improved functionality or safety.

(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade to the extent technically feasible in order to limit their impact on the building's silhouette. Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline.

(b) Facilities Placed on Sides of Buildings. Facilities which are side-mounted on buildings shall be camouflaged (such as in a light fixture), shrouded, painted or constructed of materials to match the color of the building material directly behind them, and shall not extend above the roof line or extend more than two (2) feet from the façade of the building. The Zoning and Development Administrator may grant a variance of up to three (3) additional feet from the façade of a building when such additional clearance is necessary for improved functionality or safety.

(2) Locating on Existing Tower Not Previously Approved Through §163.13 of the U.D.C. Existing towers that do not have facilities may not add such capability without securing a conditional use permit, except as otherwise allowed by 47 U.S.C. § 1455.

(3) Locating on Existing Towers Previously Approved Through §163.13. Additional facilities may be placed upon any tower already approved through §163.14 of the U.D.C. so long as such additional facilities would not violate any requirements of the conditional use permit or other provisions of §163.13.

(4) Replacement of Existing Structures. If installation of facilities requires the removal and replacement of an existing structure, such as a pole, the new structure shall be considered an existing structure for the purposes of this section as long as the replacement structure is the same height as the existing structure, is constructed of substantially similar material or is a camouflaged/stealth structure, and the replacement structure is located within five (5) feet of the location of the original structure. The provisions of § 110.02(E) shall govern the standards of and procedures for construction or installation of replacement facilities within the public rights of way. The facilities may extend up to five feet above the replacement structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the replacement structure, when such additional height is necessary for improved functionality or safety.

(5) The applicant must submit a letter of intent indicating the intent and agreement to allow co-location of facilities or installation of facilities on an existing structure.

(6) If proposed facilities are not or cannot be adequately camouflaged, the City may require the installation of new stealth facilities.

(7) Any disturbance of City infrastructure (such as, but not limited to, streets, sidewalks, and utilities) shall be repaired and restored by the applicant at its expense and to a condition at least as good as that existing before the work causing such disturbance was commenced.

(8) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located or installed on an existing structure in the public rights-of-way.

(9) Variances. In order to receive a variance under this subsection, an applicant must show that strict enforcement would make it difficult to provide service due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(F) Administrative Approval of New Facilities in Public Rights of Way. Providers proposing the construction or installation of new facilities in the public rights of way (specifically excluding the replacement of existing structures) shall comply with following requirements:

(1) Construction Maintenance. The provisions of § 110.02(E), with the exception of §§ 110.02(E)(3) and (E)(10), shall govern the process of approval for the construction or installation of any new facilities within the public rights of way.

(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way.

(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other telecommunications facilities in the block for the proposed location, but in no event taller than thirty (30) feet above grade for residential and local streets, forty (40) feet for collector streets, or fifty (50) feet for arterial streets. The Zoning and Development Administrator may grant a variance not to exceed ten (10) additional feet when such additional height is necessary for improved functionality or safety. In order to receive a variance under this subsection, an applicant must also show that strict enforcement would make it difficult to provide services due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(4) Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible. The Zoning and Development Administrator may approve the installation of a standard utility pole in areas where such installation will not degrade the streetscape but any facilities shall be camouflaged to the greatest extent possible. Camouflaging and stealth technology shall be required in all residential areas, improvement districts (including, but not limited to, the Dickson Street area and College Avenue improvement corridor), and any area in which utilities have been installed or relocated underground. Understanding that new technologies are anticipated

to change the components of telecommunications facilities, the Administrator may determine if a telecommunications facility or component of a telecommunications facility is designed to be stealth.

(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.

(6) Distance between new facilities. New non-camouflaged or non-stealth facilities shall be spaced a minimum of five hundred feet (500') from any other new non-camouflaged or non-stealth facility approved under subsection (F). New camouflaged facilities or new facilities utilizing stealth technology to fit within the streetscape (e.g., incorporated within a street light) shall not be subject to this distance requirement.

(7) Information Required to Process Requests for New Facilities.

(a) Provide a map of the geographic area that your project will serve;

(b) Provide a map that shows other existing facilities that are used by the telecommunications provider who is making the application;

(c) Provide a map that shows other potential standalone locations for your facility that have been explored;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed facility, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography.;

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to install your facility on existing structures. The applicant should demonstrate a good faith effort to locate facilities on existing structures and/or co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant that has not demonstrated a good faith effort with respect to this requirement.

(g) Describe whether you will or will not accommodate equipment of other telecommunications providers that could co-locate on your facility. Describe how such accommodation will impact both your pole and your ground mounted facilities. Provide documentation of your provider's willingness or unwillingness to accommodate other providers who may be able to co-locate on your facility.

(G) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

(1) The City shall supply written notice to the Applicant within thirty days of receipt of an Application clearly and specifically delineating any missing documents or information.
(2) Applicant shall submit any supplemental documentation and information to the City.
(3) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.
(4) Second or subsequent notices may not specify missing documents or information that were not identified in the original notice of incompleteness.
(5) This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.

(H) New Structures on Private Property. Telecommunications providers proposing the construction or installation of new poles or towers on privately owned property in the City shall comply with the provisions of § 163.13 ***Wireless Communications Facilities*** and shall obtain a conditional use permit.

(I) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities. For purposes of this subsection, public property shall not include any public right of way or structures in any public right of way. Small cell facilities installed in the public right of way or on structures in the public right of way shall pay only the fees set forth in subsection (E) and shall not be charged additional fees under this subsection.

(J) Permit Expiration. Permits issued for the construction or installation of any telecommunication facilities under this chapter shall expire after a period of six (6) months unless construction or installation of the permitted facility has been initiated.

(K) Appeals. An Applicant may appeal to the City Council a decision or interpretation made in the Administrative Review process by the Zoning and Development Administrator. Appeals shall follow the procedure set forth in Section 155.02 of the Unified Development Code. Pedestrian access and safety. All facilities shall be installed in such a manner not to impede, restrict, or adversely impact pedestrian or vehicular safety or convenience, or violate any provision of the Americans with Disabilities Act.

(L) Emergency removal or relocation of facilities. The City retains the right to cut or move any facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. City shall notify the provider after cutting or removing any facility within its rights-of-way. If circumstances permit, the City shall notify the provider in advance of any cutting or removal and give the provider an opportunity to move its own facilities.

CityClerk

From: Mayor
Sent: Tuesday, November 21, 2017 12:46 PM
To: Jordan, Lioneld
Cc: Pennington, Blake; Norton, Susan; City_Clerk-old; Marr, Don
Subject: FW: Small Cell Ordinance 12/21

fyi

From: Marcus Hall [mailto:mhall5339@gmail.com]
Sent: Tuesday, November 21, 2017 12:43 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Small Cell Ordinance 12/21

Mr. Mayor, Council Members, et. al.

Please excuse the informality in today's writing, I'm not in the office and on my phone.

I've received the letter sent by City staff announcing that the fiber requirements at the pole for non-franchised carriers will be deleted. I have also read and understand the point made by the attorney of Verizon. I appreciate that input very much.

Is there a way forward from here where we might charge more in application fees in order to get fiber to those poles?

This would resolve the concerns raised by Verizon but also meet the stated goals of the city in what could be a win-win for everybody.

Simply put, if they don't want to put fiber on the pole, why not charge them enough to get it there?

There will be many non-franchised providers wanting to install small cells in the future for purposes we haven't even begun to think about. This isnt a small line item delete in my opinion.

I hope you consider these points and react properly. If I can be of any assistance please let me know.

Good luck,
Marcus Hall
479-236-0007

Branson, Lisa

From: Smith, Sondra
Sent: Tuesday, November 21, 2017 10:17 PM
To: Branson, Lisa
Subject: FW: VIP Club Alcohol permit

Not sure if you received this. Sondra

-----Original Message-----
From: Williams, Kit
Sent: Tuesday, November 21, 2017 10:59 AM
To: Kenneth Mourton <kmourton@ballandmourton.com>
Cc: Tabor, Greg <gtabor@fayetteville-ar.gov>; Smith, Sondra <ssmith@fayetteville-ar.gov>; Jordan, Lioneld <ljordan@fayetteville-ar.gov>
Subject: RE: VIP Club Alcohol permit

Ken,

Thanks for your agreement. This ordinance will be addressed tonight under old business (right after the consent agenda). You and your client should attend and indicate your acceptance and agreement of the amended ordinance and request that the City Council passed the amended ordinance.

Kit Williams
Fayetteville City Attorney
479.575.8313

-----Original Message-----
From: Kenneth Mourton [mailto:kmourton@ballandmourton.com]
Sent: Tuesday, November 21, 2017 8:47 AM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: VIP Club Alcohol permit

Kit

This is acceptable to my client and also myself as his attorney

If you need anything else please let me know.

Also when it is presented do you prefer that my client and myself be at the meeting. If so please advise me what date the matter will be presented.

Thank you and I appreciate your assistance in working through this matter

With Highest Regards

Ken

Branson, Lisa

From: Smith, Sondra
Sent: Tuesday, November 21, 2017 10:18 PM
To: Branson, Lisa
Subject: FW: VIP Club Alcohol permit
Attachments: 1824_001.pdf

Not sure if you received this. Sondra

From: Williams, Kit
Sent: Friday, November 17, 2017 3:25 PM
To: kmourton@ballandmourton.com
Cc: Tabor, Greg <gtabor@fayetteville-ar.gov>; Marr, Don <dmarr@fayetteville-ar.gov>; Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: VIP Club Alcohol permit

Ken,

Attached is the proposed amended ordinance to approve your client's application for an ABC private club alcohol permit with the conditions that I believe that you and Chief Tabor agreed to. Please let me know if this is satisfactory to you and your client.

Kit Williams
Fayetteville City Attorney
479.575.8313

OFFICE OF THE CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE APPLICATION OF SAMI AMMAR HADDAJI, ON BEHALF OF VIP CLUB FOR A PERMIT TO OPERATE AS A PRIVATE CLUB IN THE CITY OF FAYETTEVILLE AT 326 NORTH WEST AVENUE #6

WHEREAS, Act 1112 of 2017, which amended the permitting procedure set forth in Ark. Code Ann. § 3-9-222 for private clubs in the State of Arkansas, requires the City Council to approve "by ordinance an application for a permit to operate as a private club" before the applicant can submit the application to the state Alcoholic Beverage Control Division; and

WHEREAS, the applicant has voluntarily offered to close his VIP Club no later than 1:30 a.m. to help avoid congestion caused by next door bars all closing at 2:00 a.m. with patrons overflowing the narrow sidewalk near his location; and

WHEREAS, the applicant has also volunteered to ensure that all of his employees will promptly attend and complete the Fayetteville Police Department's free Fraudulent/Underage ID class.

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 approves the application of Sami Ammar Haddaji, on behalf of VIP Club, a copy of which is attached to the agenda request form, for a permit to operate as a private club in the City of Fayetteville at 326 North West Avenue #6 under the conditions set forth in Section 2.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby accepts Sami Ammar Haddaji's voluntary offers to close his VIP club every day by 1:30 a.m. and to require his employees to promptly take and complete the Fayetteville Police Department's free Fraudulent/Underage ID class as conditions for the City Council's approval of Mr. Haddaji's application.

PASSED and **APPROVED** this 5th day of December, 2017.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA SMITH**, City Clerk/Treasurer

OFFICE OF THE MAYOR

To: Mayor Jordan

Fayetteville City Council

From: Don Marr, Chief of Staff

Co-Chair of the Town & Gown Advisory Committee

Date: 11/21/2017

RE: Town & Gown Advisory Committee Recommendation

The Town and Gown Advisory Committee met Monday, November 20, 2017. There were 11 members of the committee present.

Matthew Ramsey, Community Citizen representative made a motion, seconded by School District Representative John L Colbert to recommend that the City of Fayetteville not terminate the lease for Lewis Soccer Fields with the University Systems – Agriculture Division early (December 31, 2017) and allow the lease to run through the full period of June 30th, 2018 to give designated Stakeholder groups (identified as Neighborhood Members, University of Arkansas Fayetteville, Fayetteville Public School District, and any other interested parties) for the time to evaluate all possible options for the land.

The vote was 5 votes in support of the motion (All Citizen Community Representatives), 3 votes against the motion (City Representatives), 3 votes abstaining from the vote (University Representatives)

Handed out at the 11-21-17 Council meeting

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff

FROM: **Kit Williams**, City Attorney

DATE: **November 21, 2017**

RE: **Motion and Resolutions for Aldermen Vacancy**

To facilitate the parliamentary procedure for the City Council to address the vacancy for the Council Member in Ward 4, Position 2, I have attached two Resolutions. One Resolution would call for a Special Election to elect a new Council Member on February 13, 2018. The other Resolution would elect a replacement Council Member by City Council vote tonight.

The first issue that should be addressed is the City Council's choice between electing a replacement Council Member or referring the decision to a Special Election. This should be done by a City Council Member moving either:

(1) To elect a Council Member by the City Council to serve the unexpired term of former Council Member Alan Long; or
(2) To call for a special election to elect a new council member to replace former Council Member Alan Long.

This initial motion is an internal motion such as a motion to table and is dependent upon members of the council present and voting. Thus, because of the vacancy of Long's position and the absence of another Council Member that motion will require only four votes to pass. The Mayor may as usual vote if "the Mayor's vote is needed to pass any ordinance, by-law, resolution, order or motion." A.C.A. § 14-43-501(b)

Either Resolution, however, shall continue to require five affirmative votes to pass pursuant to A.C.A. § 14-55-203 **Voting requirements for passage**. "To pass any by-law, ordinance or resolution. . . , a concurrence of majority of the whole number of members elected to the council shall be required."

This is slightly altered by A.C.A. § 14-43-411(b)(1) which requires a "majority vote of the remaining members elected to the council. . . ." As "this language would include the Mayor since he is an *ex officio* member of the council," *Gibson v. City of Trumann*, 311 Ark 561, 562, 845 S.W.2d 515, 516 (1993); the Mayor must also be counted when determining the number of "remaining members elected to the council" which would be eight. Thus, five affirmative votes (which could include a vote by Mayor Jordan) would be needed to pass either Resolution.

Please keep in mind that the state statute says: "at the first regular meeting after the occurrence of the vacancy, the **city council shall** proceed to either elect. . . or call. . . ." A.C.A. § 14-43-411(b)(1) (emphasis added). Therefore, the City Council has a **mandatory duty to either elect a new council member or call a special election at this meeting.**

RESOLUTION NO. _____

A RESOLUTION TO ELECT _____ AS CITY COUNCIL MEMBER FOR WARD FOUR, POSITION TWO OF THE CITY OF FAYETTEVILLE

WHEREAS, a vacancy in the office of the Council Member of Ward Four, Position Two has just occurred in the City of Fayetteville; and

WHEREAS, the City Council pursuant to A.C.A. § 14-43-411(b) has voted to elect _____ as the replacement City Council Member for Ward Four, Position Two.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby elects _____ to the office of City Council Member of Ward Four, Position Two in the City of Fayetteville pursuant to A.C.A. § 14-43-411(b) to serve the remainder of the previous Council Member's term.

PASSED and **APPROVED** this 21st day of November, 2017.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk/Treasurer

RESOLUTION NO. _____

A RESOLUTION TO CALL A SPECIAL ELECTION TO FILL A VACANCY OF CITY COUNCIL MEMBER FOR WARD 4, POSITION 2 OF THE CITY OF FAYETTEVILLE

WHEREAS, a vacancy in the office of the Council Member of Ward Four, Position 2 has just occurred in the City of Fayetteville; and

WHEREAS, pursuant to A.C.A. § 14-43-411(b) the Fayetteville City Council has voted to call a special election to fill this vacancy.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby calls a special election to fill a vacancy for a Council Member in Ward 4, Position 2 of the City of Fayetteville for February 13, 2018. The deadline for filing as an independent candidate for this position shall be December 11, 2017 at the 2:00 p.m. The period of time that petitions for independent candidacy may be circulated is November 22 until December 11, 2017 at 2:00 p.m. The date for drawing for ballot position shall be December 13, 2017 at 2:00 p.m. The date that the election shall be certified by the county board shall be no later than March 13, 2018.

PASSED and **APPROVED** this _____ day of _____, 2017.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk/Treasurer

City of Fayetteville, Arkansas

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

City Council Agenda Session Tentative Agenda

Tuesday, November 14, 2017

4:30 PM

City Hall Room 326

City Council Members

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:

Agenda Additions

A. Consent:

A. 1 2016-0587

APPROVAL OF THE NOVEMBER 7, 2017 CITY COUNCIL MEETING MINUTES.

A. 2 2017-0614

PAYMENTUS CORPORATION:

A RESOLUTION TO APPROVE A CONTRACT WITH PAYMENTUS CORPORATION IN THE AMOUNT OF $5,000.00 EXPANDING THE SCOPE OF SERVICES TO ADD A FIELD DISPLAYING CUSTOMER PAST DUE BALANCES IN THE ONLINE UTILITY BILLING SYSTEM

Attachments: PAYMENTUS CORPORATION

A. 3 2017-0621

2017 BULLETPROOF VEST PARTNERSHIP PROGRAM:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2017 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF $6,070.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2017 BULLETPROOF VEST PARTNERSHIP PROGRAM

BA_2017 BULLETPROOF VEST PARTNERSHIP PROGRAM

A. 4 2017-0561

FEDERAL AND STATE LAW ENFORCEMENT REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $81,516.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND INSURANCE PROCEEDS FROM A WRECKED VEHICLE

Attachments: FEDERAL AND STATE LAW ENFORCEMENT REVENUE

BA_FEDERAL AND STATE LAW ENFORCEMENT REVENUE

A. 5 2017-0636

FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES ON GROOMING AND UNIFORM REQUIREMENTS AND BODY-WORN CAMERAS

Attachments: FAYETTEVILLE POLICE DEPARTMENT POLICIES

A. 6 2017-0620

BID #17-65 NABHOLZ ENVIRONMENTAL SERVICES, LLC:

A RESOLUTION TO AWARD BID #17-65 AND AUTHORIZE A CONTRACT WITH NABHOLZ ENVIRONMENTAL SERVICES, LLC IN THE AMOUNT OF $257,802.00 FOR ASBESTOS ABATEMENT SERVICES AT THE OLD CITY HOSPITAL AS PART OF THE FAYETTEVILLE PUBLIC LIBRARY EXPANSION PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $40,000.00

Attachments: BID #17-65 NABHOLZ ENVIRONMENTAL SERVICES, LLC

A. 7 2017-0624

UNIVERSITY OF ARKANSAS JOINT LEASE AGREEMENT TERMINATION:

A RESOLUTION TO TERMINATE THE JOINT LEASE AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE CITY'S USE OF 27.5 ACRES ON LEWIS AVENUE AND THE UNIVERSITY'S USE OF 10.02 ACRES ON RAZORBACK ROAD, CONTINGENT UPON APPROVAL BY THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS

Attachments: UNIVERSITY OF ARKANSAS JOINT LEASE AGREEMENT TERMINATION

A. 8 2017-0619

COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA:

A RESOLUTION TO APPROVE A RENEWAL OF THE CONTRACT WITH COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA IN THE AMOUNT OF $161,580.00 FOR THE PROVISION OF PUBLIC ACCESS TELEVISION SERVICES AND THE OPERATION OF THE PUBLIC ACCESS TELEVISION CHANNEL THROUGH 2018, CONTINGENT ON APPROVAL OF THE 2018 ANNUAL CITY BUDGET AND WORK PROGRAM

Attachments: COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA

B. Unfinished Business:

B. 1 2017-0532

SMALL CELL COMMUNICATIONS FACILITIES:

AN ORDINANCE TO ENACT § 110.03 SMALL CELL FACILITIES AND NETWORKS INTO CHAPTER 110: TELECOMMUNICATION FRANCHISE, BILLPOSTING, AND SMALL CELL FACILITIES AND NETWORKS

Attachments: SMALL CELL COMMUNICATIONS FACILITIES

At the November 7, 2017 City Council Meeting this ordinance was tabled to November 21, 2017 City Council Meeting and left on the third reading. At the October 17, 2017 City Council Meeting this ordinance was left on the second reading. At the October 3, 2017 City Council Meeting this ordinance was left on the first reading.

B. 2 2017-0616

VIP CLUB:

AN ORDINANCE TO APPROVE THE APPLICATION OF SAMI AMMAR HADDAJI, ON BEHALF OF VIP CLUB FOR A PERMIT TO OPERATE AS A PRIVATE CLUB IN THE CITY OF FAYETTEVILLE AT 326 NORTH WEST AVENUE #6

Attachments: VIP CLUB

At the November 7, 2017 City Council Meeting this ordinance was left on the first reading.

C. New Business:

C. 1 2017-0618

AMEND TELECOMMUNICATIONS BOARD:

AN ORDINANCE TO AMEND ARTICLE IX TELECOMMUNICATIONS BOARD IN CHAPTER 33 DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES OF THE CITY CODE TO REDUCE THE FREQUENCY OF MEETINGS FROM MONTHLY TO BI-MONTHLY

Attachments: AMEND TELECOMMUNICATIONS BOARD

C. 2 2017-0626

RZN 17-5950 (4847 W. WEDINGTON/LEISURE HOMES CORP.):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5950 FOR APPROXIMATELY 1.83 ACRES LOCATED AT 4847 WEST WEDINGTON DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND NC, NEIGHBORHOOD CONSERVATION TO RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE, FOR 1.27 ACRES AND NC, NEIGHBORHOOD CONSERVATION FOR 0.56 ACRES

Attachments: RZN 17-5950: (4847 W. WEDINGTON/LEISURE HOMES CORP.)

C. 3 2017-0617

VAC 17-5960 (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN):

AN ORDINANCE TO APPROVE VAC 17-5960 FOR PROPERTY LOCATED EAST OF BARTON AVENUE AND NORTH OF HUNTSVILLE ROAD TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: VAC 17-5960: (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN:

C. 4 2017-0627

VAC 17-5963 (ROCK ST. BETWEEN WEST AVE. AND SCHOOL ST./ROCK ST. ROW):

AN ORDINANCE TO APPROVE VAC 17-5963 FOR PROPERTY LOCATED AT ROCK STREET BETWEEN WEST AVENUE AND SCHOOL STREET TO VACATE A PORTION OF THE ROCK STREET RIGHT-OF-WAY

Attachments: VAC 17-5963 (ROCK ST. BETWEEN WEST AVE. AND SCHOOL ST./ROCK ST. R

C. 5 2017-0646

CHAPTER 151 AND 161 UDC REVISIONS:

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CHANGE BUILDING HEIGHT RESTRICTION MEASUREMENTS FROM FEET TO STORIES IN CHAPTER 161 AND TO AMEND §151.01 DEFINITIONS TO DEFINE "STORY"

Attachments: CHAPTER 151 AND 161 UDC REVISIONS

C. 6 2017-0648

AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT:

AN ORDINANCE TO AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT BY AMENDING THE APPLICABILITY SECTION TO INCLUDE COLLEGE AVENUE OVERLAY DISTRICT AND TO ENACT §166.26 COLLEGE AVENUE OVERLAY DISTRICT

Attachments: AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT

C. 7 2017-0650

REZONE COLLEGE AVENUE:

AN ORDINANCE TO REZONE ALL PARCELS WITHIN OR NEAR COLLEGE AVENUE AS SHOWN ON EXHIBIT C OF THE PLANNING DEPARTMENT'S AGENDA MEMO COMPRISING ABOUT 24.62 ACRES

Attachments: REZONE COLLEGE AVENUE

C. 8 2017-0641

2018 ANNUAL BUDGET AND WORK PROGRAM:

A RESOLUTION TO ADOPT THE 2018 ANNUAL BUDGET AND WORK PROGRAM

Attachments: 2018 ANNUAL BUDGET AND WORK PROGRAM

D. City Council Agenda Session Presentations:

D. 1 2017-0635

AGENDA SESSION PRESENTATION - 2017-2018 DRAINAGE IMPROVEMENTS PLAN

E. City Council Tour:

F. Announcements:

G. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0587

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Minutes

Agenda Number: A. 1

APPROVAL OF THE NOVEMBER 7, 2017 CITY COUNCIL MEETING MINUTES.

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0614

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 2

PAYMENTUS CORPORATION:

A RESOLUTION TO APPROVE A CONTRACT WITH PAYMENTUS CORPORATION IN THE AMOUNT OF $5,000.00 EXPANDING THE SCOPE OF SERVICES TO ADD A FIELD DISPLAYING CUSTOMER PAST DUE BALANCES IN THE ONLINE UTILITY BILLING SYSTEM

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 contract with Paymentus Corporation in the amount of $5,00.00 expanding the scope of services to add a field displaying customer past due balance in the online utility billing system.

City of Fayetteville Staff Review Form

2017-0614

Legistar File ID

11/21/2017

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

Keith Macedo	10/31/2017	Information Technology / Chief of Staff
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Request approval of the attached statement of work, with Paymentus Corporation, to configure the City's online utility billing payment website to display customer account past due balances, for a one-time fee of $5,000.00.

Budget Impact:

5400.720.1840-5416.00	Water and Sewer
Account Number	Fund
15019.1	15019-Utilities Technology Improvements
Project Number	Project Title

Budgeted Item?	Yes	Current Budget	$	52,000.00
		Funds Obligated	$	-
		Current Balance	$	52,000.00
Does item have a cost?	Yes	Item Cost	$	5,000.00
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	47,000.00

V20140710

Previous Ordinance or Resolution # 133-15

Original Contract Number: _____

Approval Date: _____

Comments:

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO

TO: Mayor Lioneld Jordan and City Council

THRU: Don Marr, Chief of Staff

FROM: Keith Macedo, Director of Information Technology

DATE: October 31, 2017

SUBJECT: Request approval of the attached statement of work, with Paymentus Corporation, to configure the City's online utility billing payment website to display customer account past due balances.

RECOMMENDATION:
Request approval of the attached statement of work, with Paymentus Corporation, to configure the City's online utility billing payment website to display customer account past due balances, for a one-time fee of $5,000.00.

BACKGROUND:
The City has utilized Paymentus Corporation since 2002 to provide Utility Billing online payment services via credit card, e-check, and Interactive Voice Response (IVR). The City upgraded the legacy New World AS400 Utility Billing software to Tyler's New World ERP .Net version in June of this year. The new version of the software included an application program interface that allowed for additional account information to be transferred between the New World Utility Billing software and Paymentus. City Council approved a master services agreement with Paymentus on August 4, 2015, per resolution 133-15, to provide online payment and IVR services.

DISCUSSION:
The attached statement of work (SOW) approves Paymentus to program our Utility Billing online payment system to include the "past due balance" on all utility accounts. The SOW details the programming and testing of the change to ensure we accurately display the past due balance. Recently several utility customers have contacted staff and requested that we clearly display the past due balance on the online payment system. Staff recommends approving the addition of the past due balance information to our utility online payment system in the amount of $5,000.00.

BUDGET/STAFF IMPACT:
Funding is available within the Utilities Technology Improvements project, within our water and sewer fund, to pay for the past due balance programming. This is a one-time expenditure which will not affect future operational or maintenance cost

Attachments: Staff review form, staff review memo, Paymentus statement of work, Resolution 133-15

Paymentus

October 20, 2017

Paymentus Corporation
13024 Ballantyne Corporate Place, Suite 450
Charlotte, NC 28277

Statement of Work

To: Fayetteville AR
c/o Keith Macedo
113 West Mountain Street
Fayetteville AR 72701

Project Description: Fayetteville (AR) has requested that Paymentus develop, configure and implement all Paymentus payment channels to reflect the Past Due balance, which is to be included within both the CIF and Real Time API from New World platform.

Item	Detail	Fee Amount
API & CIF Update to include "Past Due Balance"	All Paymentus payment channels shall now display a field "Past Due Balance", which is to be passed by CIF and API to Paymentus.	$5,000.00
Total Due		**$5,000.00**

Customer Authorized Representative (Signature):_____

Customer Name/Title (Printed): Lioneld Jordan, Mayor

Date: _____

RESOLUTION NO. 133-15

A RESOLUTION TO APPROVE A TWO (2) YEAR MASTER SERVICES AGREEMENT WITH PAYMENTUS CORPORATION TO UPGRADE THE CITY'S ELECTRONIC UTILITY BILL PAYMENT SERVICES FOR AN INITIAL SETUP FEE OF $15,000.00 AND AN ESTIMATED COST OF $35,000.00 PER YEAR

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 two (2) year Master Services Agreement with Paymentus Corporation to upgrade the City's electronic utility bill payment services for an initial setup fee of $15,000.00 and estimated costs of $35,000.00 per year based on the service fee schedule attached as Schedule A to the Agreement.

PASSED and **APPROVED** this 4th day of August, 2015.

APPROVED:

By: Lionel Jordan
LIONELD JORDAN, Mayor

ATTEST:

By: Sondra E. Smith
SONDRA E. SMITH, City Clerk Treasurer

CITY CLERK / TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0338

Agenda Date: 8/4/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 8

PAYMENTUS AGREEMENT

A RESOLUTION TO APPROVE A TWO (2) YEAR MASTER SERVICES AGREEMENT WITH PAYMENTUS CORPORATION TO UPGRADE THE CITY'S ELECTRONIC UTILITY BILL PAYMENT SERVICES FOR AN INITIAL SETUP FEE OF $15,000.00 AND AN ESTIMATED COST OF $35,000.00 PER YEAR

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 two (2) year Master Services Agreement with Paymentus Corporation to upgrade the City's electronic utility bill payment services for an initial setup fee of $15,000.00 and estimated costs of $35,000.00 per year based on the service fee schedule attached as Schedule A to the Agreement.

City of Fayetteville Staff Review Form

2015-0338

Legistar File ID

8/4/2015

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

Cheryl Partain	7/20/2015	Billing & Collections / Finance & Internal Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

The Fayetteville City Administration recommends approval of a two (2) year service agreement to upgrade our current Paymentus onsite Utility Billing internet and interactive voice recognition (IVR) system to Paymentus' hosted solution and credit card payment processing and approval of payment to Paymentus of $15,000.00 for a one time set up fee.

Budget Impact:

5400.1840.5314.00 / 5400.1810.5320.02	Water/Sewer
Account Number	Fund
13016.1 / XXXXX	Business Office Technology Improvements / Credit Card Service Charges
Project Number	Project Title

Budgeted Item?	Yes	Current Budget	$	45,000.00
		Funds Obligated	$	-
		Current Balance	$	45,000.00
Does item have a cost?	Yes	Item Cost	$	15,000.00
Budget Adjustment Attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	30,000.00

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: August 4, 2015

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 4, 2015

TO: Mayor Jordan and City Council

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

FROM: Cheryl Partain, Utilities Financial Services Manager

DATE: July 20, 2015

SUBJECT: Resolution approving a service agreement with Paymentus to upgrade our existing Utility Billing online and Interactive Voice Response (IVR) payment system.

RECOMMENDATION:
The Fayetteville City Administration recommends approval of a two (2) year service agreement to upgrade our current Paymentus onsite Utility Billing internet and phone interactive voice recognition (IVR) system to Paymentus' hosted solution. The City has utilized Paymentus since 2002 to provide Utility Billing online payment services via credit card, e-check, and IVR.

BACKGROUND:
Due to the age of our current Paymentus equipment, and recent changes with Payment Card Industry (PCI) requirements, staff recommends upgrading to Paymentus latest solution to improve our Utility Billing online payment security and functionality. In addition to improved security Paymentus' new solution also provides a mobile device friendly interface that will improve customers' ability to make Utility Billing payments from a mobile device. Staff is recommending approval of this is an extension to our existing agreement with Paymentus software and state purchasing laws do not require us to competitively bid software upgrades.

DISCUSSION:
We have utilized Paymentus, formerly called Teleworks, as our Utility Billing internet and IVR payment processor since the inception of the City accepting online payments in in 2002. Since 2002 we have utilized Paymentus onsite solution, which consists of server and related hardware installed at the City of Fayetteville. The system was upgraded in 2007, at a cost of $18,300.00, in order to keep up with changing technology. Paymentus no longer offers an onsite solution and now provides a hosted solution where all hardware is located at their datacenter. As part of Paymentus' new solution, they will also serve as our payment processor, which will simplify our online payment reconciliation process. The city will no longer be charged future upgrade fees, all processing costs and future upgrade fees are included within Paymentus transaction based fee structure.

BUDGET/STAFF IMPACT:
Water/Sewer budget will absorb additional credit card/e-check processing fees for the remainder of 2015. Total additional credit card fees for the upgrade will have a yearly water/sewer operational budget impact of approximately $50,000.00, based on 121,000 annual transactions. The City will no longer pay an annual server maintenance fee of $14,750.00,

which is budgeted in the general fund. Total budget impact for the City will be approximately $35,000.00 per year. The additional fees will be requested in the future operational budget process. As part of the upgrade from an onsite to a hosted solution Paymentus is charging the city a onetime $15,000.00 setup fee which will be paid out of the Business Office Technology Improvement project.

ATTACHMENTS:
Staff Review Form
Service Agreement
Purchase Order Request

City of Fayetteville - Purchase Order Request (PO)

(Not a Purchase Order)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.
Purchase shall not be made until an actual PO has been issued.

Requisition No.:

Date: 7/20/2015

P.O Number:

Vendor #: 25803

Vendor Name: Paymentus Corporation

Mail ☐ Yes ☐ No

Legistar#: 2015-0338

Address: 13024 Ballantyne Corp. Place Suite 450

FOB Point:

Taxable ☐ Yes ☑ No

Expected Delivery Date:

City: Charlotte

State: NC

Zip Code: 28277

Ship to code: Fay

Quotes Attached ☐ Yes ☐ No

Requester: Cheryl Partain

Requester's Employee #: 2548

Extension: 8224

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Initial setup fee related to the initial setup and personalization of Web Page for Web and IVR interfaces for Utility Web Payments.	1	EA	15,000.00	$15,000.00	5400.1840.5314.00	13016.1		
2					$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: $15,000.00
Tax: $0.00
Total: $15,000.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Revised 6/18/2014

Paymentus

MASTER SERVICES AGREEMENT

City:	City of Fayetteville, Arkansas
City Address:	113 West Mountain, Fayetteville, AR 72701
Contact for Notices to City:	Keith Macedo
Estimated Yearly Bills / Invoices:	504,000

This Master Services Agreement ("Master Agreement") is entered into as of the Effective Date below , by and between the City of Fayetteville ("City") identified above and **Paymentus Corporation**, a Delaware Corporation ("Paymentus").

WHEREAS Paymentus desires to provide and the City desires to receive certain services under the terms and conditions set forth in this Agreement. Paymentus provides electronic bill payment services to utilities, municipalities, insurance and other businesses.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby covenant and agree as follows. This Agreement consists of this signature page, General Terms and Conditions, and the attachments ("**Attachments**") with schedules ("**Schedules**") listed below:

Schedule A: Paymentus Service Fee Schedule

This Agreement represents the entire understanding between the parties hereto with respect to its subject matter and supersedes all other written or oral agreements heretofore made by or on behalf of Paymentus or City with respect to the subject matter hereof and may be changed only by agreements in writing signed by the authorized representatives of the parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives.

City:	**Paymentus:**
By: Lionel Jordan	By:
Name: Lionel Jordan	Name: Jerry Portocalis
Title: Mayor	Title: Senior Vice President
Date: 8/5/15	Date: July 16, 2015

Paymentus

GENERAL TERMS AND CONDITIONS

1 Definitions:

For the purposes of this Agreement, the following terms and words shall have the meaning ascribed to them, unless the context clearly indicates otherwise.

1.1 "**Agreement** " or "**Contract**" shall refer to this Agreement, as amended from time to time, which shall constitute an authorization for the term of this contract for Paymentus to be the exclusive provider of services, stated herein, to the City

1.2 "**User**" shall mean the users of the City's services

1.3 "**Effective Date**" shall be the last date upon which the parties signed this Agreement. The Agreement will not be effective against any party until the said date

1.4 "**Launch Date**" shall be the date on which City launches this service to the Users

1.5 "**Payment**" shall mean Users to make payments for City's services or City's bills

1.6 **"Payment Amount"** shall mean the bill amount User wants to pay to the City.

1.7 "**Services**" shall include the performance of the Services outlined in section 2 of this Agreement

1.8 **"Paymentus Authorized Processor"** shall mean a Paymentus authorized merchant account provider and payment processing gateway

1.9 "**Average Bill Amount**" shall mean the total amount of Payments collected through Paymentus system in a given month divided by the number of the Payments for the same month.

2 Description of Services to be performed

2.1 Scope of Services

Paymentus shall provide Users the opportunity to make Payments by Visa, MasterCard, Discover, E-check and other payment methods as deemed necessary by Paymentus. Payments may be made by Interactive Telephone Voice Response System ("IVR") or secure Internet interface provided at the Paymentus Corporation's web site or other websites part of Paymentus' Instant Payment Network ("WebSites"), collectively referred to as the ("System").

2.2 Professionalism

Paymentus shall perform in a professional manner all Services required to be performed under this Agreement.

3 Compensation

3.1 No Cost Installation

Paymentus will charge an initial setup fee of $15,000 related to the initial setup and personalization of its standard service for both Web and IVR interfaces.

3.2 Paymentus Service Fee

For each payment, Paymentus will charge a Paymentus Service Fee as per Schedule A (hereinafter called "Paymentus Service Fee").

For each payment, the Paymentus Service Fee collected will be used to pay the corresponding Credit Card transaction fees or transaction fees associated with Debit Cards or eChecks (hereinafter called "Transaction Fees") except for the return items (eCheck returns or Credit/Debit Card chargebacks).

A schedule of Paymentus Service Fee is attached hereto as Schedule A. The Paymentus Service Fee is based on the Average Bill Amount, current payment method mix (credit vs debit vs e-check) and on the assumption that the total number of payments and the total Payment Amount collected each month from the use of non-consumer cards shall be under 5% of the total per month ("Fee Assumptions"). City shall be billed an additional Paymentus Service Fees based on the rate of 3.5% of the Payment Amount for any excess amount if the Fee Assumptions vary by more than 5%. Paymentus can amend this schedule upon prior written notice to the City, if such change is required due to changes in the Visa and MasterCard regulations or changes in Credit Card fees or changes in the Average Bill Amount or changes in Fee Assumptions.

4 Payment Processing

4.1 Integration with City's Billing System

At no cost to City, Paymentus will develop one (1) file format interface with City's billing system using City's existing text file format currently used to post payments to City's billing system. City will be responsible to provide Paymentus with the one file format specification and will fully cooperate with Paymentus during the development of the said interface. If City chooses to create an automated file integration process to download the posting file, due to Paymentus security requirements, City will use Paymentus specified integration process.

4.2 Explicit User Confirmation

Paymentus shall confirm the dollar amount of all Payments and the corresponding Paymentus Service Fee to be charged to a Card and electronically obtain the User approval of such charges prior to initiating Card authorizations transaction. Paymentus will provide User with electronic confirmation of all transactions.

4.3 Merchant Account

Paymentus will arrange for the City to have a merchant account with the Paymentus Authorized Processor for processing and settlement of the credit card transactions.

4.4 Card Authorization

For authorization purposes, Paymentus will electronically transmit all Card transactions to the appropriate Card-processing center, in real time as the transactions occur.

4.5 Settlement

Paymentus together with its authorized Card processor shall forward the payment transactions and corresponding Paymentus Service Fee to the appropriate card organizations for settlement directly to the City's depository bank account previously designated by the City (hereinafter the "City Bank Account").

Paymentus will debit the Paymentus Service Fees from City's account on a monthly basis.
Paymentus together with Paymentus Authorized Processor will continuously review its settlement and direct debit processes for its simplicity and efficiencies. City and Paymentus agree to fully co-operate with each other if Paymentus were to change its settlement and invoicing processes.

5 General Conditions of Services

5.1 Service Reports

Paymentus shall provide City with reports summarizing use of the Services by Users for a given reporting period.

5.2 User Adoption Communication by City

City will make Paymentus' Services available to its residential and commercial Citys by different means of City communication including a) through bills, invoices and other notices; b) by providing IVR and Web payment details on the City's website including a "Pay Now" or similar link on a mutually agreed prominent place on the web site; c) through City's general IVR/Phone system; and d) other channels deemed appropriate by the City.

Paymentus shall provide City with logos, graphics and other marketing materials for City's use in its communications with its users regarding the Services and/or Paymentus.

Both parties agree that Paymentus will be presented as a payment method option. City will communicate Paymentus option to its end residential and commercial Citys wherever City usually communicates its other payment methods.

5.3 Independent Contractor

City and Paymentus agree and understand that the relationship between both parties is that of an independent contractor.

5.4 City's Responsibilities

In order for Paymentus to provide Services outlined in this Agreement, the City shall co-operate with Paymentus by:

(i) City will enter into all applicable merchant Card or cash management agreements.

(ii) For the duration of this Agreement, City will keep a bill payment link connecting to Paymentus System at a prominent and mutually agreed location on the City website. The phone number for the IVR payment will also be added to the web site. City will also add the IVR payment option as part of the City's general phone system.

(iii) User Adoption marketing as described in 5.2.

(iv) Within 30 days of the merchant account setup, City will launch the service to the Users.

(v) For the purpose of providing City a posting file for posting to City's billing system, City will provide the file format specification currently used to post its payments to the billing system. City will fully cooperate with Paymentus and provide the information required to integrate with City's billing system.

6 Governing Laws

This Agreement shall be governed by the laws of the state of Arkansas and jurisdiction and venue to resolve any disputes shall be in the Circuit Court of Washington County, Arkansas.

7 Communications

7.1 Authorized Representative

Each party shall designate an individual to act as a representative for the respective party, with the authority to transmit instructions and receive information. The parties may from time to time designate other individuals or change the individuals.

7.2 Notices

All notices of any type hereunder shall be in writing and shall be given by Certified Mail or by a national courier or by hand delivery to an individual authorized to receive mail for the below listed individuals, all to the following individuals at the following locations:

To City
C/O: Keith Macedo
Address: 113 West Mountain, Fayetteville, AR 72701
Phone:479-575-8320
Fax: 479-718-7668

To Paymentus
C/O: President and CEO
Address: 13024 Ballantyne Corporate Place
Suite 450
Charlotte, NC 28277
Phone: 980-255-3000
Fax: 704-322-3776

Notices shall be declared to have been given or received on the date the notice is physically received.. Any party hereto by giving notice in the manner set forth herein may unilaterally change the name of the person to whom notice is to be given or the address at which the notice is to be received.

7.3 Interpretation

It is the intent of the parties that no portion of this Agreement shall be interpreted more harshly against either of the parties as the drafter.

7.4 Amendment of Agreement

Modifications or changes in this Agreement must be in writing and executed by the parties bound to this Agreement.

7.5 Severability

If a word, sentence or paragraph herein shall be declared illegal, unenforceable, or unconstitutional, the said word, sentence or paragraph shall be severed from this Agreement, and this Agreement shall be read as if said word, sentence or paragraph did not exist.

7.6 Attorney's Fees

Should any litigation arise concerning this Agreement between the parties hereto, the parties agree that Arkansas law shall determine whether attorney's fees should be awarded to either party..

7.7 Confidentiality

With the exception of information required to be disclosed pursuant to the Arkansas Freedom of Information Act:

(i) City will not disclose to any third party or use for any purpose inconsistent with this Agreement any confidential or proprietary non-public information it obtains during the term of this Agreement about Paymentus' business, operations, financial condition, technology, systems, know-how, products, services, suppliers, City's, marketing data, plans, and models, and personnel.

(ii) Paymentus will not disclose to any third party or use for any purpose inconsistent with this Agreement any confidential User information it receives in connection with its performance of the services.

Paymentus agrees and understands that this Agreement and documents submitted to the City or Paymentus pursuant hereto or prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City or or Paymentus requesting such documents, Paymentus will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs may be assessed for this compliance.

7.8 Intellectual Property

In order that the City may promote the Services and Paymentus' role in providing the Services, Paymentus grants to City a revocable, non-exclusive, royalty-free, license to use Paymentus' logo and other service marks (the "Paymentus Marks") for such purpose only. City does not have any right, title, license or interest, express or implied in and to any object code, software, hardware, trademarks, service mark, trade name, formula, system, know-how, telephone number, telephone line, domain name, URL, copyright image, text, script (including, without limitation, any script used by Paymentus on the IVR or the WebSite) or other intellectual property right of Paymentus ("Paymentus Intellectual Property"). All Paymentus Marks, Paymentus Intellectual Property, and the System and all rights therein (other than rights expressly granted herein) and goodwill pertain thereto belong exclusively to Paymentus.

7.9 Force Majeure

Paymentus will be excused from performing the Services as contemplated by this Agreement to the extent its performance is delayed, impaired or rendered impossible by acts of God or other events that are beyond Paymentus' reasonable control and without its fault or judgment, including without limitation, natural disasters, war, terrorist acts, riots, acts of a governmental entity (in a sovereign or contractual capacity), fire, storms, quarantine restrictions, floods, explosions, labor strikes, labor walk-outs, extra-ordinary losses utilities (including telecommunications services), external computer "hacker" attacks, and/or delays of common carrier, except that Paymentus shall always be responsible for remitting to the City any funds belonging to the City that Paymentus has received through the use of its services.

7.10 Time of the Essence

Paymentus and City acknowledge and agree that time is of the essence for the completion of the Services to be performed and each parties respective obligations under this Agreement.

8 <u>Indemnification</u>

8.1 Paymentus Indemnification and Hold Harmless

Paymentus agrees to the fullest extent permitted by law, to indemnify and hold harmless the City and its governing officials, agents, employees, and attorneys (collectively, the "City Indemnitees") from and against all liabilities, demands, losses, damages, costs or expenses (including reasonable attorney's fees and costs), incurred by any City Indemnitee as a result or arising out of (i) the willful misconduct or negligence of Paymentus in performing the Services or (ii) a material breach by Paymentus of its covenants.

8.2 Warranty Disclaimer

Except as expressly set forth in this Agreement, Paymentus disclaims all other representations or warranties, express or implied, made to the City or any other person, including without limitation, any warranties regarding quality, suitability, merchantability, fitness, for a particular purpose or otherwise of any services or any good provided incidental to the Services provided under this Agreement.

8.3 Limitation of Liability

Notwithstanding the foregoing, the parties agree that neither party shall be liable to the other for any lost profits, lost savings or other special, indirect or consequential damages, even if the party has been advised of or could have foreseen the possibility of such damages. Paymentus' total liability for damages for any and all actions associated with this Agreement or the Services shall in no event exceed the specific dollar amount of the Paymentus Service Fee paid to Paymentus for the particular payment transaction which is the subject matter of the claim of damage. The preceding limitation shall not apply to the Payment Amount collected through this service.

9 Term and Termination

9.1 Term

The term of this Agreement shall commence on the effective date of this Agreement and continue for a period of 2 (two) years ("Initial Term") from the Launch Date. Services under this Agreement shall begin within 30 days of the merchant account setup.

At the end of the Initial Term, this Agreement will automatically renew for successive three (3) year periods unless either City or Paymentus provide the other party with not less than 1 (one) month prior written notice before such automatic renewal date that such party elects not to automatically renew the term of this Agreement.

9.2 Material Breach

A material breach of this Agreement shall be cured within 90 (ninety) days ("Cure Period") after a party notifies the other of such breach. In the event, such material breach has not been cured within the Cure Period, the non-breaching party can terminate this Agreement by providing the other party with a 30 (thirty) days notice.

9.3 Upon Termination

Upon termination of this Agreement, the parties agree to cooperate with one another to ensure that all Payments are accounted for and all refundable transactions have been completed. Upon termination, Paymentus shall cease all Services being provided hereunder unless otherwise directed by the City in writing.

Paymentus

Schedule A – Paymentus Service Fee Schedule

Paymentus Service Fee charged to the City will be based on the following model:

Absorbed Fee Model	
☐ Absorbed Model	
☐ Average Bill Amount: $ 66.00	
☐ Paymentus Service Fee per qualified utility rate transaction	
• Credit/Debit Card Rate)	$ 1.41 (Visa, MasterCard , Discover utility Program
• ACH/ eCheck	$ 1.00

Note: Maximum Amount per Payment is $500.00. Multiple payments can be made.

One Time Set up Fee of $15,000.00.

Chargebacks will be billed at $9,95 per chargeback.

Outbound notifications include 40,000 outbound calls and 40,000 text / email messages annually; additional usage is invoiced at $0.12 per call and $0.05 per text/email.

Paymentus may apply different limits per transactions for user adoption or to mitigate risks only upon written approval by the City.

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0621

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 3

2017 BULLETPROOF VEST PARTNERSHIP PROGRAM:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2017 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF $6,070.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a fifty percent (50%) matching grant award from the 2017 Bulletproof Vest Partnership Grant Program in the amount of $6,070.00 for the replacement of body armor vests for Fayetteville police officers.

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

City of Fayetteville Staff Review Form

2017-0621

Legistar File ID

11/21/2017

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

Greg Tabor	10/31/2017	POLICE (200)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends acceptance of a 50% matching grant award from the 2017 Bulletproof Vest Partnership (BVP) Grant Program for the replacement of 19 body armor vests for our police officers and approval of a budget adjustment in the amount of $6,070 to recognize grant funding. Matching funds in the amount of $6,070 are budgeted within Police Bulletproof Vest (project #13011-1) of the Capital Improvements Program.

Budget Impact:

1010.200.2920.5302.00	General
Account Number	Fund
37042-2017	Bulletproof Vest Partnership - 2017
Project Number	Project Title

Budgeted Item?	No	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	NA	Item Cost		
Budget Adjustment Attached?	Yes	Budget Adjustment	$	6,070.00
		Remaining Budget	$	6,070.00

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police

DATE: October 31, 2017

SUBJECT: **2017 Bulletproof Vest Partnership Grant Program Award**

RECOMMENDATION:

Staff recommends acceptance of a 50% matching grant award from the 2017 Bulletproof Vest Partnership (BVP) Grant Program for the replacement of 19 body armor vests for our police officers and approval of a budget adjustment in the amount of $6,070 to recognize grant funding. Matching funds in the amount of $6,070 are budgeted within Police Bulletproof Vest (project #13011-1) of the Capital Improvements Program.

BACKGROUND:

The BVP, created by the Bulletproof Vest Partnership Grant Act of 1998, is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. Since 1998, the Fayetteville Police Department has obtained grant funding in excess of $166,000 for the purchase of body armor vests through this partnership. The BVP program provides an important component to the continuing health and welfare of our police officers. Each body armor vest has a guaranteed life of five years. All state-of-the-art body armor is custom made to the exact specifications of the wearer. This ensures all officers have our required level of protection.

DISCUSSION:

The total cost to replace 19 body armor vests is $12,140. This grant funding by BVP will provide reimbursement of 50% (or $6,070) of the City's expenses for the replacement of body armor vests for our police officers. The Police Department has planned for this grant matching requirement as evidenced by budgeted funds in the Capital Improvements Program's Police Bulletproof Vests (#13011-1) project.

BUDGET/STAFF IMPACT:

The City must match 50% (or $6,070) of the total projected cost of $12,140. Currently, matching funds are budgeted in the Capital Improvements Program's Police Bulletproof Vests (#13011-1) project. There is no staffing impact related to this grant award.

Attachments:

Budget Adjustment
Grant Award Notice
Grant Award Summary

Newman, Willie

From: owner-bvp-list@ojp.usdoj.gov on behalf of BVP <bvp@usdoj.gov>
Sent: Thursday, October 26, 2017 5:16 PM
Subject: Bulletproof Vest Partnership 2017 Awards

Dear BVP applicant,

The Bureau of Justice Assistance (BJA) is pleased to inform you that your agency will receive an award under the Fiscal Year (FY) 2017 Bulletproof Vest Partnership (BVP) solicitation. These funds have been posted to your account in the BVP System. A complete list of FY 2017 BVP awards is available at: http://www.ojp.usdoj.gov/bvpbasi/.

The FY 2017 award may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered after April 1, 2017. The deadline to request payments from the FY 2017 award is August 31, 2019, or until all available funds have been requested. Awards will not be extended past that date, and any unused funds will be forfeited.

Please see the following websites for a list of NIJ compliant vests:
Ballistic Vests: http://nij.gov/nij/topics/technology/body-armor/compliant-ballistic-armor.htm
Stab Resistant Vests: http://nij.gov/nij/topics/technology/body-armor/compliant-stab-armor.htm

As a reminder, all jurisdictions that applied for FY 2017 BVP funding certified that a mandatory wear policy was in place for their jurisdiction. BJA will be conducting reviews of the mandatory wear policies as funds are requested from the BVP System. For more information on the BVP mandatory wear policy, please see the BVP Frequently Asked Questions document: http://www.ojp.usdoj.gov/bvpbasi/docs/FAQsBVPMandatoryWearPolicy.pdf

Additionally, uniquely fitted armor is a new requirement in 2017. In the BVP Program, "uniquely fitted vests" means protective (ballistic or stab-resistant) armor vests that conform to the individual wearer to provide the best possible fit and coverage, through a combination of: 1) correctly-sized panels and carrier, determined through appropriate measurement, and 2) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of an individual wearer. In support of the Office of Justice Programs' efforts to improve officer safety, the American Society for Testing and Materials (ASTM) International has made available the *Standard Practice for Body Armor Wearer Measurement and Fitting of Armor* (Active Standard ASTM E3003) available at no cost. The Personal Armor Fit Assessment checklist, is excerpted from ASTM E3003.

Finally, please visit the following page for checklists and guides for each step of the BVP process: http://ojp.gov/bvpbasi/bvpprogramresources.htm.

For questions regarding the BVP Program or your award, please do not hesitate to contact the BVP Help Desk at vests@usdoj.gov or 1-877-758-3787.

Thank you

BVP Program Support Team
Bureau of Justice Assistance

STATUS

This "Status" page shows any pending actions that must be completed prior to program deadlines. It also provides you with payment(s) status for tracking your requests for approved funds.

- Red !'s indicate your attention is needed in order to complete a task for action.

CURRENT ACTIVITY STATUS

Bank Verification	! If this is your jurisdiction's first time participating in the BVP Program, you will be asked to submit an ACH Vendor Enrollment/Banking Information form before any BVP funds can be disbursed. Submission of ACH Vendor Enrollment/Banking Information can only be completed if your jurisdiction has funds available. Jurisdictions that have previously received funds from BVP only need to submit a new ACH form, if the jurisdiction's banking information has changed since the last payment was disbursed.	View Details
Application	✔Approved by BVP	View Details

AVAILABLE AWARDS

ATTN	Fiscal Year	Award Amount	Total Paid	Total Requests	Eligible Balance	Expiration Date
!	2016	$13,236.70	$1,626.09	$0.00	$11,610.61	08/31/2018
	2017	$6,069.63	$0.00	$0.00	$6,069.63	08/31/2019

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

Budget Year	Division /Org2	POLICE (200)	Adjustment Number
2017	Requestor:	W Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Establish a revenue and expense budget for the 2017 Bulletproof Vest Partnership grant award for the replacement of 19 body armor vests for our police officers.

COUNCIL DATE: 11/21/2017

LEGISTAR FILE ID#: **2017-0621**

Barbara Fell
11/2/2017 8:59 AM

Budget Director Date

TYPE:

DESCRIPTION:

GLDATE:

POSTED: /

RESOLUTION/ORDINANCE

v.20170707

Account Number	Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub# Project	Project.Sub# Sub	AT	Account Name
TOTAL	6,070	6,070				
1010.200.2920-4309.01	-	6,070	***37042***	***2017***	RE	Federal Grants - Operational
1010.200.2920-5302.00	6,070	-	***37042***	***2017***	EX	Uniforms/Personal - Equipment
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0561

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 4

FEDERAL AND STATE LAW ENFORCEMENT REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $81,516.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND INSURANCE PROCEEDS FROM A WRECKED VEHICLE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the total amount of $81,516.00 recognizing revenue associated with federal and state law enforcement forfeitures and insurance proceeds from a wrecked unmarked vehicle.

City of Fayetteville Staff Review Form

2017-0561

Legistar File ID

11/21/2017

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

Greg Tabor	11/3/2017	POLICE (200)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of a budget adjustment in the amount of $81,516 to recognize and increase revenue and expense budgets associated with federal and state law enforcement forfeitures and insurance proceeds from wrecked unmarked vehicle.

Budget Impact:

Various	General / Sales Tax
Account Number	Fund
Various	Various
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	NA	Item Cost		
Budget Adjustment Attached?	Yes	Budget Adjustment	$	81,516.00
		Remaining Budget	$	81,516.00

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF
Fayetteville
ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police

DATE: November 3, 2017

SUBJECT: **Budget Adjustment to Recognize Forfeitures and Insurance Proceeds**

RECOMMENDATION:

Staff recommends approval of a budget adjustment in the amount of $81,516 to recognize and increase revenue and expense budgets associated with federal and state law enforcement forfeitures and insurance proceeds from a wrecked unmarked vehicle.

BACKGROUND:

The Fayetteville Police Department receives forfeitures as a result of civil proceedings concerning cash or property seized during a criminal investigation. Most of the forfeitures we have received in the past are a direct result from the efforts of the officers we assign to the 4th Judicial District Drug Task Force (4th DTF), the local office of the Federal Drug Enforcement Agency (DEA), and the Internal Revenue Service (IRS) Financial Crimes Task Force. By statute, federal and state forfeitures are to be spent for law enforcement purposes only. All purchases utilizing these funds must follow the City of Fayetteville Purchasing Policy.

DISCUSSION:

Funds within this budget adjustment consist of Department of Justice funds which are drug related federal forfeitures and state asset forfeiture funds which are drug related state forfeitures. The requested budget adjustment will recognize the following forfeitures and proceeds through September 2017: $915 from the Department of Justice; and $37,551 from state asset forfeitures.

Additionally, unmarked unit 1310 was involved in a collision resulting in its total loss. Insurance proceeds in the amount of $21,525 were received for the replacement of unit 1310. The attached budget adjustment increases two revenue accounts and two expense accounts to first recognize the revenue in General Fund and then transfer these funds to increase expense budget in Capital Improvement Fund for the purchase of a replacement vehicle. The transfer between General Fund and Capital Improvement Fund requires a double entry budget adjustment (one set for each funds) resulting in total budget adjustment of $43,050; however, the net bottom line effect on the City Accounting Ledger is an increase of $21,525.

BUDGET/STAFF IMPACT:

Our expense budget will increase equal to the revenue received. There is no staffing impact related to this budget adjustment.

Attachments:

Budget Adjustment

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

Budget Year	Division /Org2	Adjustment Number
2017	POLICE (200)	
	Requestor: W. Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Recognize and increase revenue and expense budgets associated with federal and state law enforcement forfeitures and insurance proceeds from wrecked unmarked vehicle.

COUNCIL DATE: 11/21/2017

LEGISTAR FILE ID#: **2017-0561**

Barbara Fell
11/3/2017 10:00 AM

Budget Director Date

TYPE:

DESCRIPTION:

GLDATE:

POSTED: /

RESOLUTION/ORDINANCE

v.20170707

Account Number	Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub# Project	Project.Sub# Sub	AT	Account Name
TOTAL	81,516	81,516				
1010.200.2920-4308.02	-	37,551	***33045***	***1***	RE	Public Safety Acts - Police Law Enforceme
1010.200.2920-5802.00	37,551	-	***33045***	***1***	EX	Vehicles & Equipment - base
1010.200.2920-4504.00	-	915	***33046***	***1***	RE	Forfeitures - Federal
1010.200.2920-5802.00	915	-	***33046***	***1***	EX	Vehicles & Equipment - base
1010.200.2940-4881.02	-	21,525			RE	**Gain/Loss - Sale of Assets - Gain/Loss - S
1010.090.6600-7602.47	21,525	-	***57039***	***1702***	EX	Transfers To Funds - Capital Improvement
4470.200.8200-6602.01	-	21,525	***06003***	***1***	RE	**Transfer from Fund - General
4470.200.8200-5802.00	21,525	-	***06003***	***1***	EX	Vehicles & Equipment - base
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0636

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 5

FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES ON GROOMING AND UNIFORM REQUIREMENTS AND BODY-WORN CAMERAS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Fayetteville Police Department Policies 41.3.5, Grooming and Uniform Requirements; and 41.3.8, Body-Worn Camera.

City of Fayetteville Staff Review Form

2017-0636

Legistar File ID

11/21/2017

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

Greg Tabor, Chief of Police	11/3/2017	Police / Police Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Council approves resolution adopting Fayetteville Police Policies 41.3.5, Grooming and Uniform Requirements and 41.3.8, Body-Worn Camera.

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 OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police

DATE: November 2, 2017

SUBJECT: Police Department Policy

RECOMMENDATION:
Council approves resolution adopting Fayetteville Police Policies 41.3.5, Grooming and Uniform Requirements and 41.3.8, Body-Worn Camera.

BACKGROUND:
The Fayetteville Police Department is currently in the process of reviewing policies and updating as necessary to make changes as recommended by employees and developing policies to guide employees in the use of new equipment. Policy 41.3.5, Grooming and Uniform Requirements, is an existing policy that was approved by the council on October 6, 2015. Policy 41.3.8, Body-Worn Camera, is a new policy, and it has already been vetted through the City Attorney's Office.

DISCUSSION:
Policy 41.3.5, Grooming and Uniform Requirements is an existing policy that contains changes to officers' grooming standards during on-duty exercising and training. A list of department issued weapons was also eliminated from this policy because the information is recorded within other police department records. All changes are highlighted. Policy 41.3.8, Body-Worn Camera, is a new policy that addresses recently purchased technology. The body-worn cameras will be deployed once this policy is approved.

BUDGET/STAFF IMPACT:
These policies will not have any impact on budget or staff at this time.

Attachments:
Fayetteville Police Policy 41.3.5, Grooming and Uniform Requirements
Fayetteville Police Policy 41.3.8, Body-Worn Camera

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 41.3.5 Grooming & Uniform Requirements	**Effective Date:** October 6, 2015
Reference:	Version: 5
CALEA: 1.3.9 a., b.; 22.2.5; 41.3.4 ,5, 6	No. Pages: 8

I. PURPOSE

The individual officer and the department are often judged by the public depending upon the personal appearance of the uniformed officers in particular and all employees in general. Maintaining a professional appearance is critically important to fostering public trust and confidence in law enforcement. The purpose of this policy is to provide grooming and uniform standard guidelines for employees of this department, which will reflect a high standard of professionalism to the public.

II. POLICY

Members of the Fayetteville Police Department shall be neat and clean at all times while on duty. This policy shall apply to all personnel while representing the department in any manner. All sworn personnel shall comply with the following grooming and uniform standards that apply to sworn personnel, unless excluded by the Police Chief due to special assignments. No member of the department shall wear his or her uniform or any part of his or her uniform while he or she is on medical light duty, administrative leave or under suspension. **For current uniform specifications refer to the Uniform Specifications with Photographs and the Quartermaster's Authorized Uniform and Equipment Lists maintained on the computer network.**

III. PROCEDURES FOR SWORN PERSONNEL

All sworn personnel of the Fayetteville Police Department are subject to uniform inspections on a daily basis by any supervisor. Uniformed personnel are to keep their uniform neat, clean and free from defects. All authorized uniform items referred to in this policy are supplied and issued under the Fayetteville Police Department Quartermaster system, except for the Extreme Cold Weather Cap [CALEA 22.2.5, and CALEA 41.3.4]. If specified as a department replacement, defective items shall be replaced through the quartermaster system. Non-uniformed personnel are subject to the same standards and inspections as uniformed personnel. Officers replacing items through the quartermaster system must submit a "Uniform and Equipment Replacement Form" signed by their supervisor. Failure to maintain appearance standards will be noted on your annual evaluation. Repeated failure to maintain proper appearance standards could lead to disciplinary action.

IV. GROOMING FOR SWORN PERSONNEL

A. Hair: The Chief of Police retains the right to approve or disapprove of any hairstyle, which may cause an unfavorable reflection(s) upon the department.

1. Male - Hair shall be neat, clean, trimmed, and shall present a groomed appearance. Hair will not cover any part of the ears or the collar except the closely cut hair on the back of the neck. Hair in front will be groomed so that it does not fall below the band of properly worn headgear. In no case will the bulk or length of the hair interfere with the proper wear of any authorized headgear.
2. Female – While wearing a uniform, hair shall be worn in a fashion not to create the risk of injury to them. Hair must not hang loose on or below the collar and must be able to wear authorized headgear properly.

B. Sideburns: If a member chooses to wear sideburns, they will be neatly trimmed and tapered in the same manner as his haircut. Sideburns will not extend below the lowest part of the ear, will be of even width (not flared), and will end with a clean-shaven horizontal line.

C. Mustaches: A short and neatly trimmed mustache may be worn, but shall not extend over the top of the upper lip or beyond the corners of the mouth, and shall not protrude more than one-half inch from the skin surface of the face.

D. Beards and Goatees: The face will be clean-shaven other than the wearing of the acceptable mustache or sideburns. Beards and goatees are prohibited. Only the Chief of Police may approve the wearing of beards or goatees.

1. An exception will be given when an officer is training and/or exercising, and the officer is not wearing the department badge, gun, insignias, uniform or other items, which make him/her readily identifiable as a police officer.

E. Wigs: Wigs or hairpieces will not be worn on duty except for cosmetic reasons to cover natural baldness or physical disfiguration. If a wig or hairpiece is worn, it will conform to department grooming standards.

F. Jewelry:

1. Male – While wearing a uniform, officers may wear watches and wedding bands. Medical alert bracelets may be worn with the approval of the Chief of Police. At no time while on duty will officers be permitted to wear earrings or other ornaments attached to body.
2. Female – While wearing a uniform, officers may wear watches, wedding bands and post earrings which do not protrude from the ear lobe more than 1/4 inch. If the earrings are worn, the employee will wear one earring in each ear lobe.

G. Tattoos: Tattoos and brands above the collarbone and below the wrists are prohibited. Officers in uniform and non-uniform assignments are prohibited from displaying any

tattoo, brand or intentional scarring while on-duty or while representing the department in any other manner.

1. An exception will be given when an officer is training and/or exercising, and the officer is not wearing the department badge, gun, insignias, uniform or other items, which make him/her readily identifiable as a police officer.
2. Any current officer in a uniformed assignment with an existing tattoo or brand that is visible while wearing the alternate summer uniform or a short-sleeved shirt shall have the following options:
    a. Wear the standard uniform with a long-sleeved shirt,
    b. Cover the tattoo or brand with a skin-tone, blue or black patch. A skin-tone, blue or black patch shall not be an option to cover a tattoo or brand on the officer's leg(s).
    c. Have the tattoo or brand removed at the officer's expense.
3. Officers in non-uniformed assignment shall have the following options to cover any visible tattoo or brand:
    a. Cover with appropriate clothing,
    b. Cover the tattoo or brand with a skin-tone, blue or black patch. A skin-tone, blue or black patch shall not be an option to cover a tattoo or brand on the officer's leg(s).
    c. Have the tattoo or brand removed at the officer's expense.
4. When deemed operationally necessary, officers in undercover assignments may display tattoos or brands with the approval of the Chief of Police or his/her designee.

H. Body Piercing: Body piercing of the face, head, and mouth not only detracts from a professional appearance, but also poses a serious risk and potential for injury in a confrontational situation, and shall not be worn by any officer of the department when representing the department.

1. With the exception of pierced ears, body piercing of the face, head, and mouth detracts from a professional appearance and is not authorized for wear by any personnel when representing the department.
2. Any body piercing, which is not concealed by the authorized uniform or plainclothes, is prohibited for wear by any personnel when representing the department.
3. When deemed operationally necessary, officers in undercover assignments may display body piercing with the approval of the Chief of Police.

I. Dental Ornamentation: Officers shall not have dental ornamentation. The use of gold, platinum, silver or other veneer caps for the purposes of ornamentation is prohibited. Teeth whether natural, capped or veneered shall not be ornamented with designs, jewels, initials, etc.

V. UNIFORMS FOR SWORN PERSONNEL

Officers will be required to wear a uniform as authorized by the Chief of Police. Uniform specifications will be listed in the Quartermaster's Authorized Uniform and Equipment Lists and will be pictured in the Uniform Specifications with Photographs maintained on the computer network.

Class "A" uniforms will be the department issued dark navy color long sleeve shirt and pants without cargo pockets. Class "A" uniforms will be worn with department issued badge, name tag, collar brass, whistle chain, two pens/pencils, tie, leather gear, duty boots or shoes and duty hat when directed by the Chief of Police. The whistle chain will be attached to the right shoulder epaulet button with the whistle (optional) stored inside the right shirt pocket. Class "A" uniforms are authorized for day to day patrol activities and special occasions such as ceremonies, funeral, special events or any other event authorized by the Chief of Police.

Class "B" uniforms will be the department issued dark navy color long, or short, sleeve shirt and pants with, or without, cargo pockets. Class "B" uniforms will be worn with department issued badge, name tag, collar brass (if applicable), whistle chain (optional), two pens/pencils, leather or web-gear duty belt, duty boots or shoes and duty hat or stocking cap (optional). Collar brass will be worn with the Class "B" uniform short sleeve shirt. Collar brass is not worn on the Class "B" uniform long sleeve shirt for the rank of sergeant, corporal, or patrolman. The rank of lieutenant and above will wear collar brass on the Class "B" uniform long sleeve shirt. A black crew neck type t-shirt will be worn underneath all short sleeve uniforms. A black crew neck t-shirt or mock neck type shirt will be worn underneath all long sleeve uniforms. Class "B" uniforms are authorized for day to day patrol activities or any other event authorized by the Chief of Police.

Class "C" uniforms will be the department issued navy color BDU pant and approved Fayetteville Police Department shirt. Class "C" uniforms will be worn with department issued web gear, duty boots and baseball cap (optional). Class "C" uniforms are authorized for man hunts, K-9 call-outs, training involving physical activity or during any other event authorized by the Chief of Police.

The Chief of Police will authorize special uniforms as necessary (i.e. Administrative Personnel, Emergency Response Team, Honor Guard, etc.).

A. Duty Belt: Officers will be issued a leather and web-gear duty belt with matching accessories. Items to be worn on the duty belt consist of holster with gun, double magazine pouch with magazines, flashlight and flashlight holder, portable radio holder with radio, handcuff case with handcuffs, keepers, pepper spray holder with pepper spray, the CEW and holster. The department supplied baton holder and baton is optional. No sunglasses, keys, knives, or any other items will be worn on the belt unless approved by the Chief of Police. If authorized to wear the uniform on a "second" job, the COMPLETE prescribed uniform for the time of year will be worn.

B. Authorized Hat:

    1. Duty Hat: To be worn with the Class "A" uniform. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.
    2. Baseball Cap: The baseball cap may be worn with the Class "C" uniform, at the firing range, manhunts or when otherwise authorized by the Chief of Police. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.
    3. Stocking Cap: To be worn in cold weather. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.

4. Extreme Cold Weather Cap: This item is optional, and it is not furnished by the department. This cap may be worn during extreme cold weather. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.
5. Hat Badge: To be worn with the Duty Hat. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.

C. Patches: The Fayetteville Police Department patch, as designed by the department, will be worn on the left and right shoulder of all shirts one inch from the shoulder seam and centered on the sleeve. Patches on coats will be one inch from the shoulder seam and centered. No other patch, insignia, or pin will be allowed except those authorized by the Chief of Police.

D. Collar Emblems: The rank insignia shall be worn on both collars of Class "A". Rank Insignia will be worn on both collars of the Class "B" uniform short sleeve shirt. Rank Insignia is not worn on the Class "B" uniform long sleeve shirt for the rank of sergeant, corporal, or patrolman. The rank of lieutenant and above will wear rank insignia on the Class "B" uniform long sleeve shirt. The insignia for the rank of lieutenants and above will be worn on shirt collars parallel to the shoulder. The insignia for the rank of sergeant and below will be worn with the centerline of the insignia bisecting the points of the collar. All non-ranking officers shall wear the F.P.D. emblem on the Class "A" and Class "B" uniforms in a horizontal, centered position between the tip of the collar and the neck opening. Refer to the Uniform Specifications with Photographs.

E. Name Plate: The nameplate will be furnished by the quartermaster. It will be worn over the right pocket approximately .25 inches above the pocket flap and centered with the button. The nameplate will be worn at all times while in uniform unless otherwise authorized. See illustrations in the Uniform Specifications with Photographs.

F. Pen and Pencil: To coincide with other metal parts of the uniform, all officers will carry pen or pencils, of which that part is exposed, will be predominately gold in color. No more than two pens or pencils will be exposed in the left pocket at one time. The pens will have black ink and the pencil will be carried due to the inability of a pen to write on a damp or wet piece of paper.

G. Tie: The tie will be worn with the Class "A" uniform. When ties are in use, they will be worn on the outside of the shirt, not tucked in. Refer to the Uniform Specifications with Photographs.

H. Shirts and Trousers: Refer to Uniform Specifications with Photographs and the Quartermaster's Authorized Uniform and Equipment Lists.

I. T-Shirts: A black crew neck type t-shirt will be worn underneath the short sleeve Class "B" uniform. A black mock neck type or crew neck t-shirt will be worn underneath the long sleeve Class "B" uniform. The F.P.D. long, or short sleeve t-shirt will be worn with the Class "C" uniform. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.

J. Coat/sweater: Refer to Quartermaster's Authorized Uniform and Equipment Lists.

K. Raingear: Refer to the Quartermaster's Authorized Uniform and Equipment Lists.

L. Footwear: The Chief of Police has authorized footwear for patrol. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.

1. Authorized footwear will be kept clean and shined at all times while on duty. Black or dark Blue socks are the required uniform item. Footwear for specialized units such as Bike Patrol, E.R.T., and K-9 officers must be approved by the Chief of Police and will not be worn during normal patrol duties. Refer to the Quartermaster's Authorized Uniform and Equipment Lists.

M. Bullet Resistant Vests: The department will issue a bullet resistant vest to each sworn officer of the department. When in uniform, officers shall wear a bullet resistant vest at all times unless specifically exempted by the Chief of Police. Officers in plain clothes are not required to wear the vest; however, all sworn members are required to maintain their issued vests and are encouraged to have them available should an incident arise for which the officer may be at risk. The vest will be supplied by the department and replaced as necessary [CALEA 41.3.5]. Officers involved in high-risk tactical details shall also be required to wear a bullet resistant vest [CALEA 41.3.6].

N. Weapons and Ammunition: The Chief of Police will designate the ammunition and weapons carried. No other ammunition or weapon will be carried except when approved by a supervisor for special circumstances and ONLY for that particular situation [CALEA 1.3.9 a. and b.].

VI. DEPARTMENT-ISSUED WEAPONS AND AMMUNITON:

~~A.~~ While on duty, uniformed officers will only carry ~~the~~ department-issued weapons. ~~only while on duty~~. All department-issued weapons and ammunition shall be listed on the department's Approved Weapons and Ammunition List. ~~The authorized weapons utilized by the department include:~~

~~1. Glock model 35 .40 caliber semi-automatic pistol~~
~~2. Glock model 23 C .40 caliber semi-automatic pistol~~
~~3. Remington model 1187 12 gauge shotgun~~
~~4. AR-15 .223 caliber semi-automatic rifle~~
~~5. Remington model 700 LTR .308 caliber rifle~~
~~6. AR-10 308 caliber semi-automatic rifle~~
~~7. Glock Model 27 .40 caliber semi-automatic pistol~~

B. Detectives will only carry ~~only the~~ department-issued weapons while on duty. Personal weapons must have the written approval of the Chief of Police prior to being carried as a duty weapon or as a supplemental duty weapon.

C. Ammunition will be department-issued as approved by the Chief of Police. Authorized ammunition utilized by this department will be governed by the department's Approved

Weapons and Ammunition List as maintained by the Administrative Lieutenant. A copy of this list will be maintained on the computer network [CALEA 1.3.9 b.].

D. Uniformed officers and detectives of this department will carry only department-issued shotguns and rifles.

VII. DRESS CODE FOR NON-SWORN

A. Dress Code and Appearance: The Fayetteville Police Department endorses a professional, comfortable work environment for non-sworn employees. All non-sworn employees should dress in job appropriate attire which supports this goal for our workplace. The following will govern attire for non-sworn employees.

1. Non-sworn employees will be allowed to wear:
    a. Pants, slacks, and capri pants.
    b. Dresses and skirts with length no shorter than three inches above the knee.
    c. Tank and spaghetti tops only when worn with a sleeved shirt. Dressy, button up, and sleeveless tops are permissible.
    d. Leggings or form fitting pants or capris are permissible when worn with a dress, skirt, or tunic top that is long enough to cover the mid-thigh.
    e. Jeans during the following circumstances:
        (1) While working as Dispatch personnel during a scheduled shift.
        (2) Other Civilian personnel not working during regular business hours which translate as outside of 7:00 a.m. to 5:00 p.m.
        (3) Supervisors may also allow civilian personnel working 7:00 a.m. to 5:00 p.m. permission to wear jeans. Examples of this are a Friday jean day, and during other duties assigned such as cleaning, evidence room assistance, or during periods of inclement weather.
2. Employees should use common sense regarding attire and refrain from wearing unlaundered, sloppy, or overly provocative clothing to work.
3. Specifically prohibited clothing shall include:
    a. Clothing that exposes the midriff, back, or that has a low cut neckline.
    b. Spaghetti strap tops, tank tops not simultaneously worn with a sleeved shirt, tube tops, halter-tops, or netted shirts.
    c. Clothing exposing undergarments.
    d. Clothing that is torn, frayed, or that has holes.
    e. Attire or accessories that display suggestive language, derogatory comments, or slogans.
    f. Clothing that is inappropriately revealing.
    g. Short pants.
    h. Sleepwear including pajama pants.
    i. Sweat pants.
    j. Leggings that are not worn underneath a dress, skirt, or tunic that are long enough to cover mid-thigh.
    k. Yoga, athletic, or work-out type pants.
    l. Flip Flops (Any type of sandal that fits between your toes and only has "one" strap holding it on your feet, whether dress or casual)

B. Violation of Dress Code

1. The non-sworn employee's immediate supervisor will have the authority to determine if an employee's attire violates this policy. Any non-sworn employee who is found in violation of the dress code will be sent home to change. Time away from work to change clothes will be charged to accrued leave banks or leave without pay. Disciplinary action will be taken in accordance with the city and department's policies.

C. Clothing worn by all non-sworn personnel should be clean and well-kept. Likewise, personnel should maintain an average or higher degree of personal cleanliness.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: Body-Worn Camera 41.3.8	**Effective Date:**
Reference: FPD 12.1.1, 22.3,FPD 26.1.1, FPD 41.3.5, FPD 53.1, 54.1.1, and GO # 22	Version:
CALEA: 17.5.3, 41.3.8, 53.1.1	No. Pages: 8

I. PURPOSE

The purpose of this policy is to provide officers with guidelines on the use and management of body-worn cameras (BWC). At times, body-worn cameras may document the audio/video of a police officer's investigative and enforcement activities. The use of body-worn cameras are expected to promote officer safety, strengthen police accountability, create a greater operational transparency, provide for more effective prosecution, and improve protection against false allegations of excessive use of force, misconduct or biased-based profiling while protecting civil liberties and privacy interests [CALEA 41.3.8 a.].

II. POLICY

It is the policy of this department that officers shall activate the body-worn camera when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and state law. This policy does not govern the use of recording devices used in undercover operations or Office of Professional Standards (OPS) investigations.

A. Use of Equipment

1. The department issued body-worn camera is authorized for use in the course and scope of official duties as set forth in this policy.
2. The Chief of Police will select which body-worn camera shall be used by the police department.
3. Body-worn camera equipment shall be issued to all sworn personnel.
4. Officers shall only use departmentally approved body-worn cameras.
5. Sworn personnel wearing a Class "A" or "B" uniform as defined in Fayetteville Police Policy 41.3.5 (Grooming and Uniform Requirements) and personnel assigned to motorcycle patrol and bicycle patrol are required to wear the body-worn camera unless approved by a supervisor.

a. There may be exceptional circumstances during call-out deployments and when officers are in uniform while off-duty or on-duty, and there is need to take law enforcement action without having access to a body-worn camera. When practical, officers shall obtain authorization from a department supervisor before taking law enforcement action without wearing a body-worn camera. Examples of these circumstances include, but are not limited to:
    (1) Off-duty officers traveling to and from the police department after or before their assigned shift.
    (2) All deployments requiring immediate response.
    (3) Critical incidents when no other functioning body-worn cameras are available.

6. While working extra duty employment as defined in Fayetteville Police Policy 22.3 (Secondary Employment) and wearing a Class "A" or "B", motorcycle, or bicycle uniform, sworn personnel shall wear a body-worn camera. Officers shall ensure the camera is fully charged and ready for use when returning to duty.
7. The department quartermaster shall maintain a record of assignment for each body-worn camera [CALEA 17.5.3].
8. The body-worn camera shall be worn in the center of the officer's torso at chest height.
9. The body-worn camera equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the agency.

B. **Training** [CALEA 41.3.8 f.]

1. Prior to the issuance of body-worn cameras, all sworn personnel must complete department approved training and demonstrate proficiency in the operation and care of the camera. This training will include mandatory, permissible, and prohibited uses of the body-worn camera.
2. Additional training may be required for users and supervisors every three years or as needed to ensure the continued effective use and operation of the equipment, or policy revisions.
3. The Training Division will maintain a record of all training as required by this policy.

C. **Set up, Maintenance, and Data Upload** [CALEA 41.3.8 e]

1. Assigned body-worn camera equipment is the responsibility of the individual officer and will be used with reasonable care to ensure proper functioning.
2. Officers shall inspect and test the body-worn camera prior to each shift in order to ensure it is operational, and the battery is fully charged.
3. Officers shall notify their supervisor immediately of any problems or malfunctions. The supervisor will make the determination if the body-worn camera should be removed from service and a temporary replacement issued.
4. If a body-worn camera is damaged, lost, stolen, or defective, the officer shall submit a memorandum through the chain of command.

5. The Administrative Lieutenant will track damaged, lost, stolen or defective equipment.
6. The Chief of Police or his designee will assign peripheral supervisory assignments for the body-worn camera program. Department supervisors who have been assigned this primary or secondary responsibility shall ensure all cameras and related equipment are in a state of operational readiness.
7. At the end of shift or secondary employment, officers shall place the body-worn camera into a docking station for upload of data. This will allow evidence to be transferred from the system to the video management solution and for the battery to be charged. The body-worn camera should not ordinarily be removed from the dock until data has been uploaded and the battery is fully charged [CALEA 41.3.8 d].

D. **Activation of the Body-worn Camera** [CALEA 41.3.8 b.]

1. When possible, officers shall activate the body-worn camera to record all contacts with citizens in the performance of official duties.
2. If asked, the officer will inform the person they are being recorded.
3. Body-worn cameras shall be activated in the following circumstances.
   a. Detentions and arrests;
   b. Statements made by suspects;
   c. Consensual encounters;
   d. Traffic and pedestrian stops;
   e. K9 deployments;
   f. Emergency Response Team Deployments;
   g. Foot pursuits;
   h. Use of force;
   i. When serving an arrest or search warrant;
   j. Conducting any of the following searches on a person or property:
      (1) Incident to arrest;
      (2) Cursory;
      (3) Probable cause;
      (4) Probation/Parole; or
      (5) Vehicles;
   k. Search by consent - Officers will follow established procedures as defined in Fayetteville Police Policy 1.2.2 (Warrantless Detention, Search and Seizure).
      (1) Prior to conducting a consensual search, an officer shall verify the body-worn camera is activated and recording. Permission to search shall be recorded by the officer before any search takes place.
      (2) If the subject granting consent limits the scope of the search by requesting de-activation of the body-worn camera, the officer may honor the request and proceed within the scope of the search. The request for de-activation shall be recorded.
   l. Transportation of arrestees or detainees;
   m. During any citizen encounter that becomes hostile;

n. Any situation where the officer determines recording would be valuable for evidentiary purposes;
o. When directed by a supervisor;

4. Whenever an officer records an incident or any portion of an incident, which that officer reasonably believes will lead to a citizen complaint, the officer will notify his/her supervisor before the end of his/her shift.
5. Once the body-worn camera is activated, it shall not be intentionally turned off until the event is completed, unless authorized by policy.
6. Officers shall document in the CAD incident narrative (if no case report exists), the case report or as a note on the warning or citation if he or she fails to activate, fails to record the entire contact, or the body-worn camera malfunctions.

E. **Operational Restrictions** [CALEA 41.3.8 b]

1. The body-worn camera shall only be used in conjunction with official law enforcement duties.
   a. The body-worn camera will not be intentionally activated to record fellow employees without their consent during non-enforcement related activities.
   b. Intentional recordings of confidential informants and undercover officers are prohibited unless authorized by a supervisor.
2. Officers shall not modify, dismantle or attempt to make repairs to body-worn cameras.
3. Body-worn cameras shall not be used for non-work related activities.

F. **Deactivation/Non-Activation/Muting of the Body-worn Camera** [CALEA 41.3.8 b]

1. Officers will only deactivate or not activate the body-worn camera during an incident when authorized by policy.
2. Officers shall properly document reason for deactivation by entering an audio explanation prior to deactivation and including the reason in the CAD incident narrative or case report.
3. Officers have discretion on deactivating the body-worn camera under the following circumstances:
   a. In places where reasonable expectations of privacy exist (ie. bathrooms, dressing rooms, locker rooms, etc).
   b. No strip or body cavity searches will be recorded.
   c. When at a crime scene, the body-worn camera may be manually deactivated when the scene is no longer active, and the deactivation is approved by a department supervisor.
   d. Officers may deactivate or not activate the body-worn camera when dealing with reluctant witnesses or victims.
   e. Upon approval from any supervisor.
4. When discussing sensitive tactical or law enforcement information away from citizens, or when obtaining confidential information, officers can utilize the mute function on the body-worn camera.

5. Other deactivations / non-activations may occur when officers experience equipment malfunctions, when officers do not have a reasonable amount of time to activate their body-worn cameras, or in places where reasonable expectations of privacy exist (ie. bathrooms, dressing rooms, locker rooms, etc).

G. **Documentation, Categories, and Retention of Body-Worn Camera Videos** [CALEA 41.3.8 c,d]

1. The Fayetteville Police Department utilizes video management solution software that exports information from our computer aided dispatch (CAD) and records management system (RMS). Once the video has been automatically tagged, it shall be the officers' responsibility to check and verify data files are categorized correctly with the following information:
   a. By verifying the case number within the CASE ID Field associated with the file is correct;
   b. By verifying a title in the TITLE field. The title should include sufficient information to identify the file.
   c. By verifying the appropriate CATEGORY of the video has been selected to establish retention.
2. Categories and associated retention rates as implemented by system administrator:
   a. BWC Tests - (90 days) – This category is only for documenting the inspection and test of the body-worn camera. Employees are required to manually tag these videos.
   b. Uncategorized – (Indefinite) – This is a default category for body-worn camera videos that are not categorized by the integration with the computer-aided dispatching / record management system.
   c. No action - (90 days) - Incidents that do not result in police action, circumstances with no known criminal offense, or minor incidents where prosecution is not required.
   d. Training – (90 days) – This category is only for practical training exercises that need to be kept and documented for department training.
   e. Misdemeanor - (4 years) - All misdemeanor criminal investigations, reports and arrests and traffic citations.
   f. Death Investigation – (7 years) – All death investigations not categorized as homicides. Employees should document all death investigations in this category. Criminal Investigation Division supervisors will be responsible for tagging the videos in another category if appropriate.
   g. Felony - (7 years) - All felony criminal investigations, reports and arrests.
   h. Permanent - (Permanent) - Officer involved shootings, homicides and crimes of violence as defined by ACA 5-42-203. Supervisors in the Criminal Investigation Division and Administration will manually tag the officer involve shooting and homicide videos.
   i. Restricted - (Indefinite) -Videos under administrative review. The Administrative Lieutenant will manage videos in this category.

H. **Accidental Recordings** [CALEA 41.3.8 c,d]

1. Requests for deletion of accidental recordings must be submitted in writing and approved by Chief of Police or his or her designee.
2. The IT manager shall ensure the recording is removed from video management solutions.
3. All requests and final decisions shall be kept on file with the IT manager for a period of 3 years.

I. **Recording Control and Management** [CALEA 41.3.8 c]

1. All body-worn camera videos have a 30 second buffer, which means the video of the incident is captured 30 seconds prior to the activation of the camera.
2. All body-worn camera/video management solution users will be responsible for monitoring system effectiveness and making recommendations for operational improvement and policy revision.
3. The Chief of Police or his designee will establish permission levels for users in the video management solution software. Permission levels will be determined by the employee's function within the organization.
4. The IT Manager or his designee will be responsible for implementing user roles and privileges in the video management solution software.
5. Authorized users will keep their user name and password confidential.
6. The video management solution has an audit function that tracks access of the videos within the system.
7. Accessing, tampering, copying, or releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as required by law.
8. Under no circumstances will employees be allowed to access and view recordings while off duty.
9. Officers are authorized under this policy to review their video as it relates to:
   a. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports.
   b. Prior to courtroom testimony.
   c. For training purposes.
10. Officers assigned to the Community Oriented Policing Division, the Criminal Investigation Division, the Special Investigations Unit, and department conducted energy weapon (CEW) armorer(s) have the authority to view other officers' body-worn camera videos in order to perform functions of their job duties. All other officers are required to receive supervisor approval before viewing other officers' body-worn camera videos.
11. If an officer is the subject of an open/active Office of Professional Standards investigation, he or she will be given an opportunity to review their body-worn camera video/s before he or she is interviewed.

J. Supervisor Responsibilities

1. Supervisors will ensure officers utilizing the body-worn cameras adhere to established procedures, guidelines, and policies.
2. Supervisors shall follow inspection procedures of department equipment as defined in Fayetteville Police Policy 53.1 (Inspections) [CALEA 41.3.8 e].
3. In the event a body-worn camera is damaged, lost, stolen, or defective, the supervisor shall facilitate a replacement as soon as practical.
4. The Chief of Police or his designee will assign peripheral supervisory assignments for the body-worn camera program.
5. Supervisors shall periodically review body-worn camera data to verify compliance with this and other directives. Supervisors are authorized to conduct the following types of reviews [CALEA 41.3.8 g]:
   a. Administrative
   b. Compliance
   c. Performance
6. Supervisors shall review the following videos [CALEA 41.3.8 c.g]:
   a. Vehicle pursuits;
   b. The portion of the video that shows officer uses of force involving less lethal weapons;
   c. The portion of the video that shows weaponless uses of force which results in a subject receiving medical treatment.
7. Patrol lieutenants shall create a quarterly audit of three officers BWC videos and report the findings to the patrol captain. [41.3.8 c.g].
8. If an officer is involved in a serious incident or subject of a serious allegation, the supervisor may confiscate the body-worn camera immediately. The supervisor shall maintain the chain of custody of the body-worn camera if it is related to a criminal investigation or turn it over to the proper authority pending administrative review [CALEA 41.3.8 c].

K. Release of Body-Worn Camera Video

1. Any requests for body-worn camera video by a citizen will be addressed as a Freedom of Information Act (FOIA) request as defined in Fayetteville Police Policy 54.1.1- (Public Information Policy).
2. Prosecutors may be granted access to video management solution by the IT Manager or his designee.
3. Defense attorney requests should be made through the appropriate court prosecutor or Freedom of Information Act (FOIA).
4. Evidentiary copies of digital recordings will be accessed from the video management solution and copied for law enforcement purposes only.
5. Recordings may be duplicated for court, investigations, training, or other purposes as authorized by the Chief of Police or his designee.
6. Officers who need a recording duplicated for court, investigations, or training must make the request through the Property/Evidence Division. For court, the request should be made at least 48 hours prior to the court date when possible.

7. Requests from other law enforcement agencies should be in writing and shall be approved by a lieutenant. The request shall be maintained in the same manner as FOIA requests.
8. When an officer has finished a court appearance using a copy of an original media file, and the file is not retained by the court, the officer will, as soon as practical, return the media to the property room for proper storage or disposal.
9. Video files related to an internal investigation(s) shall be restricted until the investigation is closed.

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0620

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 6

BID #17-65 NABHOLZ ENVIRONMENTAL SERVICES, LLC:

A RESOLUTION TO AWARD BID #17-65 AND AUTHORIZE A CONTRACT WITH NABHOLZ ENVIRONMENTAL SERVICES, LLC IN THE AMOUNT OF $257,802.00 FOR ASBESTOS ABATEMENT SERVICES AT THE OLD CITY HOSPITAL AS PART OF THE FAYETTEVILLE PUBLIC LIBRARY EXPANSION PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $40,000.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #17-65 and authorizes Mayor Jordan to sign a contract with Nabholz Environmental Services, LLC in the amount of $257,802.00 for asbestos abatement services at the old City Hospital as part of the Fayetteville Public Library Expansion Project, and further approves a project contingency in the amount of $40,000.00.

City of Fayetteville Staff Review Form

2017-0620

Legistar File ID

11/21/2017

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

Paul A. Becker	10/26/2017	CHIEF FINANCIAL OFFICER (110)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of Bid# 17-65 contract for the Asbestos Abatement at the old City Hospital with Nabholz Envoronmental Services in the amount of $257,802, and a project Contingency of $40,000. This is in association with the Fayetteville Public Library Expansion Project.

Budget Impact:

4150.800.9150-5804.00	Library Construction
Account Number	Fund
17007.1705	Asbestos Abatement
Project Number	Project Title

Budgeted Item?	Yes	Current Budget	$	27,673,647.00
		Funds Obligated	$	2,904,599.90
		Current Balance	$	**24,769,047.10**
Does item have a cost?	Yes	Item Cost	$	297,802.00
Budget Adjustment Attached?	No	Budget Adjustment		
		Remaining Budget	$	**24,471,245.10**

V20140710

Previous Ordinance or Resolution # 196-17

Original Contract Number: Bid 17-65

Approval Date:

Comments:

CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

THRU: Don Marr, City of Fayetteville, Chief of Staff
David Johnson, Fayetteville Public Library, Executive Director

FROM: Paul A. Becker, City of Fayetteville, Chief Financial Officer
Stephen Davis, Fayetteville Public Library, Accounting and HR Director
DATE: October 26, 2017

SUBJECT: Asbestos Abatement Contract at Old City Hospital as a part of Fayetteville Public Library Expansion Project

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RECOMMENDATION:

Approval of a contract with Nabholz Environmental Services for asbestos abatement services, procured thru Bid 17-65 in the amount of $257,802. The abatement services are at the old city hospital site and includes abatement services at the church. Approval of a contingency of $40,000 is also recommended.

BACKGROUND:

*2012-2013 Fayetteville Public Library evaluated space needs to accommodate increased usage, and a master plan to server into 2030**.**
*July 5, 2016, City Hospital property was purchased by Fayetteville public Library
*August 9, 2016 Fayetteville voters approved millage request in a referendum authorizing $26.5 million in bonds. Bonds were sold generating $26.9 million.
*July 31, 2017, Fayetteville Public Library & City of Fayetteville staff moved forward with a Purchase Order with Safety & Environmental Investigations, Inc. to prepare specifications for bidding the asbestos abatement.
*August 15, 2017 Council passed resolution 170-17 authorizing a contract with Meyer, Scherer & Rockcastle for the Professional Architectural Services for the Library Expansion.
*September 19, 2017 Council passed resolution 196-17 authorizing a Construction Manager at Risk agreement with Crossland Construction for Phase 1 of the Library Expansion.

DISCUSSION:

Soon after the Library acquired the old hospital property, the Library and City of Fayetteville staff set forth a plan to move forward with the asbestos abatement in the buildings. The goal was to address a safety concern by eliminating any potential hazardous materials as soon as possible. The team also wanted to show continued progress on the project as the selection of the Architect and construction manager were ongoing. In accordance with the City procurement requirements, the professional firm of Safety & Environmental Investigations, Inc. was selected to prepare an abatement plan for use in bid documents. The City of Fayetteville Purchasing Division issued Bid 17-65 for the asbestos abatement of the old city hospital and the church. Five responsive bids received. Nabholz Environmental Services submitted the low bid in the amount of $257,802. The contract states completion within 60 days after notice to precede.

BUDGET/STAFF IMPACT:
This is a budgeted expense that will be paid by the City using current project bond funds.

Attachments:
Library Authorization Letter
Contract Document
Official Bid Tab
Bid Submittal & Project Manual

FAYETTEVILLE PUBLIC LIBRARY

November 1, 2017

Lioneld Jordan, Mayor
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

SUBJECT: City Hospital Asbestos Abatement Contract

Dear Mayor Jordan,

The Fayetteville Public Library Board of Trustees concurs with the City of Fayetteville staff recommendation to award the city hospital asbestos abatement contract to Nabholz Environmental Services, procured thru Bid 17-65 in the amount of $257,802. The Fayetteville Public Library Board of Trustees concur with the City of Fayetteville staff recommendation for a project contingency of $40,000. It is our understanding that these services include abatement at both the old city hospital site and the church.

The Fayetteville Public Library Board of Trustees has been kept advised of the progress on this aspect of the expansion and consents to the use of bond project funds to pay these project expenses.

Sincerely,

Hershey Garner, President
Fayetteville Public Library Board of Trustees

401 W. Mountain St.
Fayetteville, AR 72701
479.856.7000 | www.faylib.org

CITY OF FAYETTEVILLE ARKANSAS

City of Fayetteville
Bid 17-65, Construction – Asbestos Abatement
Contract – Between City
and Nabholz Environmental Services, LLC

This contract executed this ____ day of _____, 2017, between the City of Fayetteville, Arkansas (City), and Nabholz Environmental Services, LLC (NES, LLC) in consideration of the mutual covenants contained herein, the parties agree as follows:

1. NES, LLC at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 17-65 as stated in NES, LLC bid proposal, and in accordance with specifications attached here to and made a part hereof under Bid 17-65, all included herein as if spelled out word for word.

2. The City of Fayetteville shall pay NES, LLC based on their bid proposal in an amount not to exceed $257,802.00. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after acceptance of invoice.

3. The Contract documents which comprise the contract between the City of Fayetteville and NES, LLC consist of this Contract and the following documents attached hereto, and made a part hereof:

   A. Bid form identified as Invitation to Bid 17-65 with the specifications and conditions typed thereon.

   B. NES, LLC bid proposal.

   C. The Notice to Prospective Bidders and the Bid Tabulation.

4. These Contract documents constitute the entire agreement between the City of Fayetteville and NES, LLC and may be modified only by a duly executed written instrument signed by the City of Fayetteville and NES, LLC
5. NES, LLC shall not assign its duties under the terms of this agreement.

6. NES, LLC agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from NES, LLC performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.

7. NES, LLC shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, NES, LLC shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

   Contractor's Liability Insurance:
   The insurance required by this paragraph shall include the specific coverages, and be written for not less than the limits of liability specified or required by Law, whichever is greater.
   a. Umbrella General Liability $1,000,000

b. Workers' compensation Statutory (State and Federal Limits)
c. Employer's Liability $500,000 each accident
d. Commercial General Liability
e. General Aggregate $1,000,000
f. Products-Completed Operations Aggregate $1,000,000
g. Personal & Advertising Injury Limit $1,000,000
h. Each Occurrence Limit $1,000,000
i. Fire Damage Limit $ 100,000
j. Medical Expense Limit $ 5,000
k. Business Automobile Liability
l. Any one loss or accident $1,000,000
m. Pollution Liability, Asbestos Abatement Rider: $5,000,000

The premiums for all insurance and the bond required herein shall be paid by **NES, LLC**

8. **NES, LLC** to furnish proof of licensure as required by all local and state agencies.

9. This contract may be terminated by the City of Fayetteville or **NES, LLC** with 30 days written notice.

10. Final Completion for this project shall be **75 calendar days** from issue date of Notice to Proceed. Substantial Completion shall be **60 calendar days** from issue date of Notice to Proceed

11. Liquidated Damages: N/A

12. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo coping costs pursuant to the FOIA may be assessed for this compliance.

13. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

WITNESS OUR HANDS THIS_____DAY OF _____, 2017.

Nabholz Environmental Services, LLC

By: _____
Signature

Vice President/
Xavier Nehus - Compliance Manager
Printed Contractor Name & Title

Cynthia Justice
ATTEST *(Signature)*

Cynthia Justice
Company Secretary *(Printed Name)*

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
LIONELD JORDAN, Mayor

_____
ATTEST: *(Signature)*

_____
Sondra Smith, City Clerk

CITY OF
FAYETTEVILLE
ARKANSAS

Construction - Asbestos Abatement

Bid No. 17-65

Official Bid Tabulation

Bid No. 17-65
Date: 10.242017
Time: 2:00 PM

Lioneld Jordan, Mayor

Number of Addendums: 2

			EniroRem, Inc.	Environmental Protection Associates, Inc.	Gerken Environmental Enterprises, Inc.	Nabholz environmental Services, LLC	Snyder Environmental
Item	Description	QTY	Total Price	Total Price	Total Price	Total Price	Total Price
1	Asbestos Abatement for City Hospital and Church Structure (Total Lump Sum)	1	$417,833.00	$261,000.00	$421,856.00	$ 257,802.00	$ 399,399.00

CERTIFIED: A. Rennie, Purchasing Manager

Witness

10/27/17
Date

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

CITY OF
FAYETTEVILLE
ARKANSAS

INVITATION TO BID

INVITATION TO BID: Bid 17-65, Construction – Asbestos Abatement
DEADLINE: Tuesday October 24, 2017 before 2:00:00 PM, Local Time
PRE-BID: Wednesday October 04, 2017 at 10:00 AM; Local Time, On-site
DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701
PURCHASING AGENT: Les McGaugh, lmcgaugh@fayetteville-ar.gov
DATE OF ISSUE AND ADVERTISEMENT: Tues Sept. 26, and Oct. 03, 2017

INVITATION TO BID
Bid 17-65, Construction – Asbestos Abatement

No late bids will be accepted. Bids shall be submitted in sealed envelopes labeled with the name and address of the bidder. All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

NOTICE TO ALL BIDDERS:

All vendors intending on bidding SHALL register as a plan holder by notifying Les McGaugh, via e-mail at lmcgaugh@fayetteville-ar.gov. When registering as a plan holder, vendors shall submit primary contact information including name of contractor, primary contact, phone number, fax number, and physical address. FAILURE TO REGISTER AS A PLAN HOLDER CAN RESULT IN YOUR BID BEING REJECTED. Interested parties are responsible for printing. All bids will be distributed electronically from the City of Fayetteville Purchasing Division. Receiving electronic links from the City of Fayetteville, AR automatically registers you as a plan holder.

E-MAILED BID PACKAGE INCLUDES LINKS TO THE FOLLOWING FILES:

FILE #1: PROJECT MANUAL: **150 total pages**

*Additional files added as addendums are issued. Addendums will be directly e-mailed to all listed plan holders and posted on the City's website.
***PLAN HOLDER LISTINGS & ADDENDUMS WILL BE POSTED AT:** http://fayetteville-ar.gov/bids
Bidder shall assume all responsibility for receiving updates and any addenda issued to this project by monitoring http://fayetteville-ar.gov/bids . Failure to acknowledge addenda issued as instructed could result in bid rejection.

Project Manual

CITY OF
FAYETTEVILLE
ARKANSAS

CITY OF FAYETTEVILLE,
ARKANSAS

CONSTRUCTION – Asbestos Abatement

BID # 17-65
Date: September 2017

CITY OF
FAYETTEVILLE
ARKANSAS

Project Check List

This checklist is for the Bidder's use in preparing & submitting a bid. It is not intended to include all details necessary to prepare a bid and shall not be used as a substitute for the requirements of the bid documents. Information is shown below only as a matter of convenience. Use of this checklist does not relieve the Bidder from the responsibility of meeting all requirements of the Specifications concerning the preparation of an acceptable bid. Bidders are welcome to use this form as a coversheet for a sealed envelope; however, using this form itself is NOT a requirement.

- [x] 5% Bid Bond of the amount bid accompanied by required documentation (Power of Attorney, etc.)
  - In lieu of a bid bond, the bidder may submit a cashier's check from a bank located in the State of Arkansas for at least five percent (5%) of the amount bid (inclusive of any deductive alternates). Cashiers checks shall be made payable to the City of Fayetteville, AR.

- [x] All addenda shall be signed, acknowledged, and submitted on the appropriate forms (submitting the actual addendums or marking acknowledgement on other bid pages).

- [x] All line items shall be appropriately filled out and extended to reveal the line item price as well as the total bid price. Total base bid should be calculated in the provided space.

- [x] All pages provided with signature lines shall be appropriately signed, dated accordingly, and included with submitted bid documents

- [x] All bid documents shall be delivered in a sealed envelope to the address listed below before the stated deadline on the coversheet of the bid. All bids should be delivered with the name of the bidder (contractor) on the sealed envelope as well as the bidders Arkansas Contractor's License Number.

City of Fayetteville, AR
Purchasing Division – Suite 306
113 W. Mountain
Fayetteville, AR 72702

CONTRACTOR NAME: NES, LLC; d/b/a Nabholz Environment Services

ARKANSAS CONTRACTORS LICENSE NUMBER: AR #0313240118 and ADEQ # 000547

City of Fayetteville, Arkansas
INVITATION TO BID
Bid 17-65, Construction – Asbestos Abatement

The City of Fayetteville is accepting bids from properly licensed and authorized firms for the asbestos abatement for the Old City Hospital. Questions should be addressed to Les McGaugh, Purchasing Agent at lmcgaugh@fayetteville-ar.gov or by calling (479) 575-8220.

All bids shall be submitted in a sealed envelope or package labeled with the project name and/or description. All bids shall be received by **Tuesday October 24, 2017 before 2:00 PM, local time** at the City of Fayetteville, Purchasing Division address listed below. A public bid opening will be conducted shortly after the deadline at City Hall. No late bids shall be accepted. The City of Fayetteville shall not be responsible for lost or misdirected bids.

City of Fayetteville
Purchasing Division – Room 306
113 West Mountain Street
Fayetteville, AR 72701

Bidding documents and plans shall be obtained by the City of Fayetteville Purchasing Division electronically. No partial sets shall be issued. Plans may also be reviewed only at the Fayetteville Purchasing Division. Addendums and updated plan holder listings will be posted on the City's website at http://fayetteville-ar.gov/bids .

All vendors intending on bidding SHALL register as a plan holder by notifying Les McGaugh, via e-mail. When registering as a plan holder, vendors shall submit primary contact information including name of contractor, primary contact, phone number, fax number, and physical address. **FAILURE TO REGISTER AS A PLAN HOLDER CAN RESULT IN YOUR BID BEING REJECTED.**

A non-mandatory Pre-Bid meeting will be held **Wednesday, October 05, 2017 at 11:00 AM** onsite at 221 South School Ave, Fayetteville, AR. All interested parties are encouraged to attend.

Each bid shall be accompanied by a cashier's check from a bank doing business in the State of Arkansas or a corporate bid bond in an amount not less than five (5) percent of the amount bid. A one hundred percent (100%) performance and payment bond is required with the contract awarded and shall be file marked by the Washington County Circuit Clerk's Office upon receipt to the City. A State of Arkansas Contractor's License is required for all bid and license shall be valid at the time of bid deadline.

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

The City of Fayetteville reserves the right to waive irregularities, reject bids, and postpone the award of any Contract for a period of time which shall not exceed beyond sixty (60) days from the bid opening date.

City of Fayetteville
By: Les McGaugh, Purchasing Agent
P: 479.575.8220 Email: lmcgaugh@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
Date of advertisement: 09/26/2017 & 10/03/17

Contract Time: Substantial Completion shall be 30 Calendar Days from Notice to Proceed; and Final Completion shall be 45 days from notice to proceed.

ITEM:	DESCRIPTION	QTY		*TOTAL PRICE
1	Asbestos Abatement for City Hospital And Church Structure (Total Lump Sum)	1	LS	$ $257,802.00

THIS BID FORM CONTINUES ON THE NEXT PAGE.

EXECUTION OF BID -

Actual specification of any deficient item shall be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation shall be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.

2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.

3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.

4. I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true.

5. Bidder shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment in addition to all federal, state, and local laws.

6. Bidder shall disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Response shall disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official. If no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response.

   ___XX___ 1.) NO KNOWN RELATIONSHIP EXISTS

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

7. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.

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

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

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

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

*NAME OF FIRM: NES, LLC

Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name Nabholz Environmental Services

*BUSINESS ADDRESS: 6615 Murray Street

*CITY: Little Rock *STATE: AR *ZIP: 72209

*PHONE: (501) 217-5582 FAX: (501) 217-5782

*E-MAIL: Xavier.Nehus@Nabholz.com

*BY: (PRINTED NAME) Xavier Nehus

*AUTHORIZED SIGNATURE:

*TITLE: Vice-President/Compliance Manager

DUNS NUMBER: 006359277 CAGE NUMBER: 1EGFo

*TAX ID NUMBER: 46-1088858

Acknowledge Addendums:

Addendum No. 1 Dated: 9/27/2017 Acknowledged by: Xavier Nehus

Addendum No. 2 Dated: 10/16/2017 Acknowledged by: Xavier Nehus

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

PART ONE - DEFINED TERMS

1.1 Terms used in these Instructions to Bidders which are defined in the General Conditions have the meanings assigned to them in the General Conditions. Certain additional terms used in these Instructions to Bidders have the meanings indicated below which are applicable to both the singular and plural thereof.

1.2 Bidder - one who submits a Bid directly to City of Fayetteville as distinct from a sub-bidder, which submits a bid to a Bidder.

1.3 Issuing Office - the office from which the Bidding Documents are to be issued and where the bidding procedures are to be administered.

1.4 Successful Bidder - the lowest, responsible, and responsive Bidder to whom the City of Fayetteville (on the basis of the City of Fayetteville's evaluation as hereinafter provided) makes an award.

PART TWO - COPIES OF BIDDING DOCUMENTS

2.1 Complete sets of the Bidding Documents in the number and for the deposit sum, if any, stated in the Advertisement for Bids may be obtained from the Issuing Office.

2.2 Complete sets of Bidding Documents must be used in preparing Bids. Neither City of Fayetteville nor Architect assumes any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Bidding Documents.

2.3 City of Fayetteville and Architect in making copies of Bidding Documents available on the above terms do so only for the purpose of obtaining Bids for the Work and do not confer a license or grant for any other use.

PART THREE - EXAMINATION OF SITE AND CONTRACT DOCUMENTS

3.1 Bidders are advised that the Drawings and Specifications are on file at the City of Fayetteville Purchasing Division, and shall constitute all of the information which the City of Fayetteville shall furnish. No other information given or sounding made by the City of Fayetteville or any official thereof, prior to the execution of said contract, shall ever become a part of, or change the contract, drawings, specifications and estimates, or be binding on City of Fayetteville.

Prior to submitting any Bid, Bidders are required to: read carefully the Specifications, contract, and Bonds; examine carefully all Drawings; visit the site of the Work to carefully examine local conditions; inform themselves by their independent research and sounding of the difficulties to be encountered, and all attending circumstances affecting the cost of doing the work, and the time specified for its completion; and obtain all information required to make an intelligent bid.

3.2 Bidders shall rely exclusively upon their surveys, estimates, investigations, and other things which are necessary for full and complete information upon which the bid may be made and for which a contract is to be awarded. The Bid Form, providing for unit and lump sum prices bid by the Contractor, contains a statement that all bids are made with the full knowledge of the difficulties and conditions that may be encountered, the kind, quality and quantity of the plans, work to be done, excavation, and materials required and with full knowledge of the drawings, profiles, specifications, and estimates and all provisions of the contract and Bonds.

3.3 Bidders shall promptly notify Architect of all conflicts, errors, ambiguities, or discrepancies which Bidder has discovered in or between the Contract Documents and such other related documents.

3.4 Information and data shown or indicated in the Contract Documents with respect to existing Underground Facilities at or contiguous to the site is based upon information and data furnished to City of Fayetteville and Architect by City of Fayetteville's of such Underground Facilities or others, and City of Fayetteville and Architect do not assume responsibility for the accuracy or completeness thereof unless it is expressly provided otherwise in the Supplementary Conditions.

3.5 On request, City of Fayetteville will provide each Bidder access to the site to conduct such examinations, investigations, explorations, tests, and studies as each Bidder deems necessary for submission of a Bid. Bidder must fill all holes and clean up and restore the site to its former conditions upon completion of such explorations, investigations, tests, and studies.

3.6 Reference is made to the General Requirements for the identification of the general nature of work that is to be performed at the site by City of Fayetteville or others (such as utilities and other prime contractors) that relates to the work for which a Bid is to be submitted. On request, and as available, City of Fayetteville will provide to each Bidder, for examination, access to or copies of Contract Documents (other than portions thereof related to price) for such work.

3.7 The submission of a Bid will constitute an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article 3, that without exception the Bid is premised upon performing and furnishing the Work required by the Contract Documents and applying the specific means, methods, techniques, sequences, or procedures of construction (if any) that may be shown or indicated or expressly required by the Contract Documents, that Bidder has given Architect written notice of all conflicts, errors, ambiguities, and discrepancies that Bidder has discovered in the Contract Documents and that the written resolutions thereof by Architect are acceptable to Bidder, and that the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work.

PART FOUR - AVAILABILITY OF LANDS FOR WORK AND WORK BY OTHERS

4.1 The lands upon which the Work is to be performed, rights-of-way and easements for access thereto and other lands designated for use by Contractor in performing the Work are identified in the Contract Documents. All additional lands and access thereto required for temporary construction facilities, construction equipment, or storage of materials and equipment to be incorporated in the Work are to be obtained and paid for by Contractor. Easements for permanent structures or permanent changes in existing facilities are to be obtained and paid for by City of Fayetteville unless otherwise provided in the

Contract Documents.

PART FIVE - INTERPRETATION OF CONTRACT DOCUMENTS AND ADDENDA

5.1 If any person contemplating submitting a bid for construction of the Work is in doubt as to the true meaning of any part of the proposed Contract Documents or finds discrepancies in or omissions from any part of the proposed Contract Documents, he should submit a written request for interpretation thereof to the Architect not later than seven days before the date set for bid opening. The person submitting the request shall be responsible for its prompt delivery.

5.2 Interpretation or correction of proposed Contract Documents will be made only by Addendum to all holders of Bidding Documents. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect. City of Fayetteville will not be responsible for any other explanations or interpretations of the proposed Contract Documents.

5.3 Addenda may also be issued to modify the Bidding Documents as deemed advisable by City of Fayetteville.

5.4 Bidder assumes all responsibility for checking the City's website at www.accessfayetteville.org for updates and addenda issued to this project.

PART SIX - APPROXIMATE ESTIMATE OF QUANTITIES

6.1 The provided estimate of quantities is approximate only and shall be the basis for receiving unit price bids for each item but shall not be considered by Bidders as actual quantities that may be required for the completion of the proposed work. However, such quantities, at the unit and lump sum prices bid for each item, shall determine the amount of each bid for comparison of Bids and aid in determining the low and responsive Bidder for the purpose of awarding the contract, and will be used as basis for fixing the amount of the required Bonds.

PART SEVEN - PRICES

7.1 Bidders must state a price for each item of work named in the Bid Form. Unit and Lump Sum prices shall include amounts sufficient for the furnishing of all labor, materials, tools, equipment, and apparatus of every description to construct, erect, and finish completely all of the work as called for in the Specifications or indicated on the Drawings.

7.2 Prices bid on the various items in the Bid Form shall bear a fair relationship to the cost of the work to be done. Bids which appear unbalanced and are deemed not to be in the best interest of City of Fayetteville may be rejected at the discretion of City of Fayetteville.

7.3 By submission of a Bid, Bidder represents that Bidder has considered the entire Project and the Work required, and has reviewed the Drawings and Specifications to verify the full scope of the Work.

PART EIGHT - BID FORM

8.1 Bids are due as indicated in the Advertisement for Bids.

8.2 Bids must be made out in ink on the Bid Form included in these Bidding Documents. The unit price or lump sum bid for each item must be stated in figures and in words in the appropriate blank spaces provided on the Bid Form. The figures must be clear and distinctly legible so that no question can arise as to their intent and meaning. In case of a difference in the written words and figures, the amount stated in written words shall govern. Discrepancies between the multiplication of units of Work and unit prices will be resolved in favor of the unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum.

8.3 Bids which are incomplete, unbalanced, conditional, or obscure or which contain additions not called for, erasures, alterations, or irregularities of any kind or which do not comply with these Instructions to Bidders may be rejected as informal or non-responsive at the option of City of Fayetteville. However, City of Fayetteville reserves the right to waive technicalities as to changes, alterations, or revisions and to make the award in the best interest of City of Fayetteville.

8.4 Address sealed bids to City of Fayetteville, and deliver to the address given in the Advertisement for Bids on or before the day and hour set for opening the bids. Enclose the completed Bid Form and Project Manual in a sealed envelope bearing the title of the project, the name of the Bidder, Bidder's Arkansas Contractor's License Number, and the date and hour of the bid opening. If this sealed envelope is delivered by a public carrier, it must be contained in another envelope addressed to City of Fayetteville and the attention of the project name. It is the sole responsibility of Bidder to see that the Bid is received on time.

8.5 Acceptance of deductive alternate bids is at the City of Fayetteville's discretion, as best services the City of Fayetteville's interest. Each deductive alternate, if presented, will be provided on the Bid Form. The price of the Bid for each deductive alternate will be the amount to be deducted from the price of the Total Base Bid if the City of Fayetteville selects any of the alternates. The unit price amount for each alternate shall be the same as the unit price amount listed in the Bid.

8.6 No Bidder shall divulge the information in the Bid to any person whomsoever, except those having a partnership or other financial interest with him in the Bid, until after the bids have been opened.

PART NINE - SIGNATURE ON BIDS

9.1 If the Bid is made by an individual, the firm name must be given, and the Bid Form signed by the individual or a duly authorized agent. If the Bid is made by a partnership, the firm name and the names of each member must be given, and the Bid signed by a member of the partnership, or a person duly authorized. If the Bid is made by a company or corporation, the company or corporate name must be given and the Bid signed by an officer or agent duly authorized. The corporate seal must be affixed and attested by the secretary or an assistant secretary. The corporate address and state of incorporation must be shown below the signature.

9.2 All names must be typed or printed in black ink below the signature.

9.3 The address and telephone number for communications regarding the Bid must be shown.

9.4 Powers of attorney, properly certified, for agents and others to sign Bids must be in writing and filed with City of Fayetteville.

9.5 The Bid shall also contain a signed acknowledgment of receipt of all Addenda.

PART TEN - BID SECURITY

10.1 A five percent (5%) bid security, in the form of a bid bond, or cashier's check from a bank located in the State of Arkansas, as stated in the Advertisement For Bids, shall accompany each bid. Bid bonds for the difference in price between low bidder and second low bidder shall not be acceptable. The Successful Bidder's security will be retained until City of Fayetteville receives a signed Agreement and required Bonds and Certificates of Insurance. If the Successful Bidder fails to execute and deliver the Agreement and furnish the required contract security within fifteen days after the Notice of Selection, City of Fayetteville may annul the Notice of Selection and the Bid security of that Bidder will be forfeited.

10.2 The City of Fayetteville reserves the right to retain the security until the Successful Bidder enters into the Contract or until sixty (60) days after bid opening, whichever is sooner. Cash equivalent security of the second and third low bidder may be exchanged for an equivalent bid bond after bid tabulations are complete or thirty (30) days after bid opening, whichever is sooner.

PART ELEVEN - PERFORMANCE BOND AND PAYMENT BOND

11.1 Prior to signing the Agreement, Contractor shall furnish a surety performance Bond and a payment Bond, equal to one hundred percent of the contract price.

11.2 Contractor shall pay all expenses in connection with the obtaining of said Bonds. The Bonds shall be conditioned that Contractor shall faithfully perform the contract and shall pay all indebtedness for labor and materials furnished or performed in the construction of such alterations and additions as prescribed in this contract.

11.3 The surety company issuing the Bonds must be a solvent company on the "Surety Companies Annual List" issued by the U.S. Department of the Treasury, and the Bonds are not to be issued in an amount greater than the underwriting limitations for the surety company as set out therein.

11.4 In Arkansas, prevailing law requires that performance and payment Bonds on public works contracts shall be executed by a resident local agent who is licensed by the Insurance Commissioner to represent the surety company executing said Bonds and filing with such Bonds his Power of Attorney as his authority. The mere countersigning of the Bonds will not be sufficient.

11.5 The date of the Bonds, and of the Power of Attorney, must not be prior to the date of the contract. At least two originals of the Bonds shall be furnished, each with Power of Attorney attached.

11.6 Bonds are to be approved by City of Fayetteville. If any Bonds contracted for become unsatisfactory or unacceptable to City of Fayetteville after the acceptance and approval thereof, Contractor, upon being notified to that effect, shall promptly execute and furnish acceptable Bonds in the amounts herein

specified. Upon presentation of acceptable Bonds, the unsatisfactory Bonds may be canceled at the discretion of Contractor.

11.7 The bonds shall be presented to the City after being file marked at the Washington County Circuit Clerk's Office. Multiple copies of the original bonds may be necessary for filing purposes.

PART TWELVE - CONTRACT TIME

12.1 The number of days within which, or the dates by which the Work is to be substantially completed and also completed and ready for final payment is outlined in the Bid Form.

PART THIRTEEN - LIQUIDATED DAMAGES

13.1 Provisions for liquidated damages, if any, are set forth in the Bid Form.

PART FOURTEEN - SUBCONTRACTORS SUPPLIERS AND OTHERS

14.1 Contractor shall not assign or sublet all or any part of this contract without the prior written approval of City of Fayetteville nor shall Contractor allow such subcontractor to commence work until approval of workman's compensation insurance and public liability insurance as may be required. Approval of each subcontract by City of Fayetteville will in no manner release Contractor from any obligations as set out in the Drawings, Specifications, contract, and Bonds.

PART FIFTEEN - SUBSTITUTE AND "OR EQUAL" ITEMS

15.1 Any reference to a particular brand or manufacture is in an effort to establish an acceptable level of quality for this purchase. Brands or manufacturers that are included in a bid that are of at least equal quality, size and specification as to what has been specified, will be acceptable for consideration.

PART SIXTEEN – CONTRACTOR'S LICENSING REQUIREMENTS

16.1 A Contractor's License is required to bid this project, and shall be valid at time of submittal; however, prior to executing the agreement with the City of Fayetteville, the Contractor shall be licensed for bids in excess of $20,000.

PART SEVENTEEN - QUALIFICATIONS AND RESPONSIBILITY OF BIDDERS

17.1 To demonstrate qualifications to perform the Work, each Bidder must be prepared to submit within five days after bid opening, upon City of Fayetteville's or Architect's request, detailed written evidence such as financial data, present commitments, and other such data as may be called for. Each Bid must contain evidence of Bidder's qualification to do business in the State of Arkansas.

PART EIGHTEEN - DISQUALIFICATIONS OF BIDDERS

18.1 Any one or more of the following may be considered as sufficient for the disqualification of bidders and the rejection of Bids.

18.2 More than one Bid Form for the same work from an individual, firm, partnership, or corporation under the same or different names.

18.3 Evidence of collusion among bidders. Participants in such collusion may receive no recognition as bidders for any future work.

18.4 Unbalanced Bid Forms in which the prices for some items are out of proportion to the prices for other items, or changes written in, or amendments by letter, or failure to submit a unit price for each item of work for which a bid price is required by the Bid Form, or failure to include all required contract documents.

18.5 Lack of competency as revealed by the financial statement, experience, plant, and equipment statements submitted. Lack of responsibility as shown by past work judged from the standpoint of workmanship and progress.

18.6 Uncompleted work which, in the judgment of City of Fayetteville, might hinder or prevent the prompt completion of additional work if awarded.

18.7 Being in arrears on existing contracts, in litigation with City of Fayetteville, or having defaulted on a previous contract.

PART NINETEEN - OPENING OF BIDS

19.1 Bids will be opened and read aloud publicly at the place where Bids are to be submitted in a room to be designated by City of Fayetteville the day of the bid opening. An abstract of the amounts of the base Bids and major alternates (if any) will be made available to Bidders after the opening of Bids.

PART TWENTY - CONSIDERATION OF BIDS

20.1 After the bids are opened and read, the quantities will be extended and totaled in accordance with the bid prices of the accepted Bids. This review of the Bids will confirm the low bidder.

20.2 In evaluating Bids, City of Fayetteville will consider the qualifications of Bidders, whether or not the Bids comply with the prescribed requirements, and such alternates, unit prices, and other data as may be requested in the Bid Form or prior to the Notice of Selection.

20.3 City of Fayetteville may consider the qualifications and experience of Subcontractors, Suppliers, and other persons and organizations proposed for those portions of the Work as to which the identity of Subcontractors, Suppliers, and other persons and organizations must be submitted as provided in the Supplementary Conditions. City of Fayetteville also may consider the operating costs, maintenance requirements, performance data, and guarantees of major items of materials and equipment proposed for incorporation in the Work when such data is required to be submitted prior to the Notice of Selection.

PART TWENTY-ONE - RIGHT TO REJECT BIDS

21.1 City of Fayetteville reserves the right to reject any and all Bids, to waive technicalities, and to advertise for new bids. All Bids are subject to this reservation. City of Fayetteville reserves to itself the right to decide which shall be deemed the lowest responsive and responsible Bid. Due consideration will be given to the reputation, financial ability, experience and equipment of the Bidder.

21.2 City of Fayetteville also reserves the right to waive informalities not involving price, time or changes in the Work and to negotiate contract terms with the Successful Bidder.

PART TWENTY-TWO - AWARDING OF CONTRACT

22.1 City of Fayetteville reserves the right to withhold the awarding of a contract a reasonable period of time from the date of opening bids, not to exceed sixty (60) days except with the consent of the Successful Bidder. The awarding of a contract upon a successful Bid shall give the Bidder no right to action or claim against City of Fayetteville upon the contract until the contract is reduced to writing and signed by the contracting parties. The letting of a contract shall not be complete until the contract is executed and the necessary Bonds approved.

PART TWENTY-THREE - RETAINAGE

23.1 Provisions concerning retainage and Contractor's rights to deposit securities in lieu of retainage are set forth in the Agreement.

PART TWENTY-FOUR - SIGNING OF AGREEMENT

24.1 When City of Fayetteville gives a Notice of Selection to the Successful Bidder, it will be accompanied by the number of unsigned counterparts of the Agreement as indicated in the Supplementary Conditions, with all other written Contract Documents attached. Within ten (10) days thereafter, Contractor shall sign and deliver the required number of counterparts of the Agreement and attached documents to City of Fayetteville with the required Bonds & Certificate of Insurance. Within ten (10) days thereafter City of Fayetteville shall deliver one fully signed counterpart to Contractor.

PART TWENTY-FIVE - MATERIALS GUARANTY

25.1 Before any contract is awarded Bidder may be required to furnish a complete statement of the origin, composition, or manufacture of any or all materials proposed to be used in the construction of the Work, together with samples, which may be subjected to tests provided for in the Specifications to determine their quality and fitness for the Work.

PART TWENTY-SIX - FAMILIARITY WITH LAWS

26.1 Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Contractor will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the

contract.

PART TWENTY-SEVEN - ADDITIONAL LAWS AND REGULATIONS

Bidders' attention is called to the following laws and regulations which may have an impact on the Work and on the preparation of the Bid.

27.1 Americans with Disabilities Act.

27.2 Storm water discharge regulations, enacted under the Clean Water Act and administered by the Arkansas Department of Environmental Quality (ADEQ) under a general permits program. Contractor may be required to obtain coverage under general permit ARR001000 prior to commencing work at the site.

27.3 Arkansas Act 291 of 1993, dealing with excavation safety, signed into law on March 1, 1993.

PART TWENTY-EIGHT – PAST EXPERIENCE REQUIRED

28.1 All **bidders** shall have past experience in providing similar work as described for this project. The City of Fayetteville reserves the right to reject for inadequate experience. A minimum of four (4) references are required.

End of Section

1. **SUBMISSION OF BID & BID EVALUATION:**

   a. Bids shall be reviewed following the stated deadline, as shown on the cover sheet of this document.

   b. Bidders shall submit bids based on documentation published by the Fayetteville Purchasing Division.

   c. Bids shall be enclosed in **sealed envelopes or packages addressed** to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and **Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.**

   d. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at 479.575.8220 to ensure correct receipt of bidding documents prior to opening time and date listed on the bid form.

   e. Bidders shall have experience in providing products and/or services of the same or similar nature.

   f. Bidder is advised that exceptions to any of the terms contained in this bid must be identified in its response to the bid. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.

   g. Local time is defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before the time as shown by the atomic clock located in the Purchasing Division Office.

   h. Bids will be evaluated and awarded based on the best interest of the City of Fayetteville. The City reserves the right to award bids in their entirety, none, or by line item.

2. **WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:**

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

3. **DESCRIPTION OF SUPPLIES AND SERVICES:**

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

4. **RIGHTS OF CITY OF FAYETTEVILLE BID PROCESS:**

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

a. The City of Fayetteville reserves the right to select the bid that it believes will serve the best interest of the City.
b. The City of Fayetteville reserves the right to accept or reject any or all bids.
c. The City of Fayetteville reserves the right to cancel the entire bid.
d. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the invitation to bid or in bids submitted.
e. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or data without changing the terms of the bid.

5. **COSTS INCURRED BY BIDDERS:**

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

6. **CONFLICT OF INTEREST:**

a. The bidder represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Authority of City Employee to Contract with the City".

b. All bidders shall promptly notify Les McGaugh, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may influence or appear to influence the bidder's judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature of which the bidder may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the bidder. The City agrees to communicate with the bidder its opinion via e-mail or first-class mail within thirty days of receipt of notification.

7. **WITHDRAWL OF PROPOSAL:**

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

8. **LATE PROPOSAL OR MODIFICATIONS:**

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

9. **LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:**

a. The laws of the State of Arkansas apply to any purchase made under this bid. Bidders shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal

and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.

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

10. **PROVISION FOR OTHER AGENCIES:**

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

11. **COLLUSION:**

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

12. **RIGHT TO AUDIT, FOIA, AND JURISDICITON:**

a. The City of Fayetteville reserves the privilege of auditing a vendor's records as such records relate to purchases between the City and said vendor.

b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

c. Legal jurisdiction to resolve any disputes shall be in Washington County, Arkansas with Arkansas law applying to the case.

13. **CITY INDEMNIFICATION:**

The successful bidder(s) agrees to indemnify the City and hold it harmless from and against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the goods or any part thereof covered by this order, and such obligation shall survive acceptance of the goods and payment thereof by the City.

14. **VARIANCE FROM STANDARD TERMS & CONDITIONS:**

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

15. **ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:**

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

16. **PROCUREMENT POLICY FOR RECYCLED MATERIALS:**

The City of Fayetteville wishes to encourage its bidders to use recycled products in fulfilling contractual obligations to the City and that such practices will serve as a model for other public entities and private sector companies.

17. **PAYMENTS AND INVOICING:**

The bidder must specify in their bid the exact company name and address which must be the same as invoices submitted for payment as a result of award of this bid. Further, the successful bidder is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original bid. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest, fees, or penalty for untimely payments. **Payments can be processed through bidder's acceptance of Visa at no additional costs to the City for expedited payment processing.** The City will not agree to any nonrefundable deposit or retainer that would remain property of the bidder even if the hourly work actually performed by the bidder would not justify such fee.

The City will pay the awarded bidder based on unit prices provided on invoicing. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made within 30 days of accepted invoice.

18. **CANCELLATION:**

a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.

b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.

c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.

d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City.

19. **ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:**

a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a bidder intends to subcontract a portion of this work, the bidder shall disclose such intent in the bid submitted as a result of this bid.

b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a firm that has disclosed its intent to assign or subcontract in its response to the bid, without exception shall constitute approval for purpose of this Agreement.

20. **NON-EXCLUSIVE CONTRACT:**

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

21. **LOBBYING:**

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, request for qualifications, bids or contracts, during the pendency of bid protest, by the bidder/proposer/protestor or any member of the bidder's/proposer's/protestor's staff, and agent of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing an organization that is responding to the request for proposal, request for qualification, bid or contract, or has a pending bid protest is strictly prohibited either upon advertisement or on a date established by the City of Fayetteville and shall be prohibited until either an award is final or the protest is finally resolved by the City of Fayetteville; provided, however, nothing herein shall prohibit a prospective/bidder/proposer from contacting the Purchasing Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any request for proposal, request for qualification, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any request for proposal, request for qualification, bid or contract to be rejected.

22. **ADDITIONAL REQUIREMENTS:**

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

23. **ADD OR DELETE LOCATIONS OR SERVICES:**

The City reserves the right to unilaterally add or delete locations and/or services, either collectively or individually, at the City's sole option, at any time after award has been made as may be deemed necessary or in the best interests of the City. In such case, the Contractor(s) will be required to provide services to this contract in accordance with the terms, conditions, and specifications.

24. **INTEGRITY OF BID DOCUMENTS:**

Bidders shall use the original bid form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Bidders may use an attachment as an addendum to the bid form(s) if sufficient space is not available on the original form for the bidder to enter a complete response. **Any modifications or alterations to the original documents by the bidder, whether intentional or otherwise,**

will constitute grounds for rejection of such response. Any such modifications or alterations a bidder wishes to propose shall be clearly stated in the bidder's response and presented in the form of an addendum to the original bid documents.

25. **OTHER GENERAL CONDITIONS:**

a. Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Bidder or Proposer will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.

b. Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. ***Sales tax shall not be included in the bid price***. Applicable Arkansas sales tax laws will apply when necessary but will not be considered in award of this project.

c. Each bidder should state the anticipated number of days from the date of receipt of an order for delivery of services to the City of Fayetteville.

d. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.

e. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.

f. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the bidder's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.

g. If products, components, or services other than those described in this bid document are proposed, the bidder must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.

h. NOTE: Any uncertainties shall be brought to the attention to Les McGaugh immediately via telephone (479.575.8220) or e-mail (lmcgaugh@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.

i. Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Les McGaugh, City of Fayetteville, Purchasing Agent via e-mail (lmcgaugh@fayetteville-ar.gov) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.

j. Any information provided herein is intended to assist the bidder in the preparation of proposals necessary to properly respond to this bid. The bid is designed to provide qualified Proposers with

sufficient basic information to submit proposals meeting minimum specifications and/or test requirements, but is not intended to limit a bid's content or to exclude any relevant or essential data.

k. Bidders irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be prevailed by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.

l. The successful bidder shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful bidder assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that is agreed that the right of the assignee in and to any monies due or to become due to the successful bidder shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.

m. The successful bidder's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful bidder shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.

26. **INVOICING:** All invoices shall be presented to the City with the minimum information listed below.

    a. City Department that ordered the materials or services
    b. Order Date
    c. Delivery date or the date of services
    d. Name of the City Employee that requested or picked up the goods, materials, or service
    e. Bid Number that applies to the purchase and invoices. Amounts in the bid shall match invoicing.

27. **SPECIAL CONDITIONS:**

    a. Works hours shall be designated as 7:00 AM – 5:30 AM unless approved otherwise by Project Manager.

    b. Project Supervisor: Provide a full-time Project Supervisor at the work site who is experienced in administration and supervision of asbestos abatement projects including work practices, protective measures for building and personnel, disposal procedures, project scheduling, management, etc. This person is the Contractor`s Representative, and will function as the 'competent person' at the work site responsible for compliance with all applicable federal, state and local regulations, particularly those relating to ACM.

    c. Training: The General Superintendent must have a current certification from an Arkansas approved trainer for a course that meets the requirements of the EPA Model Accreditation Plan for asbestos abatement contractor/supervisor (40 CFR part 763, Subpart E, Appendix C). Additionally, the General Superintendent must hold current certification with the Arkansas

Department of Environmental Quality as an Asbestos Abatement Supervisor.

d. Experience: The General Superintendent must have Referenced experience in the successful management of asbestos abatement projects that are similar to the work of this contract. The General Superintendent must have a minimum of two (2) years' experience in the on-site management of asbestos abatement projects. b. The General Superintendent must have had responsible charge of a minimum of three (3) asbestos abatement projects similar in size and type to the work of this contract. Competent Person: The General Superintendent is to be a Competent Person as required by OSHA in 29 CFR 1926

28. **CERTIFICATE OF INSURANCE:**

Contractor's Liability Insurance:

1. The insurance required by this paragraph shall include the specific coverages, and be written for not less than the limits of liability specified or required by Law, whichever is greater.
    a. Umbrella General Liability $1,000,000
    b. Workers' compensation Statutory (State and Federal Limits)
    c. Employer's Liability $500,000 each accident
    d. Commercial General Liability
    e. General Aggregate $1,000,000
    f. Products-Completed Operations Aggregate $1,000,000
    g. Personal & Advertising Injury Limit $1,000,000
    h. Each Occurrence Limit $1,000,000
    i. Fire Damage Limit $ 100,000
    j. Medical Expense Limit $ 5,000
    c. Business Automobile Liability
    d. Any one loss or accident $1,000,000
    e. Pollution Liability, Asbestos Abatement Rider: $5,000,000

29. **ATTACHMENTS TO BID DOCUMENTS:**

1. Appendix A – Abatement Specifications and Scope of Work (125)

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we NES, LLC dba Nabholz Environmental Services

as Principal, hereinafter called the Principal, and Travelers Casualty and Surety Company of America

a corporation duly organized under the laws of the State of Connecticut
as Surety, hereinafter called the Surety, are held and firmly bound unto City of Fayetteville, Arkansas

as Obligee, hereinafter called the Obligee, in the sum of Five Percent of Bid (5% of Bid), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Bid 17-65 Construction - Asbestos Abatement

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 24th day of October, 2017.

Cynthia Justice
(Witness)

NES, LLC dba Nabholz Environmental Services
(Principal)

(Title)

Alexandra Alexander
(Witness)

Travelers Casualty and Surety Company of America
(Surety) *(Seal)*

Sherry L Burgener, Attorney-in-fact *(Title)*

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

TRAVELERS

POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 231960

Certificate No. 007323798

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Steven C. Russell, David F. Feild, Karen J. Payne, Sherry L. Burgener, Jack Ramer, Bradley D. Johnson, and Ryan McClafferty

of the City of Little Rock, State of Arkansas, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 8th day of August, 2017.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: _____
Robert L. Raney, Senior Vice President

On this the 8th day of August, 2017, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2021.

Marie C. Tetreault, Notary Public

58440-5-16 Printed in U.S.A.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

NABHCON-10 SBURGENER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 05/26/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Risk Services of Arkansas / INSURICA
1501 Mart Dr
Little Rock, AR 72202

CONTACT NAME: Sherry L Burgener
PHONE (A/C, No, Ext): (501) 819-3201 FAX (A/C, No): (501) 666-7168
E-MAIL ADDRESS: sburgener@riskservicesar.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : American Contractors Insurance Co. RRG	12300
INSURER B : Valley Forge Insurance Company	20508
INSURER C : Westchester Fire Insurance Co.	10030
INSURER D : ACIG Insurance Company	19984
INSURER E : Steadfast Insurance Company	26387
INSURER F :	

INSURED
Nabholz Environmental Services, LLC
P.O. Box 2440
Conway, AR 72033-2440

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X Contractual Liab X XCU Included GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:			GL17PA(C)0004/XS156D0004	06/01/2017	06/01/2018	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 10,000,000 $ 100,000 $ 5,000 $ 10,000,000 $ 10,000,000 $ 10,000,000 $
B	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY / SCHEDULED AUTOS X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY			2095253863	06/01/2017	06/01/2018	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 2,000,000 $ $ $ $
C	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $			G27602903001	06/01/2017	06/01/2018	EACH OCCURRENCE AGGREGATE	$ 25,000,000 $ 25,000,000 $
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		WCA000003117/WCA000011317	06/01/2017	06/01/2018	X PER STATUTE / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
E	Pollution/Prof Liab			EOC3999324/CPX7420018	06/01/2017	06/01/2018	Combined Limit	10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Insurance Information

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Arkansas Department of Environmental Q

NABHOLZ ENVIRONMENTAL SERVICES

is a licensed

Asbestos Abatement Contractor

having qualified as required by law in accordance with the regulations adopted by the Arkan Control and Ecology Commission's Regulation 21 pursuant to Arkansas Code Annotated §20 seq., relative to abatement of asbestos-containing material within the state of Arkan

License Number: 000547
Issue Date: 09/07/2017
Expire Date: 09/07/2018

Becky W. Keogh
ADEQ Director

NABHOLZ
ENVIRONMENTAL SERVICES

September 3, 2014

TO WHOM IT MAY CONCERN

The Board of Directors hereby authorizes Don Shelton and Xavier Nehus to sign on behalf of Nabholz Environmental Services any contracts, purchase orders, documents, etc. that requires a signature form Nabholz Environmental Services, LLC.

Bryan Bruich, Manager

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0624

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 7

UNIVERSITY OF ARKANSAS JOINT LEASE AGREEMENT TERMINATION:

A RESOLUTION TO TERMINATE THE JOINT LEASE AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE CITY'S USE OF 27.5 ACRES ON LEWIS AVENUE AND THE UNIVERSITY'S USE OF 10.02 ACRES ON RAZORBACK ROAD, CONTINGENT UPON APPROVAL BY THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS

WHEREAS, on April 30, 1993, the City of Fayetteville and the Board of Trustees of the University of Arkansas entered into a joint lease agreement wherein the City leased 27.5 acres of land on Lewis Avenue from the University for a soccer program and the University leased 10.02 acres on Razorback Road from the City for parking and other purposes; and

WHEREAS, the agreement expires on June 30, 2018, but both City and University staff have expressed an interest in terminating the agreement as of the end of 2017.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to terminate the Joint Lease Agreement dated April 30, 2017 between the City of Fayetteville and the Board of Trustees of the University of Arkansas for the City's use of 27.5 acres on Lewis Avenue and the University's use of 10.02 acres on Razorback Road. Upon the approval of a resolution authorizing the unconditional termination by the Board of Trustees of the University of Arkansas, the termination of the Joint Lease Agreement shall be effective on December 31, 2017.

City of Fayetteville Staff Review Form

2017-0624

Legistar File ID

11/21/2017

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

Connie Edmonston	10/27/2017	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Resolution for an early termination of a Joint Lease Agreement with the University of Arkansas for 27.5 acres on Lewis Avenue land and 10.02 acres on Razorback Road set for December 31, 2017.

Budget Impact:

n/a	
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 # 66-93

Original Contract Number:

Approval Date:

Comments:

CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

THRU: Don, Marr, Chief of Staff

FROM: Connie Edmonston, Parks & Recreation Director

DATE: October 27, 2017

SUBJECT: Resolution for an early termination of December 31, 2017 for the Joint Lease Agreement with the University of Arkansas for use of 27.5 acres on Lewis Avenue for a soccer complex in exchange for the University of Arkansas' use of 10.02 acres on Razorback Road.

RECOMMENDATION:
Staff recommends approval of an early termination of December 31, 2017 for the Joint Lease Agreement with the University of Arkansas for use of 27.5 acres on Lewis Avenue for a soccer complex in exchange for the University of Arkansas' use of 10.02 acres on Razorback Road.

BACKGROUND:
The City of Fayetteville and the University of Arkansas entered into Resolution 66-93 with a Joint Lease Agreement on April 30, 1993. The City needed land to expand the soccer program that was being held at Asbell Elementary School fields. Across from these fields on Lewis Avenue, 27.5 acres sat vacant that were owned by the University of Arkansas. The City started discussions with the University to lease the Lewis Avenue property. The University expressed interest in utilizing 10.02 acres of vacant land owned by the City on Razorback Road for parking and other University purposes, in addition to their need for City fire suppression service at the University's Agricultural Experimental Station property which, at that time, was located outside the City limits. The City and University cooperatively worked together to help each other with their needs by developing a 25 year joint lease agreement. The City built the soccer complex in phases from 1994 to 1996 on the Lewis Avenue property consisting of 4 large fields, several smaller fields, concession stand with restrooms, and a parking lot. The land utilized for soccer on the Asbell School site terminated in June of 2010 when the Fayetteville Public Schools started building the tennis courts complex. Two additional large soccer fields were constructed and the City's soccer program was transferred to the Lewis Complex.

During the Parks and Recreation 10-Year Master Plan's public meetings, citizens requested for a regional park to play youth sports in one location including soccer, baseball and softball. Kessler Mountain was selected as the site for the Regional Park. Chambers Bank donated 200 acres for the sports park. The City and Walton Family Foundation purchased 360 additional acres on the west side of the sports park to preserve the mountainside for recreational

purposes. Kessler Mountain Regional Park was opened in August of 2016 with 1,600+ youth participating in the soccer program.

DISCUSSION:
The term of the 25 year lease agreement stated the lease would expire on June 30, 2018. The University and City have been in discussions about terminating the Joint Land Lease six months early due to the fact the City has completed the soccer fields at the Regional Park as planned, the University Agriculture Experiment Station is within the City limits and has fire protection, and the University is in agreement to end their lease of the Razorback Road property.

BUDGET/STAFF IMPACT:
Parks and Recreation will have savings in maintenance and utility costs due to the closing of the Lewis Soccer Complex.

Attachments:
Resolution 66-93
Joint Lease Agreement 1993

RESOLUTION NO. 66-93

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A JOINT LEASE AGREEMENT WITH THE UNIVERSITY OF ARKANSAS WHEREIN THE CITY LEASES TO THE UNIVERSITY LAND FOR PARKING AND OTHER PURPOSES IN EXCHANGE FOR THE UNIVERSITY LEASING LAND TO THE CITY FOR RECREATIONAL PURPOSES.

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

Section 1. That the Mayor and City Clerk are hereby authorized to execute a joint lease agreement with the University of Arkansas wherein the City leases to the University land for parking and other purposes in exchange for the University leasing land to the City for recreational purposes. A copy of the agreement is attached hereto marked Exhibit "A" and made a part hereof.

PASSED AND APPROVED this 29th day of June, 1993.

APPROVED:

By: Fred Hanna

Fred Hanna, Mayor

ATTEST:

By: Sherry L. Thomas

Sherry L. Thomas, City Clerk

FILED FOR RECORD
'93 AUG 2 PM 12 58
WASHINGTON CO AR
A. HULLMEYER

JOINT LEASE AGREEMENT

THIS JOINT LEASE AGREEMENT is entered into between the City of Fayetteville, Arkansas ("the City"), a municipal corporation, and the Board of Trustees of the University of Arkansas ("the University"), a public institution of higher education of the State of Arkansas.

WHEREAS, the University owns certain agricultural land located on Mt. Comfort Road in the City of Fayetteville which is not presently needed for University purposes and which the City desires to lease for the purpose of establishing recreational fields for outdoor team sports such as soccer, baseball, and softball, and for other sports or recreational purposes and parking lots; and

WHEREAS, the City owns certain vacant land near the south entrance to the University of Arkansas, Fayetteville, campus, which is not presently needed for City purposes and which the University desires to lease for parking and other University purposes; and

WHEREAS, the University is desirous of having City fire suppression service for the University's Agricultural Experiment Station property which is adjacent to the City limits, which the City is willing to provide; and

WHEREAS, it is in the best interest of the public for the City and the University to lease their respective properties to the other;

NOW THEREFORE, in consideration of the mutual promises of the parties contained herein, the best interest of the public, and other good and valuable consideration, the parties agree as follows:

1. The University hereby leases to the City the following described property situated in Washington County, Arkansas:

> The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section Eight (8) in Township Sixteen (16) North, Range Thirty (30) West of the 5th Principal Meridian, less twelve and one-half (12½) acres of equal width off of the East side of said 40 acre tract; and less and except easements of record, containing twenty-seven and one half (27½) acres more or less, all in Washington County, Arkansas.

2. The City hereby leases to the University the following described property situated in Washington County, Arkansas:

93 43090

A tract of land situated in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Twenty (20) Township Sixteen (16) North, Range Thirty (30) West of the 5th Principal Meridian, being more particularly described as follows, to-wit: Beginning at a point which is 1318.36 feet West and 266.5 feet South 0 degrees 07 minutes West of the Northeast corner of the above described quarter quarter, thence East over the centerline of an existing well 823.36 feet, thence South 0 degrees 07 minutes West 264.52 feet, thence West 823.36 feet, thence North 0 degrees 07 minutes East 264.52 feet to the point of beginning and containing 5.0 acres, more or less.

and

A tract of land situated in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Twenty (20) Township Sixteen (16) North, Range Thirty (30) West of the 5th Principal Meridian, being more particularly described as follows, to-wit: Beginning at a point which is 12.11 feet Southof the Northwest corner of said forty, said point is also 10.0 feet North of the centerline of the St. Louis - San Francisco Railroad, thence North 83 degrees 0 minutes East, paralleling said railroad centerline 10,0 feet to the North, 99.40 feet to the North line of said Northeast Quarter of the Northeast Quarter, thence East, along said forty line, 725.0 feet, thence South 266.5 feet, thence West 823.66 feet to the West line of said Northeast Quarter of the Northeast quarter, thence North, along said forty line, 254.38 feet, to the point of beginning. Containing 5.02 acres, more or less.

3. The City agrees to provide fire suppression service to the University's Agricultural Experiment Station located adjacent to the City limits at no cost to the University, under the same terms and conditions as fire suppression service is provided to those under contract service.

4. Neither party may construct any permanent structure on the leased premises without the prior written approval of the lessor. Any such permanent structure shall become a permanent fixture to the land, and become the property of the party/lessor at the end of the lease term, unless otherwise agreed to in writing prior to construction of the structure.

5. Each party agrees to indemnify and hold the other and its officers, officials, employees, and agents harmless from any and all liability, including attorney's fees, for claims, expenses, loss or damage to persons or property, including environmental degradation, resulting from the negligence of the party; provided however, neither party waives its tort immunity hereby; and provided further, that all claims against the University shall be brought in the Arkansas State Claims Commission. Should either party maintain a

comprehensive general liability insurance policy insuring the described property or properties, the other party shall be named as an additional insured to the extent of its interest in the property.

6. The properties which are the subject of this Agreement are exempt from *ad valorem* taxation and other assessments. In the event taxes or other assessments are assessed against a party/lessor as a result of the use of the property by the party/lessee, the party/lessor shall notify the party/lessee of such assessments. Should the party/lessor decide to contest the assessment, the party/lessee shall assist the party/lessor in the legal proceedings and shall be responsible for payment of all costs incurred by the party/lessor in such proceedings; provided however, neither party shall be responsible for reimbursing the costs or salary of the staff of the City Attorney or General Counsel for time expended in contesting the assessment. In the event the property is found to be subject to taxation or assessments, the party/lessee shall reimburse the party/lessor for such taxes or assessments, interest and/or penalties at least thirty (30) days prior to the deadline for payment of such taxes or assessments.

7. At the end of the term of this Agreement or any extension thereto, the parties agree to surrender possession of the leased premises to the other party, including all permanent fixtures, without demand.

8. This Agreement shall have a term of approximately Twenty-Five (25) years, beginning on the date last approved by the governing bodies of the City and the University, and ending on June 30, 2018.

9. This Agreement may be renewed and extended for additional terms of years upon the mutual agreement of the parties.

IN WITNESS WHEREOF, the parties set their hands by their respective duly authorized representatives.

CITY OF FAYETTEVILLE:

Approved by Resolution adopted by the Fayetteville City Council on the 29th day of June, 1993.

Fred Hanna

FRED HANNA, MAYOR

ATTEST: Sherry L. Thomas

CITY CLERK

93 43092

BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS:

Approved by Resolution adopted by the Board of Trustees of the University of Arkansas on the 30th day of April, 1993.

H.L. HEMBREE, CHAIRMAN

ATTEST: Carl Whillock
CARL WHILLOCK, SECRETARY

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) SS.
COUNTY OF WASHINGTON)

On this 29th day of July, 1993, before me, a Notary Public, duly commissioned and acting in and for the State and County aforesaid, personally appeared FRED HANNA and SHERRY THOMAS, to me well known, who stated that they were the Mayor and Clerk, respectively of the City of Fayetteville, Arkansas, and have been authorized by lawful resolution of the Fayetteville City Council to execute contracts on behalf of the City of Fayetteville, Arkansas, and that they acknowledged that they had executed the foregoing Joint Lease Agreement for the consideration, uses and purposes stated therein.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 29th day of July, 1993.

Lois M. Day
Notary Public

My commission expires: 10-8-2002

LOIS M. DAY NOTARY PUBLIC FT. AR.

93 43093

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) SS.
COUNTY OF SEBASTIAN)

On this 23rd day of July, 1993, before me, a Notary Public, duly commissioned and acting in and for the State and County aforesaid, personally appeared H. L. HEMBREE, to me well known, who stated that he was the Chairman of the Board of Trustees of the University of Arkansas, and had been authorized by lawful resolution of the Board of Trustees of the University of Arkansas to execute contracts on behalf of the University of Arkansas, and that he acknowledged that he had executed the foregoing Joint Lease Agreement for the consideration, uses and purposes stated therein.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 23rd day of July, 1993.

Sherry L. Campbell
Notary Public

My commission expires: 1/27/95

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) SS.
COUNTY OF PULASKI)

On this 29th day of July, 1993, before me, a Notary Public, duly commissioned and acting in and for the State and County aforesaid, personally appeared CARL WHILLOCK, to me well known, who stated that he was the Secretary of the Board of Trustees of the University of Arkansas, and had been authorized by lawful resolution of the Board of Trustees of the University of Arkansas to execute contracts on behalf of the University of Arkansas, and that he acknowledged that he had executed the foregoing Joint Lease Agreement for the consideration, uses and purposes stated therein.

93 43094

IN WITNESS WHEREOF, I hereunto set my hand and seal this 29th day of July, 1993.

Notary Public

My commission expires: April 1, 1994

93 43095

I, Alma Kollmeyer, Circuit Clerk and Ex-officio Recorder for Washington Count Arkansas, do hereby certify that this instrument was filed for record in my office as indicated hereon and the same is now duly recorded with the acknowledgement and certificate thereon in Record Book an Page as indicated thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court on the date indicated hereon.

Alma Kollmeyer
Circuit Clerk and
Ex-officio Recorder

by _____

93 43035

UNIVERSITY OF ARKANSAS

OFFICE OF THE GENERAL COUNSEL

421 Administration Building
Fayetteville, Arkansas 72701

Telephone (501) 575-5401
FAX (501) 575-5046

August 27, 1993

Ms. Sherry L. Thomas, Clerk
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

Re: Joint Lease Agreement between City of Fayetteville and Board of Trustees of the University of Arkansas

Dear Ms. Thomas:

Enclosed is a copy of the Joint Lease Agreement between the City of Fayetteville and the Board of Trustees of the University of Arkansas which has been filed and recorded by the Washington County Circuit Clerk. The University has submitted the agreement to State Building Services for approval as required. I will send a copy showing SBS's approval to you when it returns copies to the University.

Please call me if you have any questions.

Sincerely,

Ginger P. Crisp
Associate General Counsel

am
Enclosure

UNIVERSITY OF ARKANSAS

OFFICE OF THE GENERAL COUNSEL

421 Administration Building
Fayetteville, Arkansas 72701

Telephone (501) 575-5401
FAX (501) 575-5046

RECEIVED
JUL 06 1993
ckp

July 2, 1993

Ms. LaGayle McCarty
Fayetteville Assistant City Attorney
113 W. Mountain Street
Fayetteville, Arkansas 72701

Re: Joint Lease Agreement Between the City of Fayetteville and the University of Arkansas

Dear Ms. McCarty:

Enclosed are two originals of the Joint Lease Agreement between the City of Fayetteville and the Board of Trustees of the University of Arkansas which was approved by the Board of Trustees at their April 30, 1993, Board meeting, and the Fayetteville City Council on June 29, 1993. Since Jerry Rose is on vacation, Ginger Crisp asked me to send the originals of the Lease Agreement to you to obtain the Mayor and City Clerk's signatures. After they have been signed, would you please return them to me and I will obtain the signatures of the appropriate University Trustees and return a fully signed original to you.

Thank you for your assistance.

Sincerely,

Ann Mourney

Ann Mourney
Legal Assistant

am
Enclosures

cc: Mr. Fred H. Harrison, General Counsel
Ms. Earlene Baker, Assistant to the Vice Chancellor for Finance and Administration, UAF

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

SHERRY L. THOMAS, CITY CLERK

July 19, 1993

Ms. Ginger Crisp
Office of the General Counsel
University of Arkansas
421 Administration Building
Fayetteville, AR 72701

Dear Ms. Crisp:

Enclosed are two originals of the Joint Lease Agreement between the City of Fayetteville and the Board of Trustees of the University of Arkansas which was approved by the City Council on June 29, 1993. The agreements have been executed by both the Mayor and myself. After they have been signed by the U of A Trustees, please return one of the copies to this office.

Thanks your for your help.

Sincerely,

Sherry L. Thomas

Sherry L. Thomas
City Clerk

Enclosures

113 WEST MOUNTAIN 72701 501 575-8323

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0619

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 8

COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA:

A RESOLUTION TO APPROVE A RENEWAL OF THE CONTRACT WITH COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA IN THE AMOUNT OF $161,580.00 FOR THE PROVISION OF PUBLIC ACCESS TELEVISION SERVICES AND THE OPERATION OF THE PUBLIC ACCESS TELEVISION CHANNEL THROUGH 2018, CONTINGENT ON APPROVAL OF THE 2018 ANNUAL CITY BUDGET AND WORK PROGRAM

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a renewal of the contract with Community Access Television, Inc. d/b/a Your Media, a copy of which is attached to this Resolution, in the amount of $161,580.00 for the provision of public access television services and the operation of the public access television channel through 2018, contingent on approval of the 2018 Annual City Budget and Work Program.

City of Fayetteville Staff Review Form

2017-0619

Legistar File ID

11/21/17

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

Doug Bankston	10/25/17	Media Services / Communications & Marketing Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approve a contract in the amount of $161,580.00 for the period of one (1) year between the City and Community Access Television, Inc. d/b/a Your Media to provide Public Access Television services for the year 2018, contingent on approval of the 2018 annual city budget and work program.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	161,580.00
		Funds Obligated	$	-
		Current Balance	$	161,580.00
Does item have a cost?	NA	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	161,580.00

V20140710

Previous Ordinance or Resolution # 207-15

Original Contract Number:

Approval Date:

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor Jordan and City Council

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

FROM: Douglas Bankston, Director of Media Services

DATE: October 25, 2017

SUBJECT: Approve a Community Access Television, Inc. (d/b/a Your Media) Contract Renewal for 2018 and a change in contract to allow for non-traditional productions.

RECOMMENDATION:
Approval of the attached contract renewal between the City of Fayetteville and Community Access Television, Inc. (d/b/a Your Media) in the amount of $161,580.00 to provide Public Access Television services from January 1, 2018, through December 31, 2018, contingent on approval of the 2018 annual city budget and work program and a change in contract to allow for nonu traditional productions.

BACKGROUND:
Community Access Television, Inc. (d/b/a Your Media), was recommended to be the City's Public Access provider for the term from January 2016 through December 2020, which was approved through City Council Resolution 207u 15 in November 2015. This is a request for a contract renewal for fiscal year 2018, with a potential renewal for up to two additional oneu year terms.

DISCUSSION:
In November 2015, City council approved Community Access Television, Inc. d/b/a Your Media to be the contract service provider for Fayetteville Public Access Television. The approved contract was for the period of one year with up to four renewals. This 2018 contract is a renewal with up to two subsequent renewals. This 2018 renewal includes an approved 3% cost of living increase (based on salaries alone).

Public Access Television contract and policy languages states that every program produced utilizing public access services must be shown on the FPTV channel. However, this policy excludes nonu traditional use of public access services. Examples of nonu traditional programs include: a video portion of a larger multimedia project or art installationk studio use for still photographyk audiou only projectsk recorded table readingsk etc. Changing the contract to allow for discretionary exemptions from the telecasting policy will allow for increased use of public access resources by citizens.

BUDGET/STAFF IMPACT:
The total cost of this contract is $161,580.00. This amount is included in the proposed 2018

Budget to be approved by the City Council.

ATTACHMENTS:
Staff Review Form
Staff Memo
Contract for Public Access Services
Highlighted Contract Changes

2018 Contract Revisions Only

(highlighted in red)

SECTION 2: GENERAL PROVISIONS

All services described in this contract and provided to the public by Your Media will be provided free of charge to Resident-of-Fayetteville Public Access Users who were qualified users as of December 31, 2016. Non-resident-of-Fayetteville Public Access Users shall pay a $50 per year fee for services described in this contract. Your Media will not require, solicit, or accept any compensation of any kind, beyond that agreed upon in this contract and provided by the City, in return for providing the services described herein, unless otherwise stipulated in this contract.

At no time shall the number of non-resident users exceed 49% of the total user base of FPTV services and resources.

Your Media shall not provide any services or engage in any activity not described in this contract, with or without compensation, that utilizes equipment, facilities, or resources owned or controlled by the City of Fayetteville, without the expressed written consent of the City, or as stipulated in this contract.

Your Media may charge a fee for the following items or activities utilizing equipment, facilities or resources owned or controlled by the City of Fayetteville:

1. Non-resident of Fayetteville annual service dues.
2. Training workshops and seminars that are conducted utilizing City of Fayetteville resources.
3. The sale of blank recording media.
4. Transfer and/or duplication services.
5. Other small items, such as t-shirts or other promotional items, as approved by the City of Fayetteville Communications Director or Director of Media Services.
6. Video production services. If production services are provided, the following conditions apply:
    a. These services and activities will be referred to as "contract production".
    ~~b. All programming produced through contract production activity must be telecast on the Public Access Television channel.~~
    c. Contract production may include studio production activity at the Television Center and related activity, including pre- and post-production.
    d. Your Media shall charge rates adequate to cover the basic costs of production. Service rates will be reviewed and approved by the Director of Media Services on an annual basis.
    e. Your Media will utilize a standard contract document for each agreement to provide contract production services. This contract document will be approved by the Director of Media Services.
    f. All fees charged for providing contract production services will be collected at the point Your Media delivers the final product for which it was contracted.
    g. All monies collected for providing production services will be utilized to support Fayetteville Public Access services or capital improvements as approved by the City Council and following applicable City of Fayetteville policies and procedures.

7. In addition to charging a fee for services described above, Your Media may generate revenue utilizing equipment, facilities, or resources owned or controlled by the City of Fayetteville through:
    a. Fundraising activities designed to raise funds to support the operations or capital improvements of the Public Access channel.
    b. Acquisition of grants or awards dedicated to support the operations or capital improvements of the Public Access channel.

<u>If Your Media generates or collects any revenue through activities as allowed in this contract, or otherwise approved by the City, utilizing equipment, facilities, or resources owned or controlled by the City of Fayetteville, Your Media will ensure:</u>

1. All monies collected for such services will be deposited into and all checks shall be made payable to the "Trust Account of Community Access Television, Inc." which shall contain only those funds.
2. Your Media's manager shall ensure proper accounting of all such revenues collected and shall report such accounting monthly to the Director of Media Services.
3. All funds within the "Trust Account of Community Access Television, Inc." may only be expended through City Council Resolution authorizing the receipt of funds into the Television Center budget and approving any necessary Budget Adjustments. Normal bank fees related directly to the use of this trust account may be paid with trust account funds without prior authorization.
4. Proper accounting and records of services provided, fees charged and monies collected for services will be kept by Your Media, in a manner approved by the Director of Media Services.

The City of Fayetteville provides the services described herein as a public service to the users for non-commercial use. Your Media will not allow any equipment, facilities, or resources owned or controlled by the City to be used to generate revenue for any private company, group, organization, or individual with the following exceptions:

1. Your Media may produce, or allow to be produced, televised fund-raising programs or activities for 501(c)3, non-profit organizations that directly provide services to the users. These programs are limited to one (1) per organization per contract year.
2. Your Media may produce or conduct one (1) fund-raising program or activity for itself that is televised, or produces programming that is televised, on the Public Access Channel.
3. Your Media may be contracted to produce, or assist in the production of, productions that utilize facilities and equipment controlled by the City at the discretion of the Operations Manager and the Director of Media Services for a market-appropriate fee structure to be determined by the Operations Manager and the Director of Media Services.
4. Televised fund-raising programs or activities may not exceed twenty-four (24) hours of continuous programming or activity, or, if not continuous programming, exceed seven (7) contiguous days of duration.
5. Fund-raising activities may not disrupt the normal operations of the Television Center. Questions regarding disruption will be determined by the Director of Media Services.

SECTION 3: SCOPE OF SERVICES

PROVIDE EQUITABLE CHANNEL AVAILABILITY AND PROGRAMMING SERVICES TO USERS ON A FIRST-COME, FIRST-SERVED, CONTENT-NEUTRAL, AND NON-DISCRIMINATORY BASIS.

The City of Fayetteville provides airtime on the Public Access Television channel as a public service to users. Your Media will not require, solicit, or accept any compensation of any kind, beyond that agreed upon in this contract and provided by the City, in return for telecasting any programming on the Public Access Television channel. Each program that is produced utilizing City of Fayetteville Television Center equipment or facilities will be telecast on the Public Access channel at least one time. A program may be excused from the telecast requirement with approval from the Director of Media Services prior to the production of the program, or at any time at the discretion of the Director of Media Services.

Your Media will:

1. Maintain a process whereby users may request programming to be telecast on the Public Access Television channel. This process is subject to approval by the Director of Media Services.
2. Ensure individuals requesting programs to be telecast by Your Media on the Public Access Television channel are users, as defined in Section 1.
3. Require requestors to sign an affidavit warranting that the program they are requesting to be telecast does not contain:
    a. any violation of any Federal, State or local statute or ordinance relating to obscenity; or
    b. any material that is an unlawful invasion of privacy; or
    c. any use of material which violates copyright law;

   Such a statement does not relieve Your Media of its duty to prevent further telecast of programming that does not meet the stipulations contained herein, as such programming comes to its knowledge.

4. Ensure programming on the public access channel (FPTV) is not commercial in nature. Commercial programming is defined as: "Programming that contains direct appeals to purchase commercial goods or services; promotes the activities of for-profit groups, organizations, or individuals; contains any call to action or solicitation to purchase a product or patronize a business; any use of superlatives in describing a product, service, or business; any direct comparison to other products, or direct comparisons to unnamed products; any price or value information; or any inducements to buy."
5. Require program requestors to provide Your Media with expressed, written consent of the program's owner for the program to be telecast on Fayetteville's Public Access Television channel. Your Media will maintain a copy of all such permissions on file.
6. Maintain a decision-making process and criteria for the scheduling of programming that will ensure the protection of 1st Amendment rights of program requestors while ensuring programming does not violate Federal, State, or local laws or ordinances. The process and criteria are subject to approval by the Director of Media Services. At a minimum, the process and criteria will:

f. Minutes of all meetings, if taken, and materials distributed in meetings of Your Media's Board of Directors, or committees thereof, shall be submitted to the Telecommunications Board and the City; and

Your Media will, upon request of the City, make available all supporting documentation and data relating to any reports required by this Contract or requested by the City.

PERFORMANCE EVALUATION

1. A performance evaluation will be conducted quarterly by the Director of Media Services to assess Your Media's effectiveness in providing the services described herein.
2. The City and Your Media may agree upon periodic performance measures. These measures will be documented as Addendum A of this contract.
3. Your Media will provide a method for receiving feedback, comments, input and suggestions from the public. This communication will be made available to the Director of Media Services as part of the quarterly evaluation process.
4. The Director of Media Services will immediately communicate to Your Media any violations of this contract as may come to his/her attention so that Your Media may have an opportunity to correct such violations in a timely manner.
5. Quarterly evaluations will be communicated to the Telecommunications Board, consistent with the process for oversight as specified in the Telecommunications Board Ordinance.

CONTRACT PERIOD

The contract period will be from January 1, 2018, until December 31, 2018. Either party may cancel this contract at any time with a thirty (30) day written notice. This contract may be renewed by the parties per year for up to three additional one-year terms.

FUNDING

The City hereby agrees to pay Your Media the monthly sum of $13,465.00 for services performed under the terms of this contract. Each monthly payment will be remitted on or before the 15th day of each month, beginning January 15, 2018, unless Your Media fails to comply with the expressed terms of this contract. The City reserves the right to withhold contract payments to Your Media unless Your Media is deemed in full compliance with the contract or until all contract violations are corrected. For any future renewal period up to two additional one-year terms, payments to Your Media shall be increased by the amount required to fund salary increases of three percent (3%).

LEGAL AUTHORITY

Your Media assures and guarantees that it possesses the legal authority to enter into this Agreement. Further, that the person or persons signing and executing this Agreement on behalf of Your Media have been fully authorized by Your Media to execute this Agreement. That such authority is evidenced pursuant to a proper, appropriate and official motion and resolution, which was passed and approved specifically to enter into this Agreement and shall legally bind Your Media to all the terms, performances, and provisions here set forth. A copy of such resolution shall be provided upon execution of this Agreement. The City may exercise its right to either temporarily suspend or permanently terminate this Agreement if there is a dispute as to the legal

Full 2018 Contract

CONTRACT BETWEEN CITY OF FAYETTEVILLE, ARKANSAS
AND
COMMUNITY ACCESS TELEVISION
d/b/a Your Media
A 501-C-3 NONPROFIT ORGANIZATION

AGREEMENT

This Agreement is made this 1st day of January, 2018, by and between the City of Fayetteville, a municipal corporation ("City"), and Community Access Television, Inc., a nonprofit corporation, dba Your Media ("Your Media") who agree as follows:

PURPOSE AND INTENT

1. The purpose of Public Access Television in Fayetteville is to provide an opportunity for users and others to produce and telecast television programming in a first-come, first-served, content-neutral, non-discriminatory manner, in accordance with the First Amendment, and to provide training in the techniques of video production for Public Access Television.
2. The City of Fayetteville is accorded a Public Access Television channel by television services providers with which it holds agreements, or pursuant to Arkansas law.
3. The City of Fayetteville desires to provide support for the operation of Public Access Television in Fayetteville.
4. This contract for Public Access Television services is contingent upon the City retaining a Public Access Television channel, either through agreements with television services providers or pursuant to Arkansas law.
5. The City has determined it will provide support for the operation and programming of its Public Access Television channel and it will provide physical space and equipment at the City of Fayetteville Television Center, located at 101 W. Rock Street, Fayetteville.
6. The City of Fayetteville provides financial support through General Fund Revenue allocations for operational contract services, building and facilities, approximately 3,000 square feet of space, utilities, repairs, maintenance, custodial services and capital expenditures for facilities, studios and equipment.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows:

SECTION 1. DEFINITIONS

For the purposes of this contract, the following definitions will be established:

Class: An organized, regularly scheduled, interactive teaching session that is focused on a particular subject and lead by an employee qualified to teach the subject.
Curriculum: A documented plan of teaching in which subject matter and class sessions are described in a detailed syllabus, including specific topics, teaching methods, schedules and methods of student evaluation.
Inside Program: A program produced utilizing Television Center equipment.
Outside Program: A program produced not utilizing Television Center equipment.
Producer: An individual who creates, owns, controls or is responsible for the content of a television program.
Programming: Video and/or audio material that is organized in a particular fashion as determined by a producer and distributed through one or more means to an audience.
Program Requestor: A user who requests a program to be telecast on the Public Access Television channel.
Resident User: An individual who resides within the city limits of Fayetteville, a student at the University of Arkansas or a public school within the city limits of Fayetteville, or an employee of a public institution (or branch thereof) or non-profit organization that is based in Fayetteville. This status may be documented by producing a current City of Fayetteville utility bill, a rental contract, a driver's license, other government-issued photo ID that contains name and address (including a student identification card), or a check stub or other proof of employment by a public institution or non-profit organization located in Fayetteville.
Non-Resident User: An individual (henceforth referred to as non-resident) who resides within the Washington or Benton County limits, is a student of a public school within the county limits, or is an employee of a public institution (or branch thereof) or non-profit organization that is based within the county limits and who does not otherwise qualify as a Resident User. County Residency may be documented by producing a current utility bill, a rental contract, a driver's license, student identification card, or other government-issued photo ID that contains name and address, or a check stub or other proof of employment by a public institution or non-profit organization located in Washington or Benton County.
Trainee: A resident or non-resident of Fayetteville who is currently enrolled in a class offered by Fayetteville Public Access Television.
Television: Video programming that is distributed through any one or more wide-area distribution methods, such as Video On Demand, Web site embedding, cable, IPTV, Web streaming, over-the-air broadcast, etc.
Workshop: An organized, non-regular interactive teaching session which covers a particular topic of interest to the participants, usually lead by an expert in the subject matter.

SECTION 2: GENERAL PROVISIONS

All services described in this contract and provided to the public by Your Media will be provided free of charge to Resident-of-Fayetteville Public Access Users who were qualified users as of December 31, 2016. Non-resident-of-Fayetteville Public Access Users shall pay a $50 per year fee for services described in this contract. Your Media will not require, solicit, or accept any compensation of any kind, beyond that agreed upon in this contract and provided by the City, in return for providing the services described herein, unless otherwise stipulated in this contract.

At no time shall the number of non-resident users exceed 49% of the total user base of FPTV services and resources.

Your Media shall not provide any services or engage in any activity not described in this contract, with or without compensation, that utilizes equipment, facilities, or resources owned or controlled by the City of Fayetteville, without the expressed written consent of the City, or as stipulated in this contract.

Your Media may charge a fee for the following items or activities utilizing equipment, facilities or resources owned or controlled by the City of Fayetteville:

1. Non-resident of Fayetteville annual service dues.
2. Training workshops and seminars that are conducted utilizing City of Fayetteville resources.
3. The sale of blank recording media.
4. Transfer and/or duplication services.
5. Other small items, such as t-shirts or other promotional items, as approved by the City of Fayetteville Communications Director or Director of Media Services.
6. Video production services. If production services are provided, the following conditions apply:
    a. These services and activities will be referred to as “contract production”.
    b. Contract production may include studio production activity at the Television Center and related activity, including pre- and post-production.
    c. Your Media shall charge rates adequate to cover the basic costs of production. Service rates will be reviewed and approved by the Director of Media Services on an annual basis.
    d. Your Media will utilize a standard contract document for each agreement to provide contract production services. This contract document will be approved by the Director of Media Services.
    e. All fees charged for providing contract production services will be collected at the point Your Media delivers the final product for which it was contracted.
    f. All monies collected for providing production services will be utilized to support Fayetteville Public Access services or capital improvements as approved by the City Council and following applicable City of Fayetteville policies and procedures.

7. In addition to charging a fee for services described above, Your Media may generate revenue utilizing equipment, facilities, or resources owned or controlled by the City of Fayetteville through:
    a. Fundraising activities designed to raise funds to support the operations or capital improvements of the Public Access channel.
    b. Acquisition of grants or awards dedicated to support the operations or capital improvements of the Public Access channel.

<u>If Your Media generates or collects any revenue through activities as allowed in this contract, or otherwise approved by the City, utilizing equipment, facilities, or resources owned or controlled by the City of Fayetteville, Your Media will ensure:</u>

1. All monies collected for such services will be deposited into and all checks shall be made payable to the "Trust Account of Community Access Television, Inc." which shall contain only those funds.
2. Your Media's manager shall ensure proper accounting of all such revenues collected and shall report such accounting monthly to the Director of Media Services.
3. All funds within the "Trust Account of Community Access Television, Inc." may only be expended through City Council Resolution authorizing the receipt of funds into the Television Center budget and approving any necessary Budget Adjustments. Normal bank fees related directly to the use of this trust account may be paid with trust account funds without prior authorization.
4. Proper accounting and records of services provided, fees charged and monies collected for services will be kept by Your Media, in a manner approved by the Director of Media Services.

The City of Fayetteville provides the services described herein as a public service to the users for non-commercial use. Your Media will not allow any equipment, facilities, or resources owned or controlled by the City to be used to generate revenue for any private company, group, organization, or individual with the following exceptions:

1. Your Media may produce, or allow to be produced, televised fund-raising programs or activities for 501(c)3, non-profit organizations that directly provide services to the users. These programs are limited to one (1) per organization per contract year.
2. Your Media may produce or conduct one (1) fund-raising program or activity for itself that is televised, or produces programming that is televised, on the Public Access Channel.
3. Your Media may be contracted to produce, or assist in the production of, productions that utilize facilities and equipment controlled by the City at the discretion of the Operations Manager and the Director of Media Services for a market-appropriate fee structure to be determined by the Operations Manager and the Director of Media Services.
4. Televised fund-raising programs or activities may not exceed twenty-four (24) hours of continuous programming or activity, or, if not continuous programming, exceed seven (7) contiguous days of duration.
5. Fund-raising activities may not disrupt the normal operations of the Television Center. Questions regarding disruption will be determined by the Director of Media Services.

6. Fund-raising messages may not be displayed over other programming without the expressed written consent of the program owner.
7. The on-air bulletin/message board and the "Open Mic" program may be used by 501(c)3 non-profit organizations to announce or publicize activities of their organizations that generate revenue for their organizations or programs.

Ownership title to all capital acquisition, supplies, material, or any other property purchased with funds received under this Contract is vested with the City, and possession of such property shall, upon termination of the Contract, revert to the City unless otherwise provided for by the City in writing. Any equipment secured through fund-raising efforts to benefit the Public Access Television channel shall remain the property of the City's Television Center. Any funds or revenue secured through fund-raising efforts to benefit the Public Access Television channel shall be remitted to the City.

All policies, procedures, information, and execution of the services and responsibilities described in this contract shall be subject to approval by the Director of Media Services. Your Media will not make changes or revisions to any policy, procedure, or method of work directly related to the services described herein without the prior approval of the Director of Media Services.

In exchange for the funding provided by the City to Your Media, pursuant to this Agreement, Your Media shall provide the following services and report progress in each area to the Telecommunications Board and the City as defined in this contract:

SECTION 3: SCOPE OF SERVICES

PROVIDE EQUITABLE CHANNEL AVAILABILITY AND PROGRAMMING SERVICES TO USERS ON A FIRST-COME, FIRST-SERVED, CONTENT-NEUTRAL, AND NON-DISCRIMINATORY BASIS.

The City of Fayetteville provides airtime on the Public Access Television channel as a public service to users. Your Media will not require, solicit, or accept any compensation of any kind, beyond that agreed upon in this contract and provided by the City, in return for telecasting any programming on the Public Access Television channel. Each program that is produced utilizing City of Fayetteville Television Center equipment or facilities will be telecast on the Public Access channel at least one time. A program may be excused from the telecast requirement with approval from the Director of Media Services prior to the production of the program, or at any time at the discretion of the Director of Media Services.

Your Media will:

1. Maintain a process whereby users may request programming to be telecast on the Public Access Television channel. This process is subject to approval by the Director of Media Services.
2. Ensure individuals requesting programs to be telecast by Your Media on the Public Access Television channel are users, as defined in Section 1.
3. Require requestors to sign an affidavit warranting that the program they are requesting to be telecast does not contain:
    a. any violation of any Federal, State or local statute or ordinance relating to obscenity; or
    b. any material that is an unlawful invasion of privacy; or
    c. any use of material which violates copyright law;

   Such a statement does not relieve Your Media of its duty to prevent further telecast of programming that does not meet the stipulations contained herein, as such programming comes to its knowledge.

4. Ensure programming on the public access channel (FPTV) is not commercial in nature. Commercial programming is defined as: "Programming that contains direct appeals to purchase commercial goods or services; promotes the activities of for-profit groups, organizations, or individuals; contains any call to action or solicitation to purchase a product or patronize a business; any use of superlatives in describing a product, service, or business; any direct comparison to other products, or direct comparisons to unnamed products; any price or value information; or any inducements to buy."
5. Require program requestors to provide Your Media with expressed, written consent of the program's owner for the program to be telecast on Fayetteville's Public Access Television channel. Your Media will maintain a copy of all such permissions on file.
6. Maintain a decision-making process and criteria for the scheduling of programming that will ensure the protection of 1st Amendment rights of program requestors while ensuring programming does not violate Federal, State, or local laws or ordinances. The process and criteria are subject to approval by the Director of Media Services. At a minimum, the process and criteria will:

a. Utilize program type definitions as included in Section 1 and define other program types as necessary (i.e. one-time, series, date-sensitive, etc.).
b. Define scheduling priority of program types.
c. Define a priority conflict-resolution process.
d. Establish criteria for defining "mature-audience"-type programming.
e. Ensure program requestors are informed of "mature-audience"-type programming criteria and sign an affidavit categorizing a requested program as "mature-audience"-type programming if appropriate.
f. Define day-parts of the programming schedule that are appropriate for "mature-audience"-type programming.
g. Define the program scheduling process.

7. Program the automated telecast system to ensure the telecast of programming on the Public Access Television channel 24 hours per day/7 days per week.
8. Manage the program scheduling process in such a manner that ensures no more than seven (7) days elapse between the submission of a new program and its first scheduled telecast.
9. Manage the programming schedule in such a manner that the on-air bulletin/message board constitutes no more than 15% of the total weekly air time.
10. Publish and distribute to the public a current program schedule weekly. The schedule will, at a minimum, be published in the following media:
    a. The Public Access Television channel's on-air bulletin/message board.
    b. The Public Access Television channel's web site.
    c. A publicly accessible bulletin board at the Television Center.
    d. Your Media's email address list that is maintained as an opt-in list in the central records database.

    The schedule will also be made available for publication by other media outlets that wish to do so.

<u>Your Media will not:</u>

1. Exercise any control of the content of programming, with the following exceptions:
    a. Programs that are produced solely by Your Media staff for the purposes of communicating information about the Public Access Television channel or itself.
    b. Portions of "open-studio" program content created by Your Media (i.e. opens, closes, bumpers, etc.).
    c. The on-air bulletin/message board.
    d. Programming that is produced as a result of classroom/training/studio laboratory production activity that is conducted by Your Media.
2. Schedule for further telecast any programming that has been found to violate any Federal, State, or local statute or ordinance. Your Media staff will bring any possible violations immediately to the attention of the Executive Director and the Director of Media Services as they become known to them, either through complaint or observation. The Director of Media Services will make an initial determination regarding the status of the programming. An email message is sufficient for notification. Questions regarding the

legality of any programming should initially be directed to the Director of Media Services.

3. Schedule for further telecast any programming that has been found in violation of any policy of Your Media or the City, including, but not limited to, a violation of the affidavit of copyright; the affidavit of ownership; the affidavit of redistribution rights; or the affidavit of "mature audience" content; each of which is included in the telecast request process. Your Media staff will bring any possible violations immediately to the attention of the Executive Director and the Director of Media Services as these violations become known to them, either through complaint or observation. The Director of Media Services will make an initial determination regarding the status of the programming. An email message is sufficient for notification.

The City reserves the right to approve the content of any program telecast on the Public Access Television channel that in any way indicates or implies it has originated directly from the Public Access Television channel or its management. The Director of Media Services will determine if programming meets such criteria.

PROGRAM SPONSORSHIP

Program producers and owners may accept sponsors for programming they produce for telecast on the Public Access Television channel. Program sponsorship must adhere to the following:

1. The following may be identified as a program sponsor:
    a. Corporations or Divisions or Subsidiaries of Corporations
    b. Endowments and Foundations
    c. Individuals
2. General Rules for Acceptability
    a. The sponsor may not exercise editorial control over the content of any portion of programming telecast on the Public Access Television channel.
    b. The public must not perceive that the sponsor has editorial control over the content of any portion of programming telecast on the Public Access Television channel.
    c. The public must not conclude that any programming on the Public Access Television channel promotes sponsors' products, services or other business interests.
    d. Product placement in programming in exchange for sponsor support is prohibited.
3. Rules for Display of Sponsor Credits
    a. All sponsor credits must identify the sponsor by name and/or logo.
    b. Sponsor credits may not include:
        i. Any call to action or solicitation to purchase a product, i.e. any use of "you" or "your"; or slogans such as "Get Met. It Pays."
        ii. Superlatives, i.e. "…the most intelligent car ever built."
        iii. Direct comparisons, i.e. "…when a Cadillac just isn't good enough."
        iv. Price or value information
        v. Inducements to buy, i.e. "six months free service when you buy"
    c. Toll-free numbers or Web site addresses are acceptable if their purpose is only for the viewer to receive more information, and not to solicit sales.

d. Sponsor credits may not exploit or take unfair advantage of the child audience for children's programming.
e. Sponsor credits may not create the perception that there is a connection between the program content and the sponsor's products or services.
f. Sponsor credits may only be displayed at the beginning and/or end of a program.
g. Program content may not be interrupted to provide sponsor credit.
h. No one sponsor credit may exceed fifteen 15 seconds in length. No single program may have a sequence of sponsor credits that exceeds sixty (60) seconds in length.
i. Credits for in-kind goods and/or services are acceptable but they must appear in context with normal production credits and may incorporate brands or logos.

PROVIDE TELEVISION STUDIO PRODUCTION SERVICES FOR USERS ON A FIRST-COME, FIRST-SERVED, NON-DISCRIMINATORY BASIS

Your Media will:

1. Produce a weekly program ("Open Mic") of no less than 30 minutes and no more than one hour in length that provides an open-studio opportunity for users to express their views, present information, or perform; not to exceed five minutes per person.
    a. The "Open Mic" program is owned and controlled by the City of Fayetteville.
    b. Your Media will conduct two (2) separate studio sessions of one (1) hour each during which users may record their "Open Mic" segments. The schedule of studio sessions is subject to approval of the Director of Media Services.
    c. All participants, residents and non-residents of Fayetteville appearing on the "Open Mic" program will be provided a document that informs them that what is presented on the "Open Mic" program must conform to all guidelines for other programming telecast on the Public Access Television channel.
    d. Non-residents of Fayetteville wishing to participate in the "Open Mic" service alone shall not be required to pay the $50 annual non-resident fee.
2. Produce programming for the users utilizing studio production laboratory sessions.
    a. Content of programming produced in studio laboratory sessions will be the responsibility of the producer requesting the production services.
    b. All technical aspects of production will be under the control and responsibility of Your Media.
    c. Producers requesting production services utilizing the studio laboratory sessions will be notified that they will be working in a classroom/training environment. The experience of the participants in the class will be priority.
    d. Your Media will not charge any production fees for programming produced in studio laboratory sessions.
    e. Studio laboratory sessions may not be used to produce series programming.
    f. Production slots in the studio laboratory sessions will be scheduled on a first-come, first-served basis. A producer may not schedule more than one session at a time.
3. Produce and telecast an electronic community bulletin/message board for residents to announce events or other information.

4. Produce and telecast a disclaimer at random times during the program schedule, no fewer than six (6) times per day, which contains the following message in both video and audio format: "Fayetteville Public Access Television is a public service provided by the City of Fayetteville to help residents exercise their First Amendment Rights. The views and opinions expressed on this channel are not necessarily those of the staff or management of Fayetteville Public Access Television or the City of Fayetteville."

EDUCATE FAYETTEVILLE RESIDENTS AND NON-RESIDENTS IN THE PRODUCTION AND DISTRIBUTION OF NON-COMMERCIAL TELEVISION PROGRAMMING

Your Media will provide training and technical support for users so they may learn the techniques and details of video production and television programming distribution.

Your Media will:

1. Create and implement a training curriculum that emphasizes technical proficiency and production quality. The curriculum will contain at least 3 core classes in the subjects of:
    a. Basic Field Production
    b. Basic Video Editing
    c. Basic Studio Production/Crew Positions

    And at least 3 advanced classes in the subjects of:
    a. Advanced Field Production
    b. Advanced Video Editing
    c. Advanced Studio Production

    The syllabus for each class will be available on the Fayetteville Public Access Television web site.
2. Offer a minimum of six (6) free classes a week taught by Your Media staff in various disciplines of video production and programming distribution.
    a. At least three (3) classes each week must be in the core subjects.
    b. At least two (2) classes each week must be in the advanced subjects.
    c. The studio production laboratory does not count toward the total of required classes.
3. Conduct a studio production laboratory session at least once per week that provides a "hands-on" training environment for students in Studio Production classes.
4. Create student evaluation criteria and methods that allow students to demonstrate proficiency in training both in writing and through practical application.
5. Require a minimum level of proficiency, as approved by the Director of Media Services, to achieve a passing grade in classes.
6. Maintain records of student performance and evaluations.
7. Provide training and development resources, and technical support, in addition to regular classes, to users while they are engaged in training or production activities.
8. Provide technical and production consultation to users who are producing outside programs.
9. Offer training in the use of all available methods of television programming distribution.
10. Ensure that instructors maintain a minimum level of competence in the operation of equipment, as approved by the Director of Media Services. This can be demonstrated through industry certification or actual demonstration of skills to the Director of Media

Services or their designee. If an instructor fails to meet a minimum level of competence, they will be prohibited from teaching any classes or workshops until such time as they have demonstrated to the Director of Media Services, or his/her designee, they have achieved that level.

11. Create and publish a monthly schedule of classes and workshops, a minimum of 30 calendar days prior to conducting the classes. The schedule will, at a minimum, be published in the following media:
    a. The Public Access Television channel's on-air bulletin board.
    b. The Public Access Television channel's web site.
    c. A publicly accessible bulletin board at the Television Center.
    d. Your Media's email address list that is maintained as an opt-in list in the central records database.
    e. Made available for publication in other media that wish to do so.
12. Ensure Your Media staff stays current with emerging technologies through professional development that includes technical training.
13. Provide reports on training and education activity as required by the City.

PROVIDE EQUAL ACCESS TO TELEVISION PRODUCTION EQUIPMENT AND FACILITIES TO ALL USERS ON A FIRST-COME, FIRST-SERVED, CONTENT-NEUTRAL, NON-DISCRIMINATORY BASIS.

The City of Fayetteville provides video production equipment and facilities as a public service to the users so they may learn and apply the skills and techniques of television production. Your Media will not require, solicit or accept any compensation of any kind, beyond that agreed upon in this contract and provided by the City, in return for the opportunity for residents to use any video production equipment or facilities provided by the City of Fayetteville.

The City of Fayetteville Director of Media Services is responsible for the use designation of equipment and facilities within the Television Center. Your Media is responsible for the management of equipment and facilities designated for use by the public and designated for use by Your Media staff in the execution of the services described herein.

<u>Your Media will:</u>

1. Maintain accurate and detailed inventory records of all equipment designated for use by the public and use by Your Media staff.
2. Assist City staff in maintaining accurate and detailed inventory records of all equipment in the Television Center.
3. Maintain accurate and detailed records of the identification and use of all equipment that is designated for use by the public.
4. Maintain accurate and detailed records and identification of users to check-out or utilize equipment designated for use by the public. Each record will contain, at a minimum, the user's name, address, telephone number, the area(s) in which they are qualified, and the expiration date of their qualification(s). A photocopy of the documentation of residency must be included.

5. Implement a plan to determine, either by elapsed time or demonstrated proficiency, the need for a qualified user to re-take any classes to maintain their qualification to use equipment or facilities of the Television Center.
6. Maintain a reservation system and procedure for qualified users to be able to reserve the use of equipment and facilities designated for public use.
7. Maintain check-in and check-out procedures for equipment and facilities designated for public use.
8. Design and utilize procedures and checklists that will ensure equipment is checked for full functionality upon return by a user. Records will be kept of the condition of equipment on check-out and return.
9. Perform minor repairs, maintenance and upkeep of equipment and facilities as directed by City staff.
10. Actively monitor the use of editing and studio facilities.
11. Ensure that a staff member who is fully qualified in the operation of all equipment or facilities available for public use is present and available at all times to any resident who is using, or wishes to use, any equipment or facilities designated for public use.

Your Media will not:

1. Allow, or continue to allow, the use of any equipment or facilities owned or controlled by the City of Fayetteville and provided for the use of the public or Your Media under this contract to be utilized in any way that may violate any Federal, State, or local law.

MAINTAIN A PROGRAM LIBRARY AND MANAGE ARCHIVE/PROGRAM RIGHTS

The City is committed to the preservation of Fayetteville's culture, history and legacy. This is demonstrated, in part, by support of the preservation of the programs and material telecast on the Public Access Television channel.

Producers will retain all rights to any program material or programming they create. All producers requesting their program to be telecast on the Public Access Television channel must sign a statement granting the City of Fayetteville non-exclusive rights for distribution and re-distribution of the program, either in whole or in part, as the City determines necessary. In the case of a resident who requests the telecast of a program, either in whole or in part, to which they do not hold the copyright, the resident will provide expressed, written consent from the program's owner granting the City of Fayetteville non-exclusive rights for distribution and re-distribution of the program, either in whole or in part, as the City determines necessary.

Your Media will create and maintain the necessary documentation, affidavits and statements, subject to the approval of the Director of Media Services, to be included in any forms used to document the request for the telecast of programming.

1. Your Media will maintain a program library containing copies of all inside and outside programs telecast on the Public Access Television channel.
2. Your Media will maintain a program library database of all programs telecast on the Public Access Television channel.

3. Your Media will ensure the library and program library database are maintained in an easily accessible manner.
4. Physical recording media containing programming for telecast on the Public Access Television channel shall become property of the City.
5. Your Media will ensure programs are archived on DVD media, unless otherwise determined by the Director of Media Services.
6. Under no circumstances will Your Media remove, or allow to be removed, any program materials or media from the Public Access Television channel program library or program library database, without the prior approval of the Director of Media Services.

CONDUCT OUTREACH AND COMMUNICATION ACTIVITIES WITH THE PUBLIC

1. Your Media will manage a procedure whereby residents can communicate their views or complaints regarding the programming or operations of the Public Access Television channel to Your Media and the City. All complaints or comments, from whatever source or however communicated, must be immediately communicated to the Director of Media Services. After a resident makes a complaint, either verbally or in writing, the public access outsourced provider manager, or designee, will follow this procedure:
    a. Document the complaint, recording:
        i. Date.
        ii. Time.
        iii. Nature of the complaint.
        iv. As many details as possible to facilitate the investigation of the complaint.
        v. Contact information of the complainant, if available.
    b. Immediately communicate the complaint to the Director of Media Services.
    c. Immediately communicate to the complainant their complaint is being investigated, and they will receive a determination, in writing, regarding their complaint within 3 business days.
    d. Provide a written response to the complainant detailing the investigation of their complaint, any findings thereof, and any action taken by the management of Your Media in response to the complaint. The response will also contain a statement that the complainant may appeal, in writing, any determination or action to the City of Fayetteville Telecommunications Board, c/o City of Fayetteville Television Center, 101 W. Rock Street, Fayetteville.
    e. Provide a copy of all correspondence and other pertinent materials to the Director of Media Services.
2. The management, staff, or members of the Board of Directors of Your Media will not identify the Public Access Television channel in any way, either expressed or implied, as belonging to, owned by, or controlled by Your Media.
3. The management, staff, or members of the Board of Directors of Your Media will not identify the City of Fayetteville Television Center, or the equipment contained therein, or any portion thereof, in any way, either expressed or implied, as belonging to, owned by, or controlled by Your Media.
4. The management, staff or members of the Board of Directors of Your Media will not identify themselves or their organization in any way, either expressed or implied, as “The City of Fayetteville” or as representing the City of Fayetteville.

5. In all communication from Your Media, the Public Access Television channel will be referred to and identified as "Fayetteville Public Access Television".
6. In all communication from Your Media, the entire production facility will be referred to as "The City of Fayetteville Television Center" or "The Television Center", as appropriate.
7. Your Media will maintain a process for effective communication with, and coordination among, all affected City programs, City staff, and the Telecommunications Board.
8. Your Media will conduct a consistent community outreach effort designed to recruit new producers and trainees.
9. Your Media will provide information to the entire community about the nature and role of public access television; educate the community about the opportunities available for training, production and programming; and encourage groups and individuals to participate in training classes and production experiences.
10. Your Media will maintain a Fayetteville Public Access Television-branded web site for the promotion of Public Access Television services and the education of the public that includes, at a minimum, current information regarding program, production and class schedules; policies and procedures; class syllabi; and an internet forum for exchange of information between the City, Your Media, producers and trainees. Your Media may include a link to their organization's web site.
11. The City will provide one (1) bulletin board in a publicly accessible area of the Television Center for the use of Your Media. Information posted on the bulletin board must meet at least <u>one</u> of the following criteria:
    a. It is information from the City or public access operator regarding policies, procedures or regulations
    b. It is a request by a producer to recruit help for video productions
    c. It is a request to recruit producers for specific video production projects
    d. It is information directly related to the programming of the public access channel
    e. It is information directly related to opportunities for training and development in television production
    f. It is information that promotes:
        i. The City of Fayetteville
        ii. A non-profit, 501(c)3 organization that serves the citizens of Fayetteville
        iii. A government organization that serves the citizens of Fayetteville
    g. It is information that informs the public of an event or program sponsored by:
        i. The City of Fayetteville
        ii. A non-profit, 501(c)3 organization that serves the citizens of Fayetteville
        iii. A government organization that serves the citizens of Fayetteville

    Information shall not be posted on bulletin boards unless it meets <u>all</u> of the following criteria:
    a. It shall not contain any type of direct appeal to purchase commercial goods or services, or promote the for-profit activities of individuals, groups or organizations
    b. It shall not contain any depiction of libelous, obscene, indecent or violent material
    c. It shall not be information campaigning for or in support of any political candidate or ballot issue

d. It shall be no larger than standard “letter” sized paper, 8 ½” x 11”
e. It shall be legible
f. It shall not be a personal message or communication

All other bulletin boards in the Television Center are reserved for use by employees of the City or Your Media.

GENERAL ADMINISTRATION AND COMMUNICATION

Your Media will administer the activities and responsibilities described herein in compliance with all applicable Federal, State, or local laws, ordinances, rules, and regulations and within any and all agreements, rules, or regulations of any television programming distribution service or provider utilized to perform the activities or responsibilities described herein.

All communication between the City and Your Media with regard to contractual matters or operations of the Television Center will be directed through the Director of Media Services, or any other such representative as may be appointed by the City, and Your Media's duly appointed representative.

1. Your Media will develop, maintain, and enforce operational policies that assure for staff and users decorum and a professional working environment at the City of Fayetteville Television Center consistent with other City offices.
2. Your Media will abide by and enforce all policies, rules, and regulations regarding the use of the Television Center. The Director of Media Services is responsible for developing and publishing policies, procedures, rules, and regulations regarding the use of the Television Center facility and equipment. The Director of Media Services will make available to all users of the facility a reference manual that will contain all policies, procedures, rules, and regulations regarding the operation of the Public Access Television channel and the City of Fayetteville Television Center. The City reserves the right to exclude users or staff of Your Media from the Television Center for violations of policies, procedures, rules, and regulations.
3. The City shall make three telephone lines available for Your Media's business use.
4. Your Media shall be responsible for reimbursing the City for its own long distance telephone calls.
5. The City is not required to provide hardware and/or software for the establishment or maintenance of systems for the purpose of public internet access.
6. Your Media shall be responsible for the maintenance and repair of the hardware or software of computers installed for the office use of Your Media.
7. The City shall provide access to the Internet for Your Media at the same level provided to the Television Center. Your Media will be responsible for any access requirements above the level provided to the Television Center.
8. The City shall be responsible for the payment of the Television Center utilities, routine building and grounds maintenance and maintenance of the structure.
9. Your Media may use the City's current copier/printer at the Television Center for a charge of $.039 per page. If the City upgrades the copier/printer located in the Television

Center, Your Media shall pay an adjusted charge per page, up to, but not to exceed the standard rate charged to City Departments and Divisions as determined annually.

10. Copier/printer maintenance costs will be paid by the City.
11. All business conducted and information maintained by Your Media or the Your Media Board of Directors in the execution of this contract is subject to the terms of the Arkansas Freedom of Information Act (FOIA).
12. Your Media will create an operations, training, and production schedule that maintains convenient business hours as well as a class schedule that allows producers to become certified through a combination of day, evening, and weekend classes. At a minimum Your Media will:
    a. Provide service to the users, a minimum of forty-five (45) hours per week through a minimum of five (5) days of operation.
    b. Create a schedule that provides service for a minimum of four (4) hours per scheduled operation day.
    c. Provide a staff member in the lobby to greet the public whenever the Television Center is open to the public.
    d. Observe all City Holiday closings and follow City of Fayetteville policies regarding closing for inclement weather.

    Your Media and the Director of Media Services will agree upon the operations schedule and Your Media will not vary from the agreed upon schedule without prior approval of the Director of Media Services.
13. Your Media shall submit monthly, quarterly, and annual reports, as defined by the Director of Media Services, on the execution of the activities and responsibilities described herein. Monthly reports shall be due by the 10th of the following month, or, if the 10th is not a regular business day, the next business day following the 10th. No contract payments will be made to Your Media while any required report is incomplete or overdue.
14. Your Media agrees to provide the City with a monthly financial report, due by the 10th of the following month, detailing:
    a. Expenditures of funds provided Your Media from the City
    b. Sources and amounts of other revenue generated from Public Access service activity
    c. Any other expenditures related to Public Access service activity

    The report shall be prepared by an independent certified public accountant, based on a modified accrual or cash basis method, summarizing activity during the preceding month and year to date. Said report shall include income and balance sheet statements.
15. Quarterly reports shall contain, but not be limited to:
    i) Financial reports, detailing:
        (a) Expenditures of funds provided Your Media from the City
        (b) Sources and amounts of other revenue generated from Public Access service activity
        (c) Any other expenditures related to Public Access service activity
    ii) Training reports, detailing:
        (a) Training activity provided users
        (b) Training activity for staff
        (c) Class and workshop activity

iii) Certification activity
    (a) Certification of residents
        1. Number of new users qualified to use equipment
        2. Number of new outside producers
    (b) Certification of staff
iv) Production activity
    (a) Production activity of users
    (b) Production activity of staff
v) Equipment Utilization
vi) Feedback and Complaints
vii) Programming reports
    (a) Itemization of programs telecast by:
        1. Inside programs
        2. Outside programs
    (b) Itemization of program requestors by:
        1. Inside programs
        2. Outside programs
    (c) Quantity of new and repeat inside programs
    (d) Quantity of new and repeat outside programs
    (e) Quantity of new program requestors
viii) Details of activity engaged in by Your Media to promote Fayetteville Public Access Television

16. In addition to the monthly, quarterly and annual reports, the following special reports and information shall be provided to the Director of Media Services:

    a. Reports of stolen, missing or damaged equipment within one (1) working day of learning of each occurrence; and
    b. Requests for changes in any policies or procedures that affect any services described herein; and
    c. All corporate documents, including but not limited to Your Media's by-laws, policies, articles of incorporation, certification of compliance with affirmative action plan and EEO standards, and a list of Board members; and
    d. At any reasonable time and as often as the Telecommunications Board or the City may deem necessary, Your Media shall make available to them, or any of their authorized representatives, within three (3) business days, all of Your Media's records related to all matters covered by this Agreement and shall permit the Telecommunications Board or the City to audit, examine, make excerpts and copies of such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to or deemed pertinent to matters covered by this Contract; and
    e. During the term of this Contract, Your Media shall cause to be delivered to the Telecommunications Board and the City copies of all notices of meetings of its Board of Directors, setting forth the time and place thereof. Such notice shall be delivered in a timely manner to give adequate notice and shall also include an agenda; and

f. Minutes of all meetings, if taken, and materials distributed in meetings of Your Media's Board of Directors, or committees thereof, shall be submitted to the Telecommunications Board and the City; and

Your Media will, upon request of the City, make available all supporting documentation and data relating to any reports required by this Contract or requested by the City.

PERFORMANCE EVALUATION

1. A performance evaluation will be conducted quarterly by the Director of Media Services to assess Your Media's effectiveness in providing the services described herein.
2. The City and Your Media may agree upon periodic performance measures. These measures will be documented as Addendum A of this contract.
3. Your Media will provide a method for receiving feedback, comments, input and suggestions from the public. This communication will be made available to the Director of Media Services as part of the quarterly evaluation process.
4. The Director of Media Services will immediately communicate to Your Media any violations of this contract as may come to his/her attention so that Your Media may have an opportunity to correct such violations in a timely manner.
5. Quarterly evaluations will be communicated to the Telecommunications Board, consistent with the process for oversight as specified in the Telecommunications Board Ordinance.

CONTRACT PERIOD

The contract period will be from January 1, 2018, until December 31, 2018. Either party may cancel this contract at any time with a thirty (30) day written notice. This contract may be renewed by the parties per year for up to three additional one-year terms.

FUNDING

The City hereby agrees to pay Your Media the monthly sum of $13,465.00 for services performed under the terms of this contract. Each monthly payment will be remitted on or before the 15th day of each month, beginning January 15, 2018, unless Your Media fails to comply with the expressed terms of this contract. The City reserves the right to withhold contract payments to Your Media unless Your Media is deemed in full compliance with the contract or until all contract violations are corrected. For any future renewal period up to two additional one-year terms, payments to Your Media shall be increased by the amount required to fund salary increases of three percent (3%).

LEGAL AUTHORITY

Your Media assures and guarantees that it possesses the legal authority to enter into this Agreement. Further, that the person or persons signing and executing this Agreement on behalf of Your Media have been fully authorized by Your Media to execute this Agreement. That such authority is evidenced pursuant to a proper, appropriate and official motion and resolution, which was passed and approved specifically to enter into this Agreement and shall legally bind Your Media to all the terms, performances, and provisions here set forth. A copy of such resolution shall be provided upon execution of this Agreement. The City may exercise its right to either temporarily suspend or permanently terminate this Agreement if there is a dispute as to the legal

authority of Your Media or the person signing the Agreement. The City shall not be obligated to pay Your Media for any performance of the provisions of this Agreement after the City has suspended or terminated this Agreement as provided in this Section.

PERSONNEL

Your Media shall adequately staff the Public Access operation to meet the services and duties outlined in this agreement. Both City staff and Your Media staff will be expected to work together in a cooperative manner within the Television Center. Personnel policies shall be established by Your Media and shall be available for examination by the City.

Upon termination of any employee from either the City or Your Media, it is understood that any violation of policy or procedure serious enough to require termination is also grounds for exclusion from the Television Center.

EQUAL OPPORTUNITY

Your Media shall comply with all applicable equal opportunity, affirmative action, and ADA laws or regulations, including those of the City of Fayetteville.

INSURANCE

Your Media shall obtain and keep in force during the term of this agreement a policy of public liability and property damage insurance. Your Media shall provide continued proof of coverage in its quarterly reports. The coverage, at a minimum, shall be in the following amounts:

General Liability

1. General Aggregate	$1,000,000
2. Products/Completed Oper. Aggr.	$1,000,000
3. Each Occurrence	$100,000
4. Fire Damage (any one fire)	$50,000
5. Medical Expense (any one person)	$5,000

Worker's Compensation for all employees as required by Arkansas Statute.

Bonding: Your Media shall obtain a fidelity bond covering all persons handling funds received or disbursed and/or signing or co-signing checks to disburse funds under this agreement, within 10 days of the contract execution. The fidelity bond shall be in an amount equal to 10% of the city grant award or $5,000, whichever is less. Your Media shall furnish the city proof of an adequate fidelity bond prior to the first payment of funds under this agreement.

POLITICAL/SECTARIAN ACTIVITY

Your Media shall not initiate or sponsor political or religious programming. Your Media shall not engage in any political activity. Your Media shall not directly produce any programs nor participate in any activities that establish or promote any religion or prohibit the free exercise thereof.

HOLD HARMLESS

It is expressed, understood and agreed by both parties that the City is contracting with Your Media as an independent contractor and that as such, Your Media shall save and hold the City, its officers, agents, and employees harmless from all liability of any nature of any kind, including costs and expenses for, or on account of, any claims, audit exceptions, demands, suits or damages of any character whatsoever resulting from injuries or damages sustained by persons or property, resulting in whole or in part from the performance or omission of any employee, agent or representative of Your Media. This Agreement shall not be construed in any manner or form as a waiver of that Tort Immunity as set out under Arkansas Law.

CONFLICT OF INTEREST

Your Media covenants that neither it nor any member of its Board of Directors currently has any interest or shall acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Your Media further covenants that in the performance of this Agreement no person having such interest shall be employed or appointed as a member of its Board of Directors.

Your Media further covenants that no member of its Board of Directors or its staff or employees shall possess any interest in or use their position for a purpose that is or gives the appearance of being motivated by desire for private gain for themselves or others, particularly those with which they have family, business, or other ties.

No officer, member, or employee of the City and no member of its governing body who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this Agreement shall participate in any decision relating to the Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he has a personal financial direct or indirect interest; or have any personal financial interest, direct or indirect, in this Agreement or the proceeds thereof.

CONTRACT ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties hereto, and any prior agreement, whether written or oral, shall have no force or effect. Any subsequent agreements will have no effect unless properly executed in writing and recorded as an addendum to this Agreement.

SEVERABILITY

If any section, subsection, sentence, clause, phrase, or word of this agreement is held to be invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or word will be deemed as a separate, distinct and independent provision, and such holding will not affect the validity of the remaining provisions of this agreement.

COMMUNITY ACCESS TELEVISION
d/b/a YOUR MEDIA

By: _____

Print: Daniel A. Robinson

Title: Executive Director

ATTEST:

By: _____

Print: Jamey McGough

Title: Board President

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Lioneld Jordan, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Third Reading

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: B. 1

SMALL CELL COMMUNICATIONS FACILITIES:

AN ORDINANCE TO ENACT § 110.03 **SMALL CELL FACILITIES AND NETWORKS** INTO CHAPTER 110: **TELECOMMUNICATION FRANCHISE, BILLPOSTING, AND SMALL CELL FACILITIES AND NETWORKS**

WHEREAS, the City has been approached by multiple telecommunications providers who are interested in erecting small cell facilities throughout the City to provide services to Fayetteville residents; and

WHEREAS, it is necessary to balance the importance of ensuring residents have access to this important technology, the providers' interest in having a streamlined, consistent and fair procedure and fees to install and maintain the facilities, and the interest of the City and residents in responsibly managing the use of the public rights of way and minimizing the aesthetic impact of small cell facilities.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 110.03 **Small Cell Facilities and Networks** in Chapter 110: **Telecommunication Franchise, Billposting, and Small Cell Facilities and Networks** of the **Fayetteville Code** as shown in Exhibit "A" attached hereto and made a part hereof.

City of Fayetteville Staff Review Form

2017-0532

Legistar File ID

10/3/2017

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

Susan Norton	9/18/2017	MAYORS ADMIN (015)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

The Administration recommends approval of the attached ordinance for the implementation process for small cell communications facilities within the City of Fayetteville.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	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 OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL MEMO

MEETING OF OCTOBER 3, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Susan Norton, Communications Director

DATE: 9/18/17

SUBJECT: **Small Cell Ordinance**

RECOMMENDATION:

The Mayor's Administration recommends approval of the Small Cell Facilities Ordinance. An internal team made up of Administration, Development Services, Information Technology staff and City Attorney's office spent several months reviewing recently enacted ordinances and statutes from a number of cities and states across the region, looking for what would be the best fit for Fayetteville.

BACKGROUND:

Over the past several months, the City has been approached by at least 5 providers who are interested in erecting small cell facilities to provide telecommunications services to the citizens of Fayetteville. City staff have met with these providers to review draft language for the ordinance that we now propose.

DISCUSSION:

There are four primary issues to be considered as we implement this new technology in our city:

1. Providing a streamlined application window that enables providers to proceed to implementation while creating procedures for existing staff to establish criteria for review and a process to facilitate approvals.
2. Ensuring that the city's right-of-way management remains with the city.
3. Ensuring that the aesthetics of the small cell facilities are consistent with city design principles and do not clutter the landscape.
4. Coming up with fair and reasonable application and annual lease fees.

We ultimately chose an ordinance from Overland Park, Kansas as our model and then the City Attorney's office helped craft the language to fit within our existing code. Some issues we found needed to be addressed with respect to the types of technologies that may be implemented, including but not limited to: types of new pole installations (standard wood poles or stealth, such as facilities hidden within lightpoles); types of structures that may be attached to city owned assets (traffic signals) or utility company

poles and how they may be camouflaged; both ensuring and limiting distances between licensees or pole operators so the installations would not be crowded nor would they impede equal opportunity for the carriers to support their networks; and “pole standards,” to help maintain consistency in attachments.

We recognize that there are certain technologies that should have access to the public rights of way but can not be required to enter into a franchise agreement, which is why we established this new section of code 110.03 Small Cell Facilities and Networks.

BUDGET/STAFF IMPACT:
None

NEWLY REVISED TO REFLECT CHANGES AMENDED AT THE NOVEMBER 7TH CC MTG

EXHIBIT A

110.03 Small Cell Facilities and Networks

(A) Definitions: As used in § 110.03, the following terms shall have the meanings set out below:

(1) *Administrative Review* means non-discretionary evaluation of an Application by the Zoning and Development Administrator. This process is not subject to a public hearing or conditional or special review process.

(2) *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of telecommunications services:

(a) *Distributed antenna system (DAS)* means a network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.

(b) *Small Cell Facility* means a Telecommunications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(c) *Small Cell Network* means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

(3) *Applicant* means any person or entity that is engaged in the business of providing wireless services or the wireless infrastructure required for wireless services.

(4) *Competing local exchange carrier* means a telecommunications provider that has received a certificate of public convenience and necessity from the Arkansas Public Service Commission under the authority of Ark. Code Ann. § 23-17-409 and is authorized to install equipment and operate within the public rights of way or on public or private property in the City of Fayetteville. This shall include distributed antenna systems, small cell facilities and small cell networks.

(5) *Person* means any individual, resident, citizens, business firm, corporation, partnership, governmental agency, or institution.

(6) *Stealth technology* means systems, components and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.

(7) *Streets* means all streets, roads, highways, alleys, rights-of-way, public *utility* easements, public property, public ways and air space over such streets, roads, alleys, public rights-of-way, public utility easements, public property and public ways located within the geographic limits of the city.

(8) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information sent and received, whether wired or wireless.

(9) *Telecommunications facilities or facilities* means all conduits, manholes, poles, antennas, transceivers, wires, cable (including fiber optic cable), technology, and appurtenances owned or utilized by a telecommunications provider or third party infrastructure provider and located in, under or over the streets of the city or on public or private property and utilized in the provision of telecommunications services. This includes without limit, towers of all types, and base stations, including but not limited to buildings, church steeples, water towers, signs, poles, streetlights, traffic signals, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

(10) *Telecommunications Provider or provider* means any person, firm, corporation, partnership or other business entity, other than the city, that provides telecommunications services within or without the geographic

boundaries of the city by utilizing telecommunications facilities to provide telecommunications services. This shall include competing local exchange carriers or businesses that install small cell facilities on behalf of telecommunications providers.

(11) *Telecommunications services or services* means any service delivering telecommunications by a telecommunications provider that the provider is authorized to provide under federal, state and local law, except that these terms do not include cable service as defined by the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. §521 et seq., and the Telecommunications Act of 1996.

(B) Compliance with State and Federal Regulations. Applicant shall comply with all applicable state and federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator. Applicant shall not be required to enter into any franchise agreement with the City.

(C) Consolidated Application. An applicant may file one consolidated application for a small cell network of up to ten (10) individual small cell facilities of a substantially similar design every seven calendar days. The City may require a separate application for any small cell facilities that are not of a substantially similar design. The form of the permit Application is located on the City's website under Small Cell Facilities and Networks.

(D) An applicant shall submit with the application all documentation or other evidence required by the Zoning and Development Administrator to sufficiently establish the structural soundness of proposed facilities.

(E) Administrative Approval of Co-Located Facilities and Facilities Located on Existing Structures. The Zoning and Development Administrator, following an Administrative Review, may approve the following facility installations:

(1) Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than five feet above the existing structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the existing structure, when such additional height is necessary for improved functionality or safety.

(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette.

Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline.

(b) Facilities Placed on Sides of Buildings. Facilities which are side-mounted on buildings shall be camouflaged (such as in a light fixture), shrouded, painted or constructed of materials to match the color of the building material directly behind them, and shall not extend above the roof line or extend more than two (2) feet from the façade of the building. The Zoning and Development Administrator may grant a variance of up to three (3) additional feet from the façade of a building when such additional clearance is necessary for improved functionality or safety.

(2) Locating on Existing Tower Not Previously Approved Through §163.13 of the U.D.C. Existing towers that do not have facilities may not add such capability without securing a conditional use permit. Antennas may be replaced by similar antennas at the same height and for the same basic usage as the antennas being replaced.

(3) Locating on Existing Towers Previously Approved Through §163.13. Additional facilities may be placed upon any tower already approved through §163.14 of the U.D.C. so long as such additional facilities would not violate any requirements of the conditional use permit or other provisions of §163.13.

(4) Replacement of Existing Structures. If installation of facilities requires the removal and replacement of an existing structure, such as a pole, the new structure shall be considered an existing structure for the purposes of this section as long as the replacement structure is the same height as the existing structure, is constructed of substantially similar material or is a camouflaged/stealth structure, and the replacement structure is located within five (5) feet of the location of the original structure. The provisions of § 110.02(E) shall govern the standards of and procedures for construction or installation of replacement facilities within the public rights of way. The facilities may extend up to five feet above the replacement structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the replacement structure, when such additional height is necessary for improved functionality or safety.

(5) The applicant must submit a letter of intent indicating the intent and agreement to allow co-location of facilities or installation of facilities on an existing structure.

(6) If proposed facilities are not or cannot be adequately camouflaged, the City may require the installation of new stealth facilities.

(7) Any disturbance of City infrastructure (such as, but not limited to, streets, sidewalks, and utilities) shall be repaired and restored by the applicant at its expense and to a condition at least as good as that existing before the work causing such disturbance was commenced.

(8) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the

application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located or installed on an existing structure in the public rights-of-way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

(9) Variances. In order to receive a variance under this subsection, an applicant must show that strict enforcement would make it difficult to provide service due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(F) Administrative Approval of New Facilities in Public Rights of Way. Providers proposing the construction or installation of new facilities in the public rights of way (specifically excluding the replacement of existing structures) shall comply with following requirements:

(1) Construction Maintenance. The provisions of § 110.02(E), with the exception of §§ 110.02(E)(3) and (E)(10), shall govern the process of approval for the construction or installation of any new facilities within the public rights of way.

(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other telecommunications facilities in the block for the proposed location, but in no event taller than thirty (30) feet above grade for residential and local streets, forty (40) feet for collector streets, or fifty (50) feet for arterial streets. The Zoning and Development Administrator may grant a variance not to exceed ten (10) additional feet when such additional height is necessary for improved functionality or safety. In order to receive a variance under this subsection, an applicant must also show that strict enforcement would make it difficult to provide services due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(4) Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent possible including, but not

limited to, use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible. The Zoning and Development Administrator may approve the installation of a standard utility pole in areas where such installation will not degrade the streetscape but any facilities shall be camouflaged to the greatest extent possible. Camouflaging and stealth technology shall be required in all residential areas, improvement districts (including, but not limited to, the Dickson Street area and College Avenue improvement corridor), and any area in which utilities have been installed or relocated underground. Understanding that new technologies are anticipated to change the components of telecommunications facilities, the Administrator may determine if a telecommunications facility or component of a telecommunications facility is designed to be stealth.

(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.

(6) Distance between new facilities. New non-camouflaged or non-stealth facilitiesshall be spaced a minimum of five hundred feet (500') from any other new non-camouflaged or non-stealth facility approved under subsection (F). New camouflaged facilities or new facilities utilizing stealth technology to fit within the streetscape (e.g., incorporated within a street light) shall not be subject to this distance requirement.

(7) Information Required to Process Requests for New Facilities.

(a) Provide a map of the geographic area that your project will serve;

(b) Provide a map that shows other existing facilities that are used by the telecommunications provider who is making the application;

(c) Provide a map that shows other potential standalone locations for your facility that have been explored;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed facility, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography.;

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to install your facility on existing structures. The applicant should demonstrate a good faith effort to locate facilities on existing structures and/or co-locate with other carriers. The city may

deny a request to construct or install a new structure by an applicant that has not demonstrated a good faith effort with respect to this requirement.

(g) Describe whether you will or will not accommodate equipment of other telecommunications providers that could co-locate on your facility. Describe how such accommodation will impact both your pole and your ground mounted facilities. Provide documentation of your provider's willingness or unwillingness to accommodate other providers who may be able to co-locate on your facility.

(8) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

(a) The City shall supply written notice to the Applicant within thirty days of receipt of an Application clearly and specifically delineating any missing documents or information.

(b) Applicant shall submit any supplemental documentation and information to the City.

(c) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.

(d) Second or subsequent notices may not specify missing documents or information that were identified in the original notice of incompleteness.

(e) This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.

(G) New Structures on Private Property. Telecommunications providers proposing the construction or installation of new poles or towers on privately owned property in the City shall comply with the provisions of § 163.13 ***Wireless Communications Facilities*** and shall obtain a conditional use permit.

(H) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities. For purposes of this subsection, public property shall not include any public right of way or structures in any public right of way. Small cell facilities installed in the public right of way or on structures in the public right of way shall pay only the fees set forth in subsection (E) and shall not be charged additional fees under this subsection.

(I) Appeals. An Applicant may appeal to the City Council a decision or interpretation made in the Administrative Review process by the Zoning and Development Administrator. Appeals shall follow the procedure set forth in Section 155.02 of the Unified Development Code. Pedestrian access and safety. All facilities shall be installed in such a manner not to impede, restrict, or adversely impact pedestrian or

vehicular safety or convenience, or violate any provision of the Americans with Disabilities Act.

(J) Emergency removal or relocation of facilities. The City retains the right to cut or move any facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. City shall notify the provider after cutting or removing any facility within its rights-of-way. If circumstances permit, the City shall notify the provider in advance of any cutting or removal and give the provider an opportunity to move its own facilities.

THIS EXHIBIT HAS BEEN UPDATED

EXHIBIT A

110.03 Small Cell Facilities and Networks

(A) Definitions: As used in § 110.03, the following terms shall have the meanings set out below:

(1) *Administrative Review* means non-discretionary evaluation of an Application by the Zoning and Development Administrator. This process is not subject to a public hearing or conditional or special review process.

(2) *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of telecommunications services:

(a) *Distributed antenna system (DAS)* means a network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.

(b) *Small Cell Facility* means a Telecommunications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(c) *Small Cell Network* means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

(3) *Applicant* means any person or entity that is engaged in the business of providing wireless services or the wireless infrastructure required for wireless services.

(4) *Competing local exchange carrier* means a telecommunications provider that has received a certificate of public convenience and necessity from the Arkansas Public Service Commission under the authority of Ark. Code Ann. § 23-17-409 and is authorized to install equipment and operate within the public rights of way or on public or private property in the City of Fayetteville. This shall include distributed antenna systems, small cell facilities and small cell networks.

(5) *Person* means any individual, resident, citizens, business firm, corporation, partnership, governmental agency, or institution.

(6) *Streets* means all streets, roads, highways, alleys, rights-of-way, public *utility* easements, public property, public ways and air space over such streets, roads, alleys, public rights-of-way, public utility easements, public property and public ways located within the geographic limits of the city.

(7) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information sent and received, whether wired or wireless.

(8) *Telecommunications facilities or facilities* means all conduits, manholes, poles, antennas, transceivers, wires, cable (including fiber optic cable), technology, and appurtenances owned or utilized by a telecommunications provider or third party infrastructure provider and located in, under or over the streets of the city or on public or private property and utilized in the provision of telecommunications services. This includes without limit, towers of all types, and base stations, including but not limited to buildings, church steeples, water towers, signs, poles, streetlights, traffic signals, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

(9) *Telecommunications Provider or provider* means any person, firm, corporation, partnership or other business entity, other than the city, that provides telecommunications services within or without the geographic boundaries of the city by utilizing telecommunications facilities to provide telecommunications services. This shall include competing local exchange carriers or businesses that install small cell facilities on behalf of telecommunications providers.

(10) *Telecommunications services or services* means any service delivering telecommunications by a telecommunications provider that the provider is authorized to provide under federal, state and local law, except that these terms do not include cable service as defined by the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. §521 et seq., and the Telecommunications Act of 1996.

(B) Compliance with State and Federal Regulations. Applicant shall comply with all applicable state and federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator. Applicant shall not be required to enter into any franchise agreement with the City.

(C) Consolidated Application. An applicant may file one consolidated application for a small cell network of up to ten (10) individual small cell facilities of a substantially similar design every seven calendar days. The City may require a separate application for any small cell facilities that are not of a substantially similar design. The form of the permit Application is located on the City's website under Small Cell Facilities and Networks.

(D) An applicant shall submit with the application all documentation or other evidence required by the Zoning and Development Administrator to sufficiently establish the structural soundness of proposed facilities.

(E) Administrative Approval of Co-Located Facilities. The Zoning and Development Administrator, following an Administrative Review, may approve the following facility installations:

(1) Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than the existing structure. The Zoning and Development Administrator may grant a variance of up to ten (10) feet in height when such additional height is necessary for improved functionality or safety.

(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette.

(b) Facilities Placed on Sides of Buildings. Facilities which are side-mounted on buildings shall be camouflaged (such as in a light fixture), shrouded, painted or constructed of materials to match the color of the building material directly behind them, and shall not extend above the roof line or extend more than five (5) feet from the façade of the building.

(2) Locating on Existing Tower Not Previously Approved Through §163.13 of the U.D.C. Existing towers that do not have facilities may not add such

capability without securing a conditional use permit. Antennas may be replaced by similar antennas at the same height and for the same basic usage as the antennas being replaced.

(3) Locating on Existing Towers Previously Approved Through §163.13. Additional facilities may be placed upon any tower already approved through §163.14 of the U.D.C. so long as such additional facilities would not violate any requirements of the conditional use permit or other provisions of §163.13.

(4) The applicant must submit a letter of intent indicating the intent and agreement to allow colocation of facilities.

(5) If proposed facilities are not or cannot be adequately camouflaged, the City may require the installation of new stealth facilities.

(6) Any disturbance of City infrastructure (such as, but not limited to, streets, sidewalks, and utilities) shall be repaired and restored by the applicant at its expense and to a condition at least as good as that existing before the work causing such disturbance was commenced.

(7) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located on an existing structure in the public rights-of-way. <u>If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, the Wireless Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.</u>

(F) Administrative Approval of New Facilities in Public Rights of Way. Providers proposing the construction or installation of new facilities in the public rights of way shall comply with following requirements:

(1) Construction Maintenance. The provisions of § 110.02(E), with the exception of §§ 110.02(E)(3) and (E)(10), shall govern the process of approval for the construction or installation of any new facilities within the public rights of way.

(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way. <u>If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, the Wireless Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.</u>

(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other telecommunications facilities in the block for the proposed location, but in no event taller than thirty (30) feet above grade.

(4) Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible. The Zoning and Development Administrator may approve the installation of a standard utility pole in areas where such installation will not degrade the streetscape but any facilities shall be camouflaged to the greatest extent possible. Camouflaging and stealth technology shall be required in all residential areas, improvement districts (including, but not limited to, the Dickson Street area and College Avenue improvement corridor), and any area in which utilities have been installed or relocated underground. Understanding that new technologies are anticipated to change the components of telecommunications facilities, the Administrator may determine if a telecommunications facility or component of a telecommunications facility is designed to be stealth.

(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.

(6) Distance between new facilities. New facilities, excluding facilities camouflaged to fit within the streetscape (e.g., facilities incorporated within a street light), shall be spaced a minimum of five hundred feet (500') from any other new facility approved under this section.

(7) Information Required to Process Requests for New Facilities.

(a) Provide a map of the geographic area that your project will serve;

(b) Provide a map that shows other existing or planned facilities that will be used by the telecommunications provider who is making the application;

(c) Provide a map that shows other potential standalone locations for your facility that have been explored;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed facility, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specifications on proposed lighting of the facility;

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to co-locate your facility on existing structures, one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant that has not demonstrated a good faith effort to provide for co-location. Such good faith effort includes:

1. A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities;
2. Contact with all other telecommunications providers;
3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and
4. Letter from tower or pole owner stating why co-location is not feasible.

(g) Describe whether you will or will not accommodate equipment of other telecommunications providers that could co-locate on your facility. Describe how such accommodation will impact both your pole and your ground mounted facilities. Provide documentation of your provider's willingness or unwillingness to accommodate other providers who may be able to co-locate on your facility.

(8) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

(a) The City shall supply written notice to the Applicant within thirty days of receipt of an Application clearly and specifically delineating any missing documents or information.

(b) Applicant shall submit any supplemental documentation and information to the City.

(c) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.

(d) Second or subsequent notices may not specify missing documents or information that were identified in the original notice of incompleteness.

(e) This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.

(G) New Structures on Private Property. Telecommunications providers proposing the construction or installation of new poles or towers on privately owned property in the City shall comply with the provisions of § 163.13 ***Wireless Communications Facilities*** and shall obtain a conditional use permit.

(H) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. . Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value

of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities.

(I) Appeals. An Applicant may appeal to the City Council a decision or interpretation made in the Administrative Review process by the Zoning and Development Administrator. Appeals shall follow the procedure set forth in Section 155.02 of the Unified Development Code. Pedestrian access and safety. All facilities shall be installed in such a manner not to impede, restrict, or adversely impact pedestrian or vehicular safety or convenience, or violate any provision of the Americans with Disabilities Act.

(J) Emergency removal or relocation of facilities. The City retains the right to cut or move any facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. City shall notify the provider after cutting or removing any facility within its rights-of-way. If circumstances permit, the City shall notify the provider in advance of any cutting or removal and give the provider an opportunity to move its own facilities.

Updated 10-14-17				
Section	**A 2 b**	**A 6**	**E 1**	**E 1 a**
Text	(2) Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.	(6) Stealth technology means systems, components, and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.	(1) Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure), provided that the facilities do not extend any higher than 10 feet above the existing structure. The Zoning and Development Administrator may grant a variance of up to an additional ten (10) feet in height when such additional height is necessary for improved functionality or safety.	(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade to the extent practicable in order to limit their impact on the building's silhouette. Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline.
Provider Comments	Suggest dimensions consistent with the dozen statewide small cell bills passed within the last year. Suggest: "Small Wireless Facility" means a Wireless Facility that meets both of the following qualifications: (i) each Wireless Provider's Antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the Wireless Facility, whether ground- or pole-mounted, is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, vertical cable runs for the connection of power and other services.	Some providers have concerns with the interpretation of the stealth and camouflaging provisions and the potential increased cost it may impose for compliance and are concerned these stealth requirements could be applied arbitrarily and may be disparately treating wireless infrastructure in streetscapes that are otherwise dominated by utility poles and other apparatuses that are not subject to similar stealth requirements. In addition, some have indicated that high-cost stealth requirements may drive up the cost of small cell installations by 30-50%, which will impede our ability to invest elsewhere.	Not allowing facilities to extend any higher than the existing pole limits options for deployment – e.g., it would preclude deployments of canisters on top of poles. We recommend revising to allow for some additional height by right, with a provision for an additional increase based on a variance request. One provider requested that height limits be permitted up to forty-five (45) feet in residential zones and fifty-six (56) feet in all other zones (with the ability to allow an additional ten (10) feet).	In general, understood the limitations imposed by this provision, but have concerns as drafted it may not reflect technical realities and/or does not have sufficient flexibility that can be found on roof tops city-wide.

City Notes	We have seen a range fro m 17 to 28 cubic feet. Some cities/states allow some kind of variance. The Council could consider granting a variance up to 28 cubic feet.	Our team recommended including a definition of stealth technology. This is the same definition that appears in Section 151.01 Definitions of the Unified Development Code. Camouflaging does not need to be defined because we can use the plain and ordinary dictionary definition. We realize the stealth requirement may increase cost, but we feel the cost is justified to preserve the aesthetics for our community. We have recognized this additional cost to providers by lowering the annual fee charged for these stealth facilities.	If we are going to give the provider an attachment of 5 feet by right on an existing pole then we would limit the overall height of an attachment to 10 feet in total.	This is a request from Smith Communication. Per the recommendation of the Planning Director, we established concealment behind existing architectural features will be the priority and screening panels could be a secondary option if the first is not possible. The screening panels would be installed at the façade of the building and still limit the visibility while making less of an impact on the silhouette. This is intended to provide the applicant and staff more flexibility for design to fit within the streetscape.

E 4	E 8	E 9	F 2
(4) Replacement of Existing Structures . If installation of facilities requires the removal and replacement of an existing structure, such as a pole, the new structure shall be considered an existing structure for the purposes of this section as long as the replacement structure is constructed of substantially similar material or is a camouflaged/stealth structure and the replacement structure is located within five (5) feet of the location of the original structure. The provisions of § 110.02(E) shall govern the standards of and procedures for construction or installation of replacement facilities within the public rights of way. The Zoning and Development Administrator may grant a variance of up to ten (10) feet in height when such additional height is necessary for improved functionality or safety.	(8) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located or installed on an existing structure in the public rights-of-way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.	(9) Variances. In order to receive a variance under this subsection, an applicant must show that strict enforcement would make it difficult because of circumstances unique to the facility under consideration (e.g., topological challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.	(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.
AT&T was originally concerned that a replacement of an existing structure would be treated like a new pole (stealth requirement and 30 ft. height limit).	The annual fee for a co-location should be $50.00 instead of $250.00. Since the city reduced the charge for new facilities in (F)(2), the fee for co-locations (where there are existing facilities) should be the same — there is no basis for a distinction. Further, the requirement to provide four pairs of dark fiber must be removed as the City will already be compensated, and provision of fiber for free is an unjustified additional cost and compensation, and without legal basis. The fiber provision is problematic and should be removed.	This seems like a strict standard.	This provision should be consistent with (E)(8). The requirement here to provide four pairs of dark fiber must be removed as the City will already be compensated, and provision of fiber for free is an unjustified additional cost and compensation, and without legal basis.

At AT&T's request we included language clarifying that a provider can replace an existing pole and have the replacement pole treated as an existing structure. The provider would have to follow the procedures in 110.02(E) which governs the construction standards for telecommunications facilities in the public rights of way. As an existing structure, the 10 foot height variance could be requested.We are trying to encourage locating on existing structures and have included this language to allow pole replacements to be of substantially similar materials. Because of the height limitation on existing structures, this will discourage new facilities in the ROW.

Little Rock ordinance included the fiber request for non-franchise holders. Our fee structure recognizes the value of the use of existing city structures in the public ROW. As we mentioned in the previous presentation, fees are variable but can run as high as several thousand dollars per pole per year. This is a more equitable system and goes back to the fact that existing franchise holders are going to be paying: 1) the standard 4% franchise taxes; and 2) the annual fees for small cell facilities. New providers who do not have to pay the 4% franchise tax will be placed on a more even field by providing fiber rather than entering into a separate franchise agreement for laying the fiber within the public ROW.

The revised language is much more amenable than the original; it is clear and can be applied equitably by staff. The phrase "strict enforcement" is good language and will ensure that the standard is applied equally to all applicants.

The lower fee for new facilities recognizes that the provider is bearing the cost of installing the new facility.

F 3	F 5	F 6	F 7 c
(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other telecommunications facilities in the block for the proposed location, but in no event taller than thirty (30) feet above grade.	(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.	(6) Distance between new facilities. New facilities, excluding facilities camouflaged to fit within the streetscape (e.g., facilities incorporated within a street light), shall be spaced a minimum of five hundred feet (500') from any other new facility approved under this section.	(c) Provide a map that shows other potential stand-alone locations for your facility that have been explored;
Same concerns as in (E)(1)	Many facilities will be on poles in rights-of-way. We understand that, by the final sentence, no landowner approval is required for an existing facility. Landowner approval should not be required for any new facility either. The facility will be in the City's right-of-way and, as such, the City's approval (as the right-of-way owner) should be sufficient. Requiring landowner approval will be an added expense and will also add significant time delays to the deployment process, which would be inconsistent with the intent of the ordinance to promote the efficient deployment of small cell facilities.	Arbitrary separation distances have unintended consequences. Placing restrictions on the placement of poles carries the very real possibility of creating areas of inadequate wireless coverage in Fayetteville. Furthermore, it is important to note that may be areas in Fayetteville requiring additional wireless capacity where there are no poles or the existing poles are inadequate. Wireless communications in those areas, including emergency communications, may be at risk.	Concerns about providing a map. Confidential, that site may be explored at a later date. Or, if the original site fails may look to move to that location. The proposed site has already been invested in, money spent on surveys, construction drawings, RF analysis.

This height limitation for new facilities is to encourage co-location/installation on existin facilities and discourage the placement of new facilities in the public ROW.	This is simply a safety issue as well as an aesthetic issu. Only applies to new facilities. A property owner would likely have concerns that a new facility pole should be far enough that it won't fall on any structures and there may also be some aesthetic concerns, particularly with structures in a build-to zone, that a provider could install a new facility just feet from a property owner's windows, door, patio, etc.	500 feet was included in several examples we reviewed. We reduced this number if a stealth pole was used, intent was to provide incentive to install integrated poles instead of utilizing existing.	It is reasonable to ask, from both safety and aesthetic points of view, which other locations in that limited area would be appropriate for the facility being proposed. Staff may be able to help the applicant identify more appropriate locations.

F 7 f

(f) Describe your efforts to install your facility on existing structures. The applicant should demonstrate a good faith effort to locate facilities on existing structures and/or co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant that has not demonstrated a good faith effort to with respect to this requirement.

No technology to collocate on new poles. If/when technology is produced, it will likely require all new technology which would require a replacement of the pole.

F 8

(8) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

(a) The City shall supply written notice to the Applicant within 30 days of receipt of an application clearly and specifically delineating any missing documents or information.

(b) Applicant shall submit any supplemental documentation and information to the City.

(c) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.

(d) Second or subsequent notices may not specify missing documents or information that were identified in the original notice of incompleteness.

(e) This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.

H

(H) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities. For purposes of this subsection, public property shall not include any public right of way or structures in any public right of way. Small cell facilities installed in the public right of way or on structures in the public right of way shall pay only the fees set forth in subsection (E) and shall not be charged additional fees under this subsection.

No definition of "fair market value" is given. Fees should be reasonable and predictable in light of the significant capital investment to bring this technology to the City. Proposed fees should be disclosed and discussed with carriers in advance of setting them. The "fair market value" basis for fees should be removed.

The new proposed language of this requirement is substantially amenable than the original draft. Co-location is important because evolving technology could allow it to be done in a way that providers are willing to incorporate. We should not remove it completely just because providers are unwilling or unable to co-locate at this time. It is important to preserve the good faith language to ensure that our priority (installation on existing structures or co-location) is maintained.

It has been suggested that we may try to come up with language for fast tracking certain types of new stealth poles but we have not had a chance to draft this.

We are not going to define fair market value in this context. The City owns a number of properties and if a provider wants to install a new facility or install on an exisitng structure, we willl negotiate an agreement with that provider. It will likely be dependent upon the number of facilities proposed, the locations of those facilities, the current uses of the proposed locations and the demand/attractiveness of the proposed locations, and the City's aesthetic concerns. In way of example, a faciity located in Wilson Park would have requirements of stealthing or camouflaging and the fair market value would be substantially higher than a location in the industrial park, which would also likely not have the same strict stealth/camo requirement.

EXHIBIT A

110.03 Small Cell Facilities and Networks

(A) Definitions: As used in § 110.03, the following terms shall have the meanings set out below:

(1) *Administrative Review* means non-discretionary evaluation of an Application by the Zoning and Development Administrator. This process is not subject to a public hearing or conditional or special review process.

(2) *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of telecommunications services:

(a) *Distributed antenna system (DAS)* means a network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.

(b) *Small Cell Facility* means a Telecommunications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(c) *Small Cell Network* means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

(3) *Applicant* means any person or entity that is engaged in the business of providing wireless services or the wireless infrastructure required for wireless services.

(4) *Competing local exchange carrier* means a telecommunications provider that has received a certificate of public convenience and necessity from the Arkansas Public Service Commission under the authority of Ark. Code Ann. § 23-17-409 and is authorized to install equipment and operate within the public rights of way or on public or private property in the City of Fayetteville. This shall include distributed antenna systems, small cell facilities and small cell networks.

(5) *Person* means any individual, resident, citizens, business firm, corporation, partnership, governmental agency, or institution.

~~(5)~~(6) *Stealth technology* means systems, components and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.

Commented [PB1]: Our team recommended including a definition of stealth technology. This is the same definition that appears in Section 151.01 *Definitions* of the Unified Development Code. Camouflaging does not need to be defined because we can use the plain and ordinary dictionary definition.

~~(6)~~(7) *Streets* means all streets, roads, highways, alleys, rights-of-way, public *utility* easements, public property, public ways and air space over such streets, roads, alleys, public rights-of-way, public utility easements, public property and public ways located within the geographic limits of the city.

~~(7)~~(8) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information sent and received, whether wired or wireless.

~~(8)~~(9) *Telecommunications facilities or facilities* means all conduits, manholes, poles, antennas, transceivers, wires, cable (including fiber optic cable), technology, and appurtenances owned or utilized by a telecommunications provider or third party infrastructure provider and located in, under or over the streets of the city or on public or private property and utilized in the provision of telecommunications services. This includes without limit, towers of all types, and base stations, including but not limited to buildings, church steeples, water towers, signs, poles, streetlights, traffic signals, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

~~(9)~~(10) *Telecommunications Provider or provider* means any person, firm, corporation, partnership or other business entity, other than the city, that provides telecommunications services within or without the geographic boundaries of the city by utilizing telecommunications facilities to provide telecommunications services. This shall include competing local exchange

carriers or businesses that install small cell facilities on behalf of telecommunications providers.

~~(10)~~(11) *Telecommunications services or services* means any service delivering telecommunications by a telecommunications provider that the provider is authorized to provide under federal, state and local law, except that these terms do not include cable service as defined by the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. §521 et seq., and the Telecommunications Act of 1996.

(B) Compliance with State and Federal Regulations. Applicant shall comply with all applicable state and federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator. Applicant shall not be required to enter into any franchise agreement with the City.

(C) Consolidated Application. An applicant may file one consolidated application for a small cell network of up to ten (10) individual small cell facilities of a substantially similar design every seven calendar days. The City may require a separate application for any small cell facilities that are not of a substantially similar design. The form of the permit Application is located on the City's website under Small Cell Facilities and Networks.

(D) An applicant shall submit with the application all documentation or other evidence required by the Zoning and Development Administrator to sufficiently establish the structural soundness of proposed facilities.

(E) Administrative Approval of Co-Located Facilities and Facilities Located on Existing Structures. The Zoning and Development Administrator, following an Administrative Review, may approve the following facility installations:

(1) Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than the existing structure. -The Zoning and Development Administrator may grant a variance of up to ten (10) feet in height when such additional height is necessary for improved functionality or safety.

(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette. Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline.

(b) Facilities Placed on Sides of Buildings. Facilities which are side-mounted on buildings shall be camouflaged (such as in a light fixture),

Commented [PB2]: Change in this subsection title to clarify the difference between co-location (two providers on the same structure) and installation on an existing structure. The City is not requiring co-location but will leave it as a priority option as technology evolves.

Commented [PB3]: This is a request from Smith Communication. Per the recommendation of the Planning Director, we established concealment behind existing architectural features will be the priority and screening panels could be a secondary option if the first is not possible.

The screening panels would be installed at the façade of the building and still limit the visibility while making less of an impact on the silhouette. This is intended to provide the applicant and staff more flexibility for design to fit within the streetscape.

shrouded, painted or constructed of materials to match the color of the building material directly behind them, and shall not extend above the roof line or extend more than ~~five~~ two (~~5~~2) feet from the façade of the building. The Zoning and Development Administrator may grant a variance of up to three (3) additional feet from the façade of a building when such additional clearance is necessary for improved functionality or safety.

(2) Locating on Existing Tower Not Previously Approved Through §163.13 of the U.D.C. Existing towers that do not have facilities may not add such capability without securing a conditional use permit. Antennas may be replaced by similar antennas at the same height and for the same basic usage as the antennas being replaced.

(3) Locating on Existing Towers Previously Approved Through §163.13. Additional facilities may be placed upon any tower already approved through §163.14 of the U.D.C. so long as such additional facilities would not violate any requirements of the conditional use permit or other provisions of §163.13.

~~(3)~~(4) Replacement of Existing Structures. If installation of facilities requires the removal and replacement of an existing structure, such as a pole, the new structure shall be considered an existing structure for the purposes of this section as long as the replacement structure is constructed of substantially similar material or is a camouflaged/stealth structure and the replacement structure is located within five (5) feet of the location of the original structure. The provisions of § 110.02(E) shall govern the standards of and procedures for construction or installation of replacement facilities within the public rights of way. The Zoning and Development Administrator may grant a variance of up to ten (10) feet in height when such additional height is necessary for improved functionality or safety.

~~(4)~~(5) The applicant must submit a letter of intent indicating the intent and agreement to allow co-location of facilities or installation of facilities on an existing structure.

~~(5)~~(6) If proposed facilities are not or cannot be adequately camouflaged, the City may require the installation of new stealth facilities.

~~(6)~~(7) Any disturbance of City infrastructure (such as, but not limited to, streets, sidewalks, and utilities) shall be repaired and restored by the applicant at its expense and to a condition at least as good as that existing before the work causing such disturbance was commenced.

(8) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located or installed on an existing structure in the public rights-of-way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to

Commented [PB4]: Verizon had requested that we allow up to five feet from the façade through a variance procedure. The original language unintentionally granted 5 feet of clearance by right. The recommended language grants 2 feet by right and an additional 3 feet through a variance.

Commented [PB5]: At AT&T's request we included language clarifying that a provider can replace an existing pole and have the replacement pole treated as an existing structure. The provider would have to follow the procedures in 110.02(E) which governs the construction standards for telecommunications facilities in the public rights of way. As an existing facility, the 10 foot height variance could be requested.

Commented [PB6]: Clarification as noted in the title of this subsection.

Commented [PB7]: Clarification as noted in the title of this subsection.

another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

~~(7)~~(9) Variances. In order to receive a variance under this subsection, an applicant must show that strict enforcement would make it difficult~~cause undue hardship due~~ because of ~~to~~ circumstances unique to the facility under consideration (*e.g.*, topological challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(F) Administrative Approval of New Facilities in Public Rights of Way. Providers proposing the construction or installation of new facilities in the public rights of way (specifically excluding the replacement of existing structures) shall comply with following requirements:

(1) Construction Maintenance. The provisions of § 110.02(E), with the exception of §§ 110.02(E)(3) and (E)(10), shall govern the process of approval for the construction or installation of any new facilities within the public rights of way.

(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other telecommunications facilities in the block for the proposed location, but in no event taller than thirty (30) feet above grade.

(4) Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible. The Zoning and Development Administrator may approve the installation of a standard utility pole in areas where such installation will not degrade the streetscape but any facilities shall be camouflaged to the greatest extent possible. Camouflaging and stealth technology shall be required in all residential areas, improvement districts (including, but not limited to, the Dickson Street area and College Avenue improvement corridor), and any area in which utilities have been installed or relocated underground. Understanding that new technologies are anticipated to change the components of telecommunications facilities, the Administrator

Commented [PB8]: At the request of Cox Communications we are recommending that we recognize that providers who have a franchise through the State of Arkansas but still pay City franchise fees should be exempt.

Commented [PB9]: At the Planning Director's request, we have included a clear standard for staff to consider variance requests. This is the same standard used by the Board of Adjustment when considering variances to zoning regulations.

Commented [PB10]: Further clarification that replacement of a pole is not installation of a new facility.

Commented [PB11]: Same change as (E)(8) above.

may determine if a telecommunications facility or component of a telecommunications facility is designed to be stealth.

(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.

(6) Distance between new facilities. New facilities, excluding facilities camouflaged to fit within the streetscape (e.g., facilities incorporated within a street light), shall be spaced a minimum of five hundred feet (500') from any other new facility approved under this section.

(7) Information Required to Process Requests for New Facilities.

(a) Provide a map of the geographic area that your project will serve;

(b) Provide a map that shows other existing ~~or planned~~ facilities that ~~will~~ are ~~be~~ used by the telecommunications provider who is making the application;

(c) Provide a map that shows other potential standalone locations for your facility that have been explored;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed facility, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. ~~The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specifications on proposed lighting of the facility~~;

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

~~(e) ;~~

~~(f)~~ Describe your efforts to ~~co-locate~~install your facility on existing structures~~, one of the poles or towers that currently exists, or is under construction~~. The applicant should demonstrate a good faith effort to locate facilities on existing structures and/or co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant that has not demonstrated a good faith effort ~~to~~ with respect to this requirement. ~~provide for co-location. Such good faith effort includes:~~

~~(g) A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities;~~

~~(h) Contact with all other telecommunications providers;~~

~~(i)~~(f) ~~Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and~~

Commented [PB12]: AT&T requested that we clarify this language. The team does not think this is necessary. The original intent was to make sure new wood poles were spaced out; however, the application of this would also limit other types of poles or structures that don't fit into the streetscape. We want to encourage camouflaging and stealth technology and do not limit the spacing of those types of facilities as long as they fit within the streetscape.

Commented [PB13]: Some providers are concerned about issues with releasing confidential information about future planned facilities to the City that could negatively impact their competitive advantage. While I believe the City would not be allowed to release this if we received a Freedom of Information Act request, because of the competitive advantage exception, we understand the sensitive nature of this information and do not believe it would be necessary for staff to make its decision on applications.

Commented [PB14]: This language is from our cell tower ordinance and would not apply to the small cell facilities. We recommend removing the language. The remaining language is relevant to staff's consideration of the applications.

~~Letter from tower or pole owner stating why co-location is not feasible.~~

~~(j)~~(g) Describe whether you will or will not accommodate equipment of other telecommunications providers that could co-locate on your facility. Describe how such accommodation will impact both your pole and your ground mounted facilities. Provide documentation of your provider's willingness or unwillingness to accommodate other providers who may be able to co-locate on your facility.

(8) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

(a) The City shall supply written notice to the Applicant within thirty days of receipt of an Application clearly and specifically delineating any missing documents or information.

(b) Applicant shall submit any supplemental documentation and information to the City.

(c) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.

(d) Second or subsequent notices may not specify missing documents or information that were identified in the original notice of incompleteness.

(e) This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.

(G) New Structures on Private Property. Telecommunications providers proposing the construction or installation of new poles or towers on privately owned property in the City shall comply with the provisions of § 163.13 ***Wireless Communications Facilities*** and shall obtain a conditional use permit. This excludes the replacement of existing structures as provided in subsection (E)(4) above.

(H) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites~~.~~. Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities. For purposes of this subsection, public property shall not include any public right of way or structures in any public right of way. Small cell facilities installed in the public right of way or on structures in the public right of way shall pay only the fees set forth in subsection (E) and shall not be charged additional fees under this subsection.

(I) Appeals. An Applicant may appeal to the City Council a decision or interpretation made in the Administrative Review process by the Zoning and Development Administrator. Appeals shall follow the procedure set forth in Section 155.02 of the Unified Development Code. Pedestrian access and safety. All facilities shall be

Commented [PB15]: Nearly all carriers have indicated that they will be unwilling to co-locate their facilities with other providers. Recognizing this, we recommend removing some of the specific requirements but still requiring providers to show a good faith effort to co-locate and/or install on existing structures before they receive approval to install a new pole or structure in the right of way. This is in line with the Administration's priority to encourage co-location and installation on existing facilities and reduce the number of new poles and other structures in town.

Commented [PB16]: Clarification that replacements are not new structures.

Commented [PB17]: Clarification at AT&T's request.

installed in such a manner not to impede, restrict, or adversely impact pedestrian or vehicular safety or convenience, or violate any provision of the Americans with Disabilities Act.

(J) Emergency removal or relocation of facilities. The City retains the right to cut or move any facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. City shall notify the provider after cutting or removing any facility within its rights-of-way. If circumstances permit, the City shall notify the provider in advance of any cutting or removal and give the provider an opportunity to move its own facilities.

Updated 10-14-17				
Section	**A 2 b**	**A 6**	**E 1**	**E 1 a**
Text	(2) Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.	(6) Stealth technology means systems, components, and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.	(1) Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure), provided that the facilities do not extend any higher than 10 feet above the existing structure. The Zoning and Development Administrator may grant a variance of up to an additional ten (10) feet in height when such additional height is necessary for improved functionality or safety.	(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade to the extent practicable in order to limit their impact on the building's silhouette. Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline.
Provider Comments	Suggest dimensions consistent with the dozen statewide small cell bills passed within the last year. Suggest: "Small Wireless Facility" means a Wireless Facility that meets both of the following qualifications: (i) each Wireless Provider's Antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the Wireless Facility, whether ground- or pole-mounted, is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, vertical cable runs for the connection of power and other services.	Some providers have concerns with the interpretation of the stealth and camouflaging provisions and the potential increased cost it may impose for compliance and are concerned these stealth requirements could be applied arbitrarily and may be disparately treating wireless infrastructure in streetscapes that are otherwise dominated by utility poles and other apparatuses that are not subject to similar stealth requirements. In addition, some have indicated that high-cost stealth requirements may drive up the cost of small cell installations by 30-50%, which will impede our ability to invest elsewhere.	Not allowing facilities to extend any higher than the existing pole limits options for deployment – e.g., it would preclude deployments of canisters on top of poles. We recommend revising to allow for some additional height by right, with a provision for an additional increase based on a variance request. One provider requested that height limits be permitted up to forty-five (45) feet in residential zones and fifty-six (56) feet in all other zones (with the ability to allow an additional ten (10) feet).	In general, understood the limitations imposed by this provision, but have concerns as drafted it may not reflect technical realities and/or does not have sufficient flexibility that can be found on roof tops city-wide.

City Notes	We have seen a range fro m 17 to 28 cubic feet. Some cities/states allow some kind of variance. The Council could consider granting a variance up to 28 cubic feet.	Our team recommended including a definition of stealth technology. This is the same definition that appears in Section 151.01 Definitions of the Unified Development Code. Camouflaging does not need to be defined because we can use the plain and ordinary dictionary definition. We realize the stealth requirement may increase cost, but we feel the cost is justified to preserve the aesthetics for our community. We have recognized this additional cost to providers by lowering the annual fee charged for these stealth facilities.	If we are going to give the provider an attachment of 5 feet by right on an existing pole then we would limit the overall height of an attachment to 10 feet in total.	This is a request from Smith Communication. Per the recommendation of the Planning Director, we established concealment behind existing architectural features will be the priority and screening panels could be a secondary option if the first is not possible. The screening panels would be installed at the façade of the building and still limit the visibility while making less of an impact on the silhouette. This is intended to provide the applicant and staff more flexibility for design to fit within the streetscape.

E 4	E 8	E 9	F 2
(4) Replacement of Existing Structures . If installation of facilities requires the removal and replacement of an existing structure, such as a pole, the new structure shall be considered an existing structure for the purposes of this section as long as the replacement structure is constructed of substantially similar material or is a camouflaged/stealth structure and the replacement structure is located within five (5) feet of the location of the original structure. The provisions of § 110.02(E) shall govern the standards of and procedures for construction or installation of replacement facilities within the public rights of way. The Zoning and Development Administrator may grant a variance of up to ten (10) feet in height when such additional height is necessary for improved functionality or safety.	(8) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located or installed on an existing structure in the public rights-of-way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.	(9) Variances. In order to receive a variance under this subsection, an applicant must show that strict enforcement would make it difficult because of circumstances unique to the facility under consideration (e.g., topological challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.	(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.
AT&T was originally concerned that a replacement of an existing structure would be treated like a new pole (stealth requirement and 30 ft. height limit).	The annual fee for a co-location should be $50.00 instead of $250.00. Since the city reduced the charge for new facilities in (F)(2), the fee for co-locations (where there are existing facilities) should be the same — there is no basis for a distinction. Further, the requirement to provide four pairs of dark fiber must be removed as the City will already be compensated, and provision of fiber for free is an unjustified additional cost and compensation, and without legal basis. The fiber provision is problematic and should be removed.	This seems like a strict standard.	This provision should be consistent with (E)(8). The requirement here to provide four pairs of dark fiber must be removed as the City will already be compensated, and provision of fiber for free is an unjustified additional cost and compensation, and without legal basis.

At AT&T's request we included language clarifying that a provider can replace an existing pole and have the replacement pole treated as an existing structure. The provider would have to follow the procedures in 110.02(E) which governs the construction standards for telecommunications facilities in the public rights of way. As an existing structure, the 10 foot height variance could be requested.We are trying to encourage locating on existing structures and have included this language to allow pole replacements to be of substantially similar materials. Because of the height limitation on existing structures, this will discourage new facilities in the ROW.

Little Rock ordinance included the fiber request for non-franchise holders. Our fee structure recognizes the value of the use of existing city structures in the public ROW. As we mentioned in the previous presentation, fees are variable but can run as high as several thousand dollars per pole per year. This is a more equitable system and goes back to the fact that existing franchise holders are going to be paying: 1) the standard 4% franchise taxes; and 2) the annual fees for small cell facilities. New providers who do not have to pay the 4% franchise tax will be placed on a more even field by providing fiber rather than entering into a separate franchise agreement for laying the fiber within the public ROW.

The revised language is much more amenable than the original; it is clear and can be applied equitably by staff. The phrase "strict enforcement" is good language and will ensure that the standard is applied equally to all applicants.

The lower fee for new facilities recognizes that the provider is bearing the cost of installing the new facility.

F 3	F 5	F 6	F 7 c
(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other telecommunications facilities in the block for the proposed location, but in no event taller than thirty (30) feet above grade.	(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.	(6) Distance between new facilities. New facilities, excluding facilities camouflaged to fit within the streetscape (e.g., facilities incorporated within a street light), shall be spaced a minimum of five hundred feet (500') from any other new facility approved under this section.	(c) Provide a map that shows other potential stand-alone locations for your facility that have been explored;
Same concerns as in (E)(1)	Many facilities will be on poles in rights-of-way. We understand that, by the final sentence, no landowner approval is required for an existing facility. Landowner approval should not be required for any new facility either. The facility will be in the City's right-of-way and, as such, the City's approval (as the right-of-way owner) should be sufficient. Requiring landowner approval will be an added expense and will also add significant time delays to the deployment process, which would be inconsistent with the intent of the ordinance to promote the efficient deployment of small cell facilities.	Arbitrary separation distances have unintended consequences. Placing restrictions on the placement of poles carries the very real possibility of creating areas of inadequate wireless coverage in Fayetteville. Furthermore, it is important to note that may be areas in Fayetteville requiring additional wireless capacity where there are no poles or the existing poles are inadequate. Wireless communications in those areas, including emergency communications, may be at risk.	Concerns about providing a map. Confidential, that site may be explored at a later date. Or, if the original site fails may look to move to that location. The proposed site has already been invested in, money spent on surveys, construction drawings, RF analysis.

This height limitation for new facilities is to encourage co-location/installation on existin facilities and discourage the placement of new facilities in the public ROW.	This is simply a safety issue as well as an aesthetic issu. Only applies to new facilities. A property owner would likely have concerns that a new facility pole should be far enough that it won't fall on any structures and there may also be some aesthetic concerns, particularly with structures in a build-to zone, that a provider could install a new facility just feet from a property owner's windows, door, patio, etc.	500 feet was included in several examples we reviewed. We reduced this number if a stealth pole was used, intent was to provide incentive to install integrated poles instead of utilizing existing.	It is reasonable to ask, from both safety and aesthetic points of view, which other locations in that limited area would be appropriate for the facility being proposed. Staff may be able to help the applicant identify more appropriate locations.

F 7 f

(f) Describe your efforts to install your facility on existing structures. The applicant should demonstrate a good faith effort to locate facilities on existing structures and/or co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant that has not demonstrated a good faith effort to with respect to this requirement.

No technology to collocate on new poles. If/when technology is produced, it will likely require all new technology which would require a replacement of the pole.

F 8

(8) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

(a) The City shall supply written notice to the Applicant within 30 days of receipt of an application clearly and specifically delineating any missing documents or information.

(b) Applicant shall submit any supplemental documentation and information to the City.

(c) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.

(d) Second or subsequent notices may not specify missing documents or information that were identified in the original notice of incompleteness.

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H

(H) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities. For purposes of this subsection, public property shall not include any public right of way or structures in any public right of way. Small cell facilities installed in the public right of way or on structures in the public right of way shall pay only the fees set forth in subsection (E) and shall not be charged additional fees under this subsection.

No definition of "fair market value" is given. Fees should be reasonable and predictable in light of the significant capital investment to bring this technology to the City. Proposed fees should be disclosed and discussed with carriers in advance of setting them. The "fair market value" basis for fees should be removed.

The new proposed language of this requirement is substantially amenable than the original draft. Co-location is important because evolving technology could allow it to be done in a way that providers are willing to incorporate. We should not remove it completely just because providers are unwilling or unable to co-locate at this time. It is important to preserve the good faith language to ensure that our priority (installation on existing structures or co-location) is maintained.

It has been suggested that we may try to come up with language for fast tracking certain types of new stealth poles but we have not had a chance to draft this.

We are not going to define fair market value in this context. The City owns a number of properties and if a provider wants to install a new facility or install on an exisitng structure, we willl negotiate an agreement with that provider. It will likely be dependent upon the number of facilities proposed, the locations of those facilities, the current uses of the proposed locations and the demand/attractiveness of the proposed locations, and the City's aesthetic concerns. In way of example, a faciity located in Wilson Park would have requirements of stealthing or camouflaging and the fair market value would be substantially higher than a location in the industrial park, which would also likely not have the same strict stealth/camo requirement.

Small Cells

Presentation to the City of Fayetteville, October 2017

Enhancing our network to meet consumer demand today while preparing for the technologies and innovations of tomorrow.

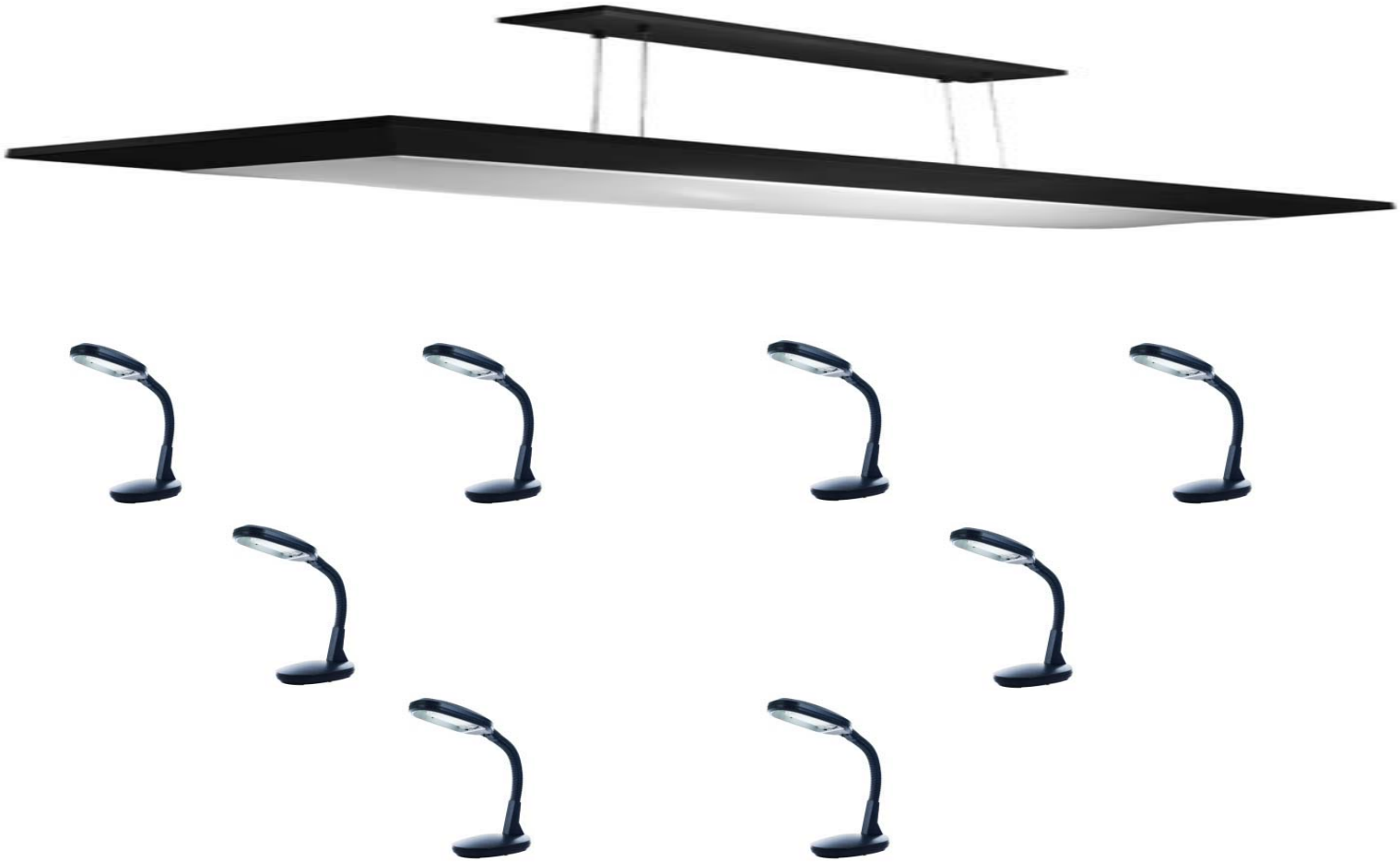
Cathy Foraker – AT&T Arkansas

AT&T

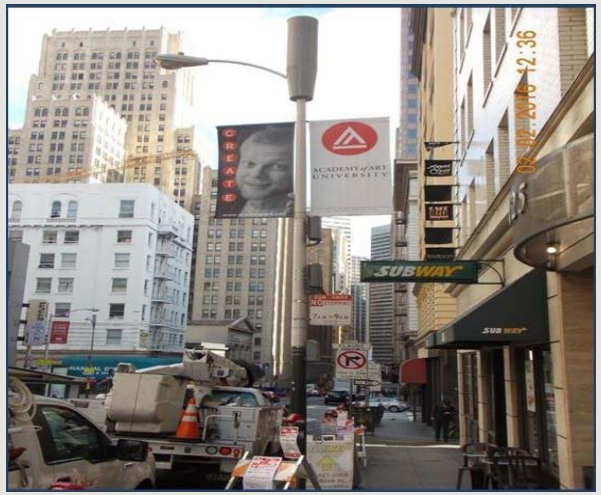
Andy Slater – Verizon Arkansas

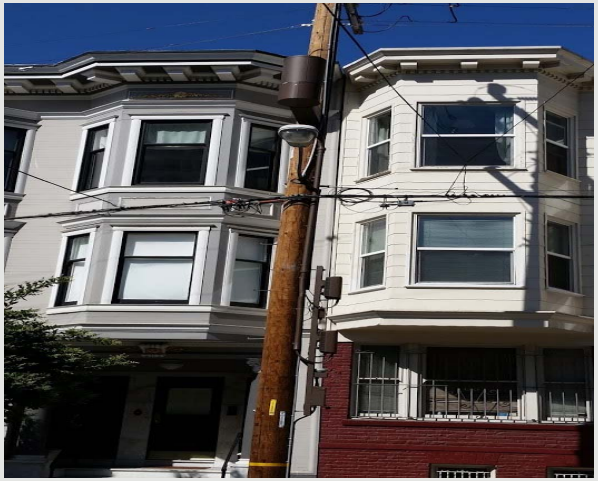
verizon

What does a small cell do?



Examples of small cells deployed in our communities





Why Small Cell Facilities?

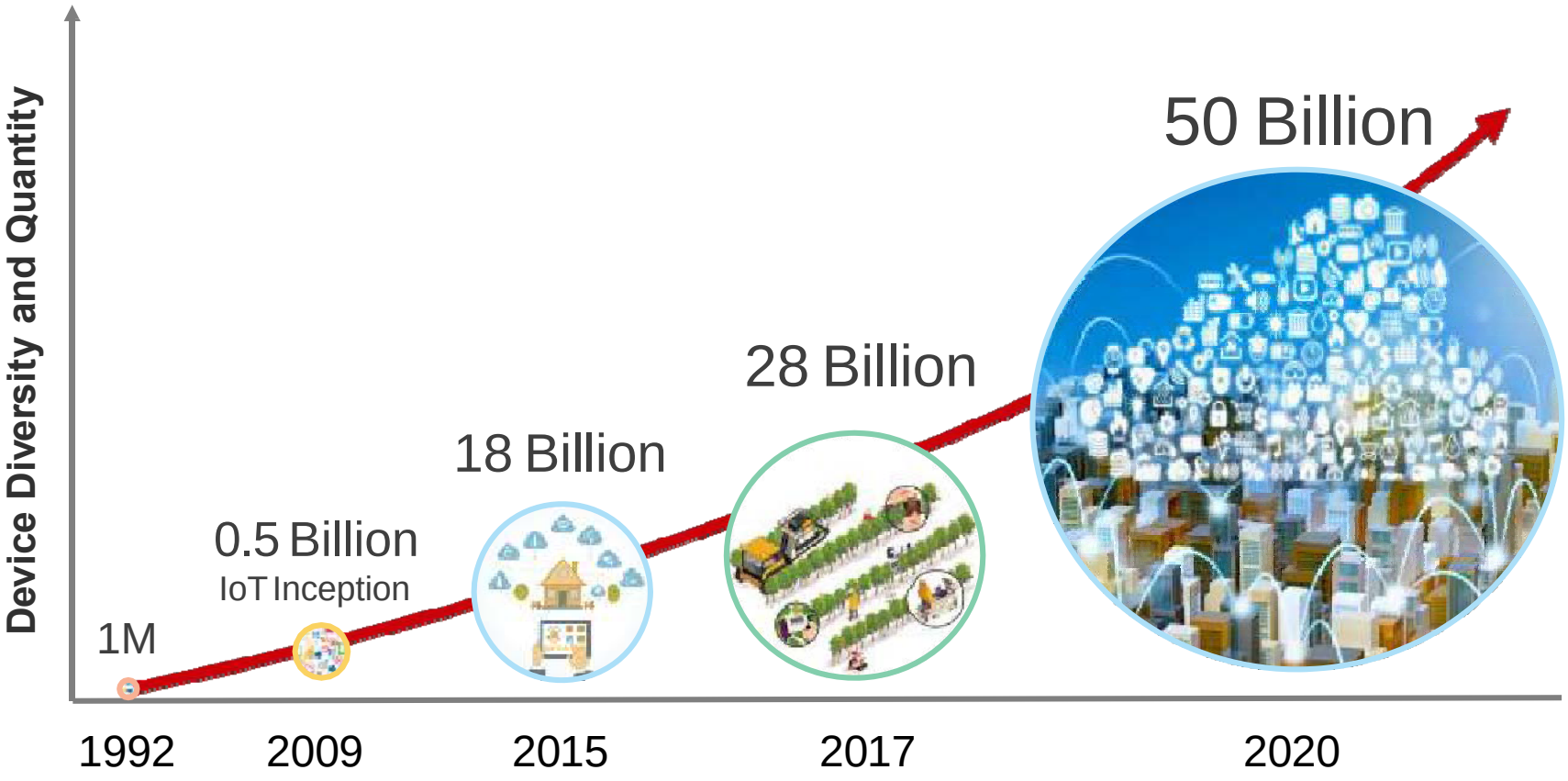
- Fayetteville's leaders are visionary and want to provide the very best of everything for all citizens – including enhanced wireless services vital to a growing, vibrant economy.

- Unlike other major infrastructure projects that use taxpayer monies, wireless providers will invest tens of millions of dollars in the Fayetteville area to build the newest, fastest networks.

- Small cell technologies will provide immediate relief to consumers in congested areas while laying the foundation for 5G services, expected to begin deployment in 2020.

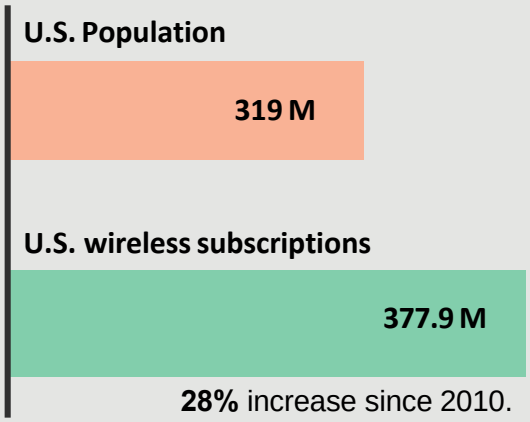
- 5G is the future, and will have the capacity to enable future transportation network innovations and more efficient and reliable services to all citizens.

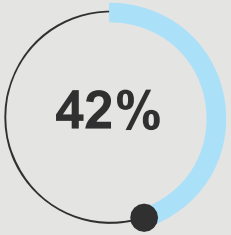
Future Device Explosion!



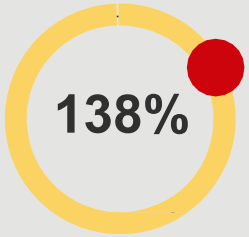
Why is wireless use growing so fast?

Consider these statistics:





In the United States, mobile data traffic from 2015 to 2020 will grow at a **compound annual growth rate** of 42%.



Data traffic increased from 2015 to 2016 at a rate of 138% to **9.6 trillion megabytes.**

Those numbers will continue to grow as more people use smartphones to keep up with breaking news, learn about community events, share photos, and much more.

(Fortune, Tech Wireless Wireless Subscribers Used 10 Trillion Megabytes of Data Last Year, May 23, 2016)
(CTIA, 2015 Annual Wireless Industry Survey, May 2016)
(Fortune, May 23, 2016)
(Cisco, VNI Mobile Forecast Highlights 2015-2020)

Staying ahead of demand.

A wireless network is like a highway system…

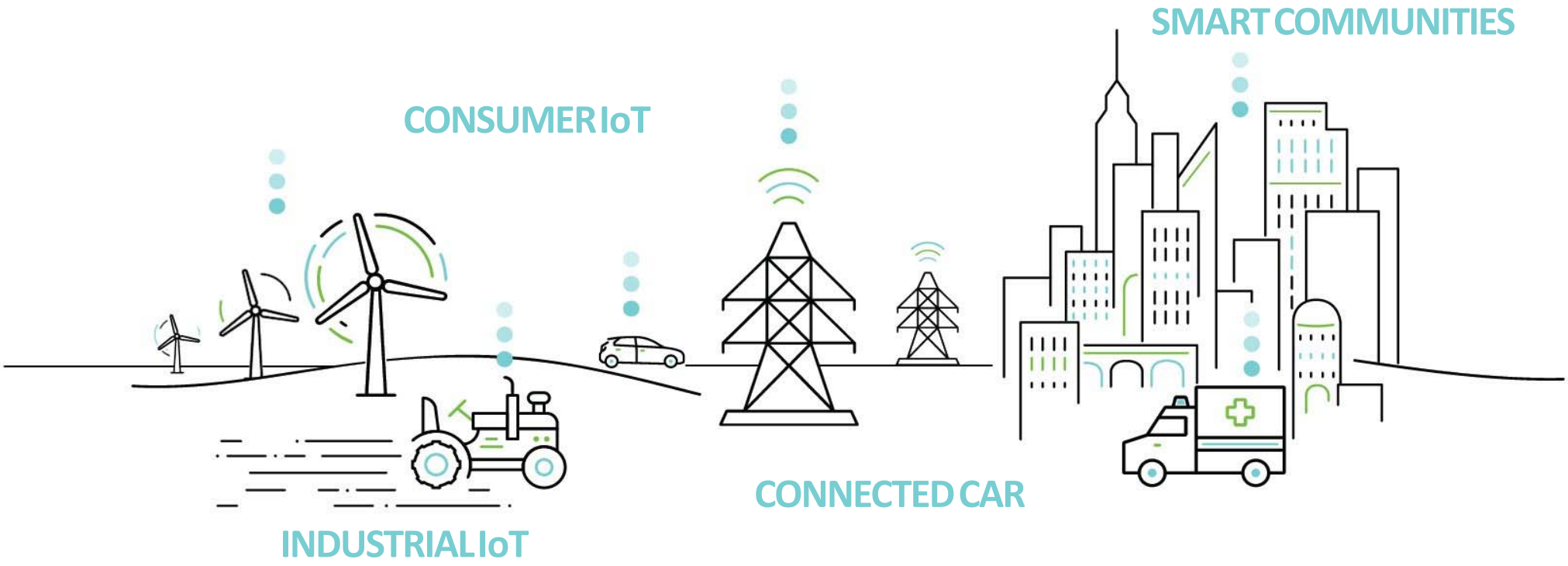
More wireless traffic needs more wireless facilities just like more vehicle traffic needs more lanes.

- Many wireless users share each cell site and congestion may result when too many try to use it at the same time.
- Wireless coverage may already exist in an area, but with data usage growth increasing exponentially each year, more capacity is needed.
- To meet capacity demands, we need to add more wireless antennas closer to users and closer to other cell sites to provide the reliable service customers have come to expect from Verizon.

In the US, mobile data traffic was 1.3 Exabytes per month in 2016, the equivalent of 334 million DVDs each month or 3,687 million text messages each second.*

*Cisco VNI Mobile Forecast Highlights, 2016-2021, February 2017

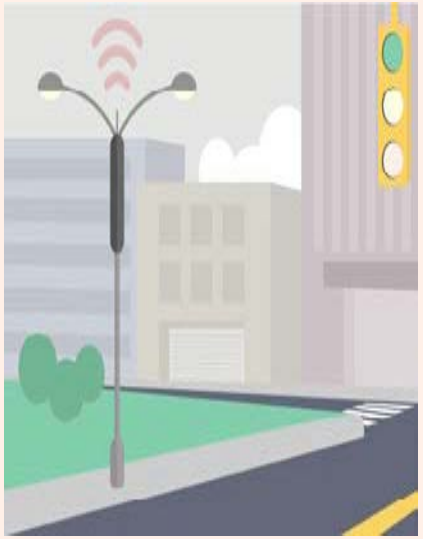
5G Connecting Everything



Different locations require different solutions.

Balanced approach to engineering the best possible network given the local community's needs.

Traditional, or macro cell sites, are most often the best choice for meeting coverage and capacity needs. Macro sites are traditional cell sites or towers that provide coverage to a broad area, up to several miles.



Small cells are just like the name implies – short range cell sites used to complement macro cell towers in a smaller geographic area ranging from a few hundred feet to upwards of 1,000 feet. These lower power antennas enhance capacity in high traffic areas, dense urban areas, suburban neighborhoods, and more. Small cells use small radios and a single antenna placed on existing structures including utility poles and street lights.

Local officials can facilitate the deployment of small cells to bring their citizens enhanced coverage and capacity, while helping to prepare our network to accommodate future technologies in their city by:

Providing a streamlined process:

- Consistent, non-discriminatory approval standards
- Reasonable non-discriminatory rates, commensurate with the cost to facilitate processing applications; and for pole attachment rates consistent with FCC standards
- Flexibility in spacing requirements and height standards allowing the city to address topography issues

CityClerk

From: Norton, Susan
Sent: Monday, October 30, 2017 5:09 PM
To: CityClerk
Subject: FW: Final Administrative Comments on Small Cell Facilities Ordinance
Attachments: Townes.Ordinance Comments-signed.pdf; TownsendLetterRoche.pdf; Towsend5GDeploymentTimeline.pdf

Categories: Completed

Dear Sondra – Will you please forward this to the City Council for our discussion at the Agenda Session tomorrow? Thank you. Susan

Dear City Council -

As you know, the City of Fayetteville has an aggressive agenda for digital inclusion and broadband deployment while maintaining our community's aesthetic values, safety standards, and an even playing field for all telecommunications providers. We have continued to work over several months with providers, incorporating a majority of the modifications they have requested; however, we are reluctant to concede any points that would undercut the aesthetic standards we are trying to set.

For example, the 500 foot spacing requirement was modified to only impact new poles that do not fit within the existing streetscape but it has been misinterpreted to mean 500 feet between all facilities. Providers can leverage existing poles to install equipment as needed, regardless of the spacing requirements. If an existing pole can not be used to provide coverage, new structures can be installed within the 500 foot area as long as they are camouflaged or use stealth technology. During all of our discussions in person and over email, and in the very presentation they gave the Council two weeks ago showing photos of proposed structures, the providers indicate they understand the value of stealth and camouflage technologies for aesthetic purposes.

After the presentation on the Small Cell Facilities ordinance at the October 17 City Council meeting, I forwarded the final draft of the ordinance and the synthesized staff comments to telecommunications providers who have been following this item, asking that they submit any new substantive comments to me by COB Wednesday, October 25. We did not receive additional comments from those providers who attended the October 17 City Council meeting. We did, however, receive additional comments from one firm representing the Townes Telecommunications Company in Lewisville, Arkansas.

Townes is an existing local exchange carrier in southwest Arkansas who recently entered the potential 5G market in our region with the purchase of spectrum from the Federal Communications Commission auction.

This firm wishes to find a 5G project that is a fit for our region. Townes is discussing 5G based WIFI; the other carriers are discussing 4G cellular (to boost service within saturated networks) with intent to implement 5G at the same locations when standards are adopted.

The information presented by the consultant on behalf of Townes Telecommunications is attached. As you can see, they have no issues with the ordinance in the areas objected to by some cellular providers with respect to stealth/camouflage, height, distance between poles, and co-location.

The administration will not be making any further changes requested by the providers and recommends that you consider the red-lined draft that is before you. For now, we believe we have written flexibility into the ordinance in an effort to accommodate providers today and in the future. The administration desires feedback from the City Council and will make adjustments as the Council deems appropriate.

Thank you.

Team @FYVGOV (Susan, Blake, Keith, Don, Garner)

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ARTHUR BLOOSTON
1914 – 1999

AFFILIATED SOUTH AMERICAN OFFICES
ESTUDIO JAUREGUI & ASSOCIATES
BUENOS AIRES, ARGENTINA

HAROLD MORDKOFSKY
OF COUNSEL

EUGENE MALISZEWSKYJ
ENGINEERING CONSULTANT

October 11, 2017

WRITER'S CONTACT INFORMATION
bhd@bloostonlaw.com
202-828-5510

VIA Federal Express and Electronic Mail

Devin Howland, CEcD
Director of Economic Vitality
City of Fayetteville City Council
113 W. Mountain Street
City of Fayetteville, AR 72701
Email: dhowland@fayetteville-ar.gov

RE: Small Cell Ordinance Comments

Dear Mr. Howland:

I represent Townes Telecommunications, Inc. ("Townes"), and I have been asked by our consultant Edward M. Roche provide you with Townes' comments on the proposed Small Cell Ordinance that was discussed in the City Council meeting October 3rd, 2017. Townes is a local Arkansas company headquartered at 120 East First Street, in Lewisville, Arkansas. Townes is the sole owner of the 5G spectrum license for the 28 GHz for the counties of Fayetteville, Springdale and Rogers. The reserved spectrum under the FCC's Universal Licensing System is titled "Local Multipoint Distribution Service License'' and has the call sign WPOJ979.[1]

In preparing comments on the proposed Small Cell Ordinance that was discussed at the City Council Meeting held on October 3, 2017, Townes has examined the following documents: (1) the video of the meeting, beginning at 2 minutes 30 seconds;[2] (2) The City of Fayetteville Staff Review Form 2017-0532 Registrar File ID 10/3/2017; (3) the City Council Memo, September 18, 2017 from Susan Norton to the Mayor and City Council; (4) Exhibit "A", which is a copy of the draft ordinance named "110.03 Small Cell Facilities and Networks;" and (5) a

[1] The details of this license are available on the FCC website at the following URL: http://wireless2.fcc.gov/UlsApp/UlsSearch/license.jsp?licKey=210718

[2] As found at the following URL: http://accessfayetteville.granicus.com/MediaPlayer.php?view_id=14&clip_id=5710

slide presentation titled "Small Cells are a Big Deal," October 3, 2017, n.a., n.p. (referred to as "the Slides"). In addition, Townes has considered the comments in that same meeting provided by representatives from Mobility, Smith Communications, Verizon, and AT&T, particularly the statement by AT&T that one reason why "co-location" of antennas is not technically feasible is because AT&T "will be using interference spectrum". Finally, Townes has considered a comment by one Council Member that the fees suggested in the proposed Small Cell Ordinance are "extremely magnanimous" (on the part of the City of Fayetteville). In response, Townes respectfully submits the following comments for your consideration:

Issue (1): Additional Equipment Installed on Poles Supporting Antennas

The City Council has not been provided complete information regarding the amount of equipment that is necessary to support a 5G antenna, and has the impression that much more equipment is needed than actually is. Specifically, Townes refers to a picture labeled "Samples of Small Cell Towers" found on Page 4 of the Slides, in which a significant amount of other pieces of equipment apart from the antenna are shown, including: (a) a fiber/telecom junction box; (b) radio packs; (c) grounding bar; (d) antenna coax; (e) electric meter; and (f) breaker panel/disconnect. Given all of this equipment, it reasonable for anyone to be concerned with a visual "technology blight" disturbing the pristine landscape for which Fayetteville is famous.

In our view, this picture is deceptive. See Figure 1 below. It is a photograph of a 5G 28 GHz wireless installation. As you can see, all of the extra equipment mentioned above in the Slides is not necessary. On the contrary, the size of the antenna in Figure 1 is about the same as a pineapple. (Note: In Figure 1, the small rectangular shape near the bottom of the pole is a traffic sign, not a piece of supporting technology). This is because the 5G system in Figure 1 is using a different type of architecture than what the City Council has been shown in the Slides. Specifically, the antenna in Figure 1 is using "self-configuring mesh network" architecture instead of an individual connection with a terrestrial fiber optic network that relies on terrestrial cables. In the mesh network, the backbone Internet signals are passed from one antenna to another. In other words, there is no terrestrial connection, and therefore no need for these excessive structures on the supporting pole. Please note also that in Figure 1 you are looking at not a test or demonstration network, but a live network in service today.

Figure 1: In-Service 5G 28 GHz antenna. Location 52˚12’47.43N 0˚06’39.05”E. (The rectangular shape near the bottom of the pole is a traffic sign, not part of any telecommunications infrastructure.)

Issue (2): The Co-Location Rule

The spectrum that Townes is proposing to use is licensed. There will not be any other carrier operating on these 5G frequencies without its permission. As a consequence, since any co-location by definition will not have antennas operating at our licensed frequencies, Townes has no objection to the co-location rule. Townes shares with the City of Fayetteville the view that co-location is an efficient and ecologically sound way to both better utilize existing resources, protect the environment, and minimize the visual "technology blight" in the City that would occur with unconstrained and reckless deployment of too many antennas.

Issue (3): 500 Foot Rule Regarding Separation of Antennas

The typical propagation of unobstructed 5G signals is 1-2 kilometers. If there are obstructions, then the propagation is small. With today's technology, obstruction can be caused by (a) trees and leaves and (b) buildings. However, the new 5G antenna technology being developed, called MIMO (multiple-input and multiple-output) uses a "method for multiplying the capacity of a radio link using multiple transmit and receive antennas to exploit multi-path propagation." Included in the R&D engineering design for 5G is the ability of antennas to bounce signals off of buildings, and thereby "go around" solid structures, thereby avoiding the need for strict line-of-sight. These technologies are being developed under the program of standardization managed by the International Telecommunications Union (ITU), an international organization based in Geneva, Switzerland. But these standards will not be available for at least 2 years, probably more.

The reason the vendor comments you have received thus far are cold towards the 500 foot rule is that they are not envisioning deployment of "real" 5G. Instead, they are planning on deployment of a less-sophisticated technology that is reliant on non-licensed spectrum. Such technology will not have the sophistication of "true 5G", which will include the MIMO capabilities described above. The essence of the objection expressed by other vendors is that they wish each to be able to erect their own separate antennas to service the exact same geographic area, such as a public park or other place where many persons will be found. We believe it is in the interest of the City of Fayetteville to seek more clarification regarding the exact technologies being considered by each vendor in their "5G" deployments.

Issue (4): Thirty Feet Height Restriction

In our view, it is perfectly reasonable for the City of Fayetteville to be concerned with the placement of numerous tall antennas everywhere. If completely unrestricted, the City will start to look from the air like a spine-laden puffer-fish. However, in the type of architecture Townes is proposing, the access to the Internet will be provided not by the linking of each antenna into a terrestrial fiber cable, which is expensive and unsightly, but instead via a wireless link to an Internet "Point-of-Presence" (PoP), located on a building, or possibly on a cell tower. If the Internet PoP is located on a cell tower, then like other antennas on a cell tower, our 5G antenna

needs to be located at a height greater than 30 feet. Except for our PoP antenna, if located on a cell tower, Townes does not envision any need for our service antennas to be located higher than 30 feet. To resolve this issue, Townes recommends that the City implement a waiver process so that the rule can be set aside when circumstances warrant, such as a small cell antenna being used solely for PoP purposes to supply Internet to a 5G mesh antenna network is located on a cell tower that already is zoned for providing antenna infrastructure, and that is of a height of greater than 30 feet.

Issue (5): The Need for Providing Dark Fiber

During the October 5, 2017 City Council meeting, mention was made of "providing dark fiber" as a condition of installing 5G antennas. We have been unable to locate this specific provision in the copy of the Ordinance that Townes are in possession of. We would comment, however, that the type of architecture Townes is considering avoids the use of unsightly and expensive terrestrial cables for antenna access to the Internet. As a consequence, if there is a requirement to provide "dark fiber" for each antenna, then this rule would be unduly burdensome and expensive. In addition, it would completely bypass the advantages of the "all-wireless" architecture Townes are proposing. Therefore, Townes would suggest that the City of Fayetteville amend its ordinance so that providing "dark fiber" would be required only in situations where the antenna being installed is itself dependent upon directly connected terrestrial wired network infrastructure to get to its Internet PoP.

Issue (6): The Fees (Application Fee; Annual Fee)

Under the proposed Ordinance, there are two fees envisioned. The first is a $200 dollar application fee. The second is an annual $250 fee. It is our presumption that the $200 dollar application fee is to compensate for the considerable effort that will by necessity be expended by the City of Fayetteville in consideration and review of applications. Townes finds the application fee to be reasonable, or even generous, on the part of the City of Fayetteville. The company is concerned, however, about the $250 dollar annual fee. The 5G architecture proposed by Townes will require many more antennas than previous generations of wireless technology. Specifically, Townes has estimated that adequate 5G coverage for the Bentonville, Springdale, and Fayetteville region, it easily would require 5,000 to 10,000 antennas. This would be an annual fee of $1-2.5 million dollars per year. Such an annual fee would be prohibitively expensive for Townes and, likely, any other similarly situated entity.

It is Townes' understanding that the annual fee is based on the assumption that the builders of these antennas are major carriers who will be using their "5G" antennas to supplement services (such as 4G) that they already provide to tens of thousands of customers. But Townes does not have 4G mobile customers that are providing hundreds of millions of dollars per year in revenues; rather, Townes is a "pure" 5G carrier, not a "hybrid" 5G carrier able to cross-subsidize across lucrative wireless services. The annual fee, as proposed, would clearly

prevent small local carriers who do not have the deep pockets to cross-subsidize 5G services using revenue streams from other services from entering the market, and FCC rules prohibit municipalities from adopting ordinances that have the effect of erecting barriers to entry in wireless telecommunications.[3]

Townes also believes that the ordinance should recognize that there are circumstances in which this annual fee and application fee should be waived altogether. For example, Townes intends to propose the cities of Fayetteville, Bentonville, and Springdale provide Wi-Fi for their very popular and useful Trails system through Townes. The cities would pay for this service and then provide it to its citizens, similar to provisioning of electrical power. Except in this case, Wi-Fi service would be provided for free to citizens as part of the Trails system, and the citizens would pay for this in the same way they pay for Parks in general. Under these circumstances, then every effort must be made to reduce to the lowest possible level the cost of this system.

Townes looks forward to bringing 5G technology to this market and very much appreciates the opportunity to share its views with the City Council. Please do not hesitate to contact the undersigned with any questions you may have.

Sincerely,

Benjamin H. Dickens, Jr.

General Counsel, Townes Telecommunications, Inc.

[3] 47 U.S.C. 332(c).

3. Small Cell Facilities and Networks

(A) Definitions: As used in § 110.03, the following terms shall have the meanings set out below:

(1) *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of telecommunications services:

(a) *Distributed antenna system (DAS)* means a network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.

(b) *Small Cell Facility* means a Telecommunications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and

2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(c) *Small Cell Network* means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

(2) *Applicant* means any person or entity that is engaged in the business of providing wireless services or the wireless infrastructure required for wireless services.

(3) *Competing local exchange carrier* means a telecommunications provider that has received a certificate of public convenience and necessity from the Arkansas Public Service Commission under the authority of Ark. Code Ann. § 23-17-409 and is authorized to install equipment and operate within the public rights of way or on public or private property in the City of Fayetteville. This shall include distributed antenna systems, small cell facilities and small cell networks.

(4) *Person* means any individual, resident, citizens, business firm, corporation, partnership, governmental agency, or institution.

(5) *Streets* means all streets, roads, highways, alleys, rights-of-way, public *utility* easements, public property, public ways and air space over such streets, roads, alleys, public rights-of-way, public utility easements, public property and public ways located within the geographic limits of the city.

(6) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information sent and received, whether wired or wireless.

(7) *Telecommunications facilities or facilities* means all conduits, manholes, poles, antennas, transceivers, wires, cable (including fiber optic cable) and appurtenances owned or utilized by a telecommunications provider or third party infrastructure provider and located in, under or over the streets of the city or on public or private property and utilized in the provision of telecommunications services. This includes without limit, towers of all types, and base stations, including but not limited to buildings, church steeples, water towers, signs, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

(8) *Telecommunications Provider or provider* means any person, firm, corporation, partnership or other business entity, other than the city, that provides telecommunications services within or without the geographic boundaries of the city by utilizing telecommunications facilities to provide telecommunications services. This shall include competing local exchange carriers or businesses that install small cell facilities on behalf of telecommunications providers.

(9) *Telecommunications services or services* means any service delivering telecommunications by a telecommunications provider that the provider is authorized to provide under federal, state and local law, except that these terms do not include cable service as defined by the Cable Communications

Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. §521 et seq., and the Telecommunications Act of 1996.

(B) Compliance with State and Federal Regulations. Applicant shall comply with all applicable state and federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator.

(C) Consolidated Application. An applicant may file one consolidated application for a small cell network of up to ten (10) individual small cell facilities of a substantially similar design every seven calendar days. The City may require a separate application for any small cell facilities that are not of a substantially similar design.

(D) An applicant shall submit with the application all documentation or other evidence required by the Zoning and Development Administrator to sufficiently establish the structural soundness of proposed facilities.

(E) Administrative Approval of Co-Located Facilities. The Zoning and Development Administrator, following an administrative review, may approve the following facility installations:

(1) Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than the existing structure. The Zoning and Development Administrator may grant a variance of up to five (5) feet in height when such additional height is necessary for improved functionality or safety.

(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette.

(b) Facilities Placed on Sides of Buildings. Facilities which are side-mounted on buildings shall be camouflaged (such as in a light fixture), shrouded, painted or constructed of materials to match the color of the building material directly behind them, and shall not extend above the roof line or extend more than two (2) feet from the façade of the building.

(2) Locating on Existing Tower Not Previously Approved Through §163.13 of the U.D.C. Existing towers that do not have facilities may not add such capability without securing a conditional use permit. Antennas may be replaced by similar antennas at the same height and for the same basic usage as the antennas being replaced.

(3) Locating on Existing Towers Previously Approved Through §163.13. Additional facilities may be placed upon any tower already approved through §163.14 of the U.D.C. so long as such additional facilities would not violate any requirements of the conditional use permit or other provisions of §163.13.

(4) The applicant must submit a letter of intent indicating the intent and agreement to share space.
(5) If proposed facilities are not or cannot be adequately camouflaged, the City may require the installation of new stealth facilities.
(6) Any disturbance of City infrastructure (such as, but not limited to, streets, sidewalks, and utilities) shall be repaired and restored by the applicant at its expense and to a condition at least as good as that existing before the work causing such disturbance was commenced.
(7) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located on an existing structure in the public rights-of-way.

(F) Administrative Approval of New Facilities in Public Rights of Way. Providers proposing the construction or installation of new facilities in the public rights of way shall comply with following requirements:
(1) Construction Maintenance. The provisions of § 110.02(E) shall govern the process of approval for the construction or installation of any new facilities within the public rights of way.
(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each new facility located in the public right of way.
(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than six (6) feet above the median height of other telecommunications facilities in the block for the proposed location, but in no event taller than thirty (30) feet above grade.
(4) Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible. The Zoning and Development Administrator may approve the installation of a standard utility pole in areas where such installation will not degrade the streetscape but any facilities shall be camouflaged to the greatest extent possible. Camouflaging and stealth technology shall be required in all residential areas, improvement districts (including, but not limited to, the Dickson Street area and College Avenue improvement corridor), and any area in which utilities have been installed or relocated underground. Understanding that new technologies are anticipated to change the components of telecommunications facilities, the Administrator may determine if a telecommunications facility or component of a telecommunications facility is designed to be stealth.

(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a sign writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.

(6) Distance between new facilities. New facilities, excluding facilities camouflaged to fit within the streetscape (e.g., facilities incorporated within a street light), shall be spaced a minimum of five hundred feet (500') from any other new facility approved under this section.

(7) Information Required to Process Requests for New Facilities.

(a) Provide a map of the geographic area that your project will serve;

(b) Provide a map that shows other existing or planned facilities that will be used by the telecommunications provider who is making the application;

(c) Provide a map that shows other potential standalone locations for your facility that have been explored;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed facility, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specifications on proposed lighting of the facility;

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to co-locate your facility on existing structures, one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant that has not demonstrated a good faith effort to provide for co-location. Such good faith effort includes:

1. A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities;
2. Contact with all other telecommunications providers;
3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and

4. Letter from tower or pole owner stating why co-location is not feasible.

(g) Describe how you will accommodate equipment of other telecommunications providers that could co-locate on your facility. Describe how this accommodation will impact both your pole and your ground mounted facilities. Provide documentation of your provider's willingness to accommodate other providers who may be able to co-locate on your facility.

(8) Application Time Frame. A final decision shall be issued for applications under subsection (D) within 60 calendar days. This timeframe may be tolled by mutual agreement or in cases in which the City determines that the application is incomplete. To toll the timeframe for incompleteness, the City shall provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents and information. The timeframe shall begin running again when the applicant submits the supplemental documents or information in response to the City's notice. The City then has 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice. Second or subsequent notices may not specify missing documents or information that were identified in the original notice of incompleteness.

(G) New Structures on Private Property. Telecommunications providers proposing the construction or installation of new poles or towers on privately owned property in the City shall comply with the provisions of § 163.13 ***Wireless Communications Facilities*** and shall obtain a conditional use permit.

(H) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. As noted above, the review process is shortened and simplified when a request for location or co-location on city property is submitted by applicant. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities.

(I) Pedestrian access and safety. All facilities shall be installed in such a manner not to impede, restrict, or adversely impact pedestrian or vehicular safety or convenience, or violate any provision of the Americans with Disabilities Act.

(J) Emergency removal or relocation of facilities. The City retains the right to cut or move any facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. City shall notify the provider after cutting or removing any facility within its rights-of-way. If circumstances permit, the City shall notify the provider in advance of any cutting or removal and give the provider an opportunity to move its own facilities.

BARRACLOUGH

Edward M. Roche

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October 24, 2017

Mrs. Susan Norton
Director
Department of Communications and Marketing
City of Fayetteville, Arkansas 72701

Dear Mrs. Norton

Your question regarding spectrum is actually complicated, but I will summarize as best I can the situation.

Adoption of the 5G Standards

I have attached a time-line of milestones in the evolution of 5G. This work is being done through the International Telecommunications Union (ITU). The standardization process is one of collaboration between carriers and vendors (manufacturers) of telecommunications equipment.

The way it works is that the carriers conduct a number of experiments and when they find a solution that seems to work, they submit it as a standard. Naturally, more than one standard can emerge.

It is important to note that a "standard" is not necessarily the only way to do something. But instead, it is something that a carrier chooses based both on its performance (reliability) but also on how adoption of that particular solution will fit with the business plans of the carrier.

What you can see from the time-line is that we can expect at least some standards to be adopted by a vote at the ITU in late 2018. After that, and depending on what the carriers decide to do, the manufacturers (Nokia[1]; Ericsson[2]) will begin ramping up their manufacturing of equipment, based on incoming orders from the carriers. After

[1]Nokia sold its cell phone business to Microsoft, but purchased Alcatel, and what was Bell Laboratories. Nokia, regardless of its Finnish name, is actually the old Bell Labs.

[2]The world's largest manufacturer of equipment is the Chinese company Huawei, but the U.S. Government has issued a report that *strongly* discourages any use of Huawei equipment becuase of fears of industrial and other espionage. As a consequence, it is doubtful you will find any responsible U.S. carrier or other vendor useing Huawei equipment.

that, the roll-out of services will begin, and we can expect Fayetteville to get 5G in the 2020 period (although some carriers may claim what they are offering earlier than that is "5G").

So that summarizes in a superficial way the 5G time-line.

Licensed and Unlicensed Spectrum

I have also attached a slide on spectrum. It shows the Townes band, but also the other frequencies that may be used for 5G communications.

Lets move from Right to Left.

On the right hand side, you can see three bands 71-76, 81-86, and 92-96Ghz that are the "E-Band". These are extremely high-capacity channels, but you should note that no one except possibly the military has any equipment for this yet. So it is really irrelevant for at least half of a decade and possibly longer.

Next (coming from Right to Left) you see the 57-64Ghz band that is unlicensed. Because of the high frequency, this spectrum will not go through trees, is absorbed by oxygen itself, and will be used mostly indoors, like in a factory environment. Again, this is not really relevant to your Small Cells Ordinance, because it is highly doubtful that anyone is going to be attempting to run 60Ghz channels outdoors.

Next (moving Right to Left) we have the LMDS band which is licensed, and which in your area is owned by Townes Telecommunications of Lewisville, Arkansas. (We are not a giant multinational carrier like AT&T and Verizon.)

Then on the left hand side, it gets more interesting. There is the 3.5Ghz band. That is almost certainly what Verizon and AT&T are planning on hanging on your Small Cells around Fayetteville, if allowed to.

But the licensing scheme for the 3.5 spectrum is a little different. This is the CBRS or Citizens Broadband Radio Service. In this spectrum, the users (carriers) will be divided into three classes. Class I are the *incumbents*. These have the right to use the spectrum without interference of others. Example: some fixed satellite companies. Class II are call Priority Access Licenses (PALs). There is a limit of only 4 PALs in limited geographic areas, and for three years. PALs are divided up into into 7 segments each of 10Mhz size. Class III is called General Authority Access and has the lowest priority. In this band, the carriers will "fight" with each other to use this spectrum. *This almost certainly is why the carriers object to the co-location rules of the Small Cell Ordinance.* If they are forced to co-locate, then it will increase problems of competition for spectrum (since it is not licensed).

Wrapping Up

What the carriers (AT&T and Verizon) are planning is to install 3.5Ghz antennas using unlicensed spectrum. After this is in place, then persons using mobile phones (or other wireless devices) will be able to "jump" onto these faster circuits when they are

available.

For example, if a person is streaming video on their mobile device over the LTE network, then when they walk near to a carrier's 3.5Ghz antenna, the network will switch their session over to these faster circuits. Whether or not the carriers call this "5G" in some sense is a marketing issue.

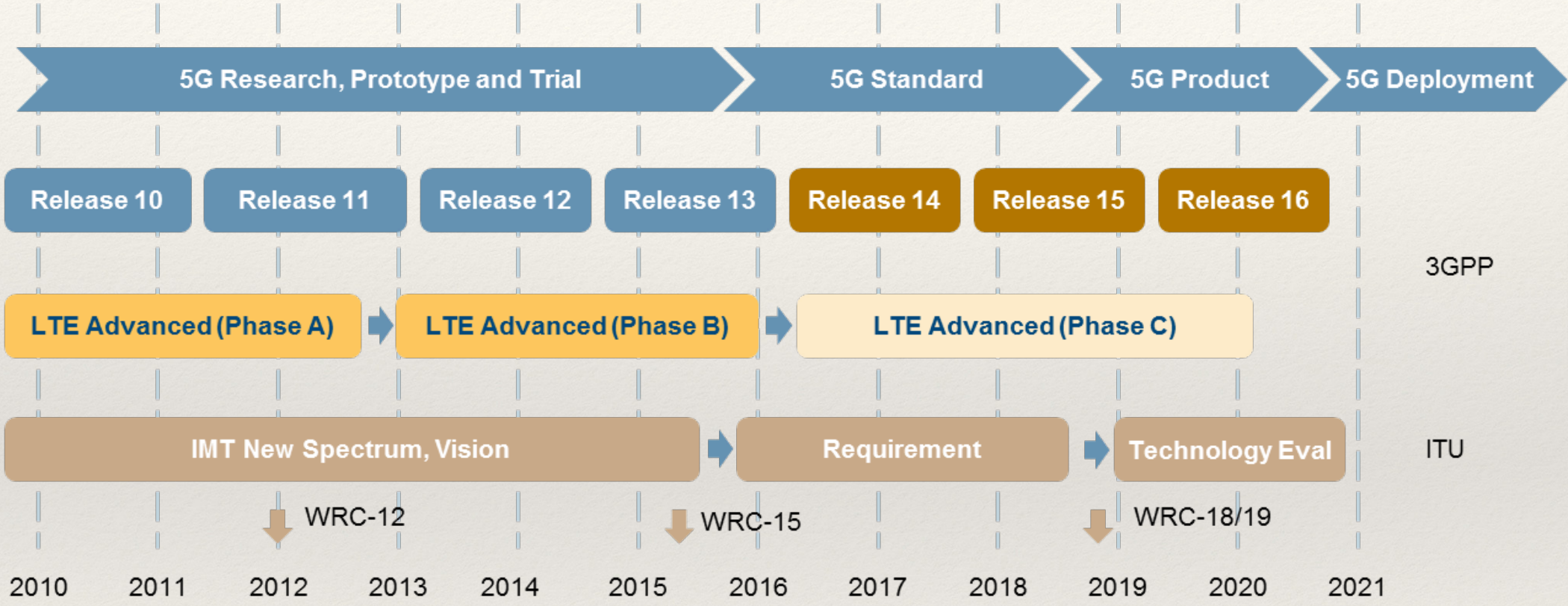
The higher-speed bandwidth that Townes is working with has a few key differences. First, it is very much faster. Second, it will not require users to be tied to a carrier in order to get access to network services. One will not need a contract with Verizon or AT&T.

What we are going to propose soon to the City of Fayetteville is a way to use this higher-speed spectrum to provide WiFi to your Trails system, *without* all of the complex equipment that needs to be hung on the poles of the 3.5Ghz solution. Our solution will be many times less expensive, unless the carriers decide to compete by simply dumping their services into the market by cross-subsidizing them from other revenue-streams. Since we will be using licensed spectrum, then we do not care about co-location issues. And we also do not care too much about the rules on appearance of the poles, because our solution is so small and uncluttered.

I hope that has given you a reasonable picture of the spectrum issues, and I hope that it has answered your question. If you have any other questions, then please feel free to contact me.

Yours cordially,

Edward M. Roche


5G Research, Prototype and Trial
5G Standard
5G Product
5G Deployment
Release 10
Release 11
Release 12
Release 13
Release 14
Release 15
Release 16
3GPP
LTE Advanced (Phase A)
LTE Advanced (Phase B)
LTE Advanced (Phase C)
IMT New Spectrum, Vision
Requirement
Technology Eval
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WRC-15
WRC-18/19
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OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
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Paralegal

TO: **Mayor Jordan**
City Council

FROM: **Blake Pennington**, Assistant City Attorney

DATE: **November 7, 2017**

RE: **Council Member Petty's Amendments to Small Cell Facilities ordinance**

Attached is a copy of the Small Cell Facilities and Networks ordinance with amendments highlighted that are being proposed by Council Member Matthew Petty. These are additional amendments to the draft I sent out to you yesterday afternoon. To summarize:

- (E)(1) – grants providers five feet of additional height by right because antennas are going to extend above the pole or structure on which they are installed. Providers can request an additional variance of up to 10 feet total above the structure.
- (E)(4) – clarifies that replacement poles must be the same height but also grants five feet of additional height by right and up to 10 feet total by variance.
- (F)(3) – changes the height limitation for new facilities from 30 feet city-wide to height based on street classification (30 feet for residential and local streets; 40 feet for collector streets; and 50 feet for arterial streets). Adds a variance procedure for a provider to receive up to 10 feet in additional height.
- (F)(6) – clarifies that the 500 foot spacing limitation only applies to new non-camouflaged, non-stealth poles. No spacing limitation applies for existing or co-located facilities or for new camouflaged/stealth facilities.

If these amendments meet with your approval, I would suggest moving to amend the ordinance to adopt this version of Exhibit A so discussion can be had on all of the proposed changes.

EXHIBIT A

110.03 Small Cell Facilities and Networks

(A) Definitions: As used in § 110.03, the following terms shall have the meanings set out below:

(1) *Administrative Review* means non-discretionary evaluation of an Application by the Zoning and Development Administrator. This process is not subject to a public hearing or conditional or special review process.

(2) *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of telecommunications services:

(a) *Distributed antenna system (DAS)* means a network that distributes radio frequency signals and consisting of:

1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
2. A high capacity signal transport medium that is connected to a central communications hub site; and
3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.

(b) *Small Cell Facility* means a Telecommunications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

(c) *Small Cell Network* means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

(3) *Applicant* means any person or entity that is engaged in the business of providing wireless services or the wireless infrastructure required for wireless services.

(4) *Competing local exchange carrier* means a telecommunications provider that has received a certificate of public convenience and necessity from the Arkansas Public Service Commission under the authority of Ark. Code Ann. § 23-17-409 and is authorized to install equipment and operate within the public rights of way or on public or private property in the City of Fayetteville. This shall include distributed antenna systems, small cell facilities and small cell networks.

(5) *Person* means any individual, resident, citizens, business firm, corporation, partnership, governmental agency, or institution.

(6) *Stealth technology* means systems, components and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.

(7) *Streets* means all streets, roads, highways, alleys, rights-of-way, public *utility* easements, public property, public ways and air space over such streets, roads, alleys, public rights-of-way, public utility easements, public property and public ways located within the geographic limits of the city.

(8) *Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information sent and received, whether wired or wireless.

(9) *Telecommunications facilities or facilities* means all conduits, manholes, poles, antennas, transceivers, wires, cable (including fiber optic cable), technology, and appurtenances owned or utilized by a telecommunications provider or third party infrastructure provider and located in, under or over the streets of the city or on public or private property and utilized in the provision of telecommunications services. This includes without limit, towers of all types, and base stations, including but not limited to buildings, church steeples, water towers, signs, poles, streetlights, traffic signals, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

(10) *Telecommunications Provider or provider* means any person, firm, corporation, partnership or other business entity, other than the city, that provides telecommunications services within or without the geographic boundaries of the city by utilizing telecommunications facilities to provide telecommunications services. This shall include competing local exchange

carriers or businesses that install small cell facilities on behalf of telecommunications providers.

(11) *Telecommunications services or services* means any service delivering telecommunications by a telecommunications provider that the provider is authorized to provide under federal, state and local law, except that these terms do not include cable service as defined by the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. §521 et seq., and the Telecommunications Act of 1996.

(B) Compliance with State and Federal Regulations. Applicant shall comply with all applicable state and federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator. Applicant shall not be required to enter into any franchise agreement with the City.

(C) Consolidated Application. An applicant may file one consolidated application for a small cell network of up to ten (10) individual small cell facilities of a substantially similar design every seven calendar days. The City may require a separate application for any small cell facilities that are not of a substantially similar design. The form of the permit Application is located on the City's website under Small Cell Facilities and Networks.

(D) An applicant shall submit with the application all documentation or other evidence required by the Zoning and Development Administrator to sufficiently establish the structural soundness of proposed facilities.

(E) Administrative Approval of Co-Located Facilities and Facilities Located on Existing Structures. The Zoning and Development Administrator, following an Administrative Review, may approve the following facility installations:

(1) Locating on Existing Structures. Installation of facilities on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than five feet above the existing structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the existing structure, when such additional height is necessary for improved functionality or safety.

(a) Facilities Placed on Top of Buildings. When facilities extend above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. If concealment behind existing architectural features is not possible, screening panels manufactured to match existing architectural features may be used. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette. Screening panels, if used, shall not exceed five (5) feet in height above the existing building's roofline.

(b) Facilities Placed on Sides of Buildings. Facilities which are side-mounted on buildings shall be camouflaged (such as in a light fixture), shrouded, painted or constructed of materials to match the color of the building material directly behind them, and shall not extend above the roof line or extend more than two (2) feet from the façade of the building. The Zoning and Development Administrator may grant a variance of up to three (3) additional feet from the façade of a building when such additional clearance is necessary for improved functionality or safety.

(2) Locating on Existing Tower Not Previously Approved Through §163.13 of the U.D.C. Existing towers that do not have facilities may not add such capability without securing a conditional use permit. Antennas may be replaced by similar antennas at the same height and for the same basic usage as the antennas being replaced.

(3) Locating on Existing Towers Previously Approved Through §163.13. Additional facilities may be placed upon any tower already approved through §163.14 of the U.D.C. so long as such additional facilities would not violate any requirements of the conditional use permit or other provisions of §163.13.

(4) Replacement of Existing Structures. If installation of facilities requires the removal and replacement of an existing structure, such as a pole, the new structure shall be considered an existing structure for the purposes of this section as long as the replacement structure is the same height as the existing structure, is constructed of substantially similar material or is a camouflaged/stealth structure, and the replacement structure is located within five (5) feet of the location of the original structure. The provisions of § 110.02(E) shall govern the standards of and procedures for construction or installation of replacement facilities within the public rights of way. The facilities may extend up to five feet above the replacement structure. The Zoning and Development Administrator may grant an additional variance, not to exceed ten (10) feet in height above the replacement structure, when such additional height is necessary for improved functionality or safety.

(5) The applicant must submit a letter of intent indicating the intent and agreement to allow co-location of facilities or installation of facilities on an existing structure.

(6) If proposed facilities are not or cannot be adequately camouflaged, the City may require the installation of new stealth facilities.

(7) Any disturbance of City infrastructure (such as, but not limited to, streets, sidewalks, and utilities) shall be repaired and restored by the applicant at its expense and to a condition at least as good as that existing before the work causing such disturbance was commenced.

(8) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $250.00 for each facility co-located or installed on an existing

structure in the public rights-of-way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

(9) Variances. In order to receive a variance under this subsection, an applicant must show that strict enforcement would make it difficult to provide service due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(F) Administrative Approval of New Facilities in Public Rights of Way. Providers proposing the construction or installation of new facilities in the public rights of way (specifically excluding the replacement of existing structures) shall comply with following requirements:

(1) Construction Maintenance. The provisions of § 110.02(E), with the exception of §§ 110.02(E)(3) and (E)(10), shall govern the process of approval for the construction or installation of any new facilities within the public rights of way.

(2) Fees. An applicant shall pay an application fee in the amount of $200.00 for a single facility and $25.00 for each additional facility included in the application. Providers with approved permits shall pay an annual fee in the amount of $50.00 for each new facility located in the public right of way. If the Provider is installing its own fiber optic technology to a particular location and does not otherwise have a City franchise to do so, or does not pay franchise fees to the City pursuant to another agreement, the Provider shall also provide the City with four (4) dark pairs of fiber that the City may use for a public purpose.

(3) Height Limitations. New facilities placed by the provider in public rights of way are permitted to be a maximum height of no more than ten (10) feet above the median height of other telecommunications facilities in the block for the proposed location, but in no event taller than thirty (30) feet above grade for residential and local streets, forty (40) feet for collector streets, or fifty (50) feet for arterial streets. The Zoning and Development Administrator may grant a variance not to exceed ten (10) additional feet when such additional height is necessary for improved functionality or safety. In order to receive a variance under this subsection, an applicant must also show that strict enforcement would make it difficult to provide services due to circumstances unique to the facility under consideration (*e.g.*, topographical challenges or line of sight issues) and demonstrate that the granting of the variance will be in keeping with the spirit and intent of this ordinance.

(4) Camouflaging or Stealth Technology Required. New facilities shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, incorporation within street lights, screening, landscaping, and placement within trees. All

antenna arrays, cables, and other accessories used for providing the services shall not be obtrusive or noticeably visible. The Zoning and Development Administrator may approve the installation of a standard utility pole in areas where such installation will not degrade the streetscape but any facilities shall be camouflaged to the greatest extent possible. Camouflaging and stealth technology shall be required in all residential areas, improvement districts (including, but not limited to, the Dickson Street area and College Avenue improvement corridor), and any area in which utilities have been installed or relocated underground. Understanding that new technologies are anticipated to change the components of telecommunications facilities, the Administrator may determine if a telecommunications facility or component of a telecommunications facility is designed to be stealth.

(5) Fall Zone. The minimum distance from the base of any facility to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said facility. This setback is considered a "fall zone." In the event that an existing facility is proposed as a mount for the provider's equipment, a fall zone shall not be required.

(6) Distance between new facilities. New non-camouflaged or non-stealth facilitiesshall be spaced a minimum of five hundred feet (500') from any other new non-camouflaged or non-stealth facility approved under subsection (F). New camouflaged facilities or new facilities utilizing stealth technology to fit within the streetscape (e.g., incorporated within a street light) shall not be subject to this distance requirement.

(7) Information Required to Process Requests for New Facilities.

(a) Provide a map of the geographic area that your project will serve;

(b) Provide a map that shows other existing facilities that are used by the telecommunications provider who is making the application;

(c) Provide a map that shows other potential standalone locations for your facility that have been explored;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed facility, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography.;

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to install your facility on existing structures. The applicant should demonstrate a good faith effort to locate facilities on existing structures and/or co-locate with other carriers. The city may deny a request to construct or install a new structure by an applicant

that has not demonstrated a good faith effort with respect to this requirement.

(g) Describe whether you will or will not accommodate equipment of other telecommunications providers that could co-locate on your facility. Describe how such accommodation will impact both your pole and your ground mounted facilities. Provide documentation of your provider's willingness or unwillingness to accommodate other providers who may be able to co-locate on your facility.

(8) Application Time Frame. A final decision shall be issued for applications for facilities under subsections (E) and (F) within 60 calendar days subject to the following:

(a) The City shall supply written notice to the Applicant within thirty days of receipt of an Application clearly and specifically delineating any missing documents or information.

(b) Applicant shall submit any supplemental documentation and information to the City.

(c) City shall then have up to ten (10) calendar days to notify Applicant that the supplemental documentation or information satisfies the City's request.

(d) Second or subsequent notices may not specify missing documents or information that were identified in the original notice of incompleteness.

(e) This timeframe shall be tolled in cases in which the City determines that the application is incomplete. This timeframe may also be tolled by mutual agreement of the Applicant and City.

(G) New Structures on Private Property. Telecommunications providers proposing the construction or installation of new poles or towers on privately owned property in the City shall comply with the provisions of § 163.13 ***Wireless Communications Facilities*** and shall obtain a conditional use permit.

(H) New Facilities on Public Property. The City of Fayetteville will actively market its own property and existing facilities as suitable co-location sites. Applications for new facilities on public property shall be subject to the Administrative Review process. An annual lease amount should be charged according to the fair market value of the location. In cases in which the company no longer needs the facility, the city may require it to be removed. Applicants may be required to provide co-location space for city-owned facilities. For purposes of this subsection, public property shall not include any public right of way or structures in any public right of way. Small cell facilities installed in the public right of way or on structures in the public right of way shall pay only the fees set forth in subsection (E) and shall not be charged additional fees under this subsection.

(I) Appeals. An Applicant may appeal to the City Council a decision or interpretation made in the Administrative Review process by the Zoning and Development Administrator. Appeals shall follow the procedure set forth in Section 155.02 of the Unified Development Code. Pedestrian access and safety. All facilities shall be installed in such a manner not to impede, restrict, or adversely impact pedestrian or

vehicular safety or convenience, or violate any provision of the Americans with Disabilities Act.

(J) Emergency removal or relocation of facilities. The City retains the right to cut or move any facility located within its rights-of-way as the City, in its sole discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. City shall notify the provider after cutting or removing any facility within its rights-of-way. If circumstances permit, the City shall notify the provider in advance of any cutting or removal and give the provider an opportunity to move its own facilities.

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0616

Agenda Date: 11/21/2017 **Version:** 1 **Status:** First Reading

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: B. 2

VIP CLUB:

AN ORDINANCE TO APPROVE THE APPLICATION OF SAMI AMMAR HADDAJI, ON BEHALF OF VIP CLUB FOR A PERMIT TO OPERATE AS A PRIVATE CLUB IN THE CITY OF FAYETTEVILLE AT 326 NORTH WEST AVENUE #6

WHEREAS, the Arkansas State Code definition of private club was amended to delete "regularly paying annual dues of not less than five dollars ($5.00) per member" from the requirement that a private club "must have not fewer than one hundred (100) members," and;

WHEREAS, Act 1112 of 2017, which amended the permitting procedure set forth in Ark. Code Ann. § 3-9-222 for private clubs in the State of Arkansas, requires the City Council to approve "by ordinance an application for a permit to operate as a private club" before the applicant can submit the application to the state Alcoholic Beverage Control Division.

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 approves the application of Sami Ammar Haddaji, on behalf of VIP Club, a copy of which is attached to the agenda request form, for a permit to operate as a private club in the City of Fayetteville at 326 North West Avenue #6.

City of Fayetteville Staff Review Form

2017-0616

Legistar File ID

11/7/2017

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

Kit Williams	10/24/2016	City Attorney / General Government Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

An ordinance to appvoe the application of Sami Ammar Haddaji, on behalf of VIP Club for a permit to operate as a private club in the City of Fayetteville at 326 N. West Ave. #6

Budget Impact:

NA	NA
Account Number	Fund
NA	NA
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:

Legister
2017-0616

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE APPLICATION OF SAMI AMMAR HADDAJI, ON BEHALF OF VIP CLUB FOR A PERMIT TO OPERATE AS A PRIVATE CLUB IN THE CITY OF FAYETTEVILLE AT 326 NORTH WEST AVENUE #6

WHEREAS, the Arkansas State Code definition of private club was amended to delete "regularly paying annual dues of not less than five dollars ($5.00) per member" from the requirement that a private club "must have not fewer than one hundred (100) members," and;

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Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the application of Sami Ammar Haddaji, on behalf of VIP Club, a copy of which is attached to the agenda request form, for a permit to operate as a private club in the City of Fayetteville at 326 North West Avenue #6.

PASSED and **APPROVED** this 7th day of November, 2017.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk/Treasurer

BALL & MOURTON, LTD., PLLC

E.J. BALL (1917-2004)
KENNETH R. MOURTON
JASON GILBERT

A Professional Limited Liability Company
Attorneys at Law
Est. 1950

Telephone: (479) 442-6213
Facsimile: (479) 442-6233
www.ballandmourton.com

Post Office Box 1948
Fayetteville, AR 72702

Uptown Professional Offices
3608 N. Steele Blvd.
Suite 202
Fayetteville, AR 72703

October 23, 2017

VIA: HAND DELIVERY

Mr. Kit Williams
City of Fayetteville
City Attorney
113 West Mountain Street, Suite 302
Fayetteville, AR 72701

RE: Act 1112 of 2017

Dear Kit:

Pursuant to our telephone conference today, I am requesting that the application by VIP Club for a private club permit be added to the City Council agenda for November 7, 2017, for approval of said private club by City Ordinance as required by Act 1112 of 2017.

The information regarding the private club is as follows:

Non-Profit Corporation:	VIP Club
Location:	326 North West Avenue #6 Fayetteville, AR 72701
Applicant on behalf of VIP Club:	Sami Ammar Haddaji 2128 North Garland Avenue #1 Fayetteville, AR 72704 479-228-8530

Please let me know if you need any additional information.

RECEIVED
OCT 23 2017
CITY ATTORNEY'S OFFICE

K:\doc\oct\kit williams 10-23-2017

With highest personal regards.

Very truly yours,

Kenneth R. Mourton

KRM:ac

★ Unit Number
● Other Address
Verification Parcel
☆ Address Verification

326 N West Ave

GIS Office, 10/25/2017

0.05Miles

N

ARKANSAS STATE POLICE

Arkansas Criminal History Report

This report is based on a name search. There is no guarantee that it relates to the person you are interested in without fingerprint verification. This report includes a check of Arkansas files only. Inquiries into FBI files are not permitted for non-criminal justice or employment purposes without specific statutory authority.

Subject of Record

Last: **HADDAJI** First: **SAMI** Middle: **A**

Date of Birth: **01/29/1986** Sex: **M** Race: **U**

Social Security Number: [redacted] *(not verified, supplied at time of request)*

- NO CRIMINAL HISTORY FOUND FOR THIS SUBJECT -

ARKANSAS STATE POLICE
IDENTIFICATION BUREAU

Requestor Information

Transaction Number: **ABC002311296**

Date: **10/09/2017** Agency Reporting: **Arkansas State Police**

Purpose: **Pursuant to Arkansas Code §3-2-103 regarding applicants for licensing by the Alcoholic Beverage Control Division.**

Released To: **Carolyn Vance On Behalf of ABC**

Representing: **ABC**

Mailing Address: **1515 W 7TH STREET LITTLE ROCK, AR 72201**

This Arkansas criminal history record report should only be used for the purpose that it was requested. A request that is posed for a different purpose may result in more or less information being reported.

This report does not preclude the possible existence of additional records on this person which may not have been reported to the State Identification Bureau and Central Repository. Changes in a criminal history record can occur at any time due to new arrests and/or ongoing legal proceedings.

This Arkansas criminal background check report is for non-criminal justice purposes and may only reflect if a person has any Arkansas felony and misdemeanor conviction(s), any Arkansas felony arrest that occurred in the last three (3) years that has not been to court and whether the person is a registered sex offender or required to register as a sex offender. Juvenile arrest and/or court information will not be released on this report.

STATE OF ARKANSAS
ALCOHOLIC BEVERAGE CONTROL DIVISION

APPLICATION FOR PRIVATE CLUB PERMIT

Private Club _____

Permit No. _____

We hereby make applications for permits to serve alcoholic beverages on our premises to the club's adult members, members of their families over the age of 21, and duly qualified guests.

VIP CLUB
Non-Profit Corporation

FEIN# 47-3415261

APPLICANT ON BEHALF OF CLUB Sami (First) Ammar (Middle) Haddaji (Last)

HOME ADDRESS 2128 N. Garland Avenue #1 (Street) Fayetteville (City) 72704 (Zip) Washington (County)

BUSINESS NAME VIP Club

BUSINESS ADDRESS 326 North Wedt Avenue #6 (Street) Fayetteville (City) 72701 (Zip) Washington (County)

Is proposed location inside or outside city limits? Inside

Does the club own the premises? No If leased, give name and address of owner:
HMT of Fayetteville, LLC P.O. Box 1181 Fayetteville, AR 72702

Is your establishment primarily engaged in the business of serving food for consumption on the premises? No

Under which system of dispensing alcoholic beverages will the club operate?

Pool/Revolving X Locker _____

Does anyone now hold an alcoholic beverage permit a this location? No If so, give name, address and permit no. (s) _____

Amount of Dues $ 5.00 ANNUAL (X) MONTHLY ( )

Give names and addresses of all officers/directors of the non-profit organization:

NAME	TITLE	ADDRESS
Sami Haddaji	President/Vice President	2128 North Garland Avenue #1 Fayetteville, AR
Trisha Caldwell-Haddaji	Secretary/Treasurer	2128 North Garland Avenue #1 Fayetteville, AR

Signed this _____ day of _____, _____.

_____
Signature of Applicant/Managing Agent

President/Managing Agent
Official Title

Subscribed and sworn to before me this _____ day of _____, _____.

_____
Notary Public

My Commission Expires: _____

10/27/09

NEWSCHA0102

SCHEDULE A - INDIVIDUAL'S PERSONAL HISTORY

Application filled by Applicant - A, Stockholder/Partner - S : A

I submit answers to the following questions under oath:

1. Name Sami Haddaji Sex M Date of Birth 1-29-1986

2. Home Address 2128 N. Garland Ave #1 Fayetteville 72704 Phone No. 479-228-8530
   Street City Zip

3. Are you a person of good moral character and reputation in your community? Yes

4. Are you a **(CITIZEN)** or **(PERMANENT RESIDENT ALIEN)** of the United States? **CIRCLE ONE**
   Social Security No. [redacted] Green Card No. [redacted]

5. Are you a resident of the county in which application has been made? Yes

   If not, do you live within 35 miles of the premises to be permitted? _____

6. Have you ever been convicted of a felony? **YES** ____ **NO** X If so, give full information

7. Have you been convicted of any violation of any law relating to alcoholic beverages within the five (5)years preceeding this application? **YES** ____ **NO** X If so, give full information

8. Have you had any alcoholic beverage permit issued to you revoked within the five (5) years preceeding this application? **YES** ____ **NO** X If so, give full information

9. Do you presently hold or have you ever held an alcoholic beverage permit(s)? Yes If so, give name, place, and permit number(s)
   Sami Haddaji - Hookah Java Cafe (inactive status)

10. Have you applied and been refused a permit at the applied for location within the last 12 months?
    No If so, give full information

11. Marital Status: Single ( ) Married (X) Divorced ( ) Separated ( ) Other ( )

12. Furnish complete information regarding members of immediate family:

Relationship	Full Name	Address	Occupation
Wife	Trisha Caldwell-Haddaji	2128 N. Garland Avenue #1 Fayetteville Arkansas 72704	Office Manager

NEWSCHA0202

(a) Are any of the above to be connected with the operation of the outlet? No

(b) If so, who and in what capacity?

13. Give your home address (city or town) and dates at each for the past five (5) years:

2128 North Garland Avenue #1, Fayetteville, AR 72704 - 11/13 - Current

Cite El Feth Jemmel, Tunisia - Childhood - 11/2013

14. Covering the past five (5) years, give in detail the following:

Your Business or Occupation	Name & Address of Employer	Dates of Employment
Owner - The Mediterranean Truck - 1/1/2017 - Present		
Owner - Hookah Java Cafe - 2/1/16 - 4/1/2017		
Team Lead - Sam's Club - Highway 112, Fayetteville, AR 72701 - 5/2014 - 6/2016		

I hereby state on oath that I will not violate any law of this State or any regulation of the Alcoholic Beverage Control Division, nor will any agent or employee be allowed to violate any law or regulation. It is hereby consented that the licensed premises and its books and records shall be open at all times to all law enforcement officials without warrant or other legal process.

Applicant's Signature

STATE OF ARKANSAS

COUNTY OF Washington

Sami Haddaji, being first duly sworn on oath deposes and says that he/she has read each of the questions to which he/she has made answer, and that his/her said answers in each instance are true and correct.

Subscribed and sworn to before me this _____ day of _____, 2017.

Notary Public

My Commission Expires: _____

NEWARIA0101

AUTHORITY TO RELEASE INFORMATION

Application filled by Applicant - A, Stockholder/Partner - S : A

TO WHOM IT MAY CONCERN:

I understand that the Alcoholic Beverage Control Enforcement Division will conduct a thorough investigation before a final decision is made regarding my eligibility to hold an alcoholic beverage permit. This investigation may include inquiries as to my character, reputation, and the location and feasibility of a permit being issued at the applied for location.

To facilitate this investigation, I do hereby give my consent and authority for any public utility or police agency to furnish information from their records to the Alcoholic Beverage Control Enforcement Division and the Alcoholic Beverage Control Board.

_____
Signature - Full Name

_____
Date

2128 North Garland Avenue #1
Home Address

Fayetteville AR 72704
City State Zip

2128 North Garland Avenue #1
Mailing Address

Fayetteville AR 72704
City State Zip

479-228-8530
Contact Phone Business Phone

sahaddaji@gmail.com
E-Mail Address

Sworn and subscribed before me this _____ day of _____, 2017.

_____
Notary Public

My Commission Expires: _____

(Revised 3/08)

NEWETDS0102

DESCRIPTION OF BUSINESS AND ENTERTAINMENT ACTIVITIES FOR PRIVATE CLUB PERMIT

NAME OF OUTLET VIP Club

CITY Fayetteville COUNTY Washington

Arkansas Law requires that a private club must exist for some reason other than the consumption of alcoholic beverages. On this sheet of paper, which is a part of your verified application, you are to describe, in complete detail, what entertainment (live bands, dancers, food service, etc.), social functions, or other recreational events will be available at the club for the members. If you are in doubt about whether to list an item, you are urged to include it.

Under Section 1.34 of the ABC regulations, any permit issued by this agency is only valid for the uses described in the original application. Any material change in the club's operation or entertainment, other than originally listed in this application, ***without prior approval of the director***, shall be grounds or revocation of your permit.

On your floor plan, which is a separate attachment, please mark the entrance to the private club, noting the location of the guest book, and mark any major features of the private club area, including where specific entertainment items will be located.

PLEASE PRINT OR TYPE YOUR RESPONSES BELOW. USE THE BACK OF FORM, OR ADDDITIONAL SHEETS, IF NECESSARY.

VIP Club will offer its members and guests three televisions for their viewing pleasure.

VIP Club will also have a DJ for music.

vip Club initially will be open four days a week, Wednesday, Thursday, Friday and Saturday from 6:00 p.m. until 2:00 a.m. There is a possibility in the future they will be open 6 days a week (Monday through Saturday) from 6:00 p.m. to 2:00 a.m.

VIP Club will place a jar with the name of a charity on the bar that members and guests can donate to. The Managing Agent will pick new charity each month for which the members and guests may donate to.

1. Alaniz, Anthony 14857 Cove Creek Prairie Grove, AR 72753
2. Alruwaily, Talal 333 N St Charles Ave # 419 Fayetteville, AR 72701
3. Anadell, Joel 4141 N Cadillac Dr. #9 Fayetteville, AR 72703
4. Anderson, Christopher 15 N Locust #4 Fayetteville, AR 72701
5. Apulu, Ndotimi 900 N Leverette Ave #107 Fayetteville, AR 72701
6. Atchley, Seth 122 W Meadow St #4 Fayetteville, AR 72701
7. Baird, Julia 1062 Bel Air Dr. Fayetteville, AR 72703
8. Bateman, JR 4420 Madison 2590, Huntsville, AR 72740
9. Benazzouz, Amine 1291 Fox Run ln Elkins, AR 72727
10. Bertan, Xavier 727 W. Beck Fayetteville, AR 72703
11. Beter, Daniel 567 N Scottsdale Dr. #3 Fayetteville, AR 72701
12. Bogard, Catherine 415 West Johnson. Springdale, AR 72764
13. Bonilla, Carolina 3636 Glenbrook Loop Springdale, AR 72764
14. Bowers, Isaiah 519 S Duncan St #1 Fayetteville, AR 72701
15. Boyd, Rosemarie 1756 N Merion Way #204 Fayetteville, AR 72704
16. Brandon, Bryan 12056 Hazel Valley Rd Fayetteville, AR 72701
17. Brewer, Jacob 210 S. Hill St Fayetteville, AR 72701
18. Brooks, Zack 930 W Berry Fayetteville, AR 72701
19. Brown, Todd 101 Cope Rd Crossett, AR 71635
20. Caldwell, Tina 118 Double Rd Renfrew, PA 16053
21. Caldwell, Trisha 2128 N Garland Ave #1 Fayetteville, AR 72704
22. Calloway, Paul 3490 E. Redwood Drive, Fayetteville, AR 72703
23. Calloway, Pauline 3061 Skillern Road, Fayetteville, AR 72703
24. Carlson, Gustav 714 W. Douglas Fayetteville, AR 72701
25. Chaisson, Brian 4170 Hillside Terrace, Fayetteville, AR 72703
26. Coates, Myles 3001 W Wedington Ave #12 Fayetteville, AR 72701
27. Collins, Joseph 1002 Taldo Loop Springdale, AR 72762
28. Darboe, Joko 2000 Commons Dr. Rogers, AR 72756
29. Debraff, Gavin 1248 N Centennial Ave West Fork, AR 72774
30. Diaz, Karla 1618 Mayberry Dr., Neosho, MO 64850
31. Dilley, Jeremiah 522 W Maple #9 Fayetteville, AR 72701
32. Drake, Jeniece 22433 Downum Rd Springdale, AR 72762
33. Drake, Terry 280 Countryside Drive, Farmington, AR 72730
34. Duffy, Dustin 1474 Timberlane Dr. Fayetteville, AR 72701
35. Eccleston, Quinton 938 N. Daisy Ln., Fayetteville, AR 72703
36. Edwards, Danielle 20948 Dobbs Mountain Rd. Evansville, AR 72729
37. Faber, Denise 1650 E. Carolyn Drive Fayetteville, AR 72701
38. Faulkner, Colby 934 Silverado Dr., Fayetteville, AR 72701
39. Foster, Cazzie 649 North Haven Dr. Memphis, TN 38127
40. Fox, Lauren 721 Dogwood Ct Crossett, AR 71635
41. Freeze, Alexandria 7408 Flint Rd # 105 Shawnee, KS 66203
42. Fulgham, Alex 485 N Monroe Station Dr. Fayetteville, AR 72704
43. Galdamez, Johnny 701 N 24th St Rogers, AR 72756
44. Gately, Sterlyn 719 N Storer Ave Fayetteville, AR 72701
45. Gilbert, Jason 3511 E. Madison Drive, Fayetteville, AR 72701
46. Gogia, Ruchika 900 N Leverette Ave #318 Fayetteville, AR 72701
47. Granthan, David 4516 Frank St N. Little Rock, AR 72118
48. Green, McKenna 615 W Cheshire Ct #101 Fayetteville, AR 72701
49. Harrison, Shanda 51063 S 727 Rd Colcord,OK 74338
50. Hubbell, Dilly 107 Greenbriar Crossett, AR 71635
51. Hubbell, Griffin 1681 N Timberridge Ct Fayetteville, AR 72704
52. Hubbell, Judy 108 Greenbriar Crossett, AR 71635
53. Jones, Jared 301 W. Spring St Fayetteville, AR 72701
54. Kegley, Jake 507 Branchwood Ave., Springdale, AR 72764
55. King, Ryan 400 N. Coral Canyon Loop Fayetteville, AR 72703
56. Kong, Paul 10200 S Old Cincinnati Rd Lincoln AR 72744
57. Krzesinski, William 625 W Dickson St #5 Fayetteville, AR 72701
58. Land, Peyton 884 W Holly St. Fayetteville, AR 72703
59. Lane, Jason 1412 N Oakland Fayetteville, AR 72703
60. Lisle, Derek 1209 S Gentlevalley Dr. Fayetteville, AR 72701

VIP Club

61. Loreton, Jesse 1251 E. Shepherd Lane Fayetteville, AR 72703
62. Mallett, Ashleigh 3215 W. Jewell Rd Fayetteville, AR 72701
63. McAllister, Jonathan 104 Garvin Dr. Fayetteville, AR 72701
64. McCabe, Dallas 1340 N Futrall Dr. Fayetteville, AR 72703
65. McPherson, Adam 1247 W Mt. Comfort Rd Fayetteville, AR 72703
66. Meier, Vince 413 N West Ave Fayetteville, AR 72701
67. Melchor, Juan 33 Wood Springs Dr. Fayetteville, AR 72701
68. Melchor, Marco 5401 SW Villa Bentonville, AR 72712
69. Melendez, Yohan 1563 S. Razorback Rd Fayetteville, AR 72701
70. Miller, Jill 2784 Coy Kaylor Drive, Apt. 12, Fayetteville, AR 72703
71. Miller, Nanette 3105D Curtis Street, Fayetteville, AR 72703
72. Mourton, Kenneth 1415 Mission, Fayetteville, AR 72701
73. Mucciarone, Robin 1611 South River Meadows Drive, Fayetteville, AR 72701
74. Murray, Brandon 2731 N Chapel Dr. Fayetteville, AR 72704
75. Myers, Marty 1047 S. Sherman Ave Fayetteville, AR 72701
76. Njai, Isatole 2900 N 22nd St Rogers, AR 72756
77. Noseworthy, Charles 66 Glenmere Ave Florida, NY 10921
78. Nunez, Dom 1563 S. Razorback Rd Fayetteville, AR 72701
79. Odell, Chandler 1343 N Oakland #203 Fayetteville, AR 72703
80. Perez, Javid 2510 S Walton Blvd., Bentonville, AR 72712
81. Passamano, Michael 31 Wood Springs Dr., Fayetteville, AR 72701
82. Peterson, Calvin 55 Wood Springs Dr., Fayetteville, AR 72701
83. Perdue, Larry 1428 E. Farmers Avenue, Fayetteville, AR 72701
84. Raiyan, Shifat 688 N Leverette Ave, Fayetteville, AR 72701
85. Raley, Mark 208 West Hill Street, Alpena, AR 72611
86. Rambeau, Christian 65 N Fletcher Ave Fayetteville, AR 72701
87. Reas, Marilyn 442 Madison 7225, Hindsville, AR 72738
88. Rivera, Evelin 333 Carrington Ave Springdale, AR 72764
89. Robinson, Michael 1047 S Sherman Ave Fayetteville, AR 72701
90. Rogers, Tiffany 1789 Ashley 89 Crossett, AR 71635
91. Rollins, John 4024 Hillside Terrace, Fayetteville, AR 72703
92. Schneider, Ricardo 934 S. Silverado Dr. Fayetteville, AR 72701
93. Scott, Clayton 3198 N Malinda Fayetteville, AR 72703
94. Shah, Saurya 574 N 24th St. Rogers, AR 72756
95. Smith, Josh 18994 Shoreline Way Fayetteville, AR 72703
96. Sugg, Andrew 119 Kate Smith St #3 Prairie Grove, AR 72753
97. Taylor, Joel 176 Canada Ave Wichita, KS 57217
98. Taylor, Stephen 5100 Zero St. Apt 2310, Fort Smith, AR 72903
99. Terry, Dee 727 W. Beck Fayetteville, AR 72703
100. Thompson, Matt 107 Dakota Trail Farmington, AR 72730
101. Tlamirez, Chris 905 Lochness Lane Garland, TX 75044
102. Todd, Kyle 1501 N Prairie Dunes Trail Fayetteville, AR 72704
103. Varley, Phil 2673 Preston St #120 Salt Lake City, UT 84106
104. Vega, Daniel 1948 S 17th Pl. Rogers, AR 72758
105. Villasaner, Jordan 2438 W. St. Pete's Ct. #205 Fayetteville, AR 72701
106. Villines, Toby 4515 Madison 8715, Huntsville, AR 72740
107. Wakefiled, Dick 2285-2 Wolf Run Drive, Fayetteville, AR 72704
108. Wandrey, Amy 3147 N Sheryl Ave Fayetteville, AR 72703
109. Ward, Ezra 2811 S. Hunt Lane Fayetteville, AR 72701
110. Weaver, Dylan 2884 N. Sunny Lane, Fayetteville, AR 72703
111. Wimberly, Sam 2116 Loren Circle, Fayetteville, AR 72703
112. Wunschel, Nathan 2106 N Garland Ave #1 Fayetteville, AR 72704

VIP Club

STATE OF ARKANSAS

SECRETARY OF STATE

Mark Martin
ARKANSAS SECRETARY OF STATE

To All to Whom These Presents Shall Come, Greetings:

I, Mark Martin, Arkansas Secretary of State of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of

Articles of Amendment

of

WILD PONY CANYON, INC.

changing the name to

VIP CLUB

filed in this office
October 3, 2017.

SEAL OF THE SECRETARY OF STATE
ARKANSAS

In Testimony Whereof, I have hereunto set my hand and affixed my official Seal. Done at my office in the City of Little Rock, this 3rd day of October, 2017.

Mark Martin

Arkansas Secretary of State

Certificate of Amendment of a Non-Profit Corporation

WILD PONY CANYON, INC.,

corporation duly organized, created and existing under and by virtue of the laws of the State of Arkansas, by its Presiding Director or Officer,

DOES HEREBY CERTIFY:

At a meeting of the membership (or incorporators or board of directors)

which was held on: 10/02/2017

in the City of: FAYETTEVILLE,

the Articles of Incorporation of this corporation were amended to read as follows:

THE NAME OF THE CORPORATION SHALL BE VIP CLUB. THE REGISTERED AGENT SHALL BE CHANGED TO SAMI HADDAJI, 326 N. WEST AVENUE, SUITE 6, FAYETTEVILLE, AR 72701. THE PRIMARY PLACE OF BUSINESS SHALL BE CHANGED TO 326 N. WEST AVENUE, SUITE 6, FAYETTEVILLE, AR 72701.

Check appropriate statement:

X **I** **If approval of the members was not required, a statement to that effect and a statement that the amendment was approved by a sufficient vote of the board of directors or incorporators;**

II **If approval by members was required:**

(a) **the designation, number of memberships outstanding, number of votes entitled to be cast by each class entitled to vote separately on the amendment, and the number of votes of each class indisputably voting on the amendment; and**

(b) **either the total number of votes cast for and against the amendment by each class entitled to vote separately on the amendment or the total number of undisputed votes cast for the amendment by each class and a statement that the number cast for the amendment by each class was sufficient for approval by that class.**

III **If the approval of the amendment by some person or persons other than the members, the board or incorporators is required pursuant to § 4-33-1030, a statement that the approval was obtained.**

Date: 3rd of October, 2017

{$delayed_message

Signature of Presiding Director: ANGELA CALLOWAY

STATE OF ARKANSAS

SECRETARY OF STATE

Mark Martin
ARKANSAS SECRETARY OF STATE

To All to Whom These Presents Shall Come, Greetings:

I, Mark Martin, Arkansas Secretary of State of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of

Articles of Incorporation

of

WILD PONY CANYON, INC.

filed in this office January 28, 2015 in compliance with the provisions of the law and are hereby declared a body politic and corporate, by the name and style aforesaid, with all the powers, privileges and immunities granted in the law thereunto appertaining.

SEAL OF THE SECRETARY OF STATE ARKANSAS

In Testimony Whereof, I have hereunto set my hand and affixed my official Seal. Done at my office in the City of Little Rock, this 28th day of January, 2015.

Mark Martin

Arkansas Secretary of State

Articles of Incorporation for Dom. Non-Profit Corp

Filing Information

Filing Act: 1147 of 1993
Entity Name: WILD PONY CANYON, INC.
File Date: 2015-01-28 13:40:09
Effective Date: 2015-01-28
Filing Signature: JILL MILLER
Organization Type: Public - Benefit Corporation
Asset Distribution: To the members.
Has Members: Yes

Registered Agent:

First Name: KENNETH
Last Name: MOURTON
Suffix: MR
Address 1: 3608 N. STEELE BLVD., SUITE 202
City: FAYETTEVILLE
State: AR
Zip: 72703
Country: USA
Phone: 479-442-6213

Officers

First Name: JILL
Last Name: MILLER
Title: Incorporator/Organizer
Address 1: 3608 N. STEELE BLVD., SUITE 202
City: FAYETTEVILLE
State: AR
Zip: 72703
Country: USA

BY-LAWS

OF

VIP CLUB

ARTICLE ONE

OFFICES

The principal office of the corporation shall be located at 326 North West Avenue #1, Fayetteville, Arkansas 72701. The corporation may have such other offices, either within or out the State of Arkansas, as the Board of Directors may determine from time to time.

ARTICLE TWO

MEMBERS

SECTION 1. Classes of Members: The members of the corporation shall be one class and shall be allowed one vote each as herein below set forth. The qualifications for membership shall be stated hereinafter.

SECTION 2. Election of Members: Any person interested in becoming a member of the corporation shall submit a written and signed application, on a form approved by the Board of Directors, to the Secretary of the Corporation. Such application shall be accompanied by the written sponsorship of one member in good standing or one member of the Board of Directors. Applicants whose applications are so approved shall become members of the corporation.

As soon as the Membership Committee shall have formed, as provided hereinafter, all applications for membership shall be submitted to the Membership Committee, duly considered by the Committee. On approval of his/her application by the Membership Committee the applicant shall become a member of the corporation.

Any applicant who has been disapproved by the Membership Committee or any sponsor of such applicant, shall have the privilege of review by the membership at large, according to such procedure as may be fixed by the Board of Directors.

SECTION 3. Voting Rights: Each member in good standing shall be entitled to one vote on each matter submitted to a vote of the members.

SECTION 4. Termination of Membership: The Board of Directors, by affirmative vote of two-thirds of all of the members of the Board, may suspend or expel a member for cause after an appropriate hearing, and, by a majority vote of those present at any regularly constituted meeting, may terminate the membership of any member who becomes ineligible for membership.

SECTION 5. Resignation: Any member may resign by filing a written resignation with the Secretary.

SECTION 6. Reinstatement: On written request signed by a former member and filed with the Secretary, the Board of Directors, by the affirmative vote of two-thirds of the members of the Board, may reinstate such former terms as the Board of Directors may deem appropriate.

SECTION 7. Transfer of Membership: Membership in this corporation is not transferable or assignable.

ARTICLE THREE

MEETING OF MEMBERS

SECTION 1. Annual Meeting: An annual meeting of the members shall be held at the principal office of the corporation on the first day following the holiday in the month of January in each year, beginning with the year 2018, at the hour of one o'clock (1:00) p.m. for the purpose of electing directors and for the transaction of such other business as may come before the meeting.

If the day fixed for the annual meeting is a legal holiday in the State of Arkansas, such meeting shall be held on the day designated herein for any annual meeting, or at any adjournment thereof, the Board of Directors shall cause the election to be held at a special meeting of the members as soon thereafter as is convenient.

SECTION 2. Special Meetings: Special meetings of the members may be called by the President, the Board of Directors, or not less than one-tenth of the members having voting rights, at a place designated by the Board of Directors. If no designation is made, the place of meeting shall be the principal office of the corporation in the State of Arkansas.

SECTION 3. Notice of Meetings: Written or printed notice stating the place, day, and hour of any meeting of members shall be posted at the main entrance to the corporate office or meeting place in a conspicuous place, not less than five (5) nor more than ten (10) days before the date of such meeting, by or at the direction of the president, or the secretary, or the officers or persons calling the meeting. In case of a special meeting or when required by statute or by these by-laws, the purpose or purposes for which the meeting is called shall be stated in the notice. If mailed, the notice of a meeting shall be deemed to be delivered when deposited in the United States mail, addressed to the member at his/her address as it appears on the records of the corporation with postage thereon prepaid.

SECTION 4. Informal Action by Members: Any action required by law to be taken at a meeting of the members, or any action that may be taken at a meeting of the members, may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all the members entitled to vote with the respect to the subject matter thereof.

SECTION 5. Quorum: A quorum shall consist of at least ten members eligible to cast votes at any regular or special meeting of the corporation. If a quorum is not present at any meeting of the membership, a majority of the members present may adjourn the meeting.

SECTION 6. Proxies: All voting by the club membership or any committee or sub-committee of the club shall be by the individual member in person or by mailed ballot. No proxy vote shall be allowed.

SECTION 7. Voting by Mail: Where directors or officers are to be elected by members of any class or classes of members, such election may be conducted by mail in such manner as the Board of Directors shall determine.

ARTICLE FOUR

BOARD OF DIRECTORS

SECTION 1. General Powers: The affairs of the corporation shall be managed by its Board of Directors.

SECTION 2. Number, Tenure, and Qualifications: The number of directors shall be two. Directors shall be elected at the annual meeting of members and the term of office of each director shall be until the next annual meeting of the members and the election and qualification of his/her successor.

SECTION 3. Regular Meetings: A regular meeting of the Board of Directors shall be held without any other notice than this by-law immediately after, and at the same place, as the annual meeting of members. The Board of Directors may provide, by resolution, the time and place for holding additional regular meetings without other notice than such resolution. Additional regular

meetings shall be held at the principal office of the corporation in the absence of any designation in the resolution.

SECTION 4. Special Meetings: Special meetings of the Board of Directors may be called by or at the request of the president or two directors, and shall be held at the principal office of the corporation or at such other place as the directors may determine.

SECTION 5. Notice: Notice of any special meeting of the Board of Directors shall be given at least two days previously thereto by written notice delivered personally or sent by mail or telegram to each director at his/her address as shown by the records of the corporation. If mailed, such notice shall be deemed to be delivered when it is delivered to the telegraph company. Any director may waive notice of any meeting. The attendance of a director at any meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at the meeting need not be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these by-laws.

SECTION 6. Quorum: A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the directors are present the meeting may be adjourned from time to time without further notice.

SECTION 7. Vacancies: Any vacancy occurring in the Board of Directors and any directorship to be filled by reason of an increase in the number of directors shall be filled by the Board of Directors. A director appointed to fill a vacancy shall serve for the unexpired term of his/her predecessor in office.

SECTION 8. Compensation: Directors as such shall not receive any stated salaries for their services, but by resolution of the Board of Directors a fixed sum and expenses of attendance, if any, may be allowed for attendance at any regular or special meeting of the Board. Nothing herein contained shall be construed to preclude any director from serving the corporation in any other capacity and receiving compensation therefor.

ARTICLE FIVE

OFFICERS

SECTION 1. Officers: The officers of the corporation shall be a president, vice president, secretary and treasurer, and such other officers as may be elected in accordance with the provisions of this article. The Board of Directors may elect or appoint such other officers, including one or more assistant treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person.

SECTION 2. Election and Term of Office: The officers of corporation shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as is convenient. New offices may be created and filled at any meeting of the Board of Directors. Each officer shall hold office until his/her successor has been duly elected and qualifies.

SECTION 3. Removal: Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interest of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officers so removed.

SECTION 4. Vacancies: A vacancy in any office because of death, resignation, removal disqualification, or otherwise may be filled by the Board of Directors for the unexpired portion of the term.

SECTION 5. Powers and Duties: The several officers shall have such powers and shall perform such duties as may from time to time be specified in resolutions or other directives of the Board of Directors. In the absence of such specifications, each officer shall have the powers and authority and shall perform and discharge the duties of officers of the same title serving in non-profit corporation having the same or similar general purposes and objectives as this corporation.

ARTICLE SIX

COMMITTEES

SECTION 1. Committees of Directors: The Board of Directors by resolution adopted by majority of the directors in office, may designate one or more committees, each of which shall consist of two or more directors, which committees, to the extent provided in such resolution, shall have and exercise the authority of the Board of Directors in the management of the corporation, but the designation of such committees and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual director, of any responsibility imposed on it/him/her by law.

SECTION 2. Membership Committee: At the first meeting of the Board of Directors, or such special meeting of the Board of Directors as may be called for the purpose, the Board shall elect from the membership no fewer than three nor more than five persons who shall constitute the Membership Committee. Of the committee members first elected, one shall serve for one year, one shall serve for two years, and one shall serve for three years. At annual meetings of the members thereafter, the member shall be elected to the committee for one-year terms to fill the terms as they expire. Any

vacancy occurring in the committee by death, resignation, withdrawal from membership or otherwise shall be filled by majority vote of all the remaining members of the committee. Any person so elected shall serve for the remainder of the term of his/her predecessor.

The committee, when formed, shall organize itself, shall elect from its members a chairman and a secretary and shall perform the functions and discharge the duties, concerning the consideration, approval, and election of new members, as are given to the committee elsewhere in these by-laws, or by resolution of the Board of Directors, or by resolution of the members.

SECTION 3. Other Committees: Other committees not having and exercising the authority of the Board of Directors in the management of the corporation may be designated by a resolution adopted by a majority of the directors present at a meeting at which a quorum is present. Except as otherwise provided in such resolution, members of each such committee shall appoint the members thereof. Any member thereof may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interest of the corporation shall be served by such removal.

ARTICLE SEVEN

CONTRACTS, CHECKS, DEPOSITS AND FUNDS

SECTION 1. Contracts: The Board of Directors may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these by-laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or may be confined to specific instances.

SECTION 2. Checks, Drafts, or Orders: All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the corporation, shall be

signed by such officer or officers, agent or agents, of the corporation, and in such manner as shall from time to time be determined by resolution of the Board of Directors, such instruments shall be signed by the president or vice-president of the corporation.

SECTION 3. Deposits: All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

SECTION 4. Gifts: The Board of Directors may accept on behalf of the corporation any contribution, gift, bequest, or devise for any purpose of the corporation.

ARTICLE EIGHT

MEMBERSHIP CARDS

Section 1. Proof of Membership: The Board of Directors shall provide for the issuance of membership cards evidencing membership in the corporation, which cards shall be in such form as may be determined by the Board. Such cards shall be signed by the president or vice-president and by the secretary or an assistant secretary and shall be sealed with the seal of the corporation. All cards evidencing membership of any class shall be consecutively numbered. The name and address of each member and the date of issuance of the card shall be entered on the records of the corporation. If any card is lost, mutilated, or destroyed, a new card may be issued on such terms and conditions as the Board of Directors may determine.

SECTION 2. Issuance of Membership Cards: When a member has been elected to membership a membership card shall be issued in his/her name and delivered to him/her by the secretary.

ARTICLE NINE

BOOKS AND RECORDS

The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, committees, having and exercising any of the authority of the Board of Directors and the membership committee, and shall keep at the principal office a record giving the names and addresses of the members entitled to vote. All books and records of the corporation may be inspected by any member or his/her agent or attorney for any proper purpose at any reasonable time.

ARTICLE TEN

FISCAL YEAR

The fiscal year of the corporation shall be January through December.

ARTICLE ELEVEN

WAIVER OF NOTICE

Whenever any notice is required to be given under the provisions of Arkansas Law or the Articles of Incorporation or the by-laws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated herein, shall be deemed equivalent to the giving of such notice.

ARTICLE TWELVE

AMENDMENT OF BY-LAWS

These by-laws may be altered, amended, or repealed, and new by-laws may be adopted by a majority of the Board of Directors at any regular meeting or at any special meeting.

Trisha Caldwell-Haddaji

MINUTES OF THE BOARD OF DIRECTORS OF
VIP CLUB

The Special Meeting of the Board of Directors of VIP Club, a non-profit corporation organized under the laws of the State of Arkansas, was held at the office of the corporation, in Fayetteville, Arkansas on the October 4, 2017, at 9:00 a.m.

Sami Haddaji as Chairman and Trisha Caldwell-Haddaji acted as Secretary and recorded the minutes of the meeting.

After brief discussion, the Board decided unanimously to hire Sami Haddaji as the manager of the corporation's establishment. The Board expressed that it will periodically reevaluate the course of institution of the new goals and advise Mr. Haddaji of the necessary adjustments in business operations of the corporation. The board unanimously voted to also appoint Sami Haddaji as the managing agent and specifically directs that he make application to the Alcohol and Beverage Control Division of the State of Arkansas for a Private Club Permit.

Furthermore, to effectuate the change in management, it was:

> RESOLVED, that Sami Haddaji is elected and appointed as the managing agent for the corporation and the officers are directed to compile all appropriate documents as manager of the establishment to be filed with the State of Arkansas on a timely basis. The Board hereby authorizes and appoints Sami Haddaji as manager and grants him the authority to apply for a Private Club Permit in his name as managing agent of the club. Additionally, the Board directs that Sami Haddaji make application to the Alcohol Beverage Control Division of the State of Arkansas for a Private Club Permit.

In furtherance of the new image that the corporation wishes to generate, the Board authorizes and directs Sami Haddaji to renovate and modify by all means necessary the current premises which the corporation operates. The Board requested Sami Haddaji to keep them informed of all internal and external modifications. The Board also directed Sami Haddaji to restructure the organization

and personnel of the current establishment. In doing so, the Board went on to direct Sami Haddaji to diligently oversee all day to day operations to assure that the business of the corporation is conducted pursuant to all relevant laws and codes of operation and conduct as promulgated by the State of Arkansas.

There being no further business to come before the Board, upon motion duly made, seconded, unanimously carried, the meeting was adjourned.

_____

Trisha Caldwell-Haddaji

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") is entered into as of October 24, 2017 between HMT of Fayetteville, LLC, an Arkansas limited liability company ("Lessor"), VIP Club, an Arkansas nonprofit company ("Lessee"), and HaddajiAmir, LLC, an Arkansas limited liability company, and Sami Haddaji and Trisha Caldwell, individuals and residents of the State of Arkansas (collectively, "Guarantors").

W-I-T-N-E-S-S-E-T-H:

That each of the aforesaid parties acknowledges receipt of a valuable consideration from the other and they and each of them act herein in further consideration of the covenants of the other as herein stated. Lessor, Lessee and Guarantors agree as follows:

ARTICLE I

PREMISES

1.1 Lessor does hereby grant, demise and lease unto Lessee approximately 2,092 rentable square feet in the Laundry Building located at 326 North West Avenue, Suite 6, Fayetteville, Arkansas ("Building"), all as more particularly identified on Exhibit "A" attached hereto (the "Premises"). Lessee, its agents, employees, invitees and visitors shall also be entitled to the non-exclusive use of common area hallways and bathrooms ("Bathrooms") with other tenants located in the Building. The rentable area in the Premises is hereby stipulated to be the aggregate amount of square feet hereinabove stated, whether the same should be more or less as a result of minor variations resulting from actual construction and completion of the Premises for occupancy.

USE OF PREMISES

1.2 The Premises are to be used and occupied continuously throughout the term hereof solely for the lawful business of a bar (beer, wine, liquor and spirits), and a coffee and pastry shop, but for no other purpose except upon the prior written consent of Lessor. Under no circumstances shall Lessee allow the Premises or any part thereof to be used as an adult cabaret, an escort business, a "gentlemen's club", a striptease or erotic dance club, for wet T-shirt, bikini, "short-short" or similar contests, for wet boxer-short, "best buns" or similar contests, for "mud wrestling" or similar contests, or for prostitution, solicitation, pimping or pandering, or for any other lewd, lascivious, indecent, immoral, profane, or sexually-oriented conduct or entertainment deemed objectionable by the Lessor, in its sole discretion. Further, Lessee shall not promote, facilitate, advertise, aid or fail to prevent such activities from the Premises. Lessee shall not do any act or thing to cause a disturbance or interfere with other lessees, or affect their occupancy as such, or affect the Lessor in its operation and maintenance of the Premises. Lessee acknowledges and agrees that as it pertains to the activities not permitted on or about the Premises as set forth in this Section 1.2, the interests of Lessor and Lessor's other tenants in the Building take precedence over any individual rights of Lessee, and if the Lessor shall at any time deem the tenancy of the Lessee undesirable by reason of objectionable or improper conduct prohibited by this provision on the part of the Lessee, the occupants of the Premises hereby leased, or visitors thereto, or by reason of conduct or actions of the persons aforesaid, or any of them causing annoyance to Lessor or the other lessees in the Building, then, notwithstanding anything herein to the contrary, the Lessor shall have the right to terminate this Lease by giving the Lessee a three (3) days' written notice to quit and vacate the same; and the term of this Lease shall terminate upon the expiration of the time therein mentioned, and the Lessor shall thereupon be entitled to the immediate possession of said leased premises and may take possession thereof without legal process, or may avail itself of any remedy provided by law for the restitution of possession and without any further and other notice to quit upon Lessee. Notwithstanding anything herein to the contrary, the Premises may not be used for conducting karaoke and karaoke-like events, including, but not limited to sing-a-longs and vocal competitions, or as a restaurant serving primarily Asian cuisine, including, but not

limited to Chinese, Japanese, Korean, Thai and/or Vietnamese cuisine.

TERM AND OPTION TO RENEW

1.3 The Premises are hereby demised unto Lessee for a five (5) year term commencing at 12:01 a.m. on October 24, 2017 ("Commencement Date") and expiring without further notice at 11:59 p.m. on September 30, 2022, unless earlier terminated as herein provided (the "Initial Term"). Lessee shall have the option to renew this Lease for one (1) additional term of five (5) years commencing at 12:01 a.m. on October 1, 2022 and expiring without further notice at 11:59 p.m. on September 30, 2027 (the "Renewal Term"). Lessee shall notify Lessor of its intent to exercise this option at least sixty (60) days prior to the expiration of the Initial Term. The Initial Term and any Renewal Term are collectively referred to herein as the "Term".

RENTAL

1.4 (a) As rental for the Premises during the Initial Term, Lessee shall pay Lessor rent in monthly installments of Two Thousand Six Hundred Fifteen and 00/100 Dollars ($2,615.00). Rent shall be payable in advance on the first (1st) day of every month without notice, demand, offset or deduction, commencing on the first to occur of (i) November 1, 2017 or (ii) the date on which Lessee opens the Premises for business or otherwise commences its operations therein. If rent has not been paid by the first (1st) day of the month in which it is due, 10% of the monthly payment will be assessed as a late charge. If Lessee pays late more than two times during the Term hereof, 50% of the monthly payment shall be assessed as a late charge on all subsequently late payments. The foregoing late charges are not a penalty, but represent the parties' good faith agreement as to an agreed upon amount which shall have been incurred by Lessor for the financial risk and time associated with Lessee's delinquency or default. If the first (1st) day of the month is not a "business day"—meaning a day during which commercial banks are open for business in Fayetteville, Arkansas, then the monthly payment shall be extended to the next succeeding business day. No grace period shall apply. Time is of the essence.

(b) Commencing October 1, 2022 (i.e., the first year of the Renewal Term, if any), the amount of each monthly installment of rent shall be equal to 105% of the rent paid or due to be paid during the last month of the Initial Term of this Lease (i.e., September 2022). Thereafter, on each subsequent October 1 of the Renewal Term, monthly rent shall increase by 2.0%.

(c) Whenever, by the terms of the Lease, Lessee is required to make payments or furnish items, all such additional items required to be paid by Lessee are to be considered as additional rent and Lessor is to have the same rights and remedies upon the nonpayment of such as Lessor has for the nonpayment of the rent provided in this Section 1.4.

SECURITY

1.5 On or prior to the date hereof, Lessee shall deliver Two Thousand Six Hundred Fifteen and 00/100 Dollars ($2,615.00) to Lessor as security for the performance of Lessee's covenants herein contained. Upon default by Lessee in making any payment or performing any obligation herein provided, Lessor shall have the right but not the obligation to apply said deposit toward payment of any arrearages of rent or other payments required of Lessee hereunder, or toward payment of any other damages, injury, cost or expense incurred by Lessor and caused by Lessee. If all or any part of the deposit shall be so applied by Lessor, then within ten (10) days after Lessor shall make demand upon Lessee for a replacement deposit equal in amount to the deposit so applied, which shall be delivered to Lessor by Lessee. If Lessee is not in default hereunder, any remaining balance of such deposit shall be returned by Lessor to Lessee without interest within thirty (30) days after termination of this Lease.

TAXES, SPECIAL ASSESSMENTS, LICENSES, ETC.

1.6 Lessee shall pay to the property owner prior to delinquency at any time during the term

of the Lease that they may be imposed, levied or assessed: all ad valorem real and personal property taxes and special assessments against the Premises or any personal property thereon resulting from any improvement or alterations to the above-described use of the Premises by Lessee which are in excess of the amount of such prior to the beginning of the Lease term. Lessor shall promptly deliver to the Lessee a statement for Lessee's portion of the aforementioned taxes or assessments upon receipt from the appropriate taxing authority. Lessee shall only be responsible for the taxes accrue during the Lessee's Lease, Lessee shall also pay to proper taxing authority, prior to delinquency, any and all license fees, franchise fees or any other taxes that may accrue during the term of the lease. Promptly after demand therefore, Lessee shall furnish to Lessor satisfactory proof of payment of any or all items stated herein which are payable by Lessee.

ARTICLE II

FINISH WORK

2.1 In no event shall Lessor be obligated to complete or otherwise provide any finish work for the Premises

UTILITIES

2.2 Lessee shall be solely responsible for and promptly pay all of the following utilities, including all charges for electricity, water, gas, telephone, internet, cable television, alarm and fire protection service and trash, or any other utility or service provided to or used or consumed in the Premises. In no event shall Lessor be liable of interruption or failure in the supply of any such utilities of or to the Premises unless caused or contributed by Lessor. Failure of Lessee to make necessary arrangements for Lessee's utility service will result in an interruption of those utility services. Lessee shall not allow the utility used as a heating source (whether gas or electric) to be disconnected by any means (including non-payment of bill) until the end of the lease term.

MAINTENANCE

2.3 Lessor shall clean the common area Bathrooms in accordance with historical practices. Lessee shall be responsible for all cleaning of the interior of the Premises. Lessee shall pay for all exterminating services, and for all window cleaning and replacement. Lessee shall refer all contractors, contractor's representatives and installation technicians, rendering any service to Lessee, to Lessor for Lessor's supervision, approval and control before performance of any contractual service at the Premises, such approval to not be unreasonably withheld, delayed or conditioned. This provision shall apply to all work performed at the Premises of any nature affecting any physical portion of the Premises or the Building. Lessor shall be responsible for making all repairs, maintenance, or replacement of or to the HVAC system, plumbing (excluding hot water heaters and excluding any repairs, maintenance or replacements caused by Lessee or its agents, employees, customers, invitees, or visitors) and electrical systems, the underground utility installations and underground electrical conduit and wires of the Building (but not with respect to Lessee's electrical needs within the Premises). Lessor shall also be responsible for the maintenance, replacement, and repair to the roof, outer walls and structural portion of the Building which shall be necessary to maintain the Building in a safe and leaseable condition and in good order and repair and maintenance. Lessee (along with other tenants in the Building) shall monitor the Bathrooms on a regular basis and immediately report damage or graffiti, shall use best efforts to determine the responsible party, and shall contact the Fayetteville Police Department if necessary to report vandalism or criminal activity. Notwithstanding anything herein to the contrary, Lessee shall, at its sole costs and expense, repair and replace any damage or injury done to the Premises, the Bathroom, the Building, or any part thereof, caused by Lessee or its agents, employees, customers, invitees, or visitors. Should Lessee fail to make such repairs or replacements within seven (7) days of receipt of written demand of Lessor, Lessor may, at its option, make such repairs and replacements and Lessee shall pay the cost thereof to Lessor upon demand, or Lessor may use Lessee's security deposit to cover such costs. Bathrooms, toilets, urinals, wash bowls and other apparatus shall not be used for any purpose other than for which they were constructed; no foreign substance of any kind whatsoever

shall be thrown therein, and Lessee shall bear the expense to repair any damage caused by Lessee, its agent, employee or invitees.

QUIET POSSESSION

2.4 Lessee shall keep and perform all of its covenants under this Lease on the part of Lessee to be performed, and Lessor shall use its best efforts to provide quiet, peaceful and uninterrupted possession of the Premises; provided, however, Lessee acknowledges and agrees that the Premises is located in Fayetteville's entertainment district, in a multi-tenant complex, where tenants and others may generate music and/or noise, at various hours throughout the day or night.

ARTICLE III

CONDITION

3.1 Lessee will maintain the Premises in a clean and healthful condition; and comply with all applicable laws, ordinances, orders, rules, and regulations (state, federal, municipal and other agencies or bodies having any jurisdiction thereof) with reference to use, conditions, or occupancy of the Premises. During the Term of this Lease, Lessee agrees to conduct its operations within the Premises in compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) as well as the regulations and accessibility guidelines promulgated thereunder as each is supplemented or amended from time to time (collectively, "ADA"). In the event that Lessee elects to undertake any alterations to, for or within the Premises, then Lessee covenants and agrees that all such alterations shall be performed and completed in compliance with ADA.

INDEMNITY AND INSURANCE; WAIVERS; SUBROGATION; INDEMNITY

3.2 Lessee is familiar with the Premises, accepts the Premises in the condition in which they are now and agrees that Lessor shall not be liable to Lessee or Lessee's agents, employees, invitees or visitors for any injuries, death or damage to persons or property due to any condition, design, defect or accessibility issues in the Building or its mechanical systems or elsewhere in the Premises or the Building which may now exist of hereafter occur. Lessee accepts the Premises as suitable for the purposes for which the same are leased and assumes all risks of injury, death or damage to persons or property for which Lessee may become legally liable, and agrees that no representations, except such as are contained herein or endorsed hereon have been made to Lessee respecting the condition of the Premises.

(a) Insurance. Lessee shall at its expense procure and maintain throughout the Term commercial general liability insurance in amounts of not less than a combined single limit of $1,000,000.00, insuring Lessee, Lessor, and Lessor's agents against all liability for injury to or death of a person or persons or damage to property arising from the use and occupancy of the Premises. Lessee shall furnish certificates of such insurance and such other evidence satisfactory to Lessor of the maintenance of all insurance coverages required hereunder, and Lessee shall obtain a written obligation on the part of each insurance company to notify Lessor at least 30 days before cancellation or (if available) a material change of any such insurance. All such insurance policies shall be in form, and issued by companies, reasonably satisfactory to Lessor.

(b) Indemnification. Lessee shall defend, indemnify, and hold harmless Lessor and Lessor's agents and their respective members, officers, employees, and partners from and against all claims, demands, liabilities, causes of action, suits, judgments, and expenses (including attorney's fees) (i) for any bodily injury and property damage claims arising from the negligence or willful misconduct of Lessee or its employees, agents, contractors or invitees, or (ii) for claims arising from noncompliance with ADA.

WASTE

3.3 Lessee shall not commit or permit any waste to be committed whatsoever.

NUISANCES

3.4 Lessee shall not create or allow any nuisance to exist in the Premises, and shall abate promptly and free of expense to Lessor any nuisance that may arise in the Premises. Lessee shall keep all adjacent sidewalks, alleys and common areas free of debris, cigarette butts, trash, vomit, blood, urine or other offensive materials. Lessee shall be responsible for the misconduct and transgressions of its agents, employees, customers, invitees and visitors, and shall be liable for damages and repairs to the Premises, including all equipment, plumbing, sinks, commodes, stalls, and fixtures in the common area Bathrooms. Only toilet paper shall to be placed in the toilets and no paper towels or feminine products may be flushed. Lessee shall pay all expenses for maintenance to clear a clog in the bathroom. Lessee shall respect all of its neighbors in the Building, and their quiet enjoyment of the property. Lessee shall not commit, permit, or suffer any objectionable or disorderly conduct, noise or other nuisance whatsoever about the Premises or in adjacent areas, or commit, permit, of suffer anything to be done by any customer or guest that disturbs or interferes with the rights, comforts or conveniences of other tenants in the Building. Lessor's determination of what constitutes a nuisance shall be binding on Lessee.

INVALIDATION OF INSURANCE

3.5 Lessee shall not suffer anything to be or remain upon or about the Premises which will invalidate any policy of insurance which Lessor may now or hereafter have upon the Building.

INCREASED PREMIUMS

3.6 Lessee shall not suffer anything to be or remain upon or about the Premises nor carry on nor permit upon the Premises any trade or occupation or suffer to be done anything which may render an increased or extra premium payable for any insurance of the Premises or the Building against fire, casualty, liability or any other insurable causes, unless consented to in writing by Lessor. Regardless of whether Lessor has so consented or not, Lessee shall pay any such increased or extra premium within ten days after Lessee shall have been advised by Lessor of the amount thereof.

ALTERATIONS

3.7 Lessee shall have the right to make non-structural improvements to the Premises, as Lessee may deem necessary or desirable at its sole expense, provided that all such improvements shall be made in compliance with ADA. Notwithstanding the foregoing, upon the termination of the Lease, all decorations, floor covering, fixtures, additions, partitions, hardware, light fixtures, non-trade fixtures and improvements, temporary or permanent, movable furniture and equipment belonging to Lessee, in or upon the Premises, placed thereon by Lessee or paid by Lessee, shall be Lessee's property; except to the extent the removal thereof will result in material damage to the structure of the Premises. All plans, drawings and specifications for structural changes in the Premises shall specifically state that the changes comply with ADA, and shall require the written consent of Lessor, which consent shall not be unreasonably withheld, delayed or conditioned, prior to the commencement of any such changes. All structural changes to the Premises shall be performed at Lessee's sole expense. Lessor may impose additional reasonable conditions in order to grant its consent to a structural change, including (a) the requirement that Lessee post an additional security deposit, and (b) that Lessee shall, upon termination of the Lease, complete such alterations and repairs as may be necessary to return the Premises to its original layout and condition, as of the date of this Lease.

USE OF BUILDING NAME

3.8 Lessee shall not, except to designate Lessee's business address (and then only in a conventional manner and without emphasis or display) use the "Laundry Building" name or any simulation or abbreviation of such name for any purpose whatsoever without the Lessor's prior written consent. Lessor shall have the right to change the name of the

Building at any time after six (6) months' notice to all lessees. Lessee will discontinue using any such name and any simulation or abbreviation thereof for the purpose of designating Lessee's business address before the date Lessor shall specify in its notice to Lessee after which the Building shall no longer be known by such name.

SIGNS

3.9 Lessee shall not paint, display, inscribe, maintain or affix any sign, picture, advertisement, notice, lettering or direction on any area outside the Premises except as may be approved by Lessor and the City of Fayetteville, if required by applicable law, code or ordinance. Upon expiration or earlier termination of this Lease, at its sole expense, Lessee shall remove all signage and repair any damage to the Building fascia resulting from the installation or removal of Lessee's sign.

DEFACING PREMISES AND OVERLOADING

3.10 Lessee shall not place anything or allow anything to be placed near the glass of any door, partition, wall or window which may be unsightly from outside the Premises, and Lessee shall not place or permit to be placed any article of any kind on any window ledge or on the exterior walls. Blinds, shades, awnings or other forms of inside or outside window coverings, or window ventilators or similar devices, shall not be placed in or about the outside windows in the Premises except to the extent that the character, shape, color, material and make thereof is approved by Lessor (such approval to not be unreasonably withheld, delayed or conditioned), and Lessee shall not do any painting or decorating in the Premises or make, paint, cut or drill into, or in any way deface any part of the Premises or the Building without the written consent of Lessor, which consent shall not be unreasonably withheld, delayed or conditioned

REPAIRS

3.11 Lessee (along with other tenants in the Building) shall monitor the Bathrooms on a regular basis and immediately report damage or graffiti, shall use best efforts to determine the responsible party, and shall contact the Fayetteville Police Department if appropriate. Notwithstanding anything herein to the contrary, Lessee shall, at its sole costs and expense, repair and replace any damage or injury done to the Premises, the Bathroom, the Building, or any part thereof, caused by Lessee or its agents, employees, customers, invitees, or visitors. Should Lessee fail to make such repairs or replacements within seven (7) days of receipt of written demand of Lessor, Lessor may, at its option, make such repairs and replacements and Lessee shall pay the cost thereof to Lessor upon demand, or Lessor may use Lessee's security deposit to cover such costs.

ASSIGNMENT OR SUBLETTING

3.12 Lessee shall not assign or sublet the Premises, this Lease or any part thereof without the prior written consent of Lessor, which consent will not be unreasonably withheld, delayed or conditioned; provided, however, notwithstanding any assignment or subletting, Lessor may require Lessee or any guarantor of Lessee's obligations under this Lease, as a condition to such assignment, to remain fully or partially responsible for the payment of the rent herein specified and for compliance with all of Lessee's other obligations under this Lease.

ATTORNEY FEES

3.13 Lessee shall pay all costs of collection, including reasonable attorney fees, if all or any part of the rent reserved herein is collected after maturity with the aid of any attorney; and Lessee shall also pay reasonable attorney fees in the event it becomes necessary for Lessor to employ an attorney to force Lessee to comply with any of the covenants, obligations or conditions imposed by this Lease.

RULES OF BUILDING

3.14 Lessee and Lessee's agents, employees and invitees will comply fully with all requirements of Rules of the Building which are attached hereto and, which are a part of this Lease as though fully set out herein. Lessor shall at all times have the right to change such rules and regulations or to amend them in such reasonable manner, not inconsistent with the

terms of this Lease, as may be deemed advisable for safety, care and cleanliness of the Building and for preservation of good order therein. Provided, however, Lessor shall notify Lessee of any change in such rules at least ten (10) days before such rules are to go into effect. All rule and regulation changes and amendments will be forwarded to Lessee in writing and shall be carried out and observed by Lessee after the effective date.

ENTRY FOR REPAIRS INSPECTING, ETC.

3.15 Lessor, its officers, agents, partners and representatives, and any mortgagee, secured party or other creditor to whom or for whose benefit a lien against the interest of Lessor in the Building has been granted as security for the payment of any indebtedness of Lessor, shall each have the right to enter into and upon the Premises at all reasonable times, or in the case of emergency at any time, to inspect the same or make such repairs or alterations as they may deem necessary or desirable. Lessee shall also permit Lessor at all reasonable times or, in case of emergency, at any time to inspect, erect, use and maintain pipes, ducts, conduits and similar devices in, above and through the Premises, and to make any necessary repairs or alterations. Lessor shall be allowed to take all material into and upon the Premises that may be required therefore without the same constituting an eviction of Lessee in whole or in part and the rent reserved shall in no wise abate while said repairs and maintenance are being made, by reason or loss or interruption of the business of Lessee, or otherwise. Anything to the contrary contained in this Section 3.15 notwithstanding, except in the case of any emergency, any such entrance, repairs or alterations which are made by Lessor, unless and except they are made at the request of Lessee, shall not be made at times when they would interrupt the normal business operations of Lessee, except with prior written approval of Lessee.

SURRENDER OF PREMISES

3.16 Upon any termination of this Lease, by default, expiration, lapse of time or otherwise:

(a) Lessee shall immediately vacate and surrender the Premises to Lessor in good order, condition and repair, reasonable wear and tear excepted;

(b) Lessee shall surrender all door keys for the Premises to Lessor; and

(c) Lessee grants to Lessor full authority and right to enter upon the Premises and take possession thereof.

LIENS

3.17 Lessee shall keep the Premises free from all liens which might arise from a third party's transaction with Lessee, and the provision of services and the sale of goods and materials. If such lien does arise, then Lessee shall cause such lien to be removed, extinguished or satisfied within a reasonable time at the sole expense of Lessee.

SMOKING

3.18 Due to the increased risk of fire and the known adverse health effects of secondhand smoke, smoking is prohibited in the Bathrooms, hallways and common areas of the Building. Cigarette and cigar smoking may be permitted in the Premises, but only in compliance with (a) the laws of the State of Arkansas, including, but not limited to, the Arkansas Clean Indoor Air Act of 2006 and the Arkansas Protection from Secondhand Smoke for Children Act of 2006, as each shall be amended from time to time; and (b) all City of Fayetteville, Arkansas ordinances governing smoking and secondhand smoke, as amended from time to time. This policy applies to Lessee, all customers, guests, employees and servicepersons. Notwithstanding the foregoing, smoking may not be allowed in the Premises if it endangers the health or wellbeing of any third person or otherwise affects the quiet enjoyment by other tenants in the Building. In some situations, Lessor may require Lessee, at Lessee's sole expense, to install and maintain appropriate and functioning air purification systems, including "smoke eaters," exhaust fans, ventilation and filtration equipment. Air exhausted from the Premises should be discharged directly to the outdoors, and should not be permitted to be recirculated back into the Building.

BROKER

3.19 Lessee represents that it was not shown the Premises by any real estate broker or agent and that Lessee has not otherwise engaged in any activity which could form the basis for a claim for real estate commission, brokerage fee, finder's fee or other similar charge, in connection with this Lease.

ARTICLE IV

RIGHTS RESERVED TO LESSOR

4.1 Lessor shall have the following rights exercisable without notice or demand and without liability to Lessee for damage or injury to property, persons or business (all claims for damage therefore being hereby released by Lessee), and without effecting an eviction or disturbance of Lessee's use or possession of the Premises or giving rise to any claim for setoffs or abatement of rent:

(a) To name the Building and change the name or street address of the Building as set out in Section 3.8 above;

(b) To install and maintain signs on the exterior and interior of the Building; subject to Lessee's signage rights regarding the Premises as set forth in Section 3.9 of this Lease;

(c) To retain at all times, and to use in appropriate instances, keys to all doors within and into the Premises, and Lessee shall not replace any locks without the prior written consent of Lessor;

(d) To decorate, remodel, repair, alter or otherwise prepare the Premises for re-occupancy during the last six months of the term hereof, provided that Lessee shall have then vacated the Premises, or at any time after Lessee abandons the Premises;

(e) To enter the Premises at reasonable hours to make inspections, or to exhibit the Premises to prospective Lessees, purchasers or others, or for other reasonable purposes;

(f) To take all such reasonable measures as Lessor may deem advisable for the security of the Building and its occupants, including without limitation, the search of all persons entering or leaving the Building, the evacuation of the Building for cause, suspected cause, or for drill purposes, the temporary denial of access to the Building;

(g) To approve the weight, size and location of safes, computers and other heavy articles in and about the Premises and the Building and to require all such items and other office furniture and equipment to be moved in and out of the Building and the Premises only at such times and in such manner as Lessor shall direct and in all events at Lessee's sole risk and responsibility;

(h) To decorate and to make at any time or times, at its own expense, repairs, alterations, additions and improvements, structural or otherwise, in and to the Premises, the Building or part thereof as Lessor may deem necessary or desirable and to perform any acts related to the safety, protection or preservation thereof, and during such operations to take into and through the Premises or any part of the Building all material and equipment required; and to close or temporarily suspend operation of entrances, doors, corridors, elevators or other facilities, provided that Lessor shall cause only such inconvenience or annoyance to Lessee as is reasonably necessary in the circumstances;

(i) To do or permit to be done any work in or about the Premises or the Building or

any adjacent or nearby building, land, street or alley;

(j) To grant to anyone the exclusive right to conduct any business or render any service in the Building; provided, however, that such grant shall not have any effect on Lessee's ability to operate the Premises as a bar or to conduct any other business on the Premises approved by Lessor, pursuant to this Lease;

(k) To designate and approve, prior to installation, all types of window shades, blinds, drapes, awnings, window ventilators and other similar equipment, and to approve all internal lighting that may be visible from the exterior of the Building;

(l) To have and retain a paramount title to the Premises free and clear of any act of Lessee; and

(m) To sell, assign or transfer all of Lessor's interest in the Lease.

DEFAULT

4.2 The following event shall be deemed to be events of default by Lessee under the Lease:

(a) Lessee shall fail to pay any installment of rent hereby reserved and such failure shall continue for a period of five (5) days;

(b) Lessee shall fail to comply with any term, provision or covenant of this Lease, other than the payment of rent, and shall not cure such failure within five (5) days after written notice thereof to Lessee;

(c) Lessee or any guarantor of Lessee's obligations shall make an assignment for the benefit of creditors;

(d) Lessee or any guarantor of Lessee's obligations shall file a petition under any section or chapter of the National Bankruptcy Act, as amended, or under any similar law or statute of the United States or any state thereof; or Lessee or any guarantor of Lessee's obligations shall be adjudged bankrupt or insolvent in proceedings filed against Lessee or any guarantor of Lessee's obligations thereunder and such adjudication shall not be vacated or set aside or stayed within the time permitted by law;

(e) A receiver or trustee shall be appointed for all or substantially all of the assets of Lessee or any guarantor of Lessee's obligations and such receivership shall not be terminated or stayed within the time permitted by law; or

(f) Lessee shall desert, vacate or abandon any substantial portion of the Premises for more than fourteen (14) days.

Upon the occurrence of any of such events of default, Lessor shall have the option to pursue any one or more of the following remedies without any notice or demand whatsoever:

(1) Terminate this Lease, in which event Lessee shall immediately surrender the Premises to Lessor, and if Lessee fails to do so, Lessor may, without prejudice to any other remedy which it may have, enter upon and take possession of the Premises and expel or remove Lessee and any other person who may be occupying the Premises or any part thereof, by force if necessary, without being liable for prosecution or any loss and damage which Lessee may suffer by reason of such termination, whether through failure to relet the Premises on satisfactory terms or otherwise.

(2) Without terminating this lease, enter upon and take possession of the Premises and expel or remove Lessee and any other person who may be occupying the Premises or any part thereof, make such alterations and repairs as may be necessary in order to relet the Premises, and relet the Premises or any part thereof for such term and at such rental and upon such other terms and conditions as Lessor in its sole discretion may deem advisable. Upon each such reletting, the rentals received by Lessor shall be applied: first, to the payment of any indebtedness other than rent hereunder due from Lessee to Lessor; second, to the payment of any costs and expenses of such reletting including reasonable brokerage fees and reasonable attorney's fees and costs of such alterations and repairs; third, to the payment of any rent due and unpaid hereunder, and the residue, if any, shall be held by Lessor and applied in payment of future rent as the same may become due and payable hereunder. If such rentals received from such reletting during any month shall be less than the rent to be paid during that month by Lessee hereunder, Lessee shall pay any such deficiency to Lessor upon demand. No such re-entry or taking of possession by Lessor shall be construed as an election on its part to terminate this Lease unless a written notice of such intention shall be given to Lessee; and any attempt by Lessor to mitigate its claim for damages against Lessee by reletting the Premises shall not be construed as a waiver of its right to damages under this section.

(3) To enter upon the Premises, by force if necessary, without being liable for prosecution or any claim for damages therefore, and do whatever Lessee is obligated to do under the terms of this lease; and Lessee agrees to reimburse Lessor on demand for any expenses Lessor may incur in this effecting compliance with Lessee's obligations under this Lease, and Lessee further agrees that Lessor shall not be liable for any damages resulting to Lessee from such action, whether caused by the negligence of Lessor or otherwise.

(4) Upon any event of default by Lessee all unpaid rent payments due under the terms of the lease shall be due and payable immediately upon demand by Lessor.

Pursuit of any of the foregoing remedies shall not preclude pursuit of any other remedies herein provided, or any other remedies provided by law, nor shall pursuit of any remedy herein provided constitute a forfeiture or waiver of any rent due to Lessor hereunder or of any damages accruing to Lessor by reason of the violation of any of the terms, provisions and covenants herein contained. No waiver by Lessor of any violation or breach of any of the terms, provisions and covenants contained in this Lease shall be deemed or construed to constitute a waiver of any other or succeeding violation or breach of any of the terms, provisions, and covenants herein contained. Forbearance by Lessor to enforce one or more of the remedies herein provided upon an event of default shall not be deemed or construed to constitute a waiver of such default.

ESTOPPEL CERTIFICATE BY LESSEE

4.3 From time to time, upon not less than ten (10) days prior request by Lessor, Lessee shall execute and deliver to Lessor and to any other person designated by Lessor a written estoppel certificate stating to the extent true and accurate as believed in good faith by Lessee, among any other thing reasonably requested by Lessor, that: (a) the Lease has commenced and Lessee is paying rent on a current basis in accordance with the terms of the Lease, subject to no offsets or claims and that all obligations of Lessor which are conditions precedent to Lessee's occupying the Premises have been fulfilled, (b) Lessor is not in default under the Lease and no condition exists which with the passage of time will become a default, and (c) no modification or amendment will be made in the Lease without the prior written consent of any mortgagee, secured party or other creditor to whom or for whose

benefit as lien against the interest of Lessor in the Building has been granted as security for the payment of any indebtedness of Lessor.

SUBORDINATION OF LEASE, ATTORNMENT NON-DISTURBANCE

4.4 This Lease and all rights of Lessee hereunder are subject and subordinate to any deeds of trust, mortgages, security agreements, lease assignments or other instruments of security, that now or hereafter cover all or any part of the Building, the land situated beneath the Building or any interest of Lessor therein, and to any and all advances made on the security thereof, and to any and all increases, renewals, modifications, consolidations, replacements and extensions of any of the foregoing. This provision is hereby declared by Lessor and Lessee to be self operative and no further instrument shall be required to effect such subordination of this Lease. Lessee shall, however, upon demand at any time or times execute, acknowledge and deliver to Lessor any and all instruments and certificates that in the judgment of Lessor may be necessary or proper to confirm or evidence such subordination. Notwithstanding the generality of the foregoing provisions of this Section 4.4, Lessee agrees that any such mortgagee, secured party or assignee shall have the right at any time to subordinate any such deeds of trust, mortgages, security agreements, lease assignments or other instruments of security to this Lease on such terms and subject to such conditions as they may deem appropriate in their discretion. Provided, however, so long as Lessee is not in default in the payment of rent or in the performance of any of the terms of the Lease, Lessee's possession of the Premises and Lessee's rights and privileges under the Lease or any renewal thereof shall not be diminished or interfered with by any aforesaid mortgagee, secured party or assignee. Lessee hereby irrevocably appoints Lessor as attorney in fact for Lessee with full power and authority to execute and deliver in the name of Lessee any such instruments. Lessee agrees to pay all rent due hereunder directly to any aforesaid mortgagee, secured party or assignee, or as Lessee may be directed by the same, upon the receipt of notice from the same that Lessor is in default under their particular security instrument. Lessee agrees in the event it is requested by such mortgagee, secured party or assignee, or any proceedings are brought for the foreclosure or enforcement of any such security instrument, to attorn to the holder of the same and to recognize them as Lessor under this Lease. Lessee agrees to execute and deliver at any time and from time to time upon the request of Lessor any instrument which may be necessary or appropriate in any such event to evidence such attornment. Lessee hereby irrevocably appoints Lessor and the holder of such security instrument, or any of them, the attorney in fact for Lessee with full power and authority to execute and deliver in the name of Lessee any such instrument. Lessee further waives the provisions of any statute or law now or hereafter in effect which may give or support to give Lessee any right to terminate or otherwise adversely affect this Lease in the event any such foreclosure proceeding is brought.

RENEWAL OR AMENDMENT

4.5 No renewal or amendment of this Lease shall be binding on either party unless it is in writing and signed by Lessor and Lessee.

HOLDING OVER

4.6 Should Lessee or any of its successors in interest hold over the Premises or any part thereof after the expiration of the term of this Lease, such holding over shall constitute and be construed as a tenancy from month to month only. Lessee will pay as liquidated damages on the first day of each month during the holdover period an amount equal to two hundred fifty percent (250%) of the rent paid or due to be paid during the last month of the term of this Lease. No receipt of money by Lessor from Lessee after termination of this Lease shall reinstate or extend this Lease or affect any prior notice given by Lessor to Lessee. Any extension of this Lease shall be in writing signed by Lessor and Lessee.

WAIVER OF LIABILITY

4.7 As part of the consideration for this Lease, Lessee hereby releases Lessor from all

liability for damage to any property of Lessee located in or upon the Building which results from the negligence of Lessor to the extent any such loss or damage is covered by insurance maintained by Lessee. Also, as part of the consideration for this Lease, Lessor hereby releases Lessee from all liability for damage to any property of Lessor located in or upon the Building which results from the negligence of Lessee to the extent any such loss or damage is covered by insurance maintained by Lessor. Lessee and Lessor further covenant that any insurance maintained by either party shall contain an appropriate provision whereby the insurance company or companies consent to the foregoing mutual release of liability and so waive insurance subrogation rights to the extent of the agreement contained in this Section 4.7; provided that Lessor's release shall only be operative upon proof of insurance coverage and approval of said insurance by Lessor and its insurer.

COVENANTS TO RUN TO HEIRS, ETC.

4.8 All covenants, conditions, agreements, and undertakings in this Lease shall extend and inure to the benefit of Lessor and its successors and assigns, and to the heirs, executors, administrators, successors and assigns of Lessee the same as if they were in every case named and expressed; and except as herein otherwise provided, all said covenants, conditions and agreements shall be binding upon the successors and assigns, heirs, executors, and administrators of the respective parties.

DAMAGE BY FIRE OR OTHER CASUALTY

4.9 If a material portion of the building which affects Lessee's occupancy is rendered reasonably unusable by Lessee in furtherance of its ordinary course of business by fire or other casualty, Lessee may elect to terminate this Lease as of the date of the fire or casualty by notice to Lessor within five (5) days after the date of the event. If Lessee does not terminate this Lease within such period, Lessor may elect (a) to terminate this Lease as of the date of the fire or casualty by notice to Lessee within ten (10) days after the date of the event, or (b) to repair, restore or rehabilitate the Building or the Premises at Lessor's expense, in which event this Lease shall not terminate but rent shall be abated for the period of time that Lessee is unable to conduct its ordinary course of business thereon and shall be pro-rated in the event that only a portion of the Premises are unusable in Lessee's ordinary course of business and abated on a per diem basis for that portion of the Premises that is unleaseable. If such damage is due to an act or omission of Lessee, then Lessor shall have such rights as are set forth herein at Lessee's cost and expense. If Lessor elects so to repair, restore, or rehabilitate the Building or the Premises, said work shall be undertaken and prosecuted with all due diligence and speed. In the event of termination of the Lease pursuant to this Section 4.9, rent shall be apportioned on a per diem basis and paid to the date of the fire or casualty.

CONDEMNATION

4.10 If the Premises or the Building, or any part thereof, or any interest therein, be taken by virtue of eminent domain or for any public or quasi-public use or purpose, Lessor shall have the right to terminate this Lease at the date of such taking or within six months thereafter by giving Lessee thirty (30) days' prior notice of the date of such termination. Any interest which Lessee may have or claim to have in any award resulting from any condemnation proceedings shall be limited solely to the unamortized value of any permanent improvements to the structure of the Building paid for directly by Lessee and any claim for furniture or equipment of any nature whatsoever shall be excluded. All other condemnation awards, including but not limited to any award made on the basis of the leasehold estate created by this Lease, shall be the sole and separate property of Lessor.

NOTICES

4.11 Any notice or other communication required or permitted to be delivered under the Lease shall be in writing and shall be delivered by (i) personal delivery (or hand delivery to the Premises), (ii) email, or (iii) overnight delivery via a national courier service, in each case to the address specified below (provided that any notice received by email transmission on a non-business day or on any business day after 5:00 p.m. addressee's local time shall be deemed to have been received at 9:00 a.m. addressee's local time on the next business day):

If to Lessor: HMT of Fayetteville, LLC
PO Box 1181
Fayetteville AR 72702
Email: propertymgr.hmt@gmail.com

With a copy to: tcraigjones@gmail.com

If to Lessee: VIP Club
326 N West Avenue, Suite 6
Fayetteville AR 72701

If to Guarantors: c/o Sami Haddaji
326 N West Avenue, Suite 6
Fayetteville AR 72701
Email: sahaddaji@gmail.com

EXHIBITS AND EFFECTIVE DATE

4.12 The Lease becomes effective only upon execution and delivery by both Lessor and Lessee. All exhibits and riders attached to this Lease and initialed by Lessor and Lessee are incorporated into and made a part of this Lease.

TIME

4.13 Time is of the essence in this Lease.

CAPTIONS

4.14 The captions used in this Lease are for convenience only and do not in any way limit or amplify the terms and provisions hereof.

OTHER AGREEMENTS

4.15 This Lease contains the entire agreement of the parties hereto with respect to the matters contained herein and no other representations, promises or agreements, oral or otherwise, have been made between the parties.

GUARANTOR:

4.16 Guarantors hereby acknowledge and agree that they have a vested legal interest in Lessor and Lessee entering into this Lease, and hereby agree to be liable for the timely payment of all sums due or to become due hereunder during the Term, and the timely performance of the duties, responsibilities, conditions and obligations of Lessee during the Term as set forth herein.

IN TESTIMONY WHEREOF, the above named Lessor, Lessee and Guarantors have executed this instrument on the day and year set forth above in this Lease.

LESSOR:

HMT of Fayetteville, LLC

By: Valerie Shaw
Title: Property Manager

LESSEE:

VIP Club

By: SAM
Title: ~~Board~~ managing ~~member~~ President Agent

GUARANTOR:

HaddajiAmir, LLC

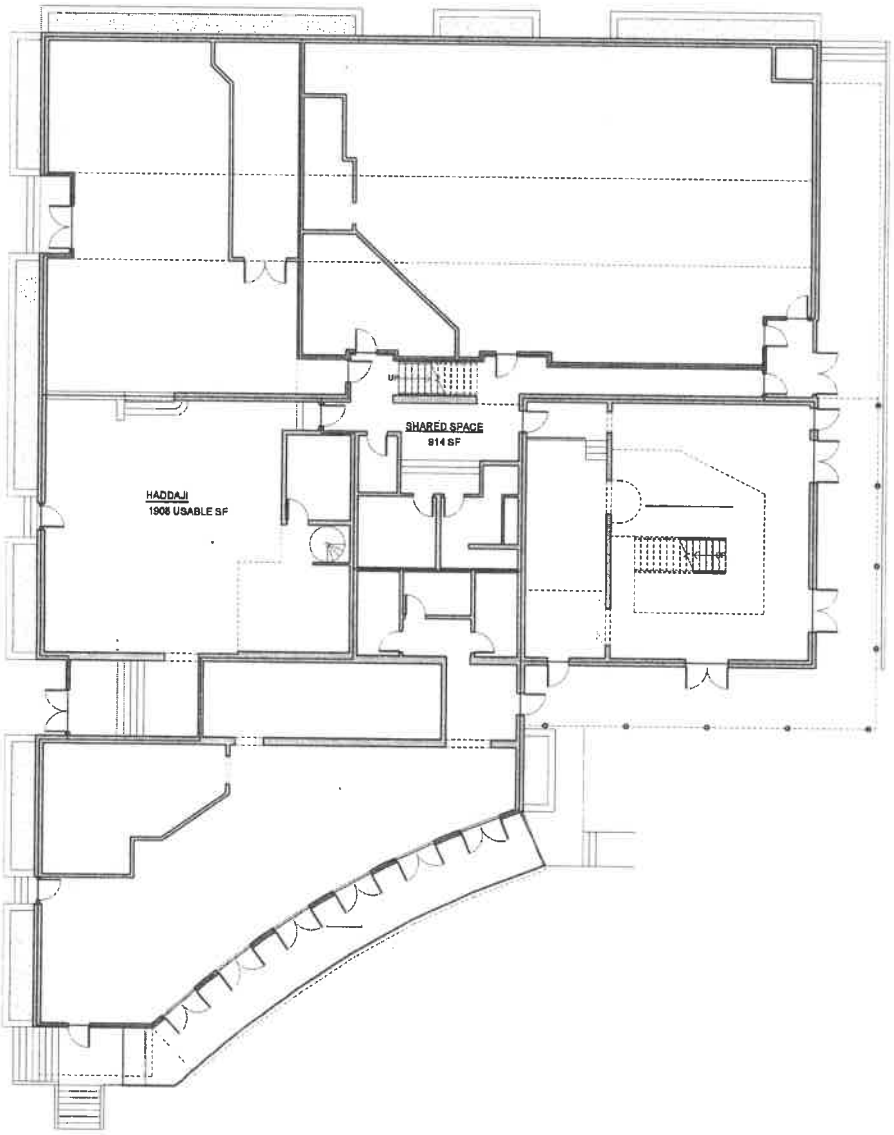
By: SAM
Title: owner

SAM
Sami Haddaji, individually

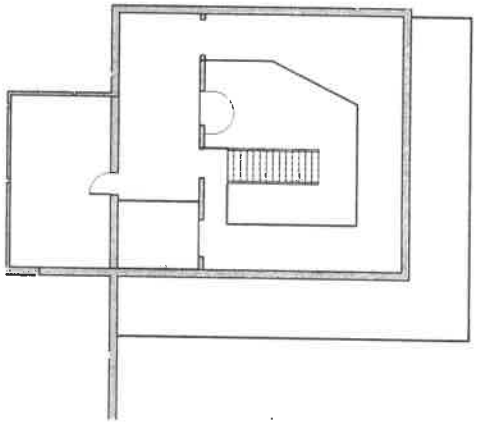
Trisha Caldwell
Trisha Caldwell, individually

WEST WATSON STREET

WEST STREET



1 LEVEL 1 AREA PLAN
1/8" = 1'-0"



2 LEVEL 2 AREA PLAN
1/8" = 1'-0"

LAUNDRY BUILDING "AS BUILT"
NOT FOR CONSTRUCTION

RULES AND REGULATIONS

1. Lessee shall not alter any lock or install a new or additional bolt on any door for the Premises without prior written consent of Lessor.

2. Lessor shall not be responsible for lost or stolen property, equipment, money or jewelry from the Premises or public areas regardless of whether such loss occurs where the area is secured against entry.

3. No portion of Premises shall at any time be used or occupied as sleeping or lodging quarters.

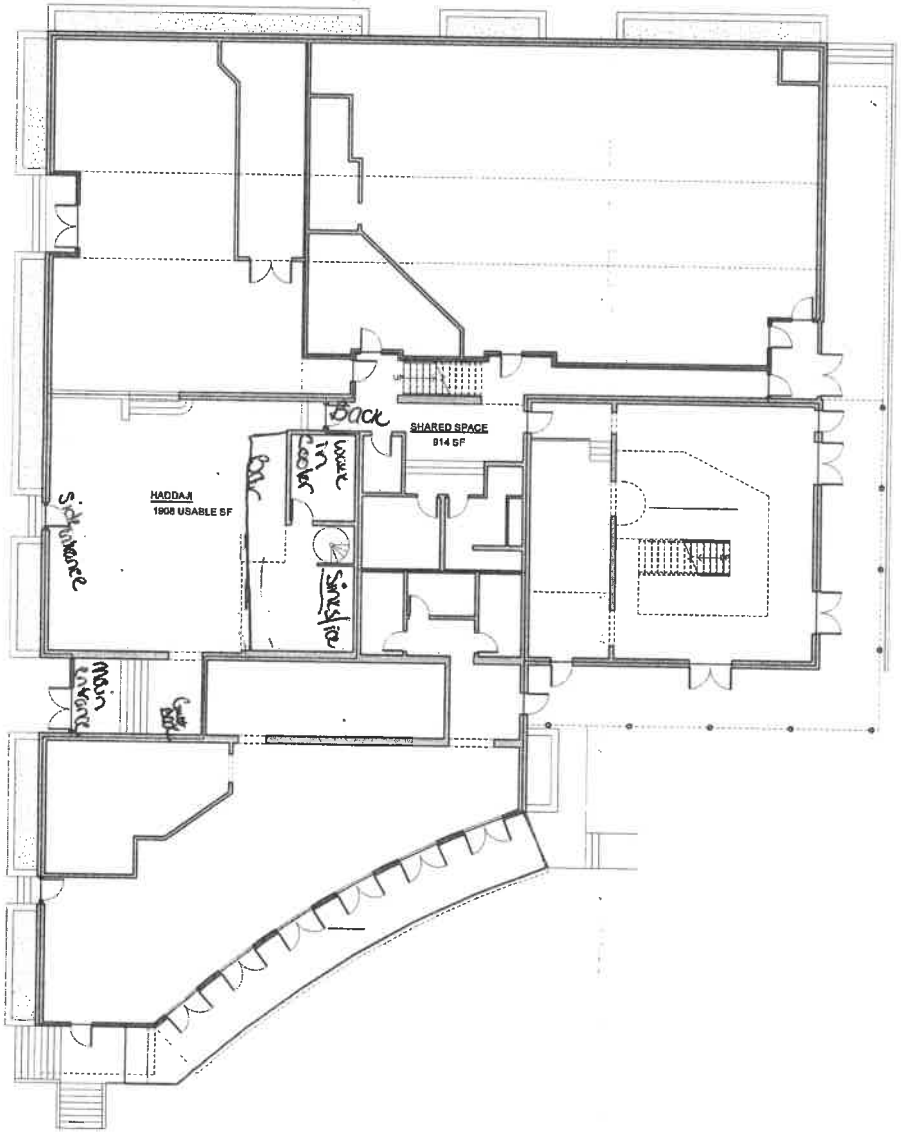
4. Lessee shall not place, install or operate on the Premises or in any part of the Building any explosives, gasoline, kerosene, oil, acids, caustics or any other flammable, explosive or hazardous materials without the prior written consent of the Lessor.

5. Lessee shall not permit odors to emanate from the Premises, nor allow any objectionable noise or music to emanate from the Premises. Lessee, its customers, invitees and guests shall not obstruct sidewalks, entrances, passages, courts, corridors, vestibules, halls, elevators and stairways in and about the Building.

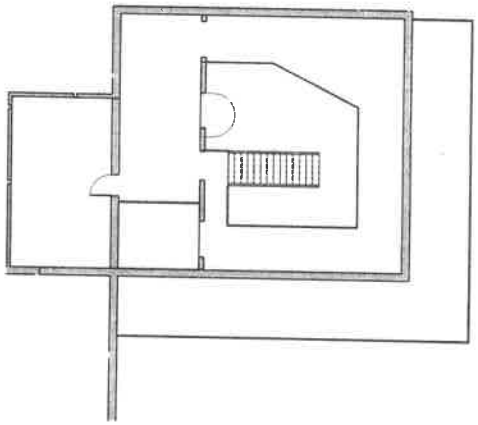
6. Lessor reserves the right to make additional rules and regulations which in its judgment are needed for the safety, care and cleanliness of the Building, and the preservation of good order.

WEST WATSON STREET

WEST STREET

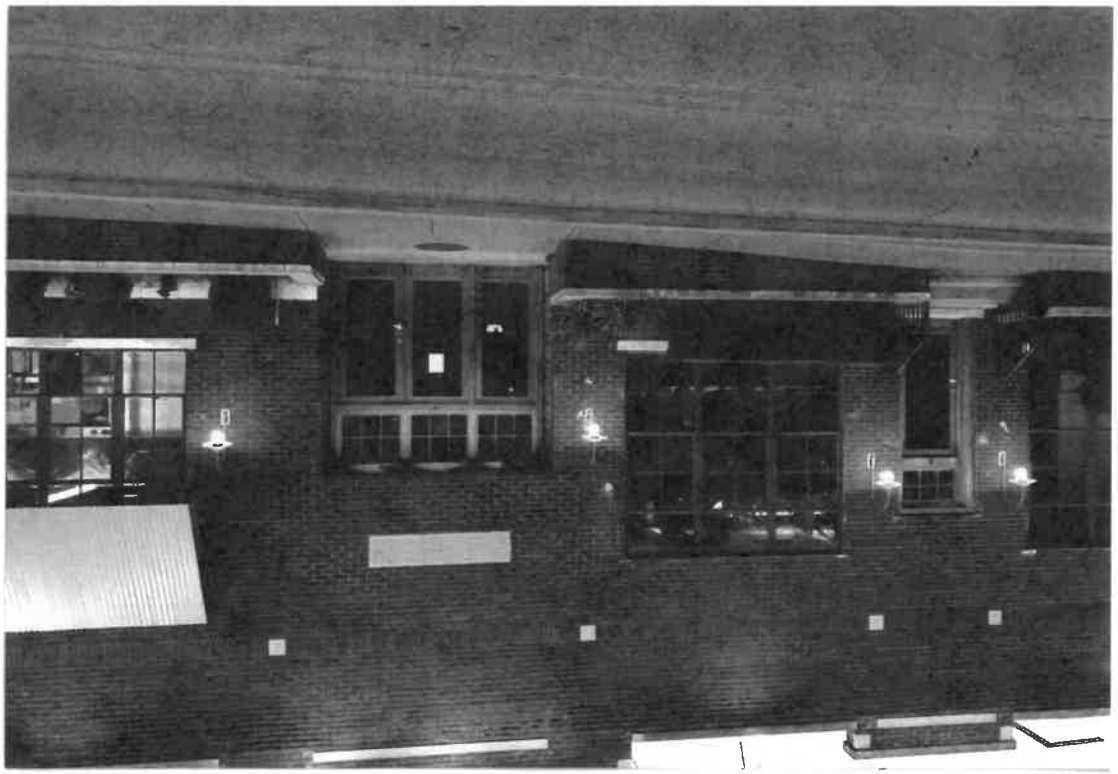


1 LEVEL 1 AREA PLAN
1/8" = 1'-0"

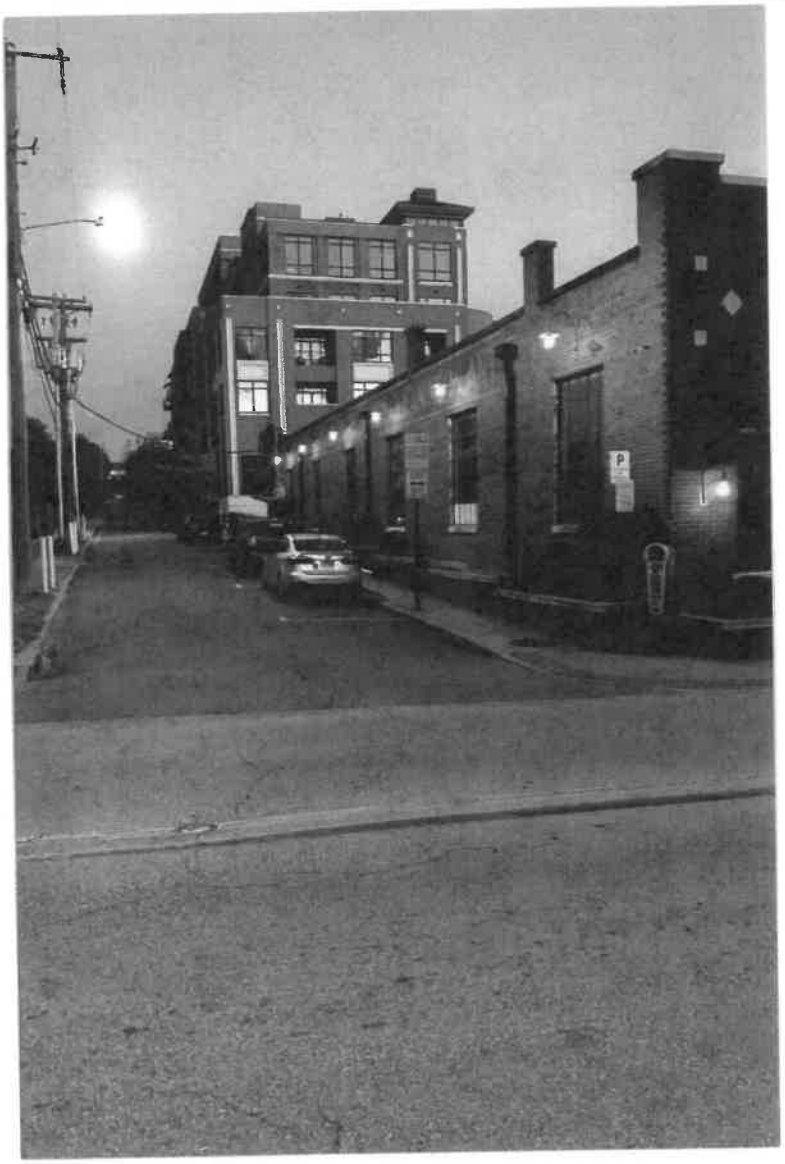


2 LEVEL 2 AREA PLAN
1/8" = 1'-0"

LAUNDRY BUILDING "AS BUILT"
NOT FOR CONSTRUCTION



GREEN THE ROO
BILLIARDS BEE



Annual Report for Domestic Nonprofit Corporation

Filing Information

State of Origin: AR
Entity File Number: 811068981
Alt Entity Type: DomNonProfitNewCode
Entity Name: WILD PONY CANYON, INC.
File Date: 2017-05-10 15:03:06
Alt Tax Type: NonProfitCorporation
Tax Year: 2017
Filing Signature: ANGELA CALLOWAY
Is Exempt Organization: No

Registered Agent:

First Name: KENNETH
Last Name: MOURTON
Address 1: 3608 N. STEELE BLVD., SUITE 202
City: FAYETTEVILLE
State: AR
Zip: 72703
Country: USA
Phone: 479-442-6213

Officers

First Name: ANGELA
Last Name: CALLOWAY
Title: Director
Address 1: 3608 N STEELE BLVD STE 202
City: FAYETTEVILLE
State: AR
Zip: 72702
Country: USA

First Name: JUSTIN
Last Name: RAINS
Title: Director
Address 1: 3608 N STEELE BLVD STE 202
City: FAYETTEVILLE
State: AR
Zip: 72702
Country: USA

First Name: JOHN
Last Name: ROLLINS
Title: Director
Address 1: 3608 N STEELE BLVD STE 202
City: FAYETTEVILLE
State: AR
Zip: 72702
Country: USA

First Name: ANGELA
Last Name: CALLOWAY
Title: Vice-President
Address 1: 3608 N STEELE BLVD STE 202
City: FAYETTEVILLE
State: AR
Zip: 72702
Country: USA

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0618

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: C. 1

AMEND TELECOMMUNICATIONS BOARD:

AN ORDINANCE TO AMEND ARTICLE IX **TELECOMMUNICATIONS BOARD** IN CHAPTER 33 **DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES** OF THE CITY CODE TO REDUCE THE FREQUENCY OF MEETINGS FROM MONTHLY TO BI-MONTHLY

WHEREAS, the Telecommunications Board and City staff agree that meeting at least once every two months rather than every month would allow for telecommunications topics of discussion to be developed more fully and allow for better inclusion of the City's Information Technology department which will enhance the Board's role as an advisor to the City Council.

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 subsection (A) of §33.209 **Procedures** in Article IX, **Telecommunications Board**, and enacts a replacement § 33.209(A) as follows:

"(A) The Telecommunications Board shall meet at least once every other month and may meet more frequently if necessary to carry out its duties. Four members shall constitute a quorum."

City of Fayetteville Staff Review Form

2017-0618

Legistar File ID

11/21/17

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

Doug Bankston	10/25/17	MEDIA SERVICES (060)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approve an Amendment to Article IX Telecommunications Board.

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 # Ord. 4219

Original Contract Number:

Approval Date:

Comments:

CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

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

FROM: Doug Bankston, Director of Media Services

DATE: 10/25/2017

SUBJECT: **Approve Amendment to Article IX Telecommunications Board**

RECOMMENDATION:
Adoption of a change to Article IX Telecommunications Board 33.209 Procedures subsection (A) to reflect a meeting frequency of the Telecommunications Board of at least bi-monthly.

BACKGROUND:
Revisions to Article IX Telecommunications Board approved by City Council last occurred May 19, 2015, and consisted of technical changes to reflect legislation passed by the Arkansas General Assembly in 2013 that affected municipal franchising agreements. This current proposed change affects only board procedure.

DISCUSSION:
At the October 19, 2017, Telecommunications Board meeting, the board discussed and unanimously approved a recommendation to change the board meeting frequency from at least monthly to at least bi-monthly, with the option to meet more frequently if necessary to carry out its duties. Board and staff concurred that a meeting frequency of at least bi-monthly would allow for telecommunications topics of discussion to be formed more fully and realized and would allow for better inclusion of the City's Information Technology department and its initiatives for which the Telecommunications Board could serve in an advisory capacity.

BUDGET/STAFF IMPACT:
None.

Attachments:
SRF, Council Review Memo, Original Article IX Telecommunications Board, Revised Article IX Telecommunications Board

Exhibit "A"

ARTICLE IX
TELECOMMUNICATIONS BOARD

33.205 Purpose And Intent

It is the purpose and intent of the City Council of the City of Fayetteville to define the scope of the Telecommunications Board to advise the City Council on telecommunications issues and use of the public rights of way designated for public access, educational, and government (PEG) television use in the City of Fayetteville.

(A) *Definitions.* For the purposes of the Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) *Education Channels.* Education channels telecast non-commercial programming that is educational and informational, with an emphasis on locally-produced programming. Programs may also be instructional, with learning potential for all audiences.

(2) *Government Channels.* Government channels telecast non-commercial programming that is information about the City and other governmental entities, government services, and community life. Government channels support the City's communications initiatives by providing television coverage of public meetings, government programs, and government activities.

(3) *Public Access Channels.* Public access channels telecast non-commercial programming that is provided by private individuals. The channel operator exercises no control over the content of the programming, provided the programming is not in violation of the law.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.205; Ord. 4504 07-15-03; Ord. 5478, 1-17-12)

33.206 Composition

The Fayetteville Telecommunications Board shall consist of seven members appointed by the City Council. Members should have experience in one or more of the following areas: telecommunications infrastructure management, public policy development regarding communication and telecommunications issues, television, or other appropriate expertise. All members shall serve staggered four-year terms.

(Ord. No. 3549, 5-21-91; Ord. No. 3986, §1, 7-16-96; Ord. No. 4219, 2-1-00; Code 1991, §33.206; Ord. 4504 07-15-03; Ord. 5478, 1-17-12)

33.207 Officers

The Telecommunications Board shall elect from its members a chairperson, who shall serve a one-year term and shall be eligible for re-election to a subsequent term or terms. Further, the Telecommunications Board may elect such additional officers and establish any committees as it deems necessary for the proper performance of its duties.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.207; Ord 4504, 07-15-03; Ord. 5478, 1-17-12)

33.208 Staff Support

The Mayor may designate city employees to assist the Telecommunications Board in performing its duties and carrying out its responsibilities under this ordinance.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.208; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

33.209 Procedures

(A) The Telecommunications Board shall meet at least once each month and may meet more frequently if necessary to carry out its duties. Four members shall constitute a quorum.

(B) The Telecommunications Board may establish rules and regulations governing its procedures.

(C) The Telecommunications Board's meetings and records shall be subject to the provisions of the Arkansas Freedom of Information Act, A.C.A. §§25-19-101 *et seq.*

(D) The Telecommunications Board shall provide the City Council an annual report briefly summarizing its previous year's activities and outlining its goals for the next year.

(Ord. No. 3549, 5-21-91; Code 1991, §33.209; Ord. No. 4219, 2-1-00; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

33.210 Duties

(A) The Telecommunications Board shall advise the City Council and make recommendations on telecommunications infrastructure issues, including but not limited to the following:

(1) Use and administration of cable TV channels designated for public access, educational, and governmental (PEG) use;

(2) Use and administration of tele-communications facilities and use of public rights of way for telecommunications infrastructure;

(3) Use and administration of the City's television production and telecasting facility, as it is used for producing or telecasting public access, educational, or government programming;

(4) Any reports submitted to the City by a PEG channel operator, a telecommunications agency, or other entities regarding telecommunications matters;

(5) Funding for public access, educational, and government television operations;

(B) The Telecommunications Board shall have the following duties and responsibilities:

(1) Regularly review the administration of the City's television production and telecasting facility;

(2) Regularly review the administration of any cable television channels or other facilities designated for public access, educational, or government television use, unless the City Council enters into a contract with another entity or institution for such administration. If the city enters into a contract with another entity for administration of a PEG channel, the Telecommunications Board shall ensure contract compliance. Whether administered by the city or contracted, the Telecommunications Board shall work with City staff to facilitate the creation of policies regarding programming content selection, time guidelines for programming, viewer and facility user complaint/feedback practices, and other such policies regarding the use and administration of the channels. A summary of all evaluations shall be forwarded to the City Council quarterly for their review.

(4) Facilitate dispute resolution concerning PEG channels, including but not limited to operations or program content.

(5) Track the complaints filed by Fayetteville residents to ensure that PEG channel operators are responding to complaints in an effective and timely manner.

(4) Promote public awareness, use, and viewership of PEG channels; and,

(5) Promote public awareness of telecommunications policy issues;

(C) The Telecommunications Board shall have authority to establish and disseminate such guidelines and regulations for itself as are necessary to carry out the duties and responsibilities set forth in this section.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.210; Ord. 4504, 7-15-03; Ord. 5478, 1-17-12)

33.211-33.225 Reserved

(Ord. No. 3549, 5-21-91; Code 1991, §33.212; Ord. No. 4219, 2-1-00)

Exhibit "A"

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(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.207; Ord 4504, 07-15-03; Ord. 5478, 1-17-12)

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The Mayor may designate city employees to assist the Telecommunications Board in performing its duties and carrying out its responsibilities under this ordinance.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.208; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

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(B) The Telecommunications Board may establish rules and regulations governing its procedures.

(C) The Telecommunications Board's meetings and records shall be subject to the provisions of the Arkansas Freedom of Information Act, A.C.A. § 25-19-101 *et seq.*

(D) The Telecommunications Board shall provide the City Council an annual report briefly summarizing its previous year's activities and outlining its goals for the next year.

(Ord. No. 3549, 5-21-91; Code 1991, §33.209; Ord. No. 4219, 2-1-00; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

33.210 Duties

(A) The Telecommunications Board shall advise the City Council and make recommendations on telecommunications infrastructure issues, including but not limited to the following:

(1) Use and administration of cable TV channels designated for public access, educational, and governmental (PEG) use;

(2) Use and administration of tele-communications facilities and use of public rights of way for telecommunications infrastructure;

(3) Use and administration of the City's television production and telecasting facility, as it is used for producing or telecasting public access, educational, or government programming;

(4) Any reports submitted to the City by a PEG channel operator, a telecommunications agency, or other entities regarding telecommunications matters;

(5) Funding for public access, educational, and government television operations;

(B) The Telecommunications Board shall have the following duties and responsibilities:

(1) Regularly review the administration of the City's television production and telecasting facility;

(2) Regularly review the administration of any cable television channels or other facilities designated for public access, educational, or government television use, unless the City Council enters into a contract with another entity or institution for such administration. If the city enters into a contract with another entity for administration of a PEG channel, the Telecommunications Board shall ensure contract compliance. Whether administered by the city or contracted, the Telecommunications Board shall work with City staff to facilitate the creation of policies regarding programming content selection, time guidelines for programming, viewer and facility user complaint/feedback practices, and other such policies regarding the use and administration of the channels. A summary of all evaluations shall be forwarded to the City Council quarterly for their review.

(4) Facilitate dispute resolution concerning PEG channels, including but not limited to operations or program content.

(5) Track the complaints filed by Fayetteville residents to ensure that PEG channel operators are responding to complaints in an effective and timely manner.

(4) Promote public awareness, use, and viewership of PEG channels; and,

(5) Promote public awareness of telecommunications policy issues;

(C) The Telecommunications Board shall have authority to establish and disseminate such guidelines and regulations for itself as are necessary to carry out the duties and responsibilities set forth in this section.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.210; Ord. 4504, 7-15-03; Ord. 5478, 1-17-12)

33.211-33.225 Reserved

(Ord. No. 3549, 5-21-91; Code 1991, §33.212; Ord. No. 4219, 2-1-00)

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0626

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: C. 2

RZN 17-5950 (4847 W. WEDINGTON/LEISURE HOMES CORP.):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5950 FOR APPROXIMATELY 1.83 ACRES LOCATED AT 4847 WEST WEDINGTON DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND NC, NEIGHBORHOOD CONSERVATION TO RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE, FOR 1.27 ACRES AND NC, NEIGHBORHOOD CONSERVATION FOR 0.56 ACRES

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4 Residential Single Family, 4 Units per Acre and NC, Neighborhood Conservation for 1.27 acres to RSF-18, Residential Single-Family, 18 Units per Acre for 1.27 acres, and 0.56 acres to NC, Neighborhood Conservation.

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

City of Fayetteville Staff Review Form

2017-0626

Legistar File ID

11/21/2017

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

Andrew Garner	11/3/2017	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN 17-5950: Rezone (4847 W. WEDINGTON DR./LEISURE HOMES CORP. 438): Submitted by CIVIL DESIGN ENGINEERS, INC. for property at 4847 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and NC, NEIGHBORHOOD CONSERVATION, and contains approximately 1.83 acres. The request is to rezone 1.27 acres to RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE, and 0.56 acres to NC, NEIGHBORHOOD CONSERVATION

Budget Impact:

Account Number	Fund

Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: November 3, 2017

SUBJECT: **RZN 17-5950: Rezone (4847 W. WEDINGTON DR./LEISURE HOMES CORP. 438):** Submitted by CIVIL DESIGN ENGINEERS, INC. for property at 4847 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and NC, NEIGHBORHOOD CONSERVATION, and contains approximately 1.83 acres. The request is to rezone 1.27 acres to RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE, and 0.56 acres to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:
The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to RSF-18, Residential Single-Family, 18 Units per Acre, and NC, Neighborhoood Conservation, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is south of Wedington Drive, between 46th and Broyles Avenues to the east and west. The property was annexed in 1982 and has been continuously used as pastureland for decades. On October 2, 2007, the Woodstock Residential Planned Zoning District (R-PZD 07-2551) was approved, allowing for 382 dwellings and 100,390 square feet of non-residential square footage. Construction permits for the project were never obtained and the R-PZD approval expired. Following expiration, the Woodstock R-PZD was rezoned in July of 2012 as a part of the revocation process to a mixture of CS, Community Services, R-O, Residential Office, NC, Neighborhood Conservation, and RSF-4, Residential Single-family, 4 Units per Acre. The property remains undeveloped and is largely flat with mature trees located along the fence lines.

Request: The request is to rezone 1.27 acres to RSF-18, Residential Single-family, 18 Units per Acre and 0.56 acres to NC, Neighborhood Conservation, as shown on Exhibit 'B'.

Land Use Compatibility: Although many of the properties in the area are undeveloped, agricultural, or large lot residential in nature, staff finds the proposed zoning to be generally compatible with the land use patterns and development trends along the wider Wedington Corridor. Despite this property being undeveloped, the proposed zoning districts are of a suitable intensity and density that compatibility can be maintained. Also, the limited area of land proposed for rezoning is unlikely to sufficiently increase densities enough over the existing zoning to

adversely impact existing land uses. In fact, a greater density on the subject property located between the existing single-family subdivision to the south and the mixed-use zoning to the north can create a desirable transition of land uses.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with both the Residential Neighborhood and City Neighborhood designations of the subject property. Both the NC and RSF-18 zoning districts, with their associated build-to-zones, facilitate walkable streets and development in a traditional town form. With existing streets, water, and sewer available, a neighborhood developed on this property will be able to utilize City infrastructure and services without the need for substantial new facilities, and the greater density of the proposed rezoning will allow more residents to use those facilities.

In addition to its FLUM designation, the subject property falls within the boundaries of the Wedington Corridor Neighborhood Plan. This plan calls for a redefining of Wedington Drive as a parkway with complete, compact, and connected neighborhoods. Although the plan does not provide clear guidance for future development of the subject property, the proposed rezoning will allow a greater density and therefore potential for compact neighborhoods. Additionally, the Illustrated Wedington Corridor Master Plan shows this area developed with a mixture of densities, which both the NC and RSF-18 zoning districts facilitate.

DISCUSSION:
On October 23, 2017, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 8-0-0. No public comment was made.

BUDGET/STAFF IMPACT:
N/A

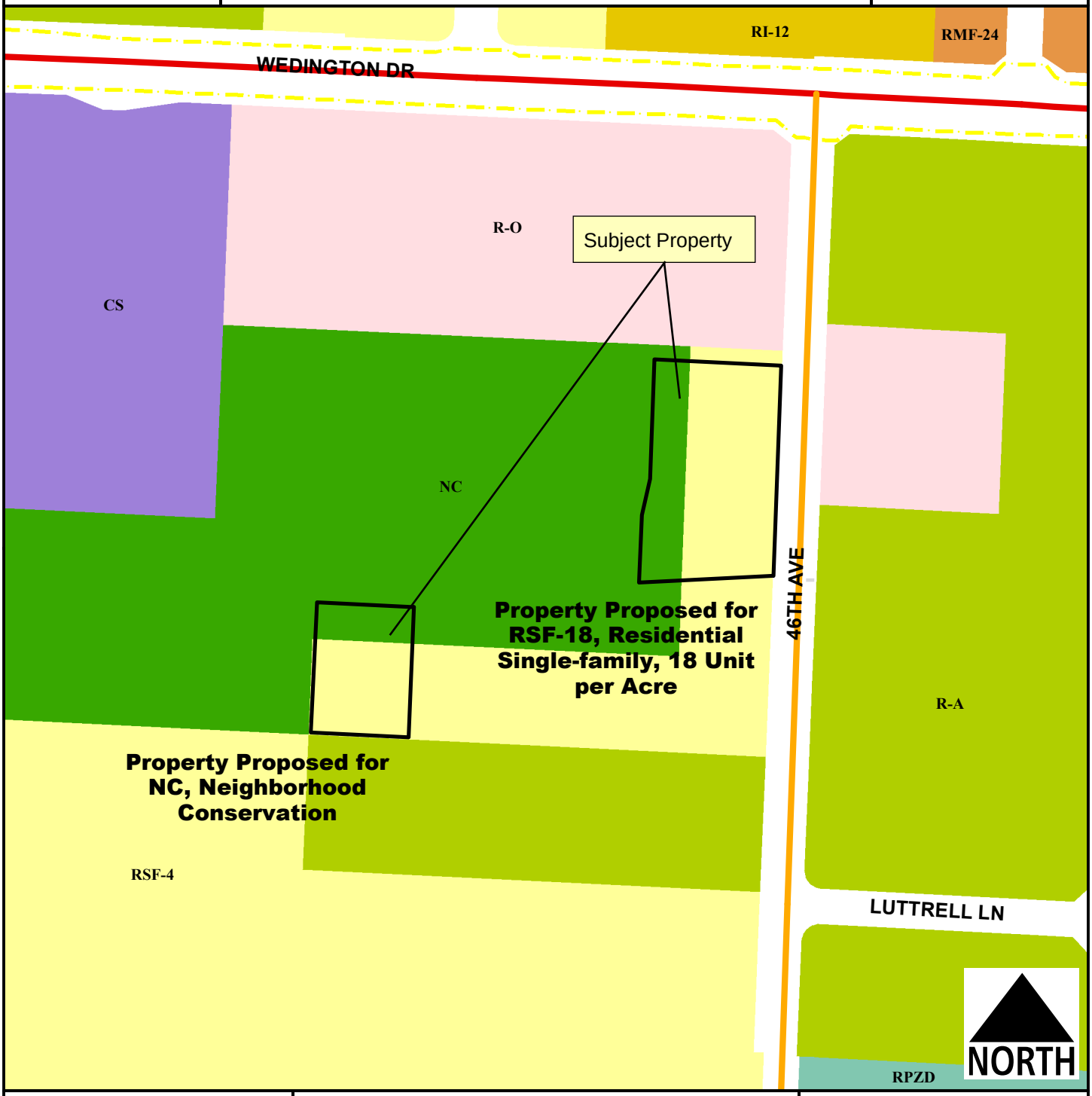
Attachments:
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

RZN17-5950

Close Up View

LEISURE HOMES CORP.

17-5950
EXHIBIT 'A'



Legend

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

Feet

0 75 150 300 450 600

1 inch = 200 feet

- Residential-Agricultural
- RSF-4
- RI-12
- RMF-24
- Residential-Office
- Community Services
- Neighborhood Conservation
- Commercial, Industrial, Residential

17-5950
EXHIBIT 'B'

LEGAL DESCRIPTION 1 – PORTION TO BE REZONED NEIGHBORHOOD CONSERVATION (NC)

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS : BEGINNING AT AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N02°21’25’’E 410.36-FEET; THENCE S87°14’45’’E 644.08-FEET TO THE POINT OF BEGINNING; THENCE N02°43’42’’E 180-FEET; THENCE S87°14’45’’E 134.33-FEET; THENCE S02°20’58’’W 180.00-FEET TO THE SOUTH LINE OF PARCEL 765-16264-000 AS SHOWN ON THE PLAT FILED UNDER BOOK 2013 PAGE 20115 IN THE CICUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS; THENCE ALONG SAID SOUTH PROPERTY LINE N87°14’45’’W 135.52-FEET TO THE POINT OF BEGINNING; CONTAINING 0.56 ACRES OR 24,286 SQUARE FEET MORE OR LESS.

LEGAL DESCRIPTION 2 – PORTION TO BE REZONED RESIDENTIAL SINGLE_FAMILY, 18 UNITS PER ACRE (RSF-18)

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS : BEGINNING AT THE SOUTH EAST CORNER OF SAID SECTION 12 N02°12’08’’E 662.94-FEET; THENCE S87°15’02’’W 25.71-FEET TO THE POINT OF BEGINNING; THENCE N87°14’57’’E 185.51-FEET; THENCE N02°44’58’’E 93.30-FEET; THENCE N12°23’15’’E 50.72-FEET; THENCE N02°08’46’’E 165.55-FEET TO THE NORTH PROPERTY LINE OF PARCEL 765-16264-000 ; THENCE AS SHOWN ON THE PLAT FILED UNDER BOOK 2013 PAGE 20115 IN THE CICUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS; THENCE ALONG SAID NORTH PROPERTY LINE S87°20’54’’E 175.51-FEET THENCE S02°08’46’’W 309.16-FEET TO THE POINT OF BEGINNING; CONTAINING 1.27 ACRES OR 55,344 SQUARE FEET MORE OR LESS.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY	***FEE: $325.00***
Date Application Submitted:	***Sign Fee: $5.00***
Date Accepted as Complete:	*S-T-R:*
Case / Appeal Number:	*PP#:*
Public Hearing Date:	*Zone:*

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

Application:

Indicate one contact person for this request: _____ **Applicant** X **Representative**

Applicant (person making request):

Name: LEISURE HOMES CORP.
TOM EMBACH

Address: 351 E. 4TH STREET
MOUNTAIN HOME, AR 72653

E-mail: tembach@leisurehomes.us

Phone: (870) 424-7460
( )

Fax:
( )

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

Name: CIVIL DESIGN ENGINEERS, INC.
FERDI FOURIE, P.E.

Address: 4847 KAYLEE AVE
SPRINGDALE, AR 72762

E-mail: ffourie@civilde.com

Phone: (479) 381-1066 (cell)
( )

Fax:
( )

Site Address / Location: 4847 W.WEDINGTON DR

Current Zoning District: NC;RSF-4

Requested Zoning District: NC

Assessor's Parcel Number(s) for subject property: 765-16264-000

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:
Leisure Homes Corp.

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): FERDI FOURIE, P.E. Date: 09-13-17

Signature: Ferdi Fourie

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

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

Name (printed): TOM EMBACH

Signature: Tom Embach By F. Fourie

Date: 09-13-17

Address: LEISURE HOMES CORP.
351 E. 4TH STREET
MOUNTAIN HOME, AR 72653

Phone: ( ) 870-424-7460

Name (printed):

Signature:

Date:

Address:

Phone: ( )

Rezoning Checklist:

Attach the following items to this application:

(1) Payment in full of applicable fees for processing the application:
$325.00 application fee
$5.00 public notification sign fee

(2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.

(3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.

(4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: October 23, 2017 **(Updated with Planning Commission Results)**

SUBJECT: **RZN 17-5950: Rezone (4847 W. WEDINGTON DR./LEISURE HOMES CORP. 438):** Submitted by CIVIL DESIGN ENGINEERS, INC. for property at 4847 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and NC, NEIGHBORHOOD CONSERVATION, and contains approximately 12.42 acres. The request is to rezone 1.27 acres to RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE, and 0.56 acres to NC, NEIGHBORHOOD CONSERVATION

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5950** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

The subject property is south of Wedington Drive, between 46th and Broyles Avenues to the east and west. The property was annexed in 1982 and has been continuously used as pastureland for decades. On October 2, 2007, the Woodstock Residential Planned Zoning District (R-PZD 07-2551) was approved, allowing for 382 dwellings and 100,390 square feet of non-residential square footage. Construction permits for the project were never obtained and the R-PZD approval expired. Following expiration, the Woodstock R-PZD was rezoned in July of 2012 to a mixture of CS, Community Services, R-O, Residential Office, NC, Neighborhood Conservation, and RSF-4, Residential Single-family, 4 Units per Acre, as part of the revocation process. The property is largely flat and remains undeveloped with mature trees located along the fence lines. Surrounding land use and zoning is provided on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Large Lot Single-family Residential	CS, Community Services; R-O, Residential Office
South	Undeveloped; Large Lot Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Large Lot Single-family Residential	R-O, Residential Office; R-A, Residential Agriculture
West	Agricultural	R-A, Residential Agriculture

Request: The request is to rezone portions of the subject property that are designated RSF-4, Residential Single-family, 4 Units per Acre, to RSF-18, Residential Single-family, 18 Units per Acre and NC, Neighborhood Conservation.

Public Comment: Staff has not received public comment regarding this request.

INFRASTRUCTURE:

Streets: The subject property has access to both 46th and Broyles Avenues. The Master Street Plan designates 46th Avenue as a Collector Street and Broyles Avenue as a Minor Arterial. While Broyles is fully improved with curb, gutter, storm drainage, and sidewalk, 46th is unimproved with open ditches. Any street improvements required in this area will be determined at the time of development proposal.

Water: Public water is available to the site. An 8-inch water main runs along the property's 46th Avenue street frontage and a 12-inch main runs along the Broyles Avenue frontage. Both water mains are available for service.

Sewer: Public sewer is currently available to the site. There is a 6-inch sanitary sewer main crossing the property and a 6-inch main along 46th Avenue. Capacity must be checked against future development to determine adequacy.

Drainage: Any additional improvements or requirements for drainage would be determined at the time of development. No portion of the subject property lies within the FEMA designated 100-year floodplain and no protected streams are present. Although no portion of the property is designated as Hillside-Hilltop Overlay District (HHOD), there are some areas of 15% or greater slope. Hydric soils are present across this site and a wetland delineation must be performed at the time of development proposal to ensure compliance with state and federal guidelines.

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

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

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the subject property for the proposed rezone as* ***Residential Neighborhood Area and City Neighborhood Area.***

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and row-houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. *It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.* This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** **Although many of the properties in the area are undeveloped, agricultural, or large lot residential in nature, staff finds the proposed zoning to be generally compatible with the land use patterns and development trends along the wider Wedington Corridor. Although this block of land along Wedington Drive has yet to develop similarly to other properties in the area, the proposed zoning districts are of a suitable intensity and density that compatibility can be generally assured. Also, the limited area of land proposed for rezoning is unlikely to sufficiently increase densities enough over the existing zoning to adversely impact existing land uses. In fact, a greater density on the subject property located between the existing single-family subdivision to the south and the mixed-use zoning to the north can create a desirable transition.**

Land Use Plan Analysis: **The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with both the Residential Neighborhood and City Neighborhood designations of the subject property. Both the NC and RSF-18 zoning districts, with their associated build-to-zones, facilitate walkable streets and development in a traditional town form. With existing streets, water, and sewer available, a neighborhood developed on this property will be able to utilize City infrastructure and services without the need for substantial new facilities, and the greater density of the proposed rezoning will allow more residents to use those facilities.**

In addition to its FLUM designation, the subject property falls within the boundaries of the Wedington Corridor Neighborhood Plan. This plan calls for a redefining of Wedington Drive as a parkway with complete, compact, and connected neighborhoods. Although the plan does not provide clear guidance for future development of the subject property, the proposed rezoning will allow a greater density and therefore potential for compact neighborhoods. Additionally, the Illustrated Wedington Corridor Master Plan shows this area developed with a mixture of densities, which both the NC and RSF-18 zoning districts facilitate.

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

Finding: **The applicant has requested the zoning change to allow for a more consistent development pattern on the property, most of which is currently zoned NC (see attached Rezone Exhibit). The proposed NC and RSF-18 zoning districts will encourage appropriate residential development on a parcel with direct access to major connecting corridors and infrastructure.**

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

Finding: **This proposal is not expected to increase traffic danger or congestion to a significant degree over the existing zoning. Future development will be subject to City street design and access management standards. With the subject property's proximity to both a Collector Street (46th Avenue) and Minor Arterial (Broyles Avenue), both of which tie in to the nearby Wedington Drive, a Principal Arterial, staff finds that traffic will be absorbed by existing street capacity without creating a hazardous condition.**

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

Finding: **Staff does not expect the proposed rezoning to cause an undesirable increase in the load on public services compared with the existing RSF-4 zoning district. The total land area proposed for rezoning will not appreciably increase the overall potential density of the property beyond its current limits. At the same time, the property is currently undeveloped, and any development under the current zoning or the proposed zoning will result in an increase in the load on public services. In particular, Engineering staff have noted that the existing sanitary sewer mains will need to be reviewed for capacity prior to any development. Notwithstanding these comments, the subject property has access to existing infrastructure, and is in an area where staff does not feel development will have adverse impacts on public services or facilities. Additionally, neither the Police nor Fire Departments have expressed objections to the proposal.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Staff recommends forwarding **RZN 17-5950** to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 23, 2017	❒ **Tabled**	☒ **Forwarded**	❒ **Denied**
Motion:	**Scroggin**		
Second:	**Hoffman**		
Vote:	**8-0-0**		
CITY COUNCIL ACTION:	**Required**	**YES**	
Date: November 21, 2017 (*planned*)	❒ **Approved**	❒ **Denied**	

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
  - §161.07, RSF-4, Residential Single-family, 4 Units per Acre
  - §161.10, RSF-18, Residential Single-family, 18 Units per Acre
  - §161.29, NC, Neighborhood Conservation
- Request letter
- Wedington Corridor Neighborhood Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet

Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	45 feet

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

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

161.10 - District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre

(A) *Purpose*. The RSF-18 Single-family Residential District is designed to promote and encourage the efficient development of single-family detached residences in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	Eighteen (18) or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	30 feet
Two (2) family	30 feet

(2) *Lot Area Minimum.*

Townhouses: individual lot	1,250 square feet
Single-family	2,500 square feet
Two-family	2,000 square feet

(E) *Setback Requirements.*

Front	Side	Side-Zero Lot Line*	Rear
A build-to zone that is located between the front property line and a line 25 ft. from the front property line.	5 feet on both sides	A setback of less than five feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	5 feet

* A zero lot line is an alternative to the 5 foot building setback. Applicants should consult the International Building Code when locating a structure in close proximity to property lines and/or adjacent structures.

** At least 5 feet of maintenance area shall be provided along a structure that is within 5 feet of a property line. This may be provided through a perpetual maintenance easement on the adjacent property, or through a combination of a maintenance easement and private property. Walls, fences and customary yard accessories are permitted in the maintenance area.

(F) *Building Height Regulations*.

Building Height Maximum	35 feet

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width for two-family dwellings.

161.29 - Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Single Family	40 feet
Two Family	80 feet
Three Family	90 feet

(2) *Lot Area Minimum*. 4,000 square feet

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.

Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations*.

Building Height Maximum	45 feet

CDE CIVIL DESIGN ENGINEERS, INC.

4847 Kaylee Avenue, Suite A, Springdale, AR 72762 Phone: (479) 381-1066

September 13, 2017

RZN 17-5950
Request Letter

Ferdinand Fourie, P.E.
Project Manager
4847 Kaylee Avenue-Suite A
Springdale, Arkansas 72762
479.381.1066 Telephone
479.872.7118 Facsimile

City of Fayetteville
Planning Division
Andrew Garner
Planning Director
125 W. Mountain Street
Fayetteville, AR 72701
Phone : (479) 575-8267

Re: Rezone Request
The Wedington Landing Subdivision
Fayetteville, AR
CDE Project No. 1109

Dear Mr. Garner:

Please find enclosed submittal items and application for the proposed rezone of the property between N. Broyles Ave and 46th Street.

The majority of the property is currently zoned Neighborhood Conservation (NC) and we are requesting to have this zoning designation extended by 0.56 acres and 1.27 acres at the two additional areas as shown on the enclosed exhibit.

This will allow us to move the higher density single-family lots and propose zero-lot line row houses along 46th Street as shown.

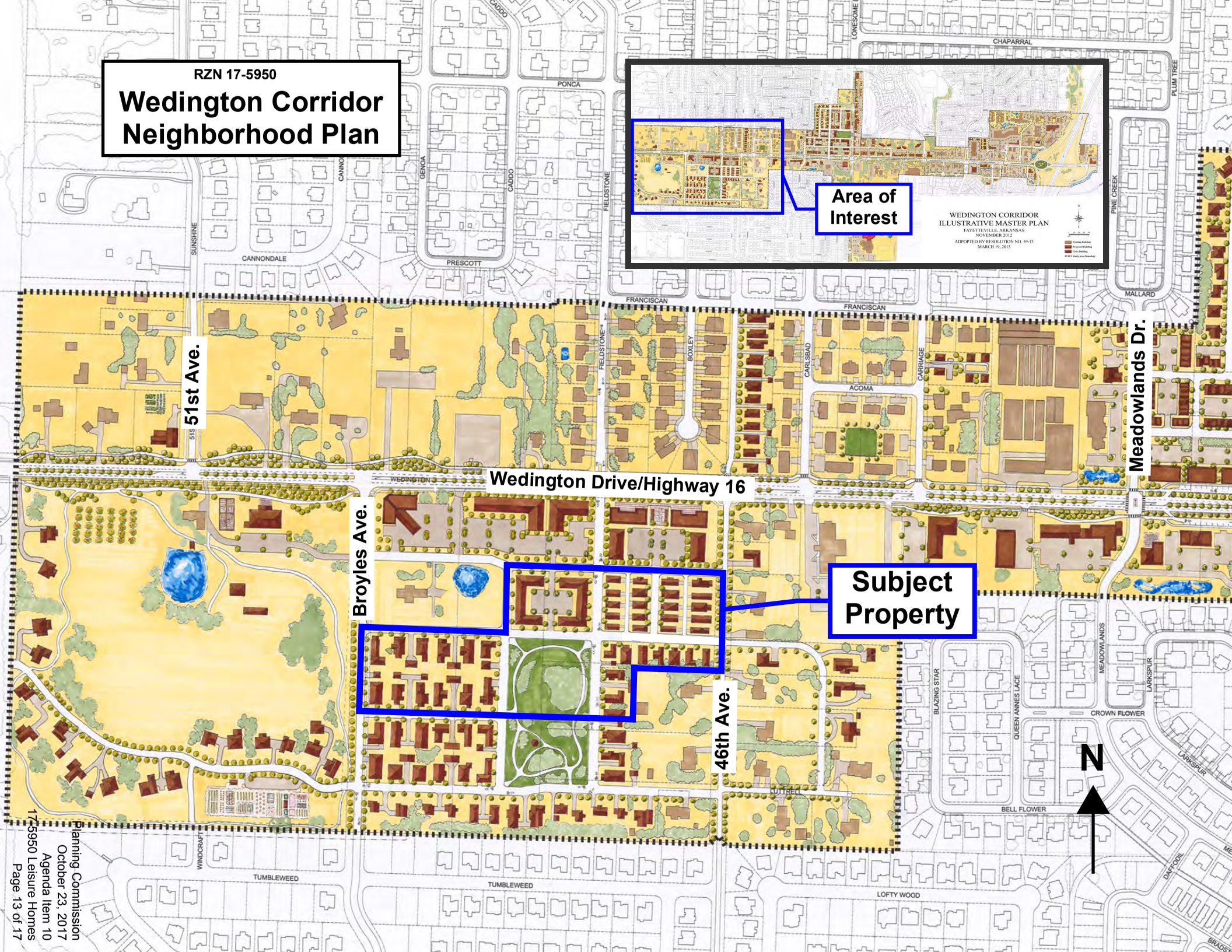
Please let me know if you have any questions.

Sincerely,

Ferdi Fourie, P.E.
Project Manager
FF/FF

RZN 17-5950

Wedington Corridor Neighborhood Plan

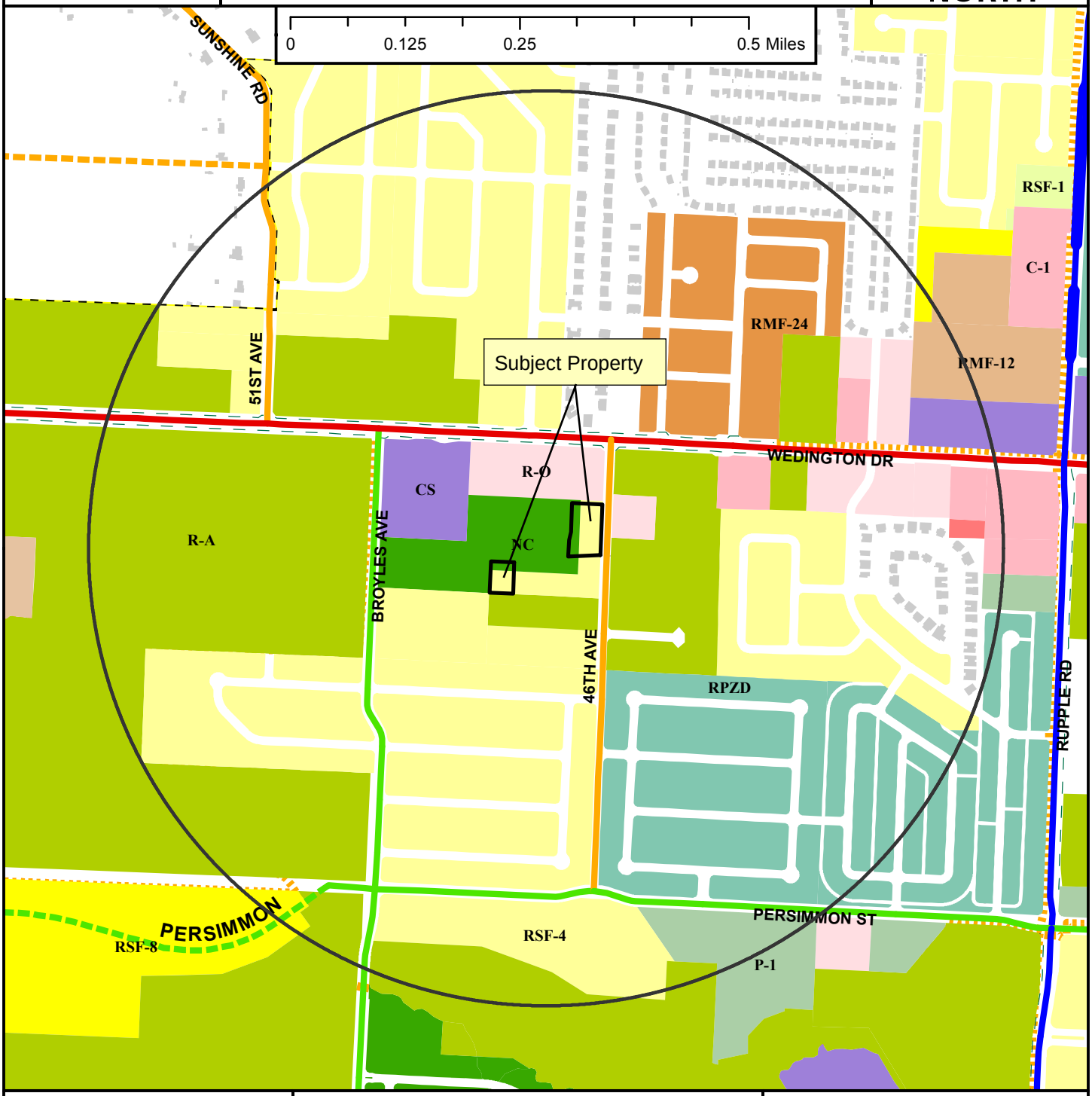


RZN17-5950

One Mile View

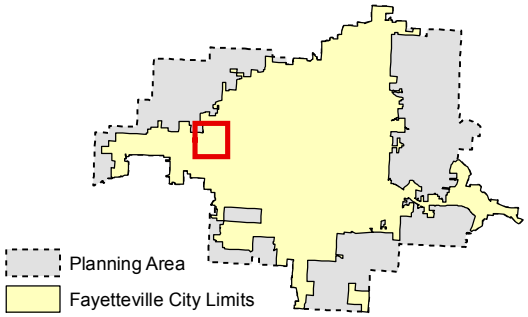
LEISURE HOMES CORP.

NORTH



Legend

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



Zoning

RESIDENTIAL SINGLE-FAMILY
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

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

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

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

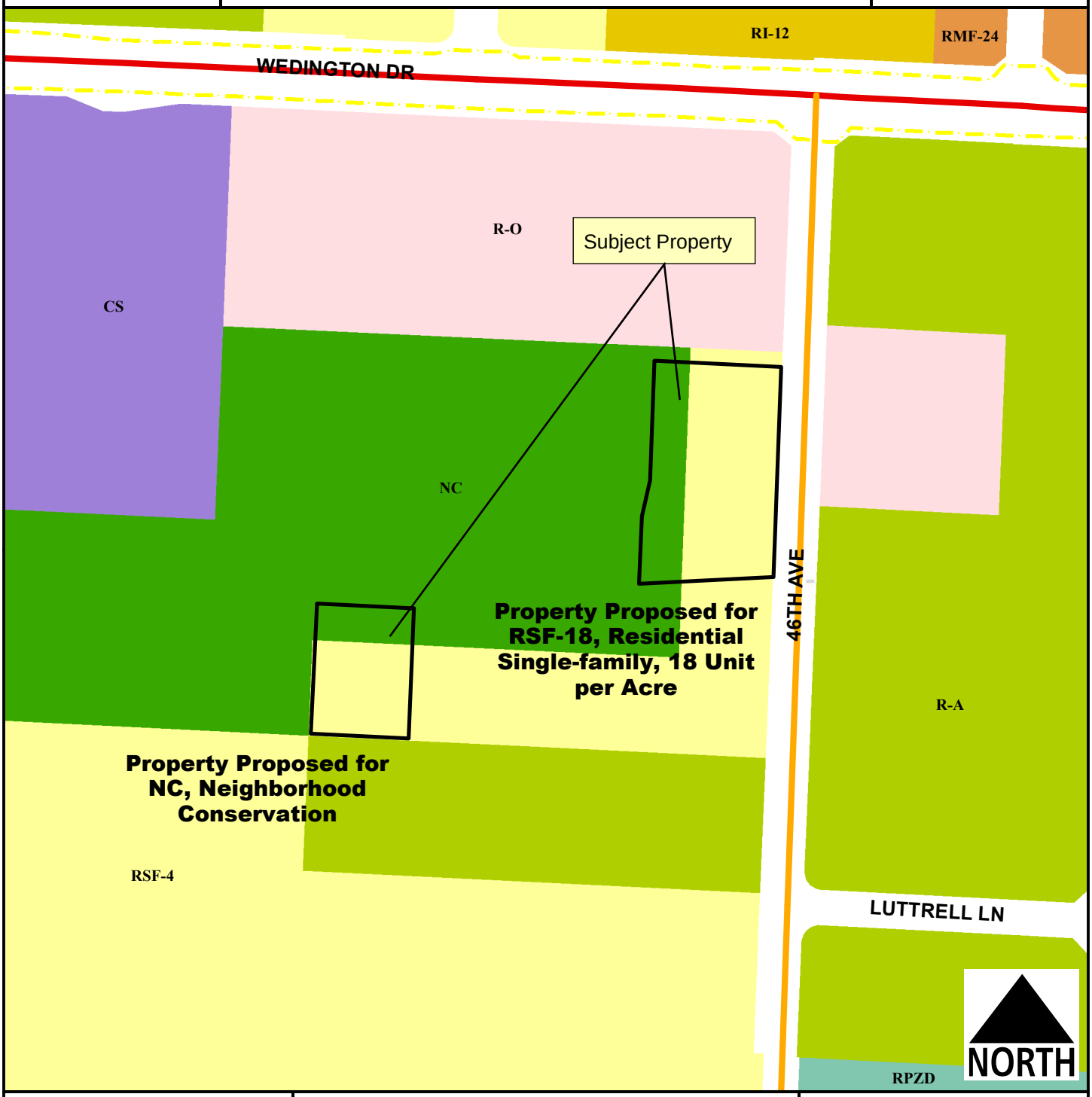
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN17-5950

Close Up View

LEISURE HOMES CORP.



Legend

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

Feet

0 75 150 300 450 600

1 inch = 200 feet

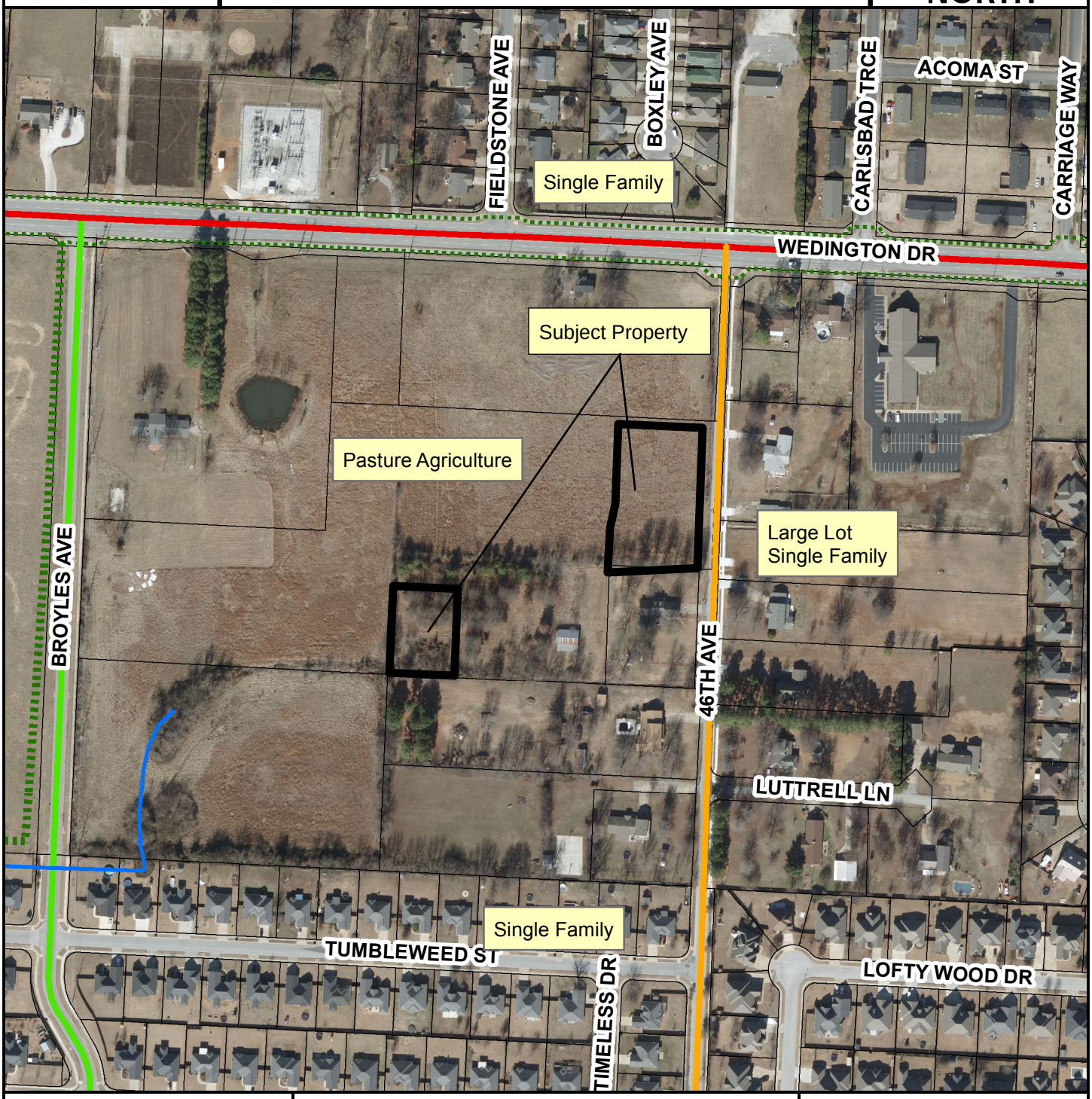
- Residential-Agricultural
- RSF-4
- RI-12
- RMF-24
- Residential-Office
- Community Services
- Neighborhood Conservation
- Commercial, Industrial, Residential

RZN17-5950

Current Land Use

LEISURE HOMES CORP.

NORTH



Streets Existing

MSP Class

- COLLECTOR
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1 inch = 300 feet

FEMA Flood Hazard Data

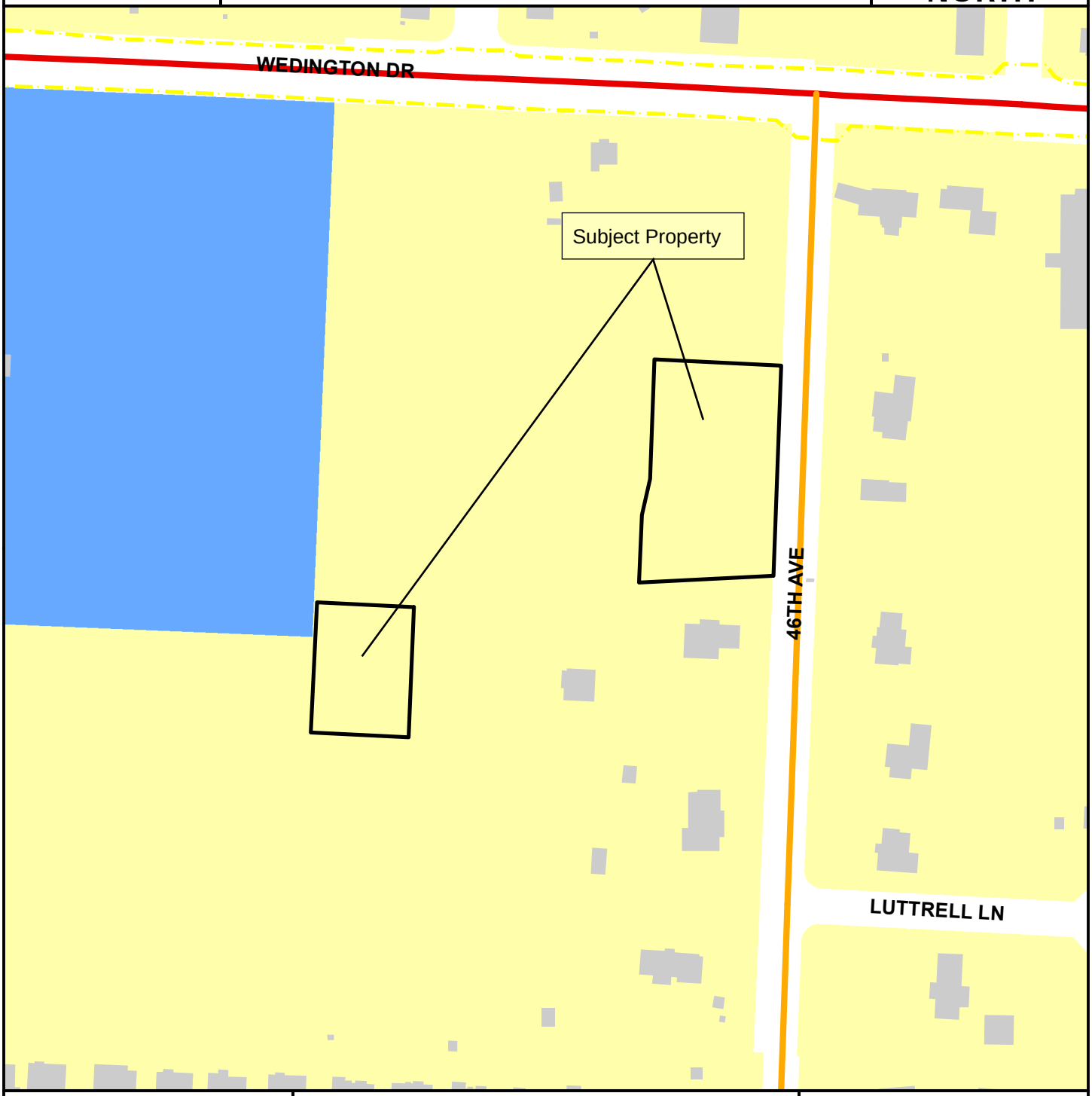
- 100-Year Floodplain
- Floodway

RZN17-5950

Future Land Use

LEISURE HOMES CORP.

NORTH



Legend

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

Feet

0 75 150 300 450 600

1 inch = 200 feet

FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0617

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: C. 3

VAC 17-5960 (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN):

AN ORDINANCE TO APPROVE VAC 17-5960 FOR PROPERTY LOCATED EAST OF BARTON AVENUE AND NORTH OF HUNTSVILLE ROAD TO VACATE A PORTION OF A UTILITY EASEMENT

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

WHEREAS, the City Council has determined that about 2,178 square feet of the following described utility easement is not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates about 2,178 square feet of a utility easement as described in Exhibit B attached to the Planning Department's memo.

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

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

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

City of Fayetteville Staff Review Form

2017-0617

Legistar File ID

11/21/2017

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

Andrew Garner	11/3/2017	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAC 17-5960: Vacation (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN, 524): Submitted by ENGINEERING SERVICES, INC. for property NORTH OF BARTON AVE. & HUNTSVILLE RD. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.66 acres. The request is to vacate a portion of a utility easement.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

DATE: November 3, 2017

SUBJECT: **VAC 17-5960: Vacation (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN, 524):** Submitted by ENGINEERING SERVICES, INC. for property NORTH OF BARTON AVE. & HUNTSVILLE RD. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.66 acres. The request is to vacate a portion of a utility easement.

RECOMMENDATION:
Staff and the Planning Commission recommend approval of **VAC 17-5960** with the following conditions of approval:

1. Any relocation or damage to utilities of existing facilities shall be at the owner/developer's expense.

BACKGROUND:
The subject property is located on the south side of Mount Sequoyah, and has access to Walker Road and Barton Street, both unimproved two-lane streets. The property is a forested hillside parcel, within the Hillside-Hilltop Overlay District. A 25-foot wide utility easement surrounds the property on three sides, but apparently contains no services.

Proposal: The applicant proposes vacation of a portion of a utility easement depicted in Exhibit 'A' and 'B', comprising approximately 2,178 square feet.

DISCUSSION:
On October 23, 2017 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

BUDGET/STAFF IMPACT:
N/A

Attachments:
- Exhibit A
- Exhibit B

- Application
- Planning Commission Staff Report

VAC17-5960

Close Up View

MEEHAN

17-5960
EXHIBIT 'A'

Legend

- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint

Feet

0 75 150 300 450 600

1 inch = 200 feet

- RSF-4
- RSF-8
- RMF-24
- Downtown General
- Neighborhood Conservation
- P-1

17-5960
EXHIBIT 'B'

Legal Description – Meehan Utility Easement Vacation
Portion of Existing Utility Easement to be Vacated:

A PART OF LOT NUMBERED FOUR (4), R & W ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT FOUR (4), THENCE ALONG THE WEST LINE OF SAID LOT FOUR (4) SOUTH 23˚59'00" WEST 10.31 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 80˚00'00" EAST 105.52 FEET; THENCE NORTH 74˚24'40" EAST 31.64 FEET; THENCE SOUTH 66˚28'20" EAST 23.78 FEET; THENCE SOUTH 74˚24'40" WEST 53.49 FEET, THENCE NORTH 80˚00'00" WEST 112.66 FEET TO A POINT ON THE WEST LINE OF SAID LOT FOUR (4); THENCE ALONG THE WEST LINE OF SAID LOT FOUR (4) NORTH 23˚59'00" EAST 15.46 FEET TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES, MORE OR LESS.

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY		*FEE: $200.00*
Date Application Submitted:		*Sign Fee: $5.00*
Date Accepted as Complete:		*S-T-R:*
Project Number:	5960	*PP#:* 524
Public Hearing Date:		*Zone:*

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

Application:

Indicate one contact person for this request: _____ **Applicant** ✓ **Representative**

Applicant (person making request):

Name: Stephen and Allison Meehan

Address: 322 E. Huntsville Road, Unit B
Fayetteville, AR 72701

Phone: (479) 751-4523

Email:

Fax: ( )

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

Name: Engineering Services, Inc.
Attn: Daniel Lazenby

Address: 1207 S. Old Missouri Road (Physical)
P.O. Box 282
Springdale, AR 72765-0282 (Mailing)

Phone: (479) 751-8733

Email: dlazenby@engineeringservices.com

Fax: (479) 751-8746

Site Address / Location: Lot 4 of R & W Addition. Located along southeast side of Walker Street and the northwest side of Barton Avenue in Fayetteville, Arkansas.

Legal description of area to be vacated (attach separate sheet if necessary):
LOT NUMBERED FOUR (4), R & W ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

Current Zoning District: Residential Multi-family – Twenty-Four Units per Acre

Assessors Parcel Number(s) for subject property: 765-09817-000 0.66 acres

FINANCIAL INTERESTS

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

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): _____ Date: _____

Signature: _____

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

Owners (attach additional info if necessary):

Name (printed): Stephen D. Meehan

Signature: [signature]

Date: 9-13-17

Address: 322 E. Huntsville Rd
Unit B
Fayetteville, AR 72701

Phone: (817) 235-0172

Name (printed): Allison W. Meehan

Signature: Allison W. Meehan

Date: 9-13-17

Address: 322 E. Huntsville Rd.
Unit B
Fayetteville, AR 72701

Phone: (817) 437-3794

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 adkjacent 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.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner

MEETING DATE: ~~October 23, 2017~~ UPDATED 10-25-2017

SUBJECT: **VAC 17-5960: Vacation (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN, 524):** Submitted by ENGINEERING SERVICES, INC. for property NORTH OF BARTON AVE. & HUNTSVILLE RD. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 4 UNITS PER ACRE and contains approximately 0.66 acres. The request is to vacate a portion of a utility easement.

RECOMMENDATION:
Staff recommends forwarding **VAC 17-5960** to City Council with a recommendation for approval with conditions.

BACKGROUND:
The subject property is located on the south side of Mount Sequoyah, and has access to Walker Road and Barton Street, both unimproved two-lane streets. The property is a forested hillside parcel, within the Hillside-Hilltop Overlay District. A 25-foot wide utility easement surrounds the property on three sides, but apparently contains no services. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Single-family Residential/Undeveloped	RMF-24, Residential Multi-family
South	Single-family Residential/Two-family Residential	RMF-24, Residential Multi-family/RSF-8, Residential Single-family
East	Single-family Residential	RMF-24, Residential Multi-family
West	Single-family Residential	RSF-8, Residential Single-family

Proposal: The applicant proposes to vacate this unused utility easement in order to prepare the site for development.

DISCUSSION:

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

Utility	Response
Cox Communications	No objections, provided that any damage to or relocation of existing facilities will be at the owner/developer's expense.
AEP/SWEPCO	No objections and no comment.
BlackHills Energy AR	No objections and no comment.
AT&T	No objections and no comment.
Ozarks Electric	No objections and no comment.

City of Fayetteville	Response
Water/Sewer	No objections and no comment.
Solid Waste & Recycling	N/A
Transportation	N/A

Public Comment:
No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC 17-5963** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense;

Planning Commission Action: ☒ **Forwarded** ❒ **Tabled** ❒ **Denied**

Meeting Date: **October 23, 2017**

Motion: HOFFMAN, MOTION TO FORWARD AS RECOMMENDED BY STAFF.

Second: NOBLE

Vote: 8-0-0

BUDGET/STAFF IMPACT:
None.

Attachments:

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

ENGINEERING SERVICES INC.
1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282 Ph: 479-751-8733 • Fax: 479-751-8746

September 19, 2017

Fayetteville Planning Division
125 W. Mountain Street
Fayetteville, Arkansas 72701

RE: Walker Street Utility Easement Vacation
Stephen and Allison Meehan

Dear Sir or Ma'am,

On behalf of our client, we are submitting application materials to vacate a portion of an existing twenty-five foot wide utility easement along the south side of Walker Street in Fayetteville, Arkansas. The property is zoned RMF-24, which includes a twenty-five foot build-to zone. There is also a twenty-foot wide utility easement. Client wishes to build a single family residence within the build-to zone in line with current zoning, which necessitates the vacation of part of the easement. No negative responses from utility companies have been received, and Cox, AT&T, and Black Hill Energy have approved the requested vacation. The following application materials are attached:

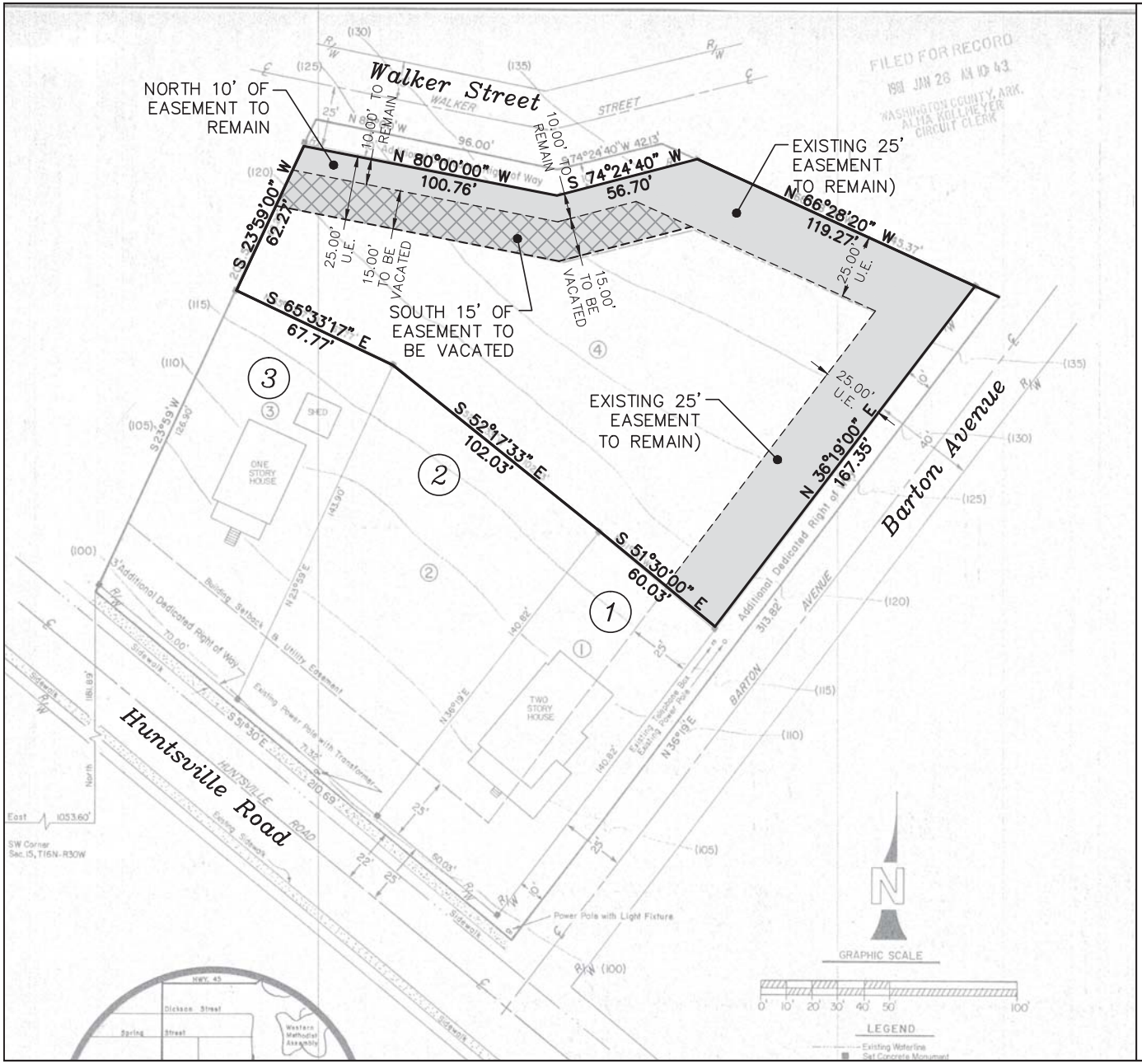
- Check to City of Fayetteville in the amount of $205 ($200 plus $5 Sign Fee)
- Signed Utility Easement Vacation application form
- Three Page 11" x 17" Exhibit
- Certified List of Adjacent Property Owners
- Utility Approval Forms from AT&T, Cox Communications, and Black Hills Energy. Awaiting responses from AEP and Fayetteville Water so far.
- PDF copies of all application materials, including drawings, and a .doc file of the Legal Description on CD

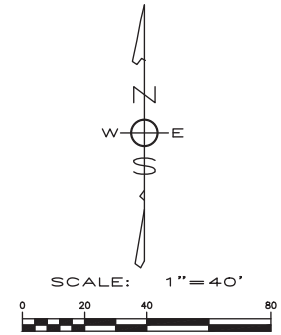
Please contact me if you have any questions, or need additional information.

Thank you,

Daniel Lazenby

Enclosures





LEGEND

	EXISTING EASEMENT (TO REMAIN)
	EXISTING EASEMENT (TO BE VACATED)
	EASEMENT BOUNDARY

NOTES:

1. PROPERTY BOUNDARY, EXISTING EASEMENT LOCATION AND SIZE, AND OTHER EXISTING FEATURES SHOWN ARE PER R&W ADDITION PLAT FILED AT PLAT BOOK 8 PAGE 97.

2. SOUTH 15' OF THE 25' EASEMENT ALONG WALKER STREET TO BE VACATED. NORTH 10' OF THE 25' EASEMENT ALONG WALKER STREET TO REMAIN. NO OTHER EASEMENTS TO BE AFFECTED.

3. THIS IS NOT A BOUNDARY SURVEY, IT IS NOT INTENDED FOR THE TRANSFER OF TITLE.

4. ALL DIMENSIONS ARE PERPENDICULAR TO PROPERTY BOUNDARY AND/OR UTILITY EASEMENT.

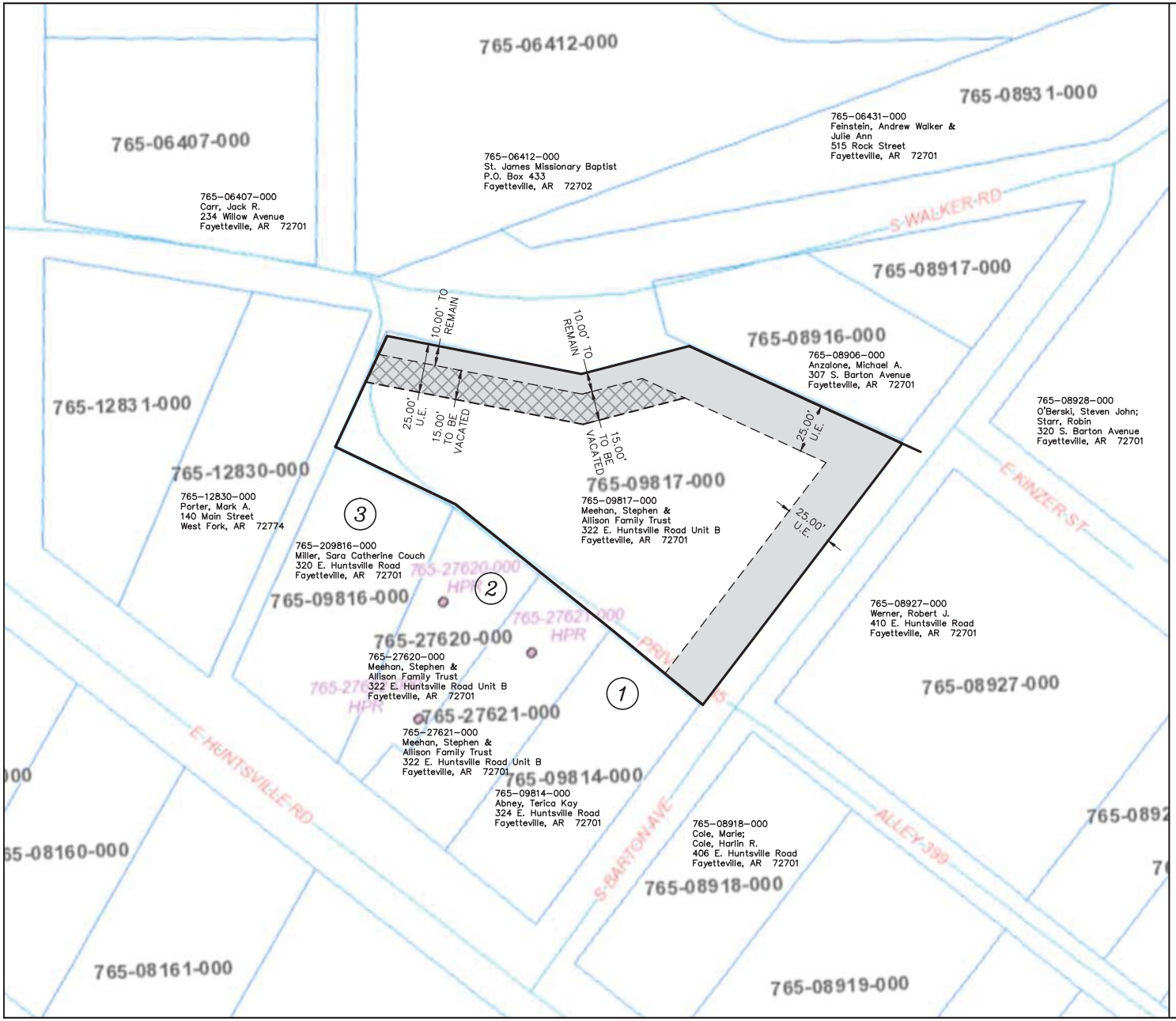
U.E. VACATION 1/2

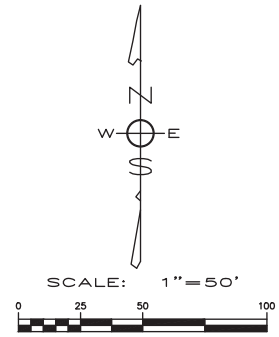
Walker Street and Barton Avenue
Lot 4 of the R & W Addition
Fayetteville, Arkansas

DWG: Eng\Daniel\Subd\Meehan\Easement Vacate Exhibit.

DATE: September 5, 2017
SCALE 1" = 40'

ENGINEERING SERVICES, INC.
CONSULTING ENGINEERS AND SURVEYORS
1207 S. OLD MISSOURI ROAD
SPRINGDALE, ARKANSAS

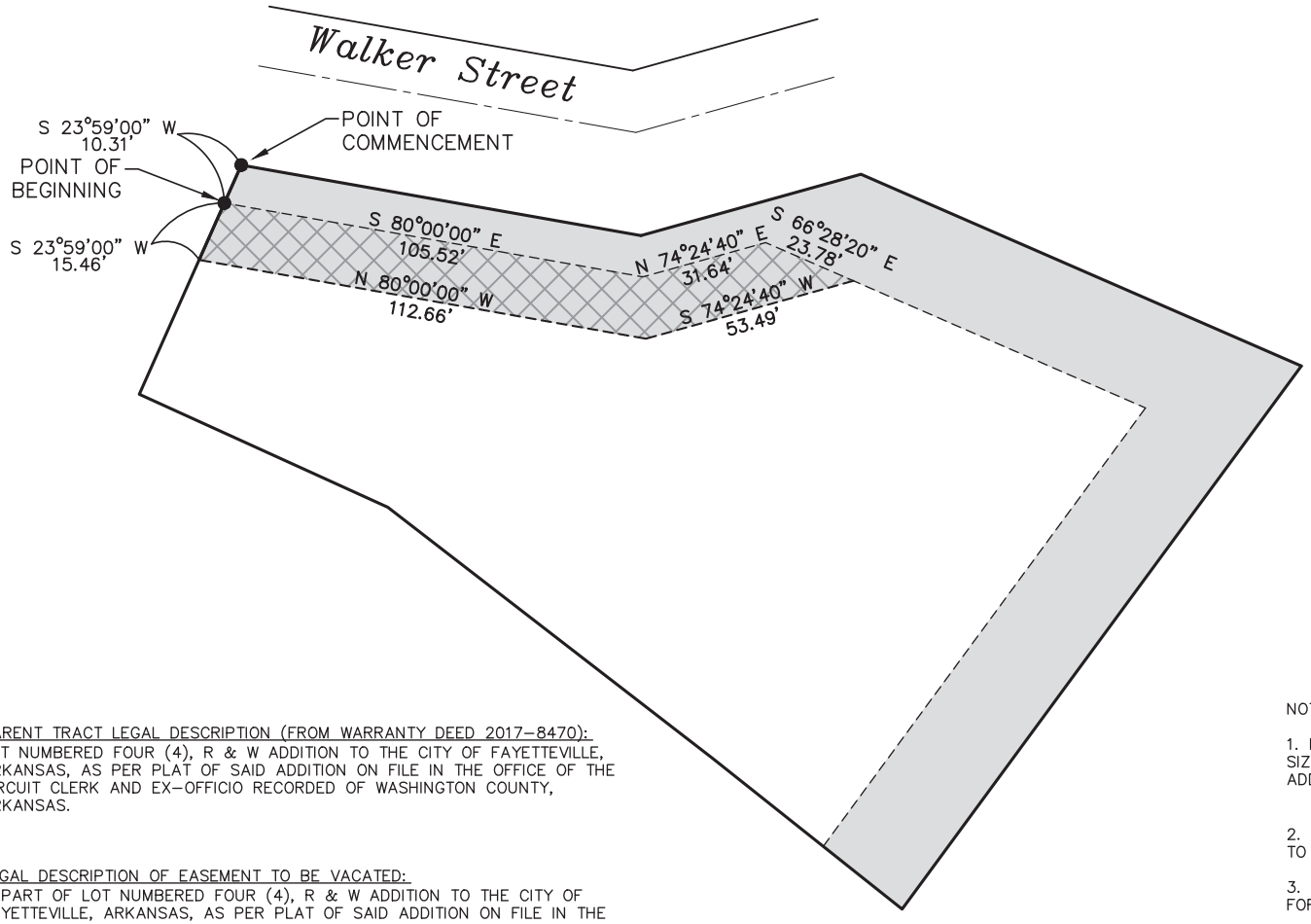


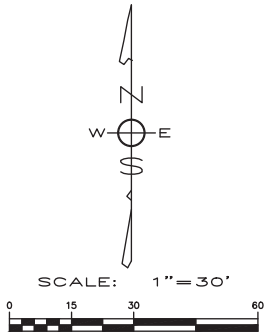


ALPHABETICAL LIST OF ADJACENT PROPERTY OWNERS

765-09814-000 Abney, Terica Kay 324 E. Huntsville Road Fayetteville, AR 72701	765-27621-000 Meehan, Stephen & Allison Family Trust 322 E. Huntsville Road Unit B Fayetteville, AR 72701
765-08906-000 Anzalone, Michael A. 307 S. Barton Avenue Fayetteville, AR 72701	765-209816-000 Miller, Sara Catherine Couch 320 E. Huntsville Road Fayetteville, AR 72701
765-06407-000 Carr, Jack R. 234 Willow Avenue Fayetteville, AR 72701	765-08928-000 O'Berski, Steven John; Starr, Robin 320 S. Barton Avenue Fayetteville, AR 72701
765-08918-000 Cole, Marie; Cole, Harlin R. 406 E. Huntsville Road Fayetteville, AR 72701	765-12830-000 Porter, Mark A. 140 Main Street West Fork, AR 72774
765-06431-000 Feinstein, Andrew Walker & Julie Ann 515 Rock Street Fayetteville, AR 72701	765-06412-000 St. James Missionary Baptist P.O. Box 433 Fayetteville, AR 72702
765-27620-000 Meehan, Stephen & Allison Family Trust 322 E. Huntsville Road Unit B Fayetteville, AR 72701	765-08927-000 Werner, Robert J. 410 E. Huntsville Road Fayetteville, AR 72701

U.E. VACATION	2/3
Walker Street and Barton Avenue Lot 4 of the R & W Addition Fayetteville, Arkansas	
DWG: Eng\Daniel\Subd\Meehan\Easement Vacate Exhibit.d	
DATE: September 5, 2017 SCALE 1" = 50'	
ENGINEERING SERVICES, INC. CONSULTING ENGINEERS AND SURVEYORS 1207 S. OLD MISSOURI ROAD SPRINGDALE, ARKANSAS	ENGINEERING SERVICES, INC.





LEGEND

	EXISTING EASEMENT (TO REMAIN)
	EXISTING EASEMENT (TO BE VACATED)
- - - - - - - -	EASEMENT BOUNDARY

PARENT TRACT LEGAL DESCRIPTION (FROM WARRANTY DEED 2017–8470):
LOT NUMBERED FOUR (4), R & W ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX–OFFICIO RECORDED OF WASHINGTON COUNTY, ARKANSAS.

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:
A PART OF LOT NUMBERED FOUR (4), R & W ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX–OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO–WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT FOUR (4), THENCE ALONG THE WEST LINE OF SAID LOT FOUR (4) SOUTH 23°59'00" WEST 10.31 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 80°00'00" EAST 105.52 FEET; THENCE NORTH 74°24'40" EAST 31.64 FEET; THENCE SOUTH 66°28'20" EAST 23.78 FEET; THENCE SOUTH 74°24'40" WEST 53.49 FEET, THENCE NORTH 80°00'00" WEST 112.66 FEET TO A POINT ON THE WEST LINE OF SAID LOT FOUR (4); THENCE ALONG THE WEST LINE OF SAID LOT FOUR (4) NORTH 23°59'00" EAST 15.46 FEET TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES, MORE OR LESS.

NOTES:

1. PROPERTY BOUNDARY, EXISTING EASEMENT LOCATION AND SIZE, AND OTHER EXISTING FEATURES SHOWN ARE PER R&W ADDITION PLAT FILED AT PLAT BOOK 8 PAGE 97.

2. SOUTH 15' OF THE 25' EASEMENT ALONG WALKER STREET TO BE VACATED. NO OTHER EASEMENTS SHALL BE AFFECTED.

3. THIS IS NOT A BOUNDARY SURVEY, IT IS NOT INTENDED FOR THE TRANSFER OF TITLE.

4. ALL DIMENSIONS ARE PERPENDICULAR TO PROPERTY BOUNDARY AND/OR UTILITY EASEMENT.

U.E. VACATION	3/3
Walker Street and Barton Avenue Lot 4 of the R & W Addition Fayetteville, Arkansas	
DWG: Eng\Daniel\Subd\Meehan\Easement Vacate Exhibit.	
DATE: September 5, 2017 SCALE 1" = 30'	
ENGINEERING SERVICES, INC. CONSULTING ENGINEERS AND SURVEYORS 1207 S. OLD MISSOURI ROAD SPRINGDALE, ARKANSAS	ENGINEERING SERVICES, INC.

PETITION TO VACATE A UTILITY EASEMENT LOCATED IN LOT 4 OF THE R & W ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in lot 4 of the R & W Addition in the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a utility easement which is described as follows:

> A PART OF LOT NUMBERED FOUR (4), R & W ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
>
> COMMENCING AT THE NORTHWEST CORNER OF SAID LOT FOUR (4), THENCE ALONG THE WEST LINE OF SAID LOT FOUR (4) SOUTH 23°59'00" WEST 10.31 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 80°00'00" EAST 105.52 FEET; THENCE NORTH 74°24'40" EAST 31.64 FEET; THENCE SOUTH 66°28'20" EAST 23.78 FEET; THENCE SOUTH 74°24'40" WEST 53.49 FEET, THENCE NORTH 80°00'00" WEST 112.66 FEET TO A POINT ON THE WEST LINE OF SAID LOT FOUR (4); THENCE ALONG THE WEST LINE OF SAID LOT FOUR (4) NORTH 23°59'00" EAST 15.46 FEET TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES, MORE OR LESS..

That the abutting real estate affected by said abandonment of the easement is Lot 4 in the R & W Addition to the City of Fayetteville owned by Stephen and Allison Meehan, that the utility easement has not been used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the above described utility easement.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described utility easement, and that the owners of the above described real estate be free from the easements for the public use of said easement.

Dated this 25 day of September, 2017.

Stephen Meehan

Allison W. Meehan
Allison Meehan

UTILITY APPROVAL FORM

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

DATE: 9/7/2017

UTILITY COMPANY: BlackHills Energy

APPLICANT NAME: Stephen & Allison Meehan APPLICANT PHONE: (479) 751-8733 (Daniel Lazenby – ESI)

REQUESTED VACATION (***applicant must check all that apply***):

☑ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 15' of the existing 25' utility easement along the southeast edge of Walker Street right-of-way along frontage of Lot 4 of R & W Addition (parcel number 765-09817-000)

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

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

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

☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Supervisor

Title

UTILITY APPROVAL FORM

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

DATE: 9/7/2017

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Stephen & Allison Meehan APPLICANT PHONE: (479) 751-8733 (Daniel Lazenby – ESI)

REQUESTED VACATION (*applicant must check all that apply*):

- ✓ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 15′ of the existing 25′ utility easement along the southeast edge of Walker Street right-of-way along frontage of Lot 4 of R & W Addition (parcel number 765-09817-000)

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

UTILITY COMPANY COMMENTS:

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

x ☐ No objections provided the following conditions are met:

Any damage to or relocation of existing facilities will be at the owner's /developers expense.

Signature of Utility Company Representative

Construction and Planning Manager

Title

UTILITY APPROVAL FORM

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

DATE: 9/19/17

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Stephen & Allison Meehan APPLICANT PHONE: (479) 751-8733 (Daniel Lazenby – ESI)

REQUESTED VACATION (***applicant must check all that apply***):

- ☑ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 15' of the existing 25' utility easement along the southeast edge of Walker Street right-of-way along frontage of Lot 4 of R & W Addition (parcel number 765-09817-000)

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

W&S OPERATIONS MANAGER

Title

UTILITY APPROVAL FORM

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

DATE: 09/25/2017

UTILITY COMPANY: Ozarks Electric Coop.

APPLICANT NAME: Stephen & Allison Meehan APPLICANT PHONE: (479) 751-8733 (Daniel Lazenby – ESI)

REQUESTED VACATION (***applicant must check all that apply***):

- ☑ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 15′ of the existing 25′ utility easement along the southeast edge of Walker Street right-of-way along frontage of Lot 4 of R & W Addition (parcel number 765-09817-000)

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

UTILITY COMPANY COMMENTS:

☑ No objections to the vacation(s) described above, and no comments.

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

☐ No objections provided the following conditions are met:

Wesley Mahaffey
Signature of Utility Company Representative

Staking Tech. III
Title

UTILITY APPROVAL FORM

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

DATE: 9-19-17

UTILITY COMPANY: AEP SWEPCO

APPLICANT NAME: Stephen & Allison Meehan APPLICANT PHONE: (479) 751-8733 (Daniel Lazenby – ESI)

REQUESTED VACATION (***applicant must check all that apply***):

- ☑ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 15' of the existing 25' utility easement along the southeast edge of Walker Street right-of-way along frontage of Lot 4 of R & W Addition (parcel number 765-09817-000)

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

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

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

☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

DISTRIBUTION ENGINEER

Title

UTILITY APPROVAL FORM

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

DATE: 09/08/2017

UTILITY COMPANY: AT&T

APPLICANT NAME: Stephen & Allison Meehan APPLICANT PHONE: (479) 751-8733 (Daniel Lazenby – ESI)

REQUESTED VACATION (***applicant must check all that apply***):

- ☑ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 15' of the existing 25' utility easement along the southeast edge of Walker Street right-of-way along frontage of Lot 4 of R & W Addition (parcel number 765-09817-000)

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

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

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

☐ No objections provided the following conditions are met:

JEFF HAMILTON

Digitally signed by JEFF HAMILTON
DN: cn=JEFF HAMILTON, o=AT&T, ou=CONSTRUCTION/ENGINEERING, email=jh5430@att.com, c=US
Date: 2017.09.08 07:18:53 -05'00'

Signature of Utility Company Representative

MGR PLNG& ENGRG DESIGN

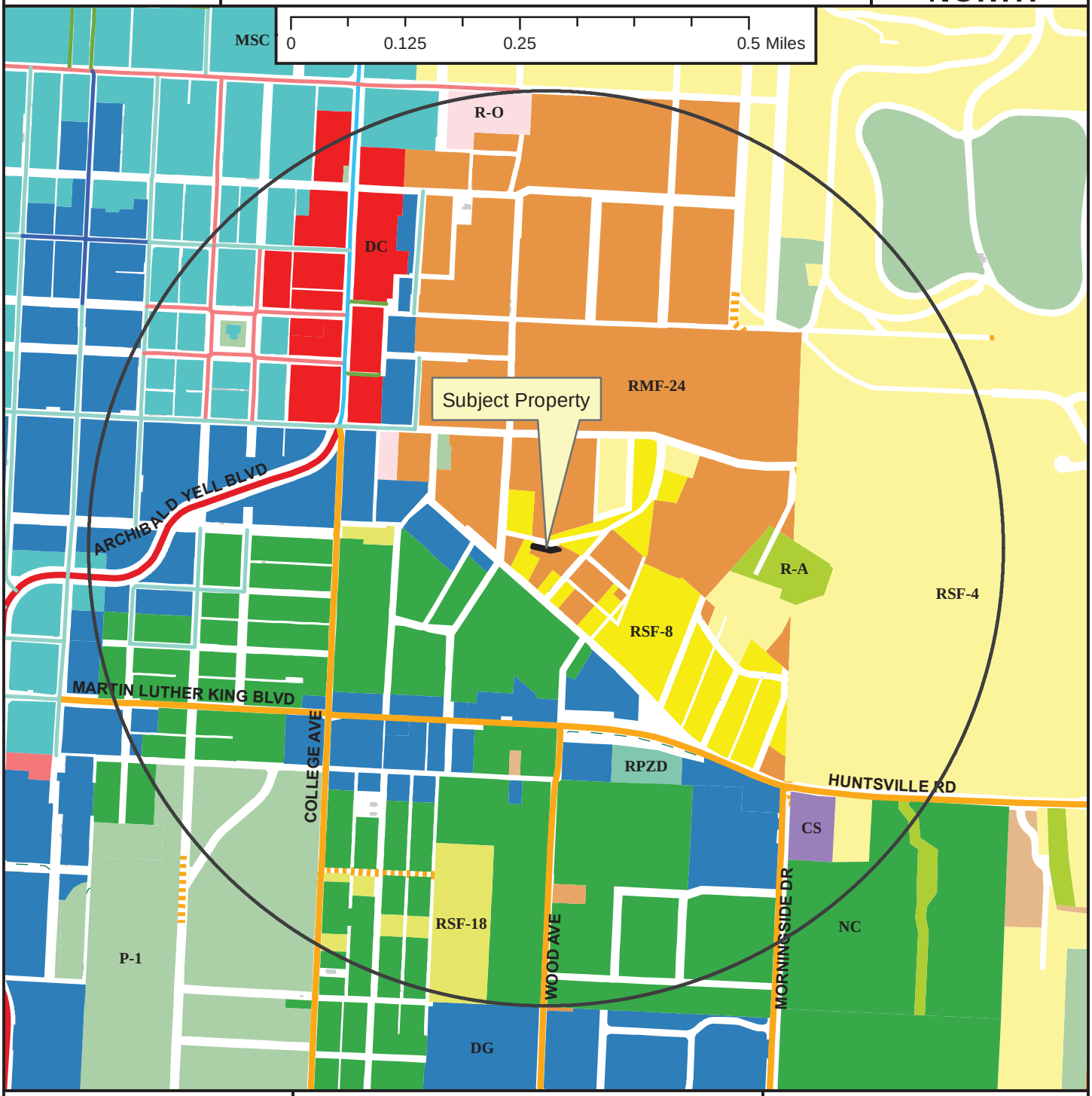
Title

VAC17-5960

One Mile View

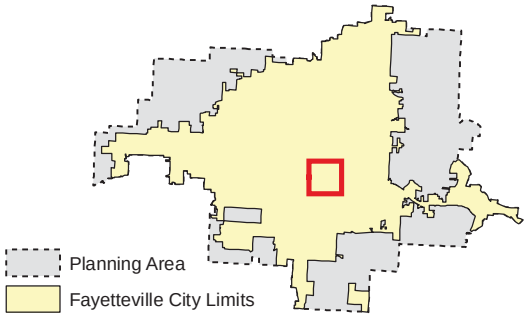
MEEHAN

NORTH



Legend

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



Zoning

RESIDENTIAL SINGLE-FAMILY
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

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

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

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

VAC17-5960

Close Up View

MEEHAN

Legend

- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint

Feet

0 75 150 300 450 600

1 inch = 200 feet

- RSF-4
- RSF-8
- RMF-24
- Downtown General
- Neighborhood Conservation
- P-1

VAC17-5960

Current Land Use

MEEHAN

NORTH

Planning Area

Fayetteville City Limits

Feet

0 75 150 300 450 600

1 inch = 200 feet

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: C. 4

VAC 17-5963 (ROCK ST. BETWEEN WEST AVE. AND SCHOOL ST./ROCK ST. ROW):

AN ORDINANCE TO APPROVE VAC 17-5963 FOR PROPERTY LOCATED AT ROCK STREET BETWEEN WEST AVENUE AND SCHOOL STREET TO VACATE A PORTION OF THE ROCK STREET RIGHT-OF-WAY

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

WHEREAS, the City Council has determined that the following described Rock Street right-of-way is not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates a portion of the Rock Street right-of-way as described in Exhibit B attached to the Planning Department's memo.

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

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

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense;

2. A utility easement shall be retained with a width of 20 feet in association with the existing AEP/SWEPCO facilities outlined above;

3. A utility easement shall be dedicated with a width of 10 feet prior to the relocation of existing gas mains which will connect School and West Avenues;

4. A utility easement shall be retained with the width of 20 feet in association with the existing 6-inch sanitary sewer, 10-inch water, and 12-inch water lines;

5. A utility easement shall be dedicated for existing fire hydrants and water lines that serve them; and

6. Future site design shall incorporate the minimum right-of-way for a two-way alley through the property between School and West Avenues.

City of Fayetteville Staff Review Form

2017-0627

Legistar File ID

11/21/2017

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

Andrew Garner	11/3/2017	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAC 17-5963: Vacation (ROCK ST. BETWEEN WEST AVE. & SCHOOL ST./ROCK ST. RIGHT-OF-WAY, 523): Submitted by FAYETTEVILLE PUBLIC LIBRARY for property along ROCK ST. BETWEEN WEST AVE. & SCHOOL ST. The properties are zoned MSC, MAIN STREET/CENTER & DG, DOWNTOWN GENERAL and contain approximately 0.31 acres. The request is to vacate a portion of a street right-of-way.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: November 3, 2017

SUBJECT: **VAC 17-5963: Vacation (ROCK ST. BETWEEN WEST AVE. & SCHOOL ST./ROCK ST. RIGHT-OF-WAY, 523):** Submitted by FAYETTEVILLE PUBLIC LIBRARY for property along ROCK ST. BETWEEN WEST AVE. & SCHOOL ST. The properties are zoned MS-C, MAIN STREET/CENTER & DG, DOWNTOWN GENERAL and contain approximately 0.31 acres. The request is to vacate a portion of a street right-of-way.

RECOMMENDATION:
Staff recommends approval of **VAC 17-5963** with the following conditions of approval:

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense;

2. A utility easement shall be retained in the amount of 20 feet in association with the existing SEP/SWEPCO facilities outlined above;

3. A utility easement shall be dedicated in the amount of 10 feet prior to the relocation of existing gas mains which will connect School and West Avenues;

4. A utility easement shall be retained in the amount of 20 feet in association with the existing 6-inch sanitary sewer, 10-inch water, and 12-inch water lines;

5. A utility easement shall be dedicated for existing fire hydrants and water lines that serve them; and

6. The library site design shall incorporate a pedestrian and cyclist connection through the site between School and West Avenues.

The Planning Commission also recommends approval of **VAC 17-5963** with the following modification to Condition #6**:**

6. Future site design shall incorporate the minimum right-of-way for a two-way alley through the property between School and West Avenues.

Staff does not recommend in favor of the modified condition as it may adversely affect the ability of the Fayetteville Public Library to design their expansion. Additionally, City staff has concerns with locating a new street or alley connection closer to South Street between West and School Avenues. This is due to the significant topographic changes along West Avenue and the potential inability for a new intersection to meet safe stopping sight distance requirements. Engineering staff visited and evaluated the general location of the potential intersection along West Avenue and it fails to meet minimum recommended stopping sight distance.

BACKGROUND:
The subject property is the western extent of Rock Street, between School and West Avenues to the east and west, totaling about 325 linear feet of street and 0.31 acres. The Master Street Plan classifies this portion of Rock Street as ST 45 which is intended to include two driving lanes, a parking lane, 8-foot sidewalks, and tree wells. Although not improved to the ST 45 standard, this portion of Rock Street includes curb, gutter, and sidewalk of varying width.

On Tuesday, August 9th, 2016, a referendum was held for Fayetteville voters to decide whether to increase property taxes to fund an expansion of the Fayetteville Public Library. Following the approval of the increased millage rate, the Library has proceeded with site and building design planning that was initiated in 2013. This has included the acquisition of approximately four acres of property south of the existing library with the intent of incorporating this area into the expansion. The subject portion of Rock Street lies between the library and these four acres, and limits the scope and opportunities for expanding the library in a contiguous manner.

On October 9th, 2017, the applicant presented a Concept Plat to the Planning Commission for general discussion of the proposed expansion and closure of Rock Street. The Commission was appreciative of the Library's efforts to share preliminary plans to be considered, and appeared generally receptive of the concept presented.

Proposal: The applicant proposes to close the subject section of Rock Street and vacate right-of-way as *depicted in Exhibit 'A' and 'B', comprising approximately 0.31 acres.* The vacation is needed to facilitate future expansion of the existing library.

DISCUSSION:
On October 23, 2017, the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0. As noted, the Commission voted in favor of modifying Condition #6 to require future site design to incorporate the minimum right-of-way for a two-way alley.

BUDGET/STAFF IMPACT:
N/A

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

VAC 17-5963

Close Up View

ROCK ST. ROW
EXHIBIT 'A'

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

- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

17-5963
EXHIBIT 'B'

RE: Legal Description for a proposed right-of-way vacation for a portion of West Rock Street POINT WHICH IS S02°37'19"W 469.61' FROM THE NORTHEAST CORNER OF SAID TRACT 5 AND RUNNING THENCE S02°37'19"W 250.24' TO THE S RIGHT-OF-WAY VACATION DESCRIPTION: A PORTION OF THE EXISTING RIGHT-OF-WAY OF WEST ROCK STREET, LOCATED NORTH OF BLOCK 37, AND SOUTH OF BLOCK 34, OF THE ORIGINAL PLAT OF THE CITY OF FAYETTEVILLE, SAID RIGHT-OF-WAY ALSO BEING LOCATED EAST OF THE EAST RIGHT-OF-WAY OF SOUTH WEST AVENUE, AND WEST OF THE WEST RIGHT-OF-WAY OF SOUTH SCHOOL AVENUE, ALL IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:TO-WIT: BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY OF WEST ROCK STREET WHICH IS S02°18'17"W 3.00' AND N87°36'57"W 10.00' FROM THE NORTHEAST CORNER OF SAID BLOCK 37 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N87°36'57"W 310.80' TO THE EAST RIGHT-OF-WAY OF SOUTH WEST AVENUE, THENCE ALONG SAID RIGHT-OF-WAY N00°45'30"E 42.65' TO THE NORTH RIGHTOF-WAY OF WEST ROCK STREET, THENCE ALONG SAID RIGHT-OF-WAY S87°38'16"E 311.95' TO THE WEST RIGHT-OF-WAY OF SOUTH SCHOOL AVENUE, THENCE ALONG SAID RIGHT-OF-WAY S02°18'17"W 42.75', TO THE POINT OF BEGINNING, CONTAINING 0.31 ACRES.

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY	***FEE: $200.00***
Date Application Submitted:	***Sign Fee: $5.00***
Date Accepted as Complete:	*S-T-R:*
Project Number:	*PP#:*
Public Hearing Date:	*Zone:*

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

Application:

Indicate one contact person for this request:_____ Applicant _____Representative

Applicant (person making request):

Name: Fayetteville Public Library

Address: 401 West Mountain Street
Phone: (479) 856-7000

Email: spalmer@faylib.org

Fax: (479) 571-2222

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

Name: MSR Jack Poling
710 South 2nd Street
8th Floor
Minneapolis , MN 55401

Phone: (612) 375-0336

Email: Jack@msrdesign.com

Fax: (612) 342-2216 fax

Site Address / Location: Rock Street between West Street and School Street

Legal description of area to be vacated:

RIGHT-OF-WAY VACATION DESCRIPTION: A PORTION OF THE EXISTING RIGHT-OF-WAY OF WEST ROCK STREET, LOCATED NORTH OF BLOCK 37, AND SOUTH OF BLOCK 34, OF THE ORIGINAL PLAT OF THE CITY OF FAYETTEVILLE, SAID RIGHT-OF-WAY ALSO BEING LOCATED EAST OF THE EAST RIGHT-OF-WAY OF SOUTH WEST AVENUE, AND WEST OF THE WEST RIGHT-OF-WAY OF SOUTH SCHOOL AVENUE, ALL IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:TO-WIT: BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY OF WEST ROCK STREET WHICH IS S02°18'17"W 3.00' AND N87°36'57"W 10.00' FROM THE NORTHEAST CORNER OF SAID BLOCK 37 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N87°36'57"W 310.80' TO THE EAST RIGHT-OF-WAY OF SOUTH WEST AVENUE, THENCE ALONG SAID RIGHT-OF-WAY N00°45'30"E 42.65' TO THE NORTH RIGHTOF-WAY OF WEST ROCK STREET, THENCE ALONG SAID RIGHT-OF-WAY S87°38'16"E 311.95' TO THE WEST RIGHT-OF-WAY OF SOUTH SCHOOL AVENUE, THENCE ALONG SAID RIGHT-OF-WAY S02°18'17"W 42.75', TO THE POINT OF BEGINNING, CONTAINING 0.31 ACRES

Current Zoning District: _____

Assessors Parcel Number(s) for subject property: Block 34 and 37 Rock Street between S. School and S. West

FINANCIAL INTERESTS

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

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 Sam Palmer Date: 7/26/2017

Signature:

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

Owners (attach additional info if necessary):

Name (printed): Fayetteville Public Library

Signature:

Date: 07/27/2017

Address: 401 WEST MOUNTAIN STREET

Phone: (479)856-7222

Name (printed): Sam Palmer

Signature:

Date: 07/27/2017

Address: 401 WESTMOUNTAIN STREET

Phone: ( )

Vacation Checklist:

Attach the following items to this application:

(1) Payment in full of applicable fees for processing the application:
$200.00 application fee
$5.00 public notification sign fee

(2) Metes and bounds legal description of the area to be vacated, not the entire property (this may be included on the survey plat).

(3) Survey of the site depicting the perimeter property lines and area within the property to be vacated.

(4) CD containing a copy of the legal description in MS Word and PDF copies of the signed application and all other items submitted with this project.

(5) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.

(6) A letter addressed to the Planning Commission and City Council describing the scope, nature, and intent of the request.

(7) Abstractor's Certificate of Ownership stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated (this document is obtained from a title company).

(8) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

(9) Petition to vacate street right-of-way, alley, or easement (sample petition is attached).

(10) For applications to vacate an access easement, alley or right-of-way only: Written consent is required from all adjacent property owners and is required to be submitted with the application (example form is attached).

(11) Comments from all utility companies concerning the street right-of-way, alley, or easement to be vacated and its relationship to existing or planned utilities with recommendations as to what action should be taken (an example comment form is attached) is required at application submittal.

(12) The applicant is responsible for meeting the public notification requirements for a Vacation listed on the Notification Requirements pages in this application.

Utility Representatives for a Vacation Request *

Name	Company	Telephone	Email
Jeff Hamilton	AT&T	442-1967	jh5430@att.com
Chad Hodge	Cox Communications	871-0339	Chad.Hodge@cox.com
John Le	AEP/SWEPCO	973-2426	ttle@aep.com
Scott Stokes	Black Hills Corp.	435-0229	Scott.Stokes@blackhillscorp.com
Wes Mahaffey Or Mike Phipps	Ozarks Electric	684-4649 684-4696	wmahaffey@ozarksecc.com mphipps@ozarksecc.com
City Divisions:			
Mark Rogers	Water and Sewer	575-8392	mrogers@fayetteville-ar.gov
Maury Nelson	Solid Waste	575-8397	mnelson@fayetteville-ar.gov
Terry Gulley	Transportation	444-3491	tgulley@fayetteville-ar.gov

***Solid Waste & Transportation sign off is required only when a ROW, Alley, or Drainage Easement Vacation is being requested.**

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: October 23, 2017 **(Updated with Planning Commission Results)**

SUBJECT: **VAC 17-5963: Vacation (ROCK ST. BETWEEN WEST AVE. & SCHOOL ST./ROCK ST. RIGHT-OF-WAY, 523):** Submitted by FAYETTEVILLE PUBLIC LIBRARY for property along ROCK ST. BETWEEN WEST AVE. & SCHOOL ST. The properties are zoned MS-C, MAIN STREET/CENTER & DG, DOWNTOWN GENERAL and contain approximately 0.31 acres. The request is to vacate a portion of a street right-of-way.

RECOMMENDATION:
Staff recommends forwarding **VAC 17-5963** to City Council with a recommendation for approval with conditions.

BACKGROUND:
The subject property is the western extent of Rock Street, between School and West Avenues to the east and west, totaling about 325 linear feet of street and 0.31 acres. The Master Street Plan classifies this portion of Rock Street as ST 45 which is intended to include two driving lanes, a parking lane, 8-foot sidewalks, and tree wells. Although not improved to the ST 45 standard, this portion of Rock Street includes curb, gutter, and sidewalk of varying width.

On Tuesday, August 9th, 2016, a referendum was held for Fayetteville voters to decide whether to increase property taxes to fund an expansion of the Fayetteville Public Library. Following the approval of the increased millage rate, the Library has proceeded with site and building design planning that was initiated in 2013. This has included the acquisition of approximately four acres of property south of the existing library with the intent of incorporating this area into the expansion. The subject portion of Rock Street lies between the library and these four acres, and limits the scope and opportunities for expanding the library in a contiguous manner.

On October 9th, 2017, the applicant presented a Concept Plat to the Planning Commission for general discussion of the proposed expansion and closure of Rock Street. The Commission was appreciative of the Library's efforts to share preliminary plans to be considered, and appeared generally receptive of the concept presented. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Single-family Residential	MSC, Main Street/Center
South	Single-family Residential	DG, Downtown General
East	Undeveloped	DG, Downtown General
West	Single-family Residential	NC, Neighborhood Conservation

Proposal: The applicant proposes to close the subject section of Rock Street and vacate right-of-way to facilitate future expansion of the existing library.

DISCUSSION:

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

Utility	Response
Cox Communications	No objections, provided that any damage to or relocation of existing facilities will be at the owner/developer's expense.
AEP/SWEPCO	No objections, provided a 20-foot utility easement is dedicated between pole #30419 and #30496 for the existing overhead guy wire, down guy wire, anchor, and secondary conductor.
Black Hills Energy AR	No objections, provided a 10-foot easement is dedicated prior to relocation of existing gas mains which will connect S. School Ave. to S. West Ave.
AT&T	No objections, provided AT&T is informed about any facilities that are required to be relocated.
Ozarks Electric	No objections
City of Fayetteville	Response
Water/Sewer	No objections, provided that a 20-foot easement is dedicated for the existing 6-inch sanitary sewer line, 10-inch water line, and 12-inch water line.
Solid Waste & Recycling	No objections

Transportation	No objections, provided that any drainage is accounted for in the designs of the [future library expansion].

Between Mountain Street to the north and South Street to the south, the subject portion of Rock Street is the only public, east-west street that connects School and West Avenues. If vacated, the resulting block will exceed 900 linear feet, which is beyond the 660-foot block length permitted for new development by the City's street design ordinance. At the same time, the conceptual plan reviewed and approved by Fayetteville voters included the use of Rock Street right-of-way for the library's expansion, and the building will ultimately serve a public, civic purpose that would not have the typical impact of creating a long block length for private development. Given this, staff supports the request and recommends the consideration and approval of a condition to include, at a minimum, vehicular, pedestrian, and cyclist connectivity between School and West Avenues at a point between Mountain and South Streets where block length does not exceed 660 feet.

Public Comment:
No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC 17-5963** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense;

2. A utility easement shall be retained in the amount of 20 feet in association with the existing SEP/SWEPCO facilities outlined above;

3. A utility easement shall be dedicated inn the amount of 10 feet prior to the relocation of existing gas mains which will connect School and West Avenues;

4. A utility easement shall be retained in the amount of 20 feet in association with the existing 6-inch sanitary sewer, 10-inch water, and 12-inch water lines;

5. A utility easement shall be dedicated for existing fire hydrants and water lines that serve them; and

6. The library site design shall incorporate a pedestrian and cyclist connection through the site between School and West Avenues.

Planning Commission Action:	☒ **Forwarded**	❒ **Tabled**	❒ **Denied**
Meeting Date: **October 23, 2017**			
Motion: **Hoffman**	**8-0-0, with conditions as recommended by staff, modifying condition #6 to read "Site design shall incorporate the minimum right-of-way for a two-way alley through the property between School and West Avenues."**		
Second: **Niederman**			
Vote:			

BUDGET/STAFF IMPACT:
None.

Attachments:

- Fire Department Comments
- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

CITY OF Fayetteville ARKANSAS

TO: Jonathan Curth, Planner

CC: Assistant Chief Harley Hunt, Fire Marshal
Battalion Chief Brian Sloat, Deputy Fire Marshal

FROM: Rodney Colson, Fire Protection Engineer

DATE: October 17, 2017

SUBJECT: VAC 17-5963: Vacation (Rock St. between West Ave. & School St./Rock St. Right-of-Way, 523)

The Fire Department has reviewed the subject vacation and recommends approval on condition of acquiring a utility easement for the existing water mains and fire hydrants.

VAC 17-5963

Request Letter

Dear Fayetteville City Council:

On behalf of the Fayetteville Public Library, I respectfully request the vacation of west Rock Street a right-of-way segment that runs east and west, , between School Street and West Avenue. (See attached vicinity map.) The library owns the parcels immediately to the north and south of the alley segment (Block 34 and 37).

At present, the alley segment is primarily used by our library patrons to access the south entrance to the library parking deck, the old City Hospital parking lot and as a shortcut. (As a note, this shortcut is also available on Mountain and South Streets respectively) See attached.

The purpose of the vacation is to consolidate the library's parcels in preparation for the construction and expansion of the Fayetteville Public library's new 80,000 square-foot addition. The plan is to build on part of the vacated alley, and maintain part of said alley as an entrance and exit onto south School and south West to the new facility. We also plan in consultation with the City Parks Department on additional walking, biking, and trail access for through traffic. (Public input sessions will help clarify plans that are still in the making.)

No other property owner has connected interest or owns property on the subject alley segment of interest. We shall, however, be proactive in identifying neighbor impact, and as good neighbors, contact them by letter informing them of our intention and building plans.

Between Rock and South streets constitutes a larger than normal block referred to as a super block. The library proposes to break up that block. Additional walking and biking pathways would create a more usable space that would connect to the future park and would connect to the trail on the west side of the property.

By observing daily traffic on the alley, we feel closing the alley will not be detrimental to the driving public nor will hamper emergency vehicle access since the alley segment has very little through traffic.

Attached for your review are vicinity maps and site plan.

If you have questions regarding this petition, please contact David Johnson at 479-856-7000 or Djohnson@faylib.org

Thank you for your consideration.

VAC 17-5963

Petition to Vacate

PETITION TO VACATE ROCK STREET LOCATED BETWEEN SCHOOL AND WEST, CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting West Rock Street hereinafter sought to be abandoned and vacated, lying between Block 34 and Block 37 on West Rock Street between South School and South West street in the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a *right-of-way* which is described as follows:

Legal Description of area to be vacated

RIGHT-OF-WAY VACATION DESCRIPTION: A PORTION OF THE EXISTING RIGHT-OF-WAY OF WEST ROCK STREET, LOCATED NORTH OF BLOCK 37, AND SOUTH OF BLOCK 34, OF THE ORIGINAL PLAT OF THE CITY OF FAYETTEVILLE, SAID RIGHT-OF-WAY ALSO BEING LOCATED EAST OF THE EAST RIGHT-OF-WAY OF SOUTH WEST AVENUE, AND WEST OF THE WEST RIGHT-OF-WAY OF SOUTH SCHOOL AVENUE, ALL IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:TO-WIT: BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY OF WEST ROCK STREET WHICH IS S02°18'17"W 3.00' AND N87°36'57"W 10.00' FROM THE NORTHEAST CORNER OF SAID BLOCK 37 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N87°36'57"W 310.80' TO THE EAST RIGHT-OF-WAY OF SOUTH WEST AVENUE, THENCE ALONG SAID RIGHT-OF-WAY N00°45'30"E 42.65' TO THE NORTH RIGHTOF-WAY OF WEST ROCK STREET, THENCE ALONG SAID RIGHT-OF-WAY S87°38'16"E 311.95' TO THE WEST RIGHT-OF-WAY OF SOUTH SCHOOL AVENUE, THENCE ALONG SAID RIGHT-OF-WAY S02°18'17"W 42.75', TO THE POINT OF BEGINNING, CONTAINING 0.31 ACRES

That the abutting real estate affected by said abandonment of the alley are Block 34 and Block 37 (both owned by the Fayetteville Public Library), City of Fayetteville, used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described Right-of-way.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.
Dated this 26 day of September, 20 17.

David Johnson
Printed Name

Signature

Printed Name

Signature

VAC 17-5963

Utility Approval Forms

UTILITY APPROVAL FORM

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

DATE: 07/27/2017

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Fayetteville Public Library (Sam Palmer) APPLICANT PHONE: wk 479 856-7222 cel 479-200-5478
Contact Sam Palmer spalmer@faylib.org 401 West Mountain Street

REQUESTED VACATION (***applicant must check all that apply***):

] Utility Easement

✓ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

] Alley

] Street right-of-way

I have been notified of the petition to vacate the following street described as follows:

General location / Address **ROCK STREET between S.SCHOOLST and S.WEST ST.**

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

UTILITY COMPANY COMMENTS:

] No objections to the vacation(s) described above, and no comments.

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

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

Signature of Utility Company Representative

Construction and Planning Manager
Title

UTILITY APPROVAL FORM

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

DATE: 07/27/2017

UTILITY COMPANY: AEP SWEPCO

APPLICANT NAME: Fayetteville Public Library (Sam Palmer) APPLICANT PHONE: wk 479 856-7222 cel 479-200-5478
Contact Sam Palmer spalmer@fayl.org 40 West Mountain Street

REQUESTED VACATION (*applicant must check all that apply*):

[ ] Utility Easement

[✓] Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

[ ] Alley

[ ] Street right-of-way

I have been notified of the petition to vacate the following street described as follows:

General location / Address ROCK STREET between S.SCHOOLST and S.WEST ST.

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

UTILITY COMPANY COMMENTS:

[ ] No objections to the vacation(s) described above, and no comments.

[X] No objections to the vacation(s) described above, provided following described easements are retained (State the location, dimensions, and purpose below.)

A 20' U.E. (10' each side of existing line) between pole # 30479 & 30496 for the existing overhead guy wire and overhead secondary conductor. Also need to include down guy and anch

[ ] No objections provided the following conditions are met:

Signature of Utility Company Representative

DISTRIBUTION Engineer
Title

May 2017
Page 5

UTILITY APPROVAL FORM

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

DATE: 07/27/2017

UTILITY COMPANY: Black Hills Energy

APPLICANT NAME: Fayetteville Public Library (Sam Palmer) APPLICANT PHONE: wk 479 856-7222 cc. 479-200-5478
Contact Sam Palmer spalmer@faylib.org 401 West Mountain Street

REQUESTED VACATION (*applicant must check all that apply*):

] Utility Easement

✓ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

] Alley

] Street right-of-way

I have been notified of the petition to vacate the following street described as follows:

General location / Address **ROCK STREET between S.SCHOOL ST and S.WEST ST.**

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

UTILITY COMPANY COMMENTS:

] No objections to the vacation(s) described above, and no comments

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

A 10' utility easement is provided, prior to relocation of existing gas mains, which will connect S School Ave to S West Ave

] No objections provided the following conditions are met:

Signature of Utility Company Representative

Supervisor - Gas Operations
Title

UTILITY APPROVAL FORM

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

DATE: 07/27/2017

UTILITY COMPANY: AT&T

APPLICANT NAME: Fayetteville Public Library (Sam Palmer) APPLICANT PHONE: wk 479 856-7222 cel 479-200-5478
Contact Sam Palmer spalmer@faylib.org 401 West Mountain Street

REQUESTED VACATION (***applicant must check all that apply***):

☐ Utility Easement

✓ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following street described as follows:

General location / Address ROCK STREET between S.SCHOOLST and S.WEST ST.

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

UTILITY COMPANY COMMENTS:

☐ No objections to the vacation(s) described above, and no comments.

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

☒ No objections provided the following conditions are met:
Please advise if any AT&T facilities are required to be relocated.

Signature of Utility Company Representative

MGR OSP Plng & Design Engineer
Title

UTILITY APPROVAL FORM

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

DATE: 07/27/2017

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Fayetteville Public Library (Sam Palmer) APPLICANT PHONE: wk 479 856-7222 cel 479-200-5478

Contact Sam Palmer spalmer@faylib.org 401 West Mountain Street

REQUESTED VACATION (***applicant must check all that apply***):

☐ Utility Easement

✓ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following street described as follows:

General location / Address **ROCK STREET between S.SCHOOLST and S.WEST ST.**

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

UTILITY COMPANY COMMENTS:

✓ No objections to the vacation(s) described above, and no comments.

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

☐ No objections provided the following conditions are met:

Wesley Mahaffey

Signature of Utility Company Representative

Staking Tech III

Title

May 2017
Page 5

UTILITY APPROVAL FORM

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

DATE: 6/27/2017

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Fayetteville Public Library (Sam Palmer) APPLICANT PHONE: wk 479 826-7222 cel 479 200-5478

Contact Sam Palmer spalmer@fayetteville.org 401 West Mountain Street

REQUESTED VACATION *(applicant must check all that apply)*:

Utility Easement

✓ Right-of-way for alley or streets and all utility easements located within the vacated right of way.

] Alley

] Street right-of-way

I have been notified of the petition to vacate the following street described as follows:

General location / Address **ROCK STREET between S.SCHOOL ST and S.WEST ST.**

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

UTILITY COMPANY COMMENTS.

] No objections to the vacation(s) described above, and no comments.

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

20 FOOT EASEMENT REQUIRED FOR EACH OF THE FOLLOWING:
6" SANITARY SEWER, 10" WATER LINE, 12" WATER LINE

] No objections provided the following conditions are met:

Signature of Utility Company Representative

W & S OPERATIONS MANAGER

Title

May 2017
Page 3

UTILITY APPROVAL FORM

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

DATE: 07/27/2017

UTILITY COMPANY: City of Fayetteville Solid Waste

APPLICANT NAME: Fayetteville Public Library (Sam Palmer) APPLICANT PHONE: wk 479 856-7222 cel 479-200-5478
Contact Sam Palmer spalmer@faylib.org 401 West Mountain Street

REQUESTED VACATION (***applicant must check all that apply***):

] Utility Easement

✓ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

] Alley

] Street right-of-way

I have been notified of the petition to vacate the following street described as follows:

General location / Address **ROCK STREET between S.SCHOOLST and S.WEST ST.**

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

UTILITY COMPANY COMMENTS:

X No objections to the vacation(s) described above, and no comments.

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

] No objections provided the following conditions are met:

Signature of Utility Company Representative

Commercial Services Rep
Title

UTILITY APPROVAL FORM

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

DATE: 07/27/2017

UTILITY COMPANY: City of Fayetteville - Transportation

APPLICANT NAME: Fayetteville Public Library (Sam Palmer) APPLICANT PHONE: wk 479 856-7222 cel 479-200-5478

Contact Sam Palmer spalmer@faylib.org 401 West Mountain Street

REQUESTED VACATION (***applicant must check all that apply***):

] Utility Easement

✓ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

] Alley

] Street right-of-way

I have been notified of the petition to vacate the following street described as follows:

General location / Address **ROCK STREET between S.SCHOOLST and S.WEST ST.**

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

UTILITY COMPANY COMMENTS:

] No objections to the vacation(s) described above, and no comments.

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

provided that any drainage is accounted for in the designs of the project

] No objections provided the following conditions are met:

Terry D. Gulley

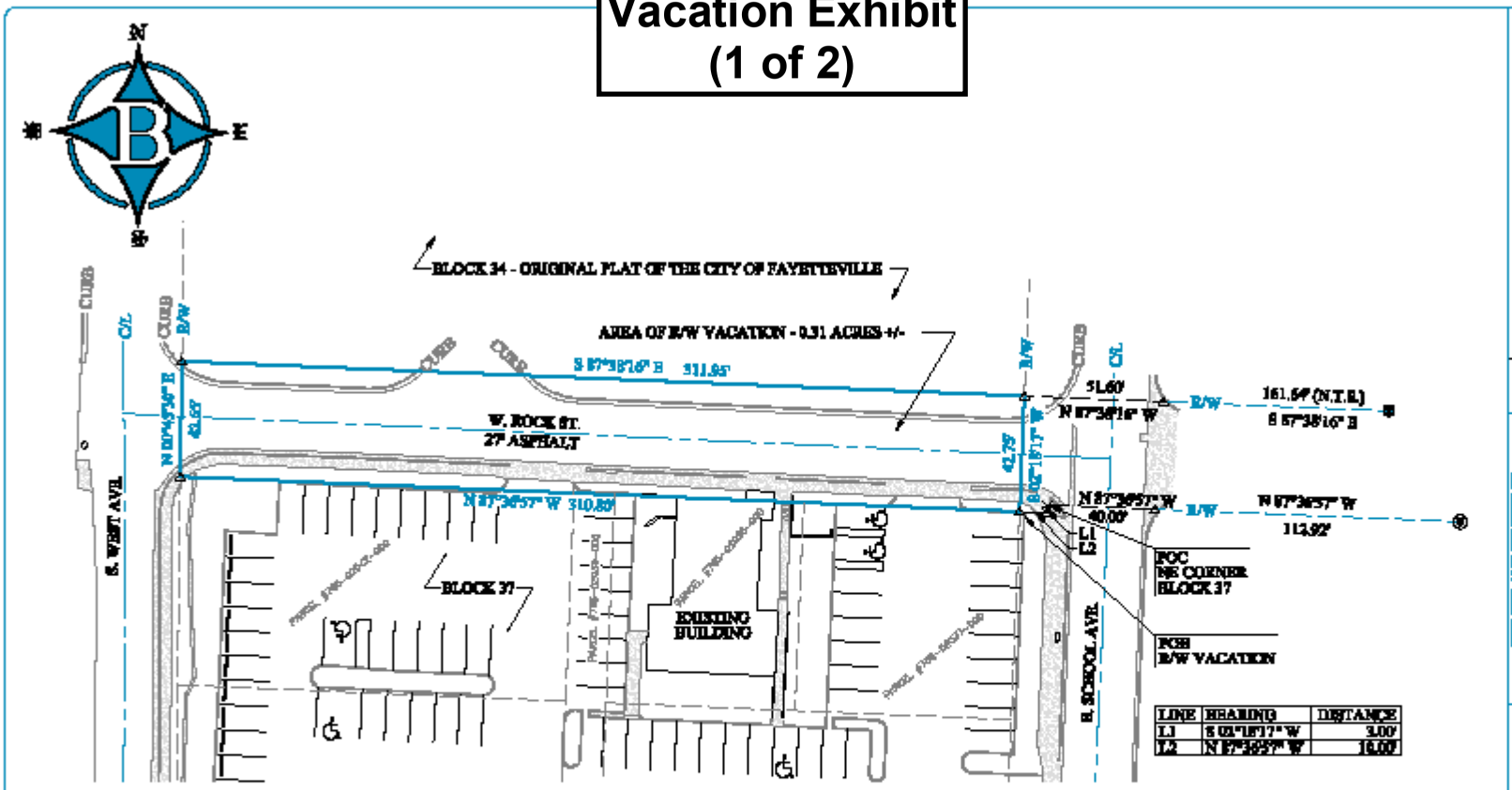
Signature of Utility Company Representative

Transportation Services Director 10-3-17

Title

17-5963

Easement Vacation Exhibit (1 of 2)



LINE	BEARING	DISTANCE
L1	S 02°18'17" W	3.00'
L2	N 87°36'57" W	10.00'

RIGHT-OF-WAY VACATION DESCRIPTION:
A PORTION OF THE EXISTING RIGHT-OF-WAY OF WEST ROCK STREET, LOCATED NORTH OF BLOCK 37, AND SOUTH OF BLOCK 34, OF THE ORIGINAL PLAT OF THE CITY OF FAYETTEVILLE, SAID RIGHT-OF-WAY ALSO BEING LOCATED EAST OF THE EAST RIGHT-OF-WAY OF SOUTH WEST AVENUE, AND WEST OF THE WEST RIGHT-OF-WAY OF SOUTH SCHOOL AVENUE, ALL IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:TO-WIT: BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY OF WEST ROCK STREET WHICH IS S02°18'17"W 3.00' AND N87°36'57"W 10.00' FROM THE NORTHEAST CORNER OF SAID BLOCK 37 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N87°36'57"W 310.80' TO THE EAST RIGHT-OF-WAY OF SOUTH WEST AVENUE , THENCE ALONG SAID RIGHT-OF-WAY N00°45'50"E 42.65' TO THE NORTH RIGHT-OF-WAY OF WEST ROCK STREET , THENCE ALONG SAID RIGHT-OF-WAY S87°38'16"E 311.95' TO THE WEST RIGHT-OF-WAY OF SOUTH SCHOOL AVENUE , THENCE ALONG SAID RIGHT-OF-WAY S02°18'17"W 42.75', TO THE POINT OF BEGINNING, CONTAINING 0.31 ACRES .

0' 50' 100' 150'
GRAPHIC SCALE (IN FEET)
1 inch = 50ft.

LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND ON THIS DRAWING
FOUND PIN
FOUND 1/2" REBAR
COMPUTED POINT
CHISELED X IN CONC.
BOUNDARY LINE
PARCEL LINE
TIE LINE
CENTERLINE OF ROAD
RIGHT-OF-WAY

Bates & Associates, Inc.
Engineers · Surveyors · Landscape Architects
7188 N. Pleasant Ridge Dr. · Fayetteville, Arkansas 72704 · 479-443-4506 · Fax 479-443-4507

FOR USE AND BENEFIT OF:
FAYETTEVILLE PUBLIC LIBRARY
ADDRESS:
CITY OF FAYETTEVILLE
WASHINGTON COUNTY, ARKANSAS

DATE: 06/29/17 | SCALE: 1"=50' | SURVEYED: | DRAFTED: KG | JPED | REVIEWED: DT

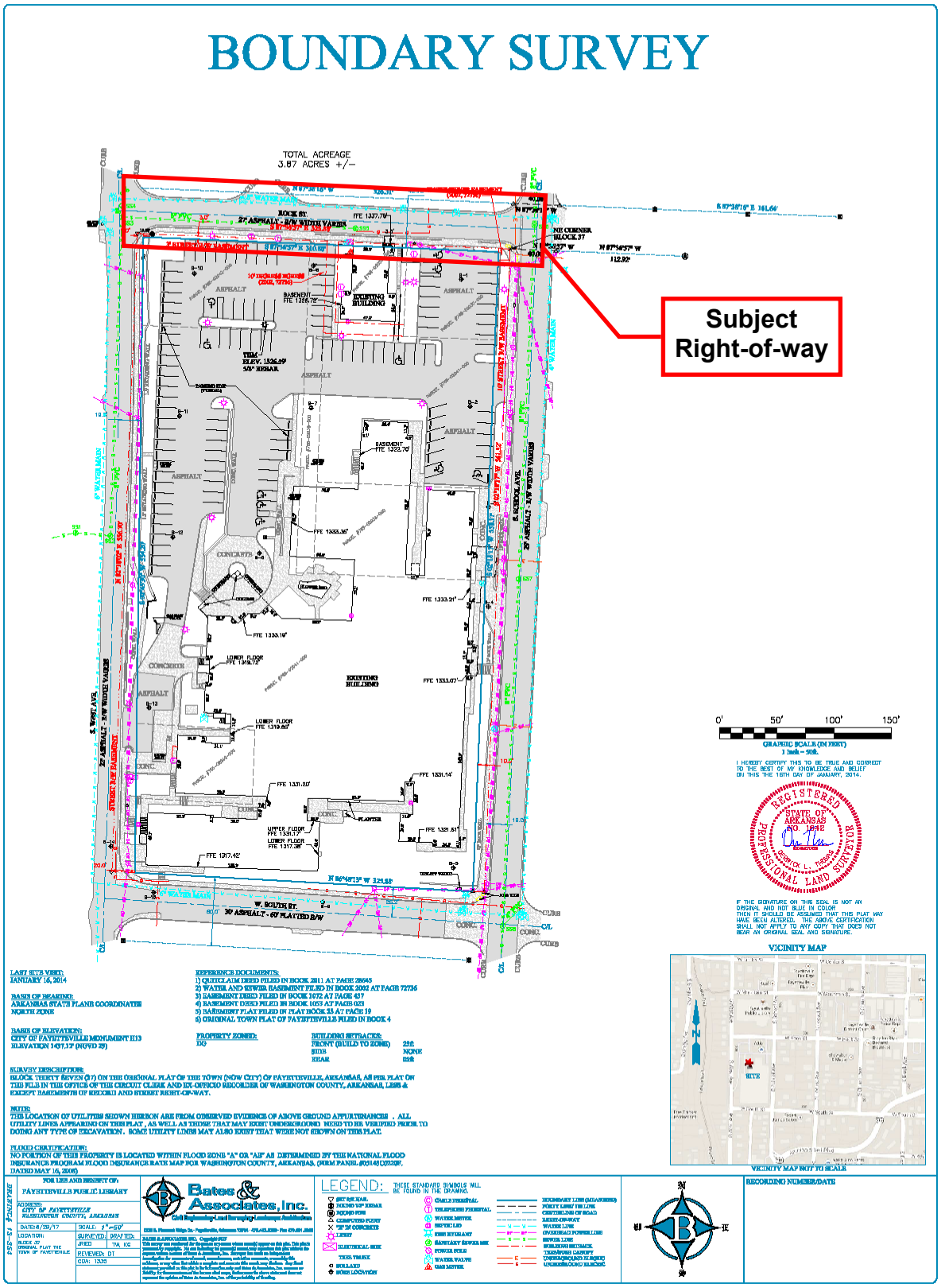
LOCATION: BLOCK 37 ORIGINAL PLAT THE TOWN OF FAYETTEVILLE

DRAWING# 13-364EXHIBI

2017
ie 14

17-5963

Easement Vacation Exhibit (2 of 2)

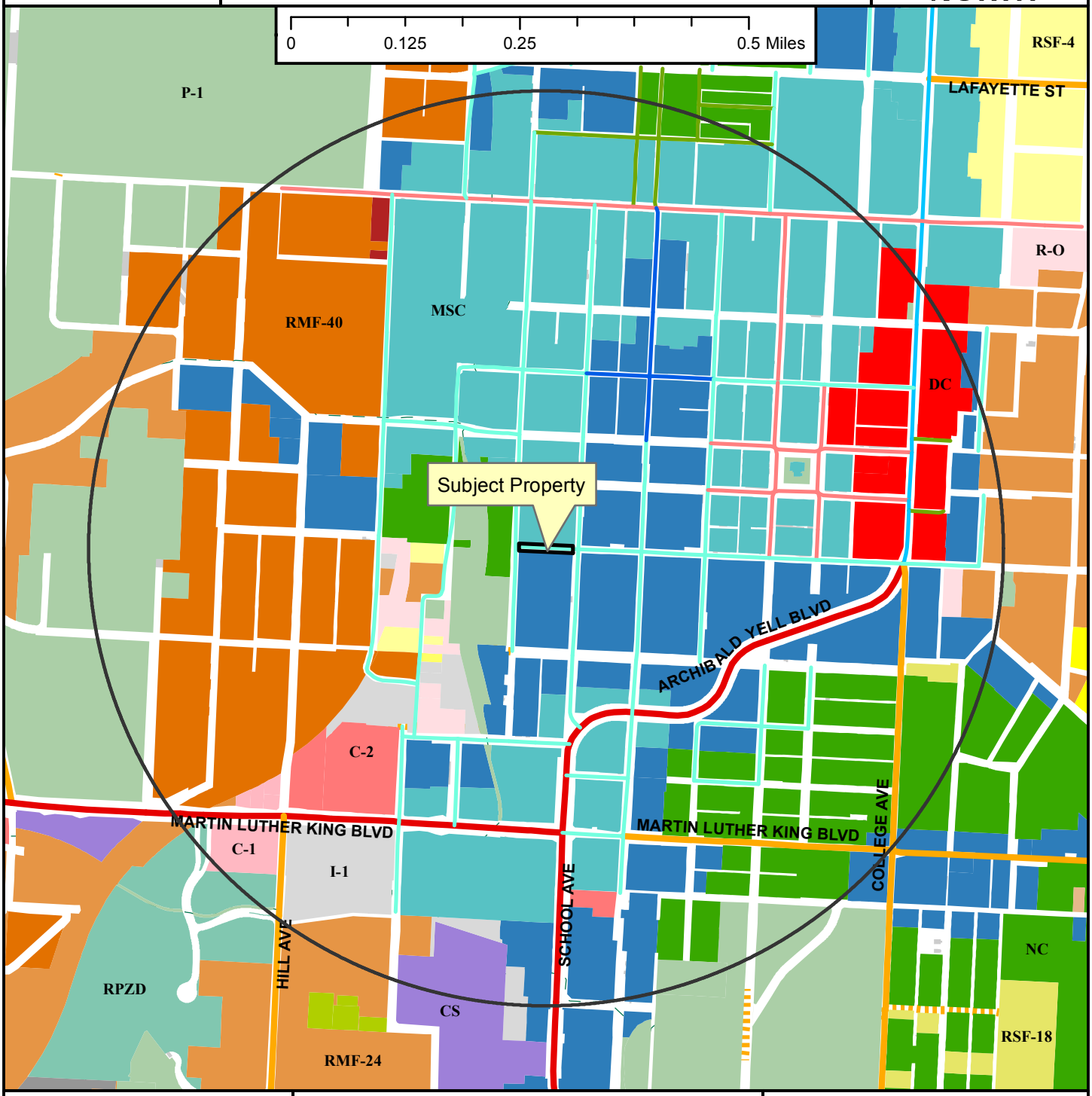


VAC 17-5963

One Mile View

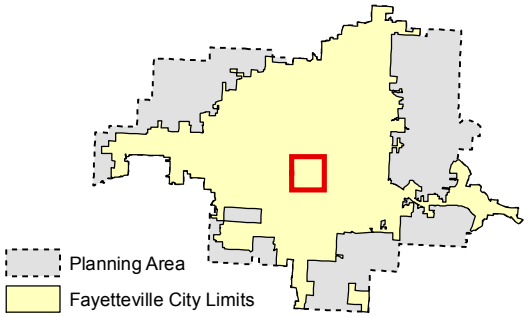
ROCK ST. ROW

NORTH



Legend

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



Zoning

RESIDENTIAL SINGLE-FAMILY
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

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

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

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 17-5963

Close Up View

ROCK ST. ROW

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

- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

VAC 17-5963

Current Land Use

ROCK ST. ROW

NORTH

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 75 150 300 450 600

1 inch = 200 feet

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: 2017-0646

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: C. 5

CHAPTER 151 AND 161 UDC REVISIONS:

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CHANGE BUILDING HEIGHT RESTRICTION MEASUREMENTS FROM FEET TO STORIES IN CHAPTER 161 AND TO AMEND §151.01 **DEFINITIONS** TO DEFINE "STORY"

WHEREAS, the Planning Department and Planning Commission recommend that all building height limitations be changed from feet to stories; and

WHEREAS, the Planning Department has presented all such necessary amendments to Chapters 151 and 161 to accomplish this change in measurement within Exhibits A attached to the Planning Department's Memo.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends those portions of Chapter 161 as described in Exhibit A attached to the Planning Department's Memo in order to change all existing height restriction measurements of buildings from feet to stories within this Chapter 161 of the Unified Development Code.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals §151.01 **Definitions** of "Building height" and "Story" and enacts the new definition of "Story" as follows:

> "Story (building height). Building height when measured in stories shall be as defined by the International Building Code."

City of Fayetteville Staff Review Form

2017-0646

Legistar File ID

11/21/2017

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

Andrew Garner	11/3/2017	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Submitted by City Staff and Planning Commission for revisions to UDC Chapters 151 and 161. The proposed code changes would modify all zoning districts to change building height from feet to stories, and amend the definition of story.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

THRU: Garner Stoll, Development Services Director

FROM: Andrew Garner, Planning Director

DATE: November 3, 2017

SUBJECT: **ADM 17-5939: Administrative Item (Various UDC Chapter Amendments):** Submitted by City Staff and Planning Commission for revisions to UDC Chapters 151, 161, and 166. The proposed code changes would modify all zoning districts to change building height from feet to stories, and create a design overlay district along the College Avenue rezoning area between Maple and North Streets.

RZN 17-5713: Rezone (College Ave. from North Street to Maple Street, 445-446): Submitted by City Staff and Planning Commission to rezone properties along College Avenue from North Street to Maple Street.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of three ordinances to amend the Unified Development Code as depicted in the attached *Exhibits 'A'* and *'B',* and rezone the subject property as shown in the attached *Exhibit 'C'.*

Staff and Planning Commission have different recommendations for the details of the proposed College Avenue design overlay district as described below.

BACKGROUND:

In spring of 2017, the Planning Commission considered a rezoning proposed by staff along the College Avenue corridor between Maple Street and North Street. The Planning Commission forwarded the request to the City Council. After discussion at the City Council Ordinance Review Committee during June-July, 2017, the request was forwarded back to the Planning Commission for additional consideration. The Commission set up a committee to study changes to the Unified Development Code that were not initially a part of the rezoning, but were proposed as the discussion evolved. The Planning Commission committee met four times during August-September, 2017. A copy of the meeting minutes from the City Council and Planning Commission Ordinance Review Committees are attached.

STAFF REQUEST:

Staff requests that the City Council rezone the College Avenue corridor, and amend the Fayetteville Unified Development Code (UDC). The UDC amendments would: (1) change building height from feet to stories; and (2) create a design overlay district for most of the College Avenue rezoning area. The overlay district excludes five single family parcels that are being brought into compliance with a residential zoning with this project.

The overlay district would require additional architectural design standards to encourage high quality, pedestrian-friendly buildings, and mitigate neighborhood concerns that tall, single use multi-family buildings could be built along the corridor. This proposal comprises three ordinances and separate Legistar items. The specific code changes are listed below and shown in the attached strikeout-highlight version.

UDC Amendments

Exhibit 'A' (Legistar Item 2017-0646)

- UDC Chapter 151: Definitions
  - Delete current definition of story
  - Add a new definition of story to follow current International Building Code definition
  - Delete definition of building height based on number of feet
- UDC Chapter 161: Zoning Regulations
  - Change building height in all zoning districts from feet to stories
  - Change building height step-backs in all districts to refer to stories instead of feet

Exhibit 'B' (Legistar Item 2017-0648)

- UDC Chapter 166: Development
  - Clarify the applicability of the Downtown Design Overlay District (DDOD) Architecture Standards
  - Create an Overlay District for the College Avenue area following the boundaries as shown on *Exhibit 'C',* with the following:
    - Comply with DDOD Architecture Standards
    - Minimum ground floor story height of 12 feet
    - Residential use can occupy no more than three stories in a building

College Avenue Rezoning (Exhibit 'C' – Legistar Item 2017-0650)

Along with the UDC Amendments described above, the College Avenue rezoning area is recommended to be rezoned utilizing Alternative 1 proposed with RZN 17-5713 (*Exhibit C*). This would allow council to consider both the code changes and the rezoning at the same time.

DISCUSSION AND PUBLIC COMMENT:

Committee and Planning Commission

This item was discussed at the October 19, 2017 Planning Commission Committee meeting. The five members present reached a consensus in favor of the proposal as written. However, Commissioner Hoffman was not present and at the October 23, 2017 Planning Commission

meeting he expressed concerns with restricting residential use to three stories. Commissioner Hoffman made a motion to forward the item to City Council without that restriction. The motion was approved on an 8-0 vote.

Staff continues to recommend the restriction on residential uses to ensure appropriate contextual relationship between new buildings and the existing neighborhoods. This approach mitigates neighborhood concerns that tall, single use multi-family buildings, not compatible with adjacent structures, could be built along the corridor.

Public Comment

To ensure that the public has ample opportunity to comment on the current proposal, staff completed re-notification of the affected and adjacent property owners before the city council meeting. At the time of publication of this report public comment on the current proposal had not been received.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A: code amendments for new height restrictions and definition of 'story'
- Exhibit B:
    - Code amendments for creation of College Avenue Overlay District
    - College Avenue Overlay District Boundary
- Exhibit C: rezoning map
- Draft meeting minutes: October 23, 2017 Planning Commission
- Planning Commission Staff Report (October 23, 2017)

ADM 17-5939 Proposed Code Changes Shown in Strikeout and Highlight

151.01 - Definitions

For the purpose of Title XV, Unified Development Code, the following definitions shall apply to the divider sections, chapters, sections or subsections, unless the context clearly indicates or requires a different meaning.

B

~~*Building height:* Building height shall be measured vertically from the existing natural grade to any part of the structure, excluding spires, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof and not intended for human occupancy. To verify whether the height of a proposed structure is below the maximum height allowed, project a parallel plane above the existing natural grade and across the entire parcel. If the structure is below the upper line, then the height limitation has been satisfied.~~

S

~~*Story* (DDOD). A floor level within a building.~~
Story (building height). Building height when measured in stories shall be as defined by the International Building Code.

ADM 17-5939 Proposed Code Changes Shown in Strikeout and Highlight

CHAPTER 161: - ZONING REGULATIONS

161.03 - District R-A, Residential-Agricultural

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, ~~that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.~~ if a building exceeds the height of one story, the portion of the building over one story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one story shall be equal to the difference between the total height of that portion of the building and one story.

161.04 - District RSF-.5, Residential Single-Family - One Half (½) Unit Per Acre

(F) *Building height Regulations.*

Building Height Maximum	~~45 feet~~ 3 stories

~~*Height Regulations.* Structures in this district are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.~~

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

(H) *Building Height Regulations.*

Building Height Maximum	~~45 feet~~ 3 stories

~~*Height Regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.~~

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

(H) *Building Height Regulations.*

Building Height Maximum	~~45 feet~~ 3 stories

~~*Height Regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.*~~

ADM 17-5939 Proposed Code Changes Shown in Strikeout and Highlight

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

(F) *Building Height Regulations* .

Building Height Maximum	~~45 feet~~ 3 stories

~~*Height Regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.~~

161.08 - District RSF-7, Residential Single-Family - Seven (7) Units Per Acre

(I) *Building Height Regulations.*

Building Height Maximum	~~45 feet~~ 3 stories

~~*Height Regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.~~

161.09 - District RSF-8, Residential Single-Family - Eight (8) Units Per Acre

(F) *Height Regulations.*

Building Height Maximum	~~45 feet~~ 3 stories

161.10 - District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre

(F) *Building Height Regulations* .

Building Height Maximum	~~45 feet~~ 3 stories

ADM 17-5939 Proposed Code Changes Shown in Strikeout and Highlight

161.11 - District RI-12, Residential Intermediate, Twelve (12) Units Per Acre

(F) *Building Height Regulations.*

Building height maximum	~~30/45 feet~~ 2 stories/3 stories*

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of- way line shall have a maximum height of ~~30 feet~~ two stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of ~~45 feet~~ three stories.

161.12 - District RI-U, Residential Intermediate - Urban

(F) *Building Height Regulations.*

Building height maximum	~~30/45 feet~~ 2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of ~~30 feet~~ two stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of ~~45 feet~~ three stories.

161.13 - District RMF-6, Residential Multi-Family - Six (6) Units Per Acre

(F) *Building Height Regulations.*

Building Height Maximum	~~30/45 feet~~ 2 stories/3 stories*

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of- way line shall have a maximum height of ~~30 feet~~ two stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of ~~45 feet~~ three stories.

~~Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.~~
If a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

ADM 17-5939 Proposed Code Changes Shown in Strikeout and Highlight

161.14 - District RMF-12, Residential Multi-Family - Twelve (12) Units Per Acre

(F) *Building Height Regulations.*

Building Height Maximum	~~30/45 feet*~~ 2 stories/3 stories*

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of ~~30 feet~~ two stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of ~~45 feet~~ three stories.

~~Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.~~
If a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

161.15 - District RMF-18, Residential Multi-Family - Eighteen (18) Units Per Acre

(F) *Building Height Regulations.*

Building Height Maximum	~~30/45 feet*~~ 2 stories/3 stories*

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of ~~30 feet~~ two stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of ~~45 feet~~ three stories.

~~Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.~~
If a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

ADM 17-5939 Proposed Code Changes Shown in Strikeout and Highlight

161.16 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(F) *Building Height Regulations.*

Building Height Maximum	~~30/45/60 feet*~~ 2 stories/3 stories/5 stories*

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of ~~30 feet~~ two stories, between 10—20 feet from the master street plan right-of-way a maximum height of ~~45 feet~~ three stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of ~~60 feet~~ 5 stories.

~~Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.~~
If a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

161.17 - District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(F) *Building Height Regulations.*

Building Height Maximum	~~30/45/60 feet*~~ 2 stories/3 stories/5 stories*

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of ~~30 feet~~ two stories, between 10—20 feet from the master street plan right-of-way a maximum height of ~~45 feet~~ three stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of ~~60 feet~~ 5 stories.

~~Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.~~
If a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

161.18 - NS-L, Neighborhood Services - Limited

(F) *Building height Regulations.*

Building Height Maximum	~~45 feet~~ 3 stories

161.19 - NS-G, Neighborhood Services - General

(F) *Building Height Regulations.*

Building height maximum	~~45 feet~~ 3 stories

ADM 17-5939 Proposed Code Changes Shown in Strikeout and Highlight

161.20 - District R-O, Residential Office

(F) *Building Height Regulations.*

Building Height Maximum	~~60 feet*~~ 5 stories

Height Regulations. ~~Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of 1 foot for each foot of height in excess of 20 feet.~~

If a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

161.21 - District C-1, Neighborhood Commercial

(F) *Building Height Regulations* .

Building Height Maximum	~~56 feet*~~ 5 stories

~~*Any building which exceeds the height of 20 feet shall be setback from any boundary line of any residential district a distance of 1 foot for each foot of height in excess of 20 feet.~~ *If a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

161.22 - Community Services

(F) *Building Height Regulations.*

Building Height Maximum	~~56 feet*~~ 5 stories

161.23 - District C-2, Thoroughfare Commercial

(F) *Building Height Regulations* .

Building Height Maximum	~~75 feet*~~ 6 stories

~~*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of 1 foot for each foot of height in excess of 20 feet.~~

*If a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from side boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

ADM 17-5939 Proposed Code Changes Shown in Strikeout and Highlight

161.24 - Urban Thoroughfare

(F) *Building Height Regulations* .

Building Height Maximum	~~56/84 feet*~~ 5 stories/7stories

*A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of ~~56 feet~~ five stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of ~~84 feet~~ seven stories.

~~Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.~~ If a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from any boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

161.25 - District C-3, Central Commercial

(F) *Building Height Regulations.*

Building Height Maximum	~~56/84 feet*~~ 5 stories/7stories*

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of ~~56 feet~~ five stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of ~~84 feet~~ seven stories.

161.26 - Downtown Core

(G) *Building Height Regulations.*

Building Height Maximum	~~56/168 feet*~~ 5 stories/14 stories*

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of ~~56 feet~~ five stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of ~~168 feet~~ 14 stories.

161.27 - Main Street/Center

(G) *Building Height Regulations.*

Building Height Maximum	~~56/84 feet*~~ 5 stories/7 stories*

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of ~~56 feet~~ five stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of ~~84 feet~~ seven stories.

ADM 17-5939 Proposed Code Changes Shown in Strikeout and Highlight

161.28 - Downtown General

(G) *Building Height Regulations.*

Building Height Maximum	~~56 feet*~~ 5 stories

161.29 - Neighborhood Conservation

(F) *Building Height Regulations* .

Building Height Maximum	~~45 feet~~ 3 stories

161.30 - District I-1, Heavy Commercial And Light Industrial

(F) *Height Regulations.* There shall be no maximum height limits in I-1 District, provided, however, that ~~any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of 1 foot for each foot of height in excess of 25 feet.~~ if a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

161.31 - District I-2, General Industrial

(F) *Height Regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that ~~any building which exceeds the height of 25 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.~~ if a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

161.32 - District P-1, Institutional

(F) *Height Regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, ~~that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.~~ if a building exceeds the height of two stories, the portion of the building that exceeds two stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two stories shall be equal to the difference between the total height of that portion of the building, and two stories.

CITY OF
FAYETTEVILLE
ARKANSAS

MEETING MINUTES

Planning Commission Meeting
October 23, 2017
5:30 PM
113 W. Mountain, Room 219

Members: Ron Autry (Chair), Matthew Hoffman (Vice Chair), Allison Thurmond Quinlan (Secretary), Zara Niederman, Sloan Scroggin, Ryan Noble, Tom Brown, Leslie Belden, and Matt Johnson

Call to Order: *5:30 PM,* Ron Autry (Chair)

In Attendance:

Members: Ron Autry (Chair), Matthew Hoffman (Vice Chair), Allison Thurmond Quinlan (Secretary), Zara Niederman, Sloan Scroggin, Ryan Noble, Tom Brown, Leslie Belden, and Matt Johnson

Absent: Allison Thurmond Quinlan.

City Staff: Andrew Garner - Planning Director; Jonathan Curth – Senior Planner; Quin Thompson - Planner; Harry Davis – Planner.

City Attorney: Kit Williams.

Old Business:

ADM 17-5939: Administrative Item (Various UDC Chapter Amendments): Submitted by CITY STAFF AND PLANNING COMMISSION for revisions to UDC Chapters 151, 161, and 166. The proposed code changes would modify all zoning districts to change building height from feet to stories, and create a design overlay district along the College Avenue rezoning area between Maple and North Streets.

RZN 17-5713: Rezone (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE. REZONE, 445-446): Submitted by CITY STAFF AND PLANNING COMMISSION to rezone properties along COLLEGE AVE. FROM NORTH ST. TO MAPLE ST.

Andrew Garner, City Planning Director: Gave the staff report for both ADM 17-5939 and RZN 17-5713. He discussed the unique nature of this section of College Avenue which was a part of the original town plat of Fayetteville with a historic street grid. This has led to relatively narrow lots along College Avenue and two historic single family residential neighborhoods that directly abut the corridor. The width of this section of College Avenue is much narrower than other portions of the corridor further north. This results in the need for a more context sensitive approach to rezoning this area that is compatible with the adjacent neighborhoods.

No public comment was presented.

DRAFT

Matthew Hoffman, Planning Commissioner: There are some things I am a little bit surprised to see. This was a fundamentally different proposal than the last one I saw. The critical issue is the idea we had been discussing was that the increase in height of structures could bring adverse consequences to the pedestrian experience. We needed to mitigate the effect of really tall buildings throughout the entire city. We had three commissioners to bring forward proposals to define infill and/or include incentives at the last Planning Commission meeting. Are we making it harder, are we making it easier to do infill. I think we are making difficult regulations here. I think changing the definition of height to stories citywide is a great idea. The next idea is to extend Downtown Design Overlay District rules to this area. I think this is appropriate. Ground floor story height with a minimum of 12 feet is a new regulation that is not required anywhere else in the city. However, I support this code change as it supports the pedestrian experience. The very last thing in limiting the amount of a building can be occupied by residential calls out residential as a nuisance. For us to include this sort of provision in this area is inappropriate. It does not encourage infill. This is a little disturbing. Twelve months ago we had somebody come in and request UT, Urban Thoroughfare rezoning at the southwest corner of College and North Street and we were really excited about it. There is a danger here. I am left feeling like the feeling here was to do what we should have in the first place which is rezone this to UT and CS.

Leslie Belden, Commissioner: I do remember discussing the three stories limitation at the committee meeting but would like for clarification from staff.

Garner: Discussed the reasoning for this current proposal with the three-story limitation on residential use, which was to mitigate potential for tall, single-use multi-family buildings directly adjacent to the two historic neighborhoods that abut the corridor.

Tom Brown, Commissioner: Discussed the existing condition of College Avenue and the current proposal. I feel very comfortable in voting to forward this to the City Council with a recommendation for approval. I am certainly happy to listen to what everyone has to say. I think it is important for us to all agree on what we want to forward to the city council. I don't have any problem in tabling this and discussing this again at the sub-committee level.

Belden: What I remember that the commission wanted to encourage buildings to be between 3-5 stories along this stretch of College Avenue. The intent was to have commercial on the ground floor with residential above. The difficulty is the residential use limitation. It might be better worded that in a residential use building the ground floor will be commercial. I understand why we don't want a seven-story apartment building here. I don't know if this has been worded to encourage what we want to encourage.

Sloan Scroggin, Commissioner: I agree with this proposal and hope we can forward it based on the discussion that has occurred. I would like to forward it either as it is, or allowing even more floors of residential.

Matt Johnson, Commissioner: This was sent back to us to consider by the city council. When we look at this, we want this section of College Avenue to be the testing ground for the rest of

College Avenue. I am fully supportive of this but I am not a builder so I'm not sure what the costs of this proposal will be.

Hoffman: College Avenue doesn't have a housing problem. I am sympathetic to the neighbors' concerns but we don't have an issue with this being a problem. I am real uncomfortable with all of these regulations. I think it flies in the face of the premise of form-based codes. We are going to have to let some of the market figure this out. I think we are adding some significant regulations that will help a lot some of the neighbors' concerns, without restricting residential use.

Zara Niederman, Commissioner: If someone wanted to develop something taller than three stories, is there an opportunity for a variance?

Garner: Yes

Niederman: The design overlay could be changed at a later time if needed. I am happy to move forward as is, or we could remove the residential restriction problem on it. In terms of making some sort of compromise I'm willing to move forward as is.

Ron Autry, Commissioner: Discussed the background for the current overlay district proposal. It is very complicated but it was unanimous that we want to try and move this forward. I am okay with the way it reads but am okay to reach a compromise tonight.

Belden: I am hoping that we will spread this all the way to Joyce. The restriction on residential along the entire stretch of College all the way to Joyce would be too restrictive.

Motion #1 ADM 17-5939:

Commissioner Hoffman made a motion to forward ADM 17-5939 to City Council recommending approval as written except striking the restriction on residential use in the design overlay district. **Commissioner Belden** seconded the motion. **Upon roll call the motion passed with a vote of 8-0-0.**

Motion#2 RZN 17-5713:

Commissioner Hoffman made a motion to forward RZN 17-5713 to City Council recommending approval as proposed. **Commissioner Belden** seconded the motion. **Upon roll call the motion passed with a vote of 8-0-0.**

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Planning Commission Ordinance Review Committee and City Planning Division Staff

MEETING DATE: October 23, 2017 *(Updated with Planning Commission results)*

SUBJECT: **ADM 17-5939: Administrative Item (Various UDC Chapter Amendments):** Submitted by FAYETTEVILLE PLANNING COMMISSION for revisions to UDC Chapters 151, 161, and 166. The proposed code changes would modify all zoning districts to change building height from feet to stories, and create a design overlay district along the College Avenue rezoning area between Maple and North Streets.

RZN 17-5713: Rezone (COLLEGE AVE. FROM NORTH ST. TO MAPLE ST./COLLEGE AVE. REZONE, 445-446): Submitted by CITY STAFF to rezone properties along COLLEGE AVE. FROM NORTH ST. TO MAPLE ST.

RECOMMENDATION:

Staff recommends forwarding the proposed code changes and the College Avenue corridor rezoning to the City Council with a recommendation for approval. At the time of publication of this report, the Planning Commission Ordinance Review Committee has not reviewed all of the proposed code changes.

BACKGROUND:

In spring of 2017, the Planning Commission considered a rezoning proposed by staff along the College Avenue corridor between Maple Street and North Street. The Planning Commission forwarded the request to the City Council. After discussion at the City Council Ordinance Review Committee, the request was forwarded back to the Planning Commission for additional consideration. The Commission set up a committee to study changes to the Unified Development Code that were not initially a part of the rezoning, but were proposed as the discussion evolved. A copy of the meeting minutes from the City Council and Planning Commission Ordinance Review Committees are attached.

DISCUSSION:

Request: Staff requests that the City Council rezone the College Avenue corridor, and amend the Fayetteville Unified Development Code (UDC). The UDC amendments would: (1) change building height from feet to stories; and (2) create a design overlay district for the College Avenue rezoning area.

The overlay district would require additional architectural design standards to encourage high quality, pedestrian-friendly buildings, while mitigating neighborhood concerns that tall, single use multi-family buildings could be built along the corridor. The specific code changes are listed below and shown in the attached strikeout-highlight version of the code.

UDC Amendments

- UDC Chapter 151: Definitions
  - Delete current definition of story
  - Add a new definition of story to follow current International Building Code definition
  - Delete definition of building height based on number of feet
- UDC Chapter 161: Zoning Regulations
  - Change building height in all zoning districts from feet to stories
  - Change building height step-backs in all districts to refer to stories instead of feet
- UDC Chapter 166: Development
  - Clarify the applicability of the Downtown Design Overlay District (DDOD) Architecture Standards
  - Create an Overlay District for the College Avenue rezoning area with the following:
    - Comply with DDOD Architecture Standards
    - Minimum ground floor story height of 12 feet
    - Residential use can occupy no more than three stories in a building

College Avenue Rezoning

Along with the UDC Amendments described above, the College Avenue rezoning area is recommended to be rezoned utilizing Alternative 1 proposed with RZN 17-5713 (attached). This would allow council to consider both the code changes and the rezoning at the same time. To ensure that the public have ample time to comment on the current proposal, staff recommends this request not be placed on a City Council agenda until full re-notification of the affected and adjacent property owners has been completed.

RECOMMENDED MOTION NO. 1 (ADM 17-5939):
Forward the proposed UDC Amendments in ADM 17-5939 to the City Council with a recommendation for approval.

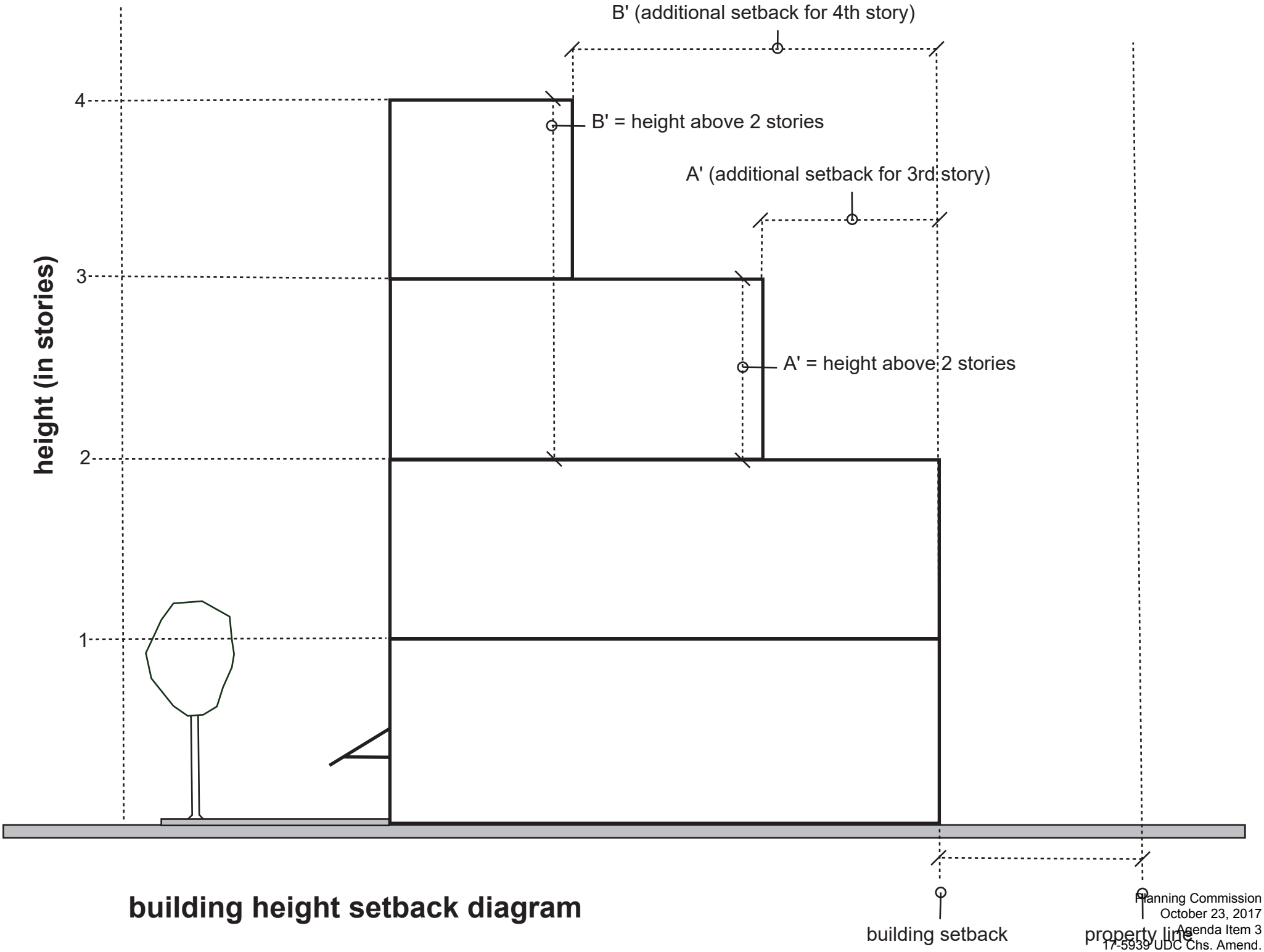
Planning Commission Action:	❒ **Approved**	☒ **Forwarded**	❒ **Denied**
Meeting Date: October 23, 2017	Note: Recommend approval as proposed except removing the restriction on residential use in the design overlay district.		
Motion: Belden			
Second: Hoffman			
Vote: 8-0-0			

RECOMMENDED MOTION NO. 2 (RZN 17-5713):
Forward the proposed rezoning of the College Avenue corridor in RZN 17-5713 utilizing Alternative 1 to the City Council with a recommendation for approval.

Planning Commission Action:	❒ **Approved**	☒ **Forwarded**	❒ **Denied**
Meeting Date: October 23, 2017	Note: Recommend approval of Alternative #1 as presented in the staff report.		
Motion: Hoffman			
Second: Belden			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:
N/A

Attachments:
- Proposed code changes shown in strikethrough/highlight
- Building setback/step-back diagram
- City Council and Planning Commission Ordinance Review Committee meeting minutes
- Proposed Overlay District Boundary
- Alternative 1 Rezoning Exhibit



building height setback diagram

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Justin Tennant, Chair**
Adella Gray, Member
Matthew Petty, Member
John La Tour, Member

CC: **Andrew Garner,** Planning Director
Jonathan Curth, Senior Planner

FROM: **Kit Williams**, City Attorney

DATE: **June 20, 2017**

RE: **Ordinance Review Committee**

MINUTES

The Ordinance Review Committee met in Room 326, City Administration Building at 4:00 p.m. on June 19, 2017. Chair Justin Tennant called the meeting to order. Three members of the committee were present: Justin Tennant, Adella Gray and Matthew Petty. Committee Member John La Tour did not attend.

City Planning Director Andrew Garner discussed the issues and points presented in his Staff Memo of June 19, 2017.

(A) Andrew recommended that Use Unit 40, **Sidewalk Cafes** be removed from Chapters 161 and 162 of the UDC because they can be administratively approved by City Staff anywhere a restaurant would be allowed. The Committee agreed that this should be handled by another ordinance from Planning and not be a part of this discussion concerning UT-L.

(B) Andrew recommended not to add **Clean Technologies** as a use unit allowed within a UT-L district because such manufacturing may not be compatible with residential and commercial uses in UT-L. The Committee expressed general agreement with Andrew.

(C) Andrew discussed building height issues. The Committee generally agreed that additional building setbacks for buildings over 20 feet tall were not needed.

(D) Andrew discussed the floodplain and drainage issues at the bottom of the hill (Trenton intersection). He recommended against rezoning to R-A as inappropriate for this federal highway linking downtown and midtown. Andrew also discussed potential "takings" issues if the City rezoned to R-A to prevent further development in this flood prone area. I agreed with Andrew and cautioned about rezoning land into such a restrictive zoning district that a property owner could assert the rezoning would violate the Private Property Protection Act.

(E) Andrew presented a potential definition of "active space" which could authorize an additional level of construction under some possible revisions of the ordinance. Planning Commissioner Allison Quillan suggested identifying "active space" by requiring some business or activity by use unit in the building. No definition of "active space" could be agreed upon at this meeting.

(F) City Attorney Kit Williams suggested a stylist change in the name of UT-L so that the "L" would match the "L" in Neighborhood Services - Limited. I expressed my belief that having "L" mean "Light" is one zoning district and "Limited" in another zoning district would be confusing. The Committee generally agreed so the proposed ordinance will slightly change the name of the proposed use unit to "Urban Thoroughfare - Limited".

The Ordinance Review Committee decided another meeting would be required to fine tune the ordinance and definitions and scheduled the next Ordinance Review Committee on Thursday, July 13, 2017 at 4:00 p.m. in Room 326.

Respectfully Submitted,

Kit Williams
City Attorney

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CREATE A NEW ZONING DISTRICT, URBAN THOROUGHFARE LIGHT; UT-L AND TO CHANGE OR AMEND DEFINITIONS OF "BUILDING HEIGHT" AND "STORIES"

WHEREAS, the Planning Commission requested that the Planning Department examine the zoning districts along College Avenue from North Street to Maple Street and recommend rezoning these parcels; and

WHEREAS, the Planning Department presented its proposed rezoning to the Planning Commission on April 10, 2017 and received much public comment opposing the possibility of tall apartment buildings being constructed adjoining the historic single family neighborhoods; and

WHEREAS, the Planning Department adjusted its recommendations and proposed the creation of new zoning district, Urban Thoroughfare Light, which reduces the allowed height of the current Urban Thoroughfare to lessen potential density; and

WHEREAS, at the end of the third Planning Commission meeting on this issue, the Planning Commission recommend approval of the proposed rezoning and the creation of a new zoning district, Urban Thoroughfare – Light.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby enacts a new zoning district, Urban Thoroughfare Light; UT-L, as shown on Exhibit B of the Planning Departments' memo.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 151.01 Definitions to change or add definition of "building height" and "stories" as shown on Exhibit D of Planning Department's memo.

PASSED and **APPROVED** this 6th day of June, 2017.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA SMITH**, City Clerk/Treasurer

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Justin Tennant, Chair**
Adella Gray, Member
Matthew Petty, Member
John La Tour, Member

CC: **Andrew Garner,** Planning Director
Jonathan Curth, Senior Planner

FROM: **Kit Williams,** City Attorney

DATE: **July 18, 2017**

RE: **Ordinance Review Committee**

MINUTES

The Ordinance Review Committee met in Room 326, City Administration Building at 4:00 p.m. on July 13, 2017. Chair Justin Tennant called the meeting to order. All four members of the committee were present: Justin Tennant, Adella Gray, John La Tour and Matthew Petty.

The minutes of the meeting of June 19, 2017 were approved.

Chairman Tennant gave each member of the Ordinance Review an opportunity to discuss their concerns about the proposed ordinance. Planning Commissioner Allison Quillan was allowed to discuss her suggestions about building height and measurements in floors rather than feet.

City Council and Committee member Matthew Petty explained his reluctance to enact a new zoning district rather than address height measurement issues and potential height bonuses for a building with "retail ready" space on the ground floor. Matthew moved that the Ordinance Review Committee recommend changing measurements at least for structures within a mixed-use, form-based zoning district from a maximum height in feet, to a maximum number of stories to achieve parity between the traditional commercial zones and the newer form-

based, mixed-use zones and to provide potential one story bonuses if the building has "retail ready" space on the ground floor. The motion passed unanimously.

Matthew moved to clarify the zoning code by permitting sidewalk cafés as a use by right in any zone in which regular restaurants were authorized. This passed unanimously. Sufficiently wide sidewalks to ensure ADA compliance remain a secondary requirement.

Finally, the Ordinance Review Committee voted to request the ordinance be taken off the table at the July 18th City Council Meeting and referred back to the Planning Commission for further study and incorporation of Ordinance Review Committee's proposals.

Respectfully Submitted,

Kit Williams
City Attorney

College Avenue Rezoning Committee Meeting
August 24, 2017
Immediately Following Agenda Session
113 W. Mountain, Room 326

Members: Allison Thurmond Quinlan (Chair), Ron Autry, Matthew Hoffman, Zara Niederman, Sloan Scroggin, Tom Brown, Matt Johnson

Call to Order: *4:45 PM,* Allison Thurmond Quinlan

In Attendance:

Members: Allison Thurmond Quinlan (Chair), Zara Niederman, Tom Brown, Sloan Scroggin

Absent: Ron Autry

City Staff: Quin Thompson, Planner; Andrew Garner, Planning Director; Jonathan Curth, Senior Planner; Harry Davis, Planner;

College Avenue Rezoning:

Allison Quinlan, Commissioner: Gave the background for the goals of the committee.

Matthew Hoffman, Commissioner: Agreed with most of the goals to convert building height to stories and most everything else mentioned here. He discussed the biggest deficiency we have in our buildings is the first floor of the building. In what we want to emphasize, I would like to try to take on the ground level streetscape.

Zara Niederman, Commissioner: Asked what is meant by keeping parity between the two zoning districts.

Quinlan: Explained what is meant by keeping parity.

Tom Brown, Commissioner: Asked about goal #4 regarding building code.

Quinlan and Hoffman: Gave examples of consistency between various codes.

Niederman: I would like to address curb cuts, connectivity, and how we get buildings up front along the street as well.

Quinlan: Reviewed the approach to working through the code changes.

Hoffman: Discussed concerns with the approach of limiting height to a maximum of three stories. He discussed some issues with the “bonus stories” applying across the city. I worry

about the approach of having everyone build storefronts everywhere where it is not needed or appropriate.

Quinlan: Agreed that in writing the code we need to be sure we allow adequate flexibility.

Hoffman: Discussed further concerns that making everything retail ready may not be appropriate. He gave examples of excellent, traditional building typologies in Brooklyn that are not retail ready and should not have to be retail ready.

Quinlan: Asked about where the various typologies should apply.

Hoffman: Discussed ideas about the different fabric of the city needing different building typologies.

Sloan Scroggin, Commissioner: Gave the example of the new Uptown Apartments and if we want to require all the first floor of these apartments to have to be retail ready. He asked for clarification on the proposed code change.

Quinlan: Clarified the application of the code.

Scroggin: He discussed a desire to allow the Uptown Apartments by right, and what he is seeing here doesn't allow that.

Hoffman: Agreed with Scroggin about not needing all ground floor units to be retail ready when they do not need to be and will never be retail.

Quinlan: Brought up pg. 5 in the packet and the details of the 30-foot minimum along the street frontage being the only portion of the buildings that must be retail ready. Ceiling height seems to be a good item we can agree on.

Hoffman: Preferred a minimum clear ceiling height of 12 feet.

Niederman: Stated he felt that commercial opportunities in buildings would be a good thing.

Hoffman: Further discussed concerns with requiring buildings to be retail ready.

Scroggin: Discussed living in Madrid and the consistent six stories and the percentages of residential units at the street.

Niederman: Asked what size scale buildings do we want here in the next 30-50 years? I think in Fayetteville, around three stories is what we would expect in this city and that seven stories may look out of place.

Hoffman: Stated that he sees concerns with this approach in that three story versus five stories will not help solve sprawl and discussed favor for a variety of building heights

Quinlan: Gave background for where the three-story building came from.

Quinlan: Asked for input if the approach of bonus stories is favorable.

Brown: Liked the idea for bonus stories

Quinlan: Solicited comment about converting the building height from feet to stories.

Hoffman: Stated that there is not a concern with developers building very tall floor to ceiling.

Brown: Agreed with reference to building code.

The Commissioners had a consensus that the definition of story should be the most recently adopted IBC definition of story.

The Commissioners had a consensus to replace height step back language in the zoning code with a diagram.

Commissioner Quinlan: Discussed the architectural guidelines and potential changes that may be necessary to accomplish the goals.

Hoffman: Indicated that he does not favor including trails in the requirements for build-to zones.

Quinlan: Indicated that the next College Avenue Rezoning Committee Meeting will be directly following the September 7th Planning Commission Agenda Session.

Reports: None
Announcements: None
Adjournment Time: 5:40 PM
Submitted by: City Planning Division

College Avenue Rezoning Committee Meeting
September 7, 2017
Immediately Following Agenda Session
113 W. Mountain, Room 111

Members: Allison Thurmond Quinlan (Chair), Ron Autry, Matthew Hoffman, Zara Niederman, Sloan Scroggin, Tom Brown, Matt Johnson

Call to Order: *5:00 PM,* Allison Thurmond Quinlan

In Attendance:

Members: Allison Thurmond Quinlan (Chair), Zara Niederman, Tom Brown, Sloan Scroggin

Absent: None

City Staff: Andrew Garner, Planning Director; Jonathan Curth, Senior Planner; Harry Davis, Planner;

College Avenue Rezoning:

Allison Thurmond Quinlan, Commissioner: Summarizes the previous meeting, the agenda, and the goals. Also, goes in to the areas of agreement between the Commissioners who attended the previous meeting. Describes some of the options to incorporate density bonuses with specific mention of Lakewood, Colorado and its codes.

Matthew Petty, City Council Member: Gives background on the politics of the decision by Council to send the item back to the Planning Commission for review. The Council's main concern was that a new zoning district was being created, and they felt the area could be rezoned through the existing zoning code. The second issue that councilmembers had at the Ordinance Review Committee was the monoculture of student housing, and mule-family housing in general, and that this should not necessarily be biased against, but should perhaps be held to a higher standard given its impact. Beyond that, the Ordinance Review Committee agreed that the design standards should receive an overhaul and retail-ready spaces may be valuable, but the underlying value should be walkability.

Matthew Hoffman, Commissioner: Summarizes concerns he and other Commissioners had with a requirement for retail-readiness and the costs it could have on the development community. Shares that he spoke with people in these professions to seek their input and discussed alternatives like code change applicability to varying developments, where mixed-use is most appropriate in the City, and possibly a historical preservation element. Developers he spoke with stated that the suggested proposals would have a significant adverse effect on development, especially with the varying cost between developing and building commercial versus residential

spaces. Based on these conversations, he proposes that the development code be aligned with the building code which may mitigate the costs associated with making a bottom floor retail-ready.

Tom Brown, Commissioner: Seeks clarity on how this would be worked in to the zoning code.

Quinlan: Discussed the background for her original proposal with three stories and how it aligned with building code.

Hoffman: Reiterates that it would simply be the use of the existing building code requirements to require a retail-ready ground floor when the cost will already be present for developers to build a concrete podium when going over a certain height. These concrete podiums incorporate building height structural requirements with separation requirements between uses.

Petty: Even in this context, most retail will happen in one, two, and three story buildings. We shouldn't fall into the trap that this will impact general retail when it will only affect a specific subset of development. I think that if we go after developer's input we should get formal feedback. Forget about retail ready from this. I think what is important is that when this goes back to the council and the neighbors get re-engaged. If we don't apply any of these extra standards until we hit the six story, we've lost the political gains from this approach. I don't think it's critical to directly align with building code.

Brown: Asked where we want this bonus story to apply across the city? Maybe it should only apply along transit corridors or a certain distance from railway right-of-way or from bus routes. (He shared a map he created showing potential transit overlay areas on the screen.) Maybe overlay both of those, or look at what studies the UA has done or others have done for transit stops and the concept for transit-oriented districts. The thought would be that we not want to make it city-wide to create the environment for density and population that we need to make these mass transit scenarios viable. Maybe we want to focus these bonus provisions where the union of rail and bus transit interest for future commercial and mixed use developments.

Hoffman: Shared a similar idea of using the Master Street Plan for some type of overlay. However, the bonus is a restriction in those areas where we want more density.

Brown: I was just looking for an entry way to get this on the table for future discussion and evaluation by the Planning Commission. I distributed this and referred it as transit-oriented overlay districts. If we feel this is not applicable for this bonus story provision, I think we could look at density and parking incentives within these zones.

Quinlan: She discussed why she thinks whatever we do should apply to all zones. What we are saying is that we should only see five or six stories when we reach these other standards.

Petty: I love incentivizing transit oriented development but I don't think we're there yet. We have interest in a transit expansion. When we get there, I think we should absolutely look at those changes. The bonus stories should apply to all zones. We want to set the threshold where most of what happens continues. This would not affect big box stores or commercial strip centers. But

it would affect a tall office tower in a C-2 zone. There is some compromise so that most of what is already happening can already happen. We don't want to go so far as discouraging good development. We agree that in general the downtown design codes are good. We need to strike that balance. I think pedestrian standards don't go too far, architectural standards don't go too far, but maybe retail ready goes too far. He also discussed the complications of enforcement in a complicated overlay system.

Hoffman: In terms of the mechanism it should be important that it not be an extra cost burden. I think we should do things to incentivize taller buildings. Pedestrian orientation and build-to would be appropriate. What would be do in terms of pedestrian orientation?

Brown: Seeks clarification on what direction things are headed and his misunderstanding about the focus of the subcommittee.

Petty: Acknowledges Commissioner Brown's transit oriented development conversation is sound in theory, but one of the major considerations is to apply new requirements equally. Responds to Commissioner Hoffman's question about pedestrian elements by noting that the foundations already exist in the code and may need to be applied across the City. This could extend the goal to create active streets across the City. The Council recognized that retail-readiness may not be the route to this as it can create significant costs for the development community.

Brown: Brings up design requirements, and that he feels the Downtown Design Overlay District requirements should stay applied to downtown. He proposes melding existing design standards to create one, over-arching standard to apply citywide.

Quinlan: Discussed what applicable design standards should apply to the street level such as the Downtown Design Overlay District (DDOD) standards and the non-residential design standards. The non-residential design standards are more general. I think the downtown design standards are more applicable to what we're looking for.

Hoffman: Agrees that the DDOD standards should be considered.

Petty: Notes that the DDOD standards are the only elevated requirements in the City, and they ought to be applied elsewhere to reflect citywide growth. Contends that the North College issue needs to be considered independently of the larger City, and then citywide issues revisited later.

Ron Autry, Commissioner: I don't want to see anything above three stories on College Avenue. The thought of scaring developer's away is not what we want to do with the retail ready standards. He discussed support for elevated standards for pedestrian oriented development. He discussed that it may be good to invite developers into this meeting and to take their views into the code.

Quinlan: Whatever we do needs to be very achievable. It should not be a barrier but should be an approachable compromise between the developers, neighbors, and city goals. She clarified that retail-ready doesn't have to be utilized for retail.

Quinlan: Inquires if the subcommittee ought to make motions or have votes.

Andrew Garner, City Planning Director: Advises that it would help the process if there are motions on the record.

Petty: States that it would help the City Council Ordinance Review Committee to have a framework with which to move forward. What is needed are to establish some details about elements of the proposed code language.

Hoffman: Agreed with Alderman Petty's approach.

Zara Niederman, Commissioner: Liked the idea for active pedestrian frontages. The one thing I see is an issue is the single use commercial that can happen. He discussed a desire to incentivize cross connection from the rear of properties.

Petty: Responds that a default minimum buildable street frontage is being proposed for all properties with rear setbacks that will encourage vehicular rear-loading of properties.

Niederman: Would like rear or alley access points to be encouraged too as a means of addressing the access management allowances.

Quinlan: Reviewed slides of buildings that would and would not meet the retail ready code as currently written.

Niederman: Cites another building example in Fayetteville.

Hoffman: Speaks to the building code requirements that increase costs, but do not necessarily benefit the pedestrian experience.

Quinlan: Her priorities are a minimum buildable street frontage, architectural standards, a door in to each unit, set ceiling heights, and windows.

Niederman: Agrees that it would be nice to have commercial on the ground floor, but it's more about the pedestrian experience.

Motion #1:
Commissioner Quinlan made a motion that if we create a bonus stories code section, it would apply to all zoning districts. Those zoning districts that do not currently have a build-to zone or minimum buildable street frontage would have the following standards: a build-to zone between 0-25 feet from the street, and a 50% minimum buildable street frontage requirement. **Commissioner Hoffman** seconded the motion. **Upon roll call the motion passed with a vote of 6-0-0.**

Motion #2:
Commissioner Quinlan made a motion that one of the requirement of the new bonus stories section of code be that the buildings shall comply with the Downtown Design Overlay District standards, and that the standards be re-named. **Commissioner Autry** seconded the motion. **Upon roll call the motion passed with a vote of 6-0-0.**

Motion #3:
Commissioner Quinlan made a motion that the new bonus stories code section require a minimum ground floor story height of 12 feet. **Commissioner Johnson** seconded the motion. **Upon roll call the motion passed with a vote of 6-0-0.**

Niederman: Discussed relaxing residential parking as an incentive in the bonus story criteria.

Hoffman: Stated he agreed with relaxing the parking requirement, but it would be difficult to get this approved particularly given the context on College Avenue adjacent to the two historic districts. He asked to clarify how the regulations would apply to basements and 1, 2, 3, and 4-family buildings.

Petty: Suggests that the definition be done in parity with the building code.

Motion #4:
Commissioner Quinlan made a motion to amend building height of all buildings from feet to stories per the chart attached to the committee's packet, and for adoption of a new bonus stories code section in 164.11 that would limit the height of all buildings in all zoning districts across the city to a maximum height of three stories, unless they comply with the requirements in the bonus stories code section. Single family, two-family, three-family, and four-family buildings shall be exempt from the bonus story requirements. **Commissioner Niederman** seconded the motion. **Upon roll call the motion passed with a vote of 6-0-0.**

Motion #5:
Commissioner Quinlan made a motion to review the downtown design standards at our next committee meeting. **Commissioner Hoffman** seconded the motion. **Upon roll call the motion passed with a vote of 6-0-0.**

Hoffman: Discussed that he is concerned with districts that may currently allow five stories under the foot requirement and that they should perhaps remain at that height under the story requirement.

Motion #6:
Commissioner Hoffman made a motion that in converting building height from feet to stories, any zone that is listed at 56 feet be converted to 5 stories. **Commissioner Quinlan** seconded the motion. **Upon roll call the motion passed with a vote of 6-0-0.**

Petty: Feels that there is enough consensus to move this part of the item back to the Council.

Matthew Johnson, Commissioner: Brings up the desire to involve developers.

Petty: Inquires from staff about the procedure for moving forward.

Garner: Advises that it be split in to code changes and the rezoning, with a public notification occurring again for the rezoning.

The Committee and Staff generally discussed that the proposed code sections referenced in the motions approved at this meeting be presented at a Planning Commission meeting for review then on to City Council.

Reports: None

Announcements: None

Adjournment Time: 6:40 PM

Submitted by: City Planning Division

College Avenue Rezoning Committee Meeting
September 21, 2017
Immediately Following Agenda Session
113 W. Mountain, Room 111

Members: Allison Thurmond Quinlan (Chair), Ron Autry, Matthew Hoffman, Zara Niederman, Sloan Scroggin, Tom Brown, Matt Johnson

Call to Order: *5:00 PM,* Allison Thurmond Quinlan

In Attendance:

Members: Allison Thurmond Quinlan (Chair), Zara Niederman, Tom Brown

Absent: Ron Autry, Sloan Scroggin, Matt Johnson

City Staff: Andrew Garner, Planning Director; Jonathan Curth, Senior Planner; Harry Davis, Planner

College Avenue Rezoning:

Allison Thurmond Quinlan, Commissioner: Discussed changing the name of the Downtown Design Overlay District Architectural Design Standards.

Matthew Hoffman, Commissioner: Mentioned some confusion he has heard with the name of the design standards.

Tom Brown, Commissioner: Asked about the applicability of the DDOD standards with this proposed code change.

Hoffman: Responded that this would continue to apply in the downtown area and citywide where applicants decide to build over three stories.

Andrew Garner, City Planning Director: Asked for clarification on application of the standards.

Quinlan: Confirmed that in her motion approved by the committee, the bonus story criteria would apply to all buildings in the development, not just the first 30 feet of buildings as initially proposed with the 'retail ready' requirements.

Zara Niederman, Commissioner: Asked about the scenario with buildings on the front and back of a parcel.

Quinlan: Discussed changes to the DDOD standards needed, beyond the name change and applicability.

Hoffman: Asked about confusing issues in the code and the idea to make things simple.

Quinlan: Discussed differences in building types and architectural requirements.

Hoffman: Responded that it is structurally very difficult to meet some of these standards while being cost effective. I think that we should revise the code so applicants don't have to put steel in buildings.

The Committee discussed various building types and amounts of buildings and windows.

Brown: Stated that he felt we should make sure we address pedestrian oriented standards.

Hoffman: Indicated that he like the name "DDOD and Bonus Stories Design Standards".

Brown: Asked if various standards and topics are covered in the DDOD and the proposed code changes.

Quinlan: Responded to Commissioner Brown's inquiry about various pedestrian-oriented elements in the various design codes.

The Committee generally agreed that the new name of the DDOD architectural standards would be DDOD and Bonus Stories Standards.

Quinlan: Confirmed that this was the last meeting of the College Avenue rezoning committee and these proposed code changes would be discussed by the full Planning Commission and City Council.

Reports: None

Announcements: None

Adjournment Time: 5:54 PM

Submitted by: City Planning Division

CITY OF
FAYETTEVILLE
ARKANSAS

MEETING MINUTES

College Avenue Rezoning Committee Meeting
October 19, 2017
Immediately Following Agenda Session
113 W. Mountain, Room 111

Members: Allison Thurmond Quinlan (Chair), Ron Autry, Matthew Hoffman, Zara Niederman, Sloan Scroggin, Tom Brown, Matt Johnson

Call to Order: *5:00 PM,* Allison Thurmond Quinlan

In Attendance:

Members: Allison Thurmond Quinlan (Chair), Zara Niederman, Matthew Johnson, Leslie Belden, Ron Autry

Absent: Sloan Scroggin, Matt Hoffman

City Staff: Andrew Garner, City Planning Director

College Avenue Rezoning:

Andrew Garner, City Planning Director: Reviewed the current proposed code changes, the new overlay district, and the proposed rezoning of College Avenue.

Allison Thurmond Quinlan, Commissioner: Discussed the general approach for the code changes and overlay district.

Matthew Johnson, Commissioner: Asked for clarification on the building step-back diagram.

Garner: Discussed the diagram.

Zara Niederman: Asked about taking this approach and moving it further north along College Avenue.

Quinlan: Responded that this approach should be something we can repeat on other properties moving north along the corridor.

Leslie Belden, Commissioner: Asked if this proposal addresses the issue of connecting parking lots.

Garner: Stated that the existing commercial design standards requires cross access between properties so additional language was not needed in this proposal to address that issue.

Ron Autry, Commissioner: Indicated that he liked this proposal where it was limited to a specific area of the city and was not a citywide change.

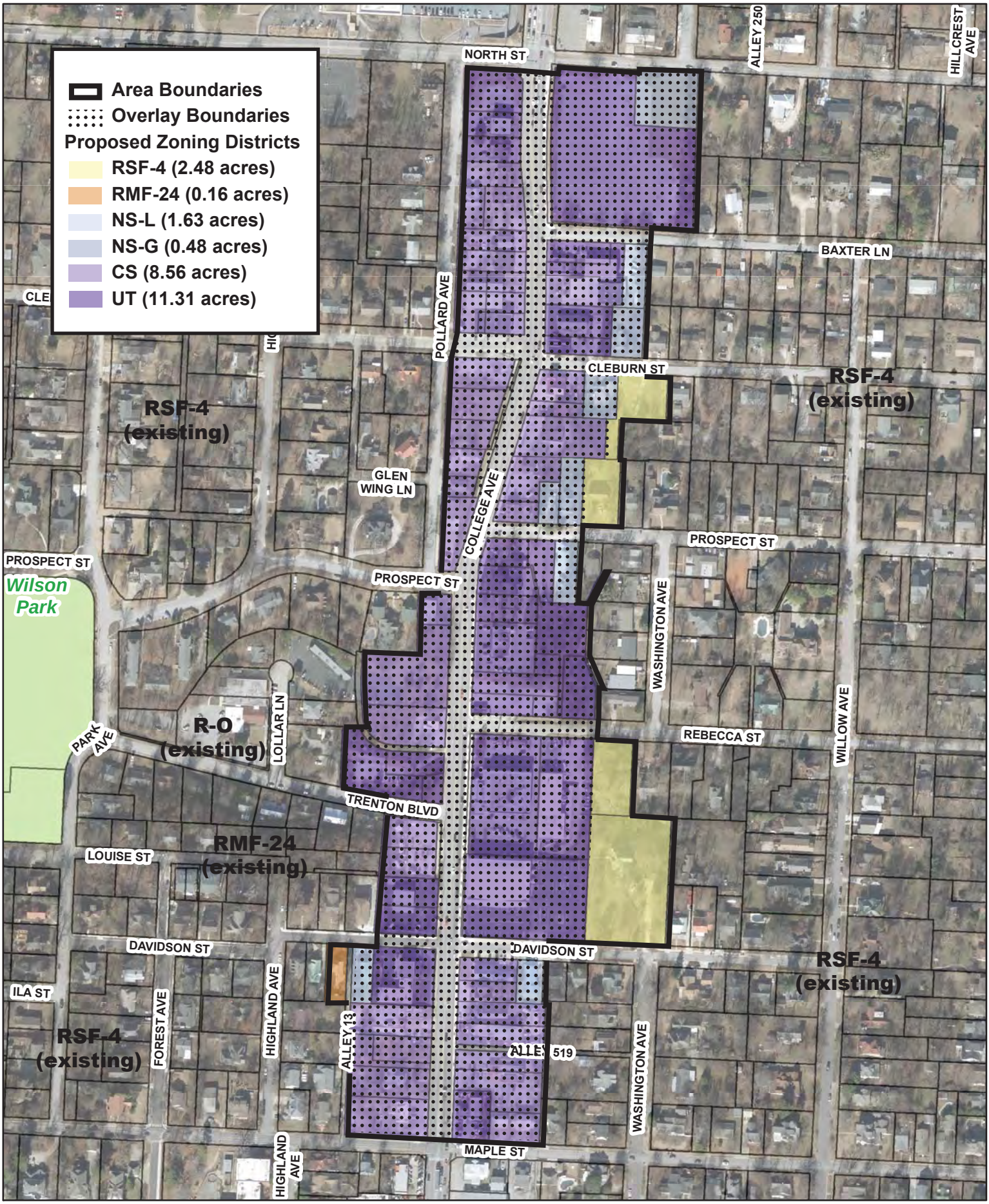
The Committee generally discussed agreement with the proposal and would hopefully recommend this be forwarded to council at the next Planning Commission meeting.

Reports: None

Announcements: None

Adjournment Time: 5:20 PM

Submitted by: City Planning Division



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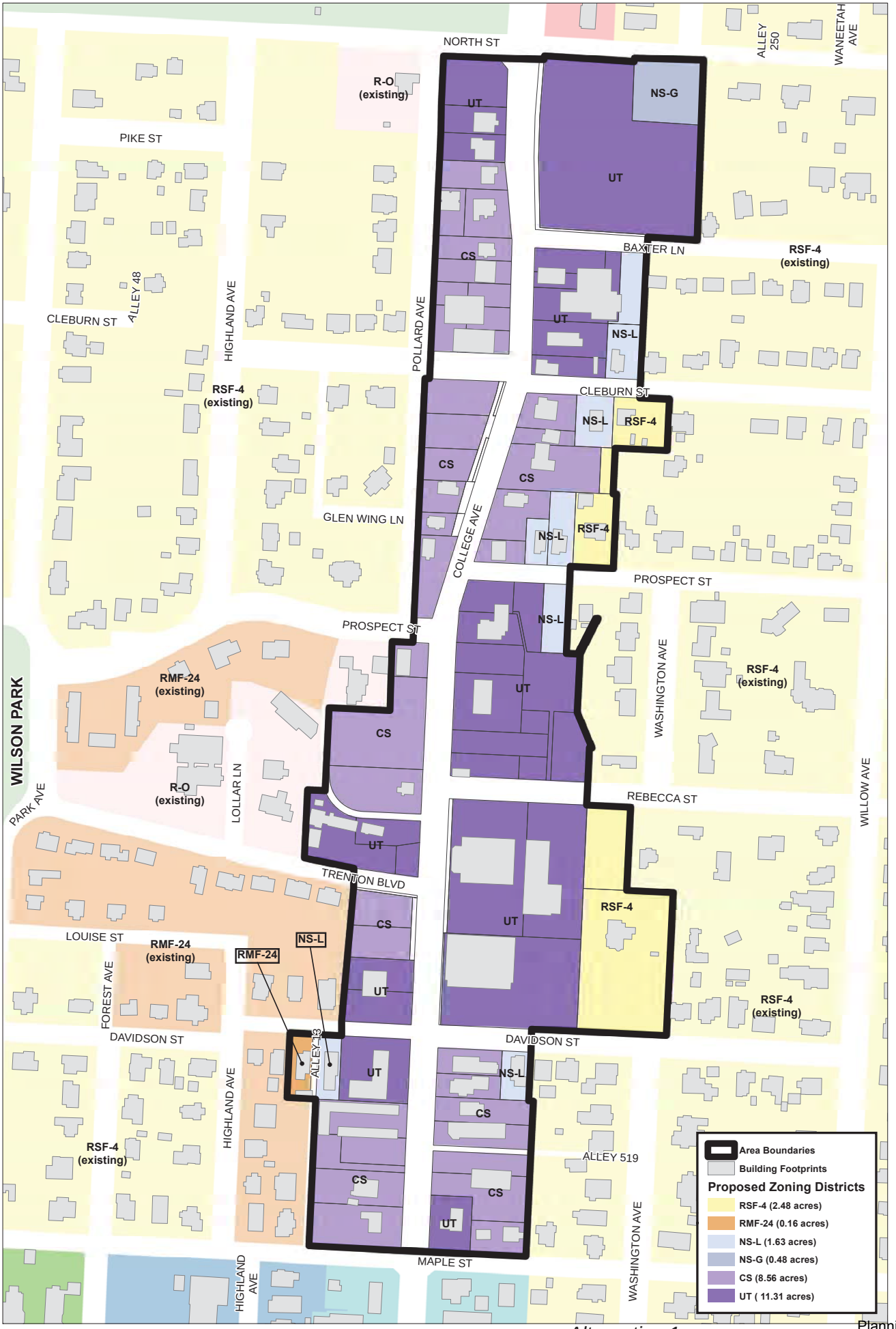
1 inch = 300 feet

Proposed Zoning Districts and Overlay Boundaries



Alternative 1

North College Avenue Rezone
Proposed Zoning Districts

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0648

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: C. 6

AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT:

AN ORDINANCE TO AMEND §166.21 **DOWNTOWN DESIGN OVERLAY DISTRICT** BY AMENDING THE APPLICABILITY SECTION TO INCLUDE COLLEGE AVENUE OVERLAY DISTRICT AND TO ENACT §166.26 **COLLEGE AVENUE OVERLAY DISTRICT**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends §166.21(B) Applicability by adding "and College Avenue Overlay District." to the end of the first section.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby enacts §166.26 **College Avenue Overlay District** as shown below:

"(A) *Purpose*. The intent of this ordinance is to encourage good architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space while minimizing potential negative impacts of tall, single use multi-family buildings.

(B) *Applicability.* The College Avenue Overlay District applies to parcels of land located within the boundaries of the College Avenue Overlay District.

(C) General Requirements.

(1) Buildings shall be constructed in accordance with the Downtown Design Overlay District Architecture Standards.

(2) The ground floor of any building shall have a minimum story height of 12 feet.

(3) Residential use can occupy no more than three stories in a building."

City of Fayetteville Staff Review Form

2017-0648

Legistar File ID

11/21/2017

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

Andrew Garner	11/3/2017	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Submitted by City Staff and Planning Commission for revisions to UDC 166. The proposed code changes amend the applicability section of the Downtown Design Overlay District and enact a new College Avenue Overlay District.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

THRU: Garner Stoll, Development Services Director

FROM: Andrew Garner, Planning Director

DATE: November 3, 2017

SUBJECT: **ADM 17-5939: Administrative Item (Various UDC Chapter Amendments):** Submitted by City Staff and Planning Commission for revisions to UDC Chapters 151, 161, and 166. The proposed code changes would modify all zoning districts to change building height from feet to stories, and create a design overlay district along the College Avenue rezoning area between Maple and North Streets.

RZN 17-5713: Rezone (College Ave. from North Street to Maple Street, 445-446): Submitted by City Staff and Planning Commission to rezone properties along College Avenue from North Street to Maple Street.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of three ordinances to amend the Unified Development Code as depicted in the attached *Exhibits 'A'* and *'B',* and rezone the subject property as shown in the attached *Exhibit 'C'.*

Staff and Planning Commission have different recommendations for the details of the proposed College Avenue design overlay district as described below.

BACKGROUND:

In spring of 2017, the Planning Commission considered a rezoning proposed by staff along the College Avenue corridor between Maple Street and North Street. The Planning Commission forwarded the request to the City Council. After discussion at the City Council Ordinance Review Committee during June-July, 2017, the request was forwarded back to the Planning Commission for additional consideration. The Commission set up a committee to study changes to the Unified Development Code that were not initially a part of the rezoning, but were proposed as the discussion evolved. The Planning Commission committee met four times during August-September, 2017. A copy of the meeting minutes from the City Council and Planning Commission Ordinance Review Committees are attached.

STAFF REQUEST:

Staff requests that the City Council rezone the College Avenue corridor, and amend the Fayetteville Unified Development Code (UDC). The UDC amendments would: (1) change building height from feet to stories; and (2) create a design overlay district for most of the College Avenue rezoning area. The overlay district excludes five single family parcels that are being brought into compliance with a residential zoning with this project.

The overlay district would require additional architectural design standards to encourage high quality, pedestrian-friendly buildings, and mitigate neighborhood concerns that tall, single use multi-family buildings could be built along the corridor. This proposal comprises three ordinances and separate Legistar items. The specific code changes are listed below and shown in the attached strikeout-highlight version.

UDC Amendments

Exhibit 'A' (Legistar Item 2017-0646)

- UDC Chapter 151: Definitions
  - Delete current definition of story
  - Add a new definition of story to follow current International Building Code definition
  - Delete definition of building height based on number of feet
- UDC Chapter 161: Zoning Regulations
  - Change building height in all zoning districts from feet to stories
  - Change building height step-backs in all districts to refer to stories instead of feet

Exhibit 'B' (Legistar Item 2017-0648)

- UDC Chapter 166: Development
  - Clarify the applicability of the Downtown Design Overlay District (DDOD) Architecture Standards
  - Create an Overlay District for the College Avenue area following the boundaries as shown on *Exhibit 'C',* with the following:
    - Comply with DDOD Architecture Standards
    - Minimum ground floor story height of 12 feet
    - Residential use can occupy no more than three stories in a building

College Avenue Rezoning (Exhibit 'C' – Legistar Item 2017-0650)

Along with the UDC Amendments described above, the College Avenue rezoning area is recommended to be rezoned utilizing Alternative 1 proposed with RZN 17-5713 (*Exhibit C*). This would allow council to consider both the code changes and the rezoning at the same time.

DISCUSSION AND PUBLIC COMMENT:

Committee and Planning Commission

This item was discussed at the October 19, 2017 Planning Commission Committee meeting. The five members present reached a consensus in favor of the proposal as written. However, Commissioner Hoffman was not present and at the October 23, 2017 Planning Commission

meeting he expressed concerns with restricting residential use to three stories. Commissioner Hoffman made a motion to forward the item to City Council without that restriction. The motion was approved on an 8-0 vote.

Staff continues to recommend the restriction on residential uses to ensure appropriate contextual relationship between new buildings and the existing neighborhoods. This approach mitigates neighborhood concerns that tall, single use multi-family buildings, not compatible with adjacent structures, could be built along the corridor.

Public Comment

To ensure that the public has ample opportunity to comment on the current proposal, staff completed re-notification of the affected and adjacent property owners before the city council meeting. At the time of publication of this report public comment on the current proposal had not been received.

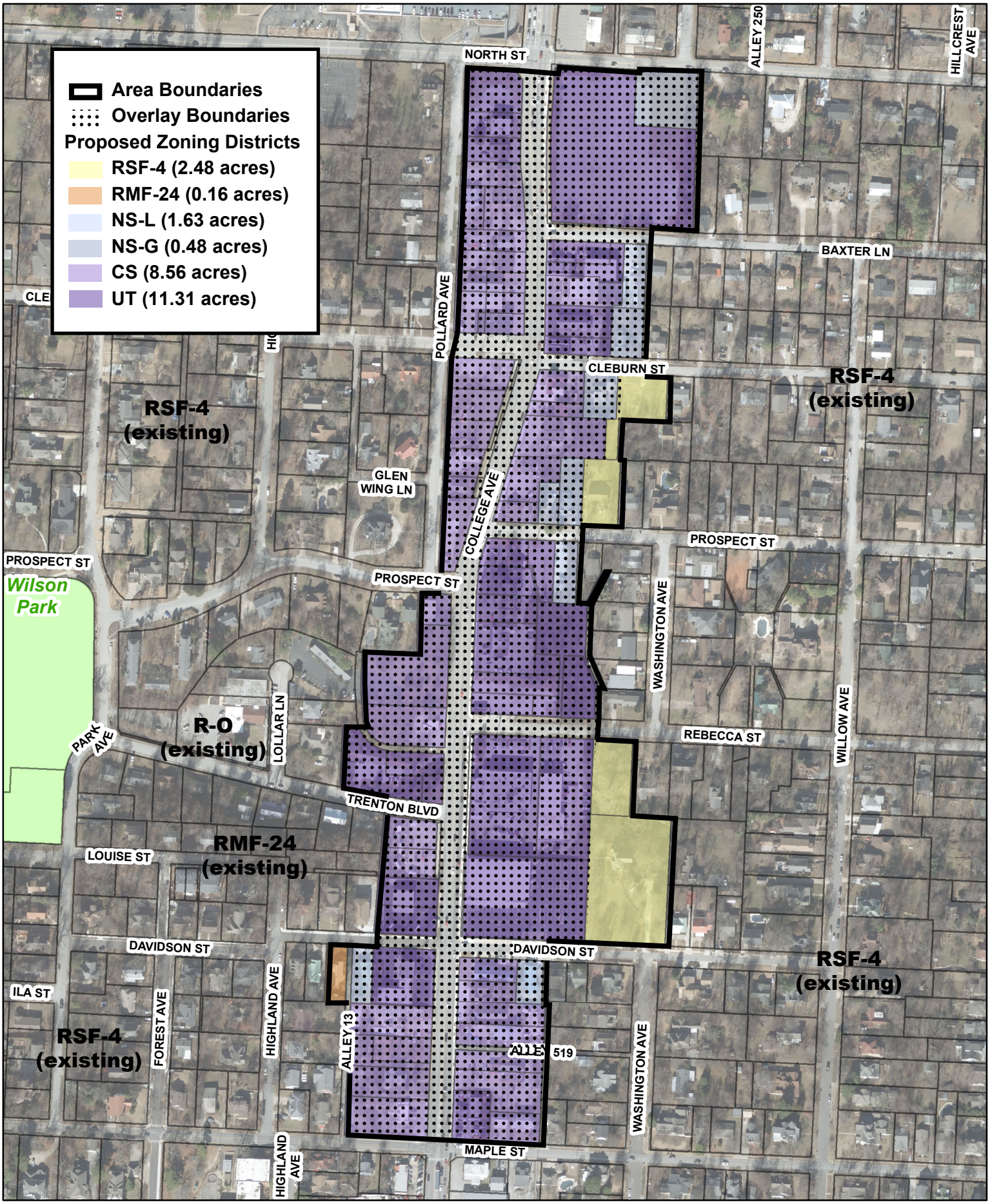
BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A: code amendments for new height restrictions and definition of 'story'
- Exhibit B:
    - Code amendments for creation of College Avenue Overlay District
    - College Avenue Overlay District Boundary
- Exhibit C: rezoning map
- Draft meeting minutes: October 23, 2017 Planning Commission
- Planning Commission Staff Report (October 23, 2017)

EXHIBIT 'B'



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1 inch = 300 feet

Proposed Zoning Districts and Overlay Boundaries

ADM 17-5939 Proposed Code Changes Shown in Strikeout and Highlight

166.21 - Downtown Design Overlay District

(A) *Purpose.* The intent of this ordinance is to encourage good architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space. Downtown Fayetteville has a rich architectural history spanning many decades and styles; therefore, architecture should be respectful of the existing built environment and should strive to enhance the public realm. A strong emphasis shall be placed upon designing and implementing sustainable and green architecture practices.

(B) *Applicability* . The Downtown Design Overlay District applies to parcels of land located within the boundaries of the Downtown Design Overlay District and College Avenue Overlay District. The Downtown Design Overlay District Architecture Standards are applicable in the following instances:

166.26 – College Avenue Overlay District

(A) *Purpose.* The intent of this ordinance is to encourage good architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space while minimizing potential negative impacts of tall, single use multi-family buildings.

(B) *Applicability*. The College Avenue Overlay District applies to parcels of land located within the boundaries of the College Avenue Overlay District.

(C) General Requirements.

(1) Buildings shall be constructed in accordance with the Downtown Design Overlay District Architecture Standards.

(2) The ground floor of any building shall have a minimum story height of 12 feet.

(3) Residential use can occupy no more than three stories in a building.

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0650

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: C. 7

REZONE COLLEGE AVENUE:

AN ORDINANCE TO REZONE ALL PARCELS WITHIN OR NEAR COLLEGE AVENUE AS SHOWN ON EXHIBIT C OF THE PLANNING DEPARTMENT'S AGENDA MEMO COMPRISING ABOUT 24.62 ACRES

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 rezones all parcels within the area boundaries shown on Exhibit C of the Planning Department's Agenda Memo comprising about 24.62 acres from their current zoning districts to the zoning districts shown on Exhibit C.

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

City of Fayetteville Staff Review Form

2017-0650

Legistar File ID

11/21/2017

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

Andrew Garner	11/3/2017	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Submitted by City Staff and Planning Commission to rezone property on or near College Avenue between Maple Street and North Street.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

THRU: Garner Stoll, Development Services Director

FROM: Andrew Garner, Planning Director

DATE: November 3, 2017

SUBJECT: **ADM 17-5939: Administrative Item (Various UDC Chapter Amendments):** Submitted by City Staff and Planning Commission for revisions to UDC Chapters 151, 161, and 166. The proposed code changes would modify all zoning districts to change building height from feet to stories, and create a design overlay district along the College Avenue rezoning area between Maple and North Streets.

RZN 17-5713: Rezone (College Ave. from North Street to Maple Street, 445-446): Submitted by City Staff and Planning Commission to rezone properties along College Avenue from North Street to Maple Street.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of three ordinances to amend the Unified Development Code as depicted in the attached *Exhibits 'A'* and *'B',* and rezone the subject property as shown in the attached *Exhibit 'C'.*

Staff and Planning Commission have different recommendations for the details of the proposed College Avenue design overlay district as described below.

BACKGROUND:

In spring of 2017, the Planning Commission considered a rezoning proposed by staff along the College Avenue corridor between Maple Street and North Street. The Planning Commission forwarded the request to the City Council. After discussion at the City Council Ordinance Review Committee during June-July, 2017, the request was forwarded back to the Planning Commission for additional consideration. The Commission set up a committee to study changes to the Unified Development Code that were not initially a part of the rezoning, but were proposed as the discussion evolved. The Planning Commission committee met four times during August-September, 2017. A copy of the meeting minutes from the City Council and Planning Commission Ordinance Review Committees are attached.

STAFF REQUEST:

Staff requests that the City Council rezone the College Avenue corridor, and amend the Fayetteville Unified Development Code (UDC). The UDC amendments would: (1) change building height from feet to stories; and (2) create a design overlay district for most of the College Avenue rezoning area. The overlay district excludes five single family parcels that are being brought into compliance with a residential zoning with this project.

The overlay district would require additional architectural design standards to encourage high quality, pedestrian-friendly buildings, and mitigate neighborhood concerns that tall, single use multi-family buildings could be built along the corridor. This proposal comprises three ordinances and separate Legistar items. The specific code changes are listed below and shown in the attached strikeout-highlight version.

UDC Amendments

Exhibit 'A' (Legistar Item 2017-0646)

- UDC Chapter 151: Definitions
  - Delete current definition of story
  - Add a new definition of story to follow current International Building Code definition
  - Delete definition of building height based on number of feet
- UDC Chapter 161: Zoning Regulations
  - Change building height in all zoning districts from feet to stories
  - Change building height step-backs in all districts to refer to stories instead of feet

Exhibit 'B' (Legistar Item 2017-0648)

- UDC Chapter 166: Development
  - Clarify the applicability of the Downtown Design Overlay District (DDOD) Architecture Standards
  - Create an Overlay District for the College Avenue area following the boundaries as shown on *Exhibit 'C',* with the following:
    - Comply with DDOD Architecture Standards
    - Minimum ground floor story height of 12 feet
    - Residential use can occupy no more than three stories in a building

College Avenue Rezoning (Exhibit 'C' – Legistar Item 2017-0650)

Along with the UDC Amendments described above, the College Avenue rezoning area is recommended to be rezoned utilizing Alternative 1 proposed with RZN 17-5713 (*Exhibit C*). This would allow council to consider both the code changes and the rezoning at the same time.

DISCUSSION AND PUBLIC COMMENT:

Committee and Planning Commission

This item was discussed at the October 19, 2017 Planning Commission Committee meeting. The five members present reached a consensus in favor of the proposal as written. However, Commissioner Hoffman was not present and at the October 23, 2017 Planning Commission

meeting he expressed concerns with restricting residential use to three stories. Commissioner Hoffman made a motion to forward the item to City Council without that restriction. The motion was approved on an 8-0 vote.

Staff continues to recommend the restriction on residential uses to ensure appropriate contextual relationship between new buildings and the existing neighborhoods. This approach mitigates neighborhood concerns that tall, single use multi-family buildings, not compatible with adjacent structures, could be built along the corridor.

Public Comment

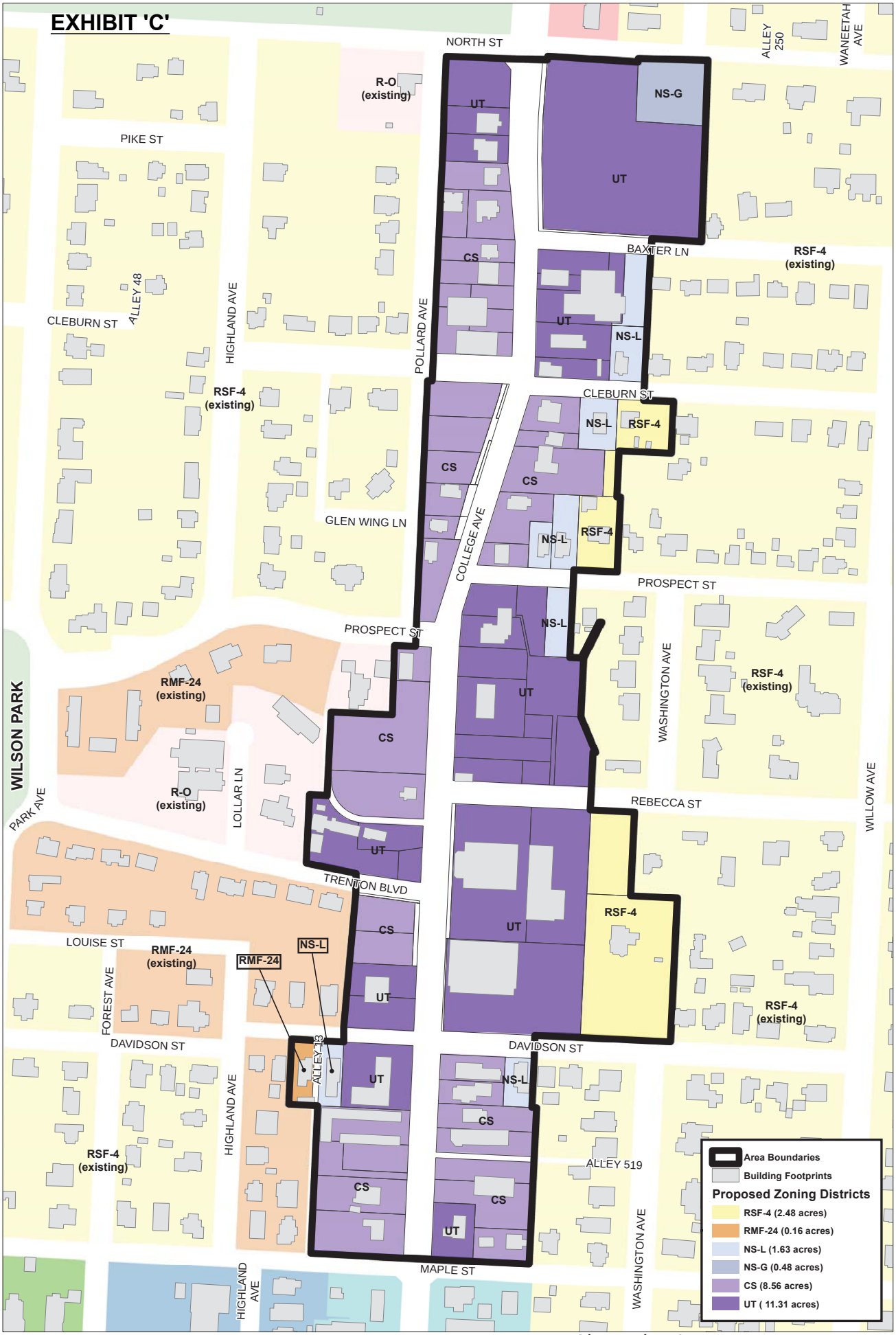
To ensure that the public has ample opportunity to comment on the current proposal, staff completed re-notification of the affected and adjacent property owners before the city council meeting. At the time of publication of this report public comment on the current proposal had not been received.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A: code amendments for new height restrictions and definition of 'story'
- Exhibit B:
    - Code amendments for creation of College Avenue Overlay District
    - College Avenue Overlay District Boundary
- Exhibit C: rezoning map
- Draft meeting minutes: October 23, 2017 Planning Commission
- Planning Commission Staff Report (October 23, 2017)



Alternative 1

North College Avenue Rezone
Proposed Zoning Districts

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0641

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: C. 8

2018 ANNUAL BUDGET AND WORK PROGRAM:

A RESOLUTION TO ADOPT THE 2018 ANNUAL BUDGET AND WORK PROGRAM

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby adopts the 2018 Annual Budget and Work Program. A copy of the Budget is attached to this Resolution and made a part hereof.

City of Fayetteville Staff Review Form

2017-0641

Legistar File ID

11/21/2017

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

Kevin Springer	11/3/2017	Budget & Information Management / Finance & Internal Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

A RESOLUTION ADOPTING THE 2018 ANNUAL BUDGET AND WORK PROGRAM

Budget Impact:

Citywide	
Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	No	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL MEMO

MEETING OF NOVEMBER 21, 2017

TO: Mayor and City Council

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

FROM: Kevin Springer, Budget Director

DATE: November 3, 2017

SUBJECT: **Proposed 2018 Annual Budget & Work Program**

RECOMMENDATION:
Consider the Proposed 2018 Annual Budget & Work Program for adoption by the November 21, 2017 City Council meeting.

BACKGROUND/DISCUSSION:
The Proposed 2018 Annual Budget & Work Program will be distributed to City Council on Tuesday, November 14, 2017. Listed below is a schedule of hearing dates for the Proposed 2018 Annual Budget & Work Program.

Date	Budget Meeting / Location
Tuesday, November 14, 2017	**City Council Agenda Meeting, Room 326**
Saturday, November 18, 2017 (8:30 AM)	**Budget Discussion Meeting, Room 326**
Tuesday, November 21, 2017	**City Council Meeting, Room 219**
Additional meetings to be scheduled if needed.	

If you have any questions concerning the Proposed 2018 Annual Budget & Work Program, please feel free to contact either Paul A. Becker at 575-8330 or Kevin Springer at 575-8226. Thank you for your attention to this matter.

BUDGET/STAFF IMPACT:

Attachments:

City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0635

Agenda Date: 11/21/2017 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Presentation

Agenda Number: D. 1

AGENDA SESSION PRESENTATION - 2017-2018 DRAINAGE IMPROVEMENTS PLAN

Agenda Session
11-14-17

City of Fayetteville, Arkansas

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

City Council Agenda Session Tentative Agenda

Tuesday, November 14, 2017

4:30 PM

City Hall Room 326

City Council Members

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:

Agenda Additions

A. Consent:

A.1 2016-0587

APPROVAL OF THE NOVEMBER 7, 2017 CITY COUNCIL MEETING MINUTES.

A.2 2017-0614

PAYMENTUS CORPORATION:

A RESOLUTION TO APPROVE A CONTRACT WITH PAYMENTUS CORPORATION IN THE AMOUNT OF $5,000.00 EXPANDING THE SCOPE OF SERVICES TO ADD A FIELD DISPLAYING CUSTOMER PAST DUE BALANCES IN THE ONLINE UTILITY BILLING SYSTEM

Attachments: PAYMENTUS CORPORATION

A.3 2017-0621

2017 BULLETPROOF VEST PARTNERSHIP PROGRAM:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2017 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF $6,070.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2017 BULLETPROOF VEST PARTNERSHIP PROGRAM

BA_2017 BULLETPROOF VEST PARTNERSHIP PROGRAM

A.4 2017-0561

FEDERAL AND STATE LAW ENFORCEMENT REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $81,516.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND INSURANCE PROCEEDS FROM A WRECKED VEHICLE

Attachments: FEDERAL AND STATE LAW ENFORCEMENT REVENUE

BA_FEDERAL AND STATE LAW ENFORCEMENT REVENUE

A.5 2017-0636

FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES ON GROOMING AND UNIFORM REQUIREMENTS AND BODY-WORN CAMERAS

Attachments: FAYETTEVILLE POLICE DEPARTMENT POLICIES

A.6 2017-0620

BID #17-65 NABHOLZ ENVIRONMENTAL SERVICES, LLC:

A RESOLUTION TO AWARD BID #17-65 AND AUTHORIZE A CONTRACT WITH NABHOLZ ENVIRONMENTAL SERVICES, LLC IN THE AMOUNT OF $257,802.00 FOR ASBESTOS ABATEMENT SERVICES AT THE OLD CITY HOSPITAL AS PART OF THE FAYETTEVILLE PUBLIC LIBRARY EXPANSION PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $40,000.00

Attachments: BID #17-65 NABHOLZ ENVIRONMENTAL SERVICES, LLC

NB #1

A.7 2017-0624

UNIVERSITY OF ARKANSAS JOINT LEASE AGREEMENT TERMINATION:

A RESOLUTION TO TERMINATE THE JOINT LEASE AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE CITY'S USE OF 27.5 ACRES ON LEWIS AVENUE AND THE UNIVERSITY'S USE OF 10.02 ACRES ON RAZORBACK ROAD, CONTINGENT UPON APPROVAL BY THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS

Attachments: UNIVERSITY OF ARKANSAS JOINT LEASE AGREEMENT TERMINATION

A. 8 2017-0619

COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA:

A RESOLUTION TO APPROVE A RENEWAL OF THE CONTRACT WITH COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA IN THE AMOUNT OF $161,580.00 FOR THE PROVISION OF PUBLIC ACCESS TELEVISION SERVICES AND THE OPERATION OF THE PUBLIC ACCESS TELEVISION CHANNEL THROUGH 2018, CONTINGENT ON APPROVAL OF THE 2018 ANNUAL CITY BUDGET AND WORK PROGRAM

Attachments: COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA

B. Unfinished Business:

B. 1 2017-0532

SMALL CELL COMMUNICATIONS FACILITIES:

AN ORDINANCE TO ENACT § 110.03 SMALL CELL FACILITIES AND NETWORKS INTO CHAPTER 110: TELECOMMUNICATION FRANCHISE, BILLPOSTING, AND SMALL CELL FACILITIES AND NETWORKS

Attachments: SMALL CELL COMMUNICATIONS FACILITIES

At the November 7, 2017 City Council Meeting this ordinance was tabled to November 21, 2017 City Council Meeting and left on the third reading. At the October 17, 2017 City Council Meeting this ordinance was left on the second reading. At the October 3, 2017 City Council Meeting this ordinance was left on the first reading.

B. 2 2017-0616

VIP CLUB:

AN ORDINANCE TO APPROVE THE APPLICATION OF SAMI AMMAR HADDAJI, ON BEHALF OF VIP CLUB FOR A PERMIT TO OPERATE AS A PRIVATE CLUB IN THE CITY OF FAYETTEVILLE AT 326 NORTH WEST AVENUE #6

Attachments: VIP CLUB

At the November 7, 2017 City Council Meeting this ordinance was left on the first reading.

C. New Business:

C.1 2017-0618

AMEND TELECOMMUNICATIONS BOARD:

AN ORDINANCE TO AMEND ARTICLE IX TELECOMMUNICATIONS BOARD IN CHAPTER 33 DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES OF THE CITY CODE TO REDUCE THE FREQUENCY OF MEETINGS FROM MONTHLY TO BI-MONTHLY

Attachments: AMEND TELECOMMUNICATIONS BOARD

C.2 2017-0626

RZN 17-5950 (4847 W. WEDINGTON/LEISURE HOMES CORP.):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-5950 FOR APPROXIMATELY 1.83 ACRES LOCATED AT 4847 WEST WEDINGTON DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND NC, NEIGHBORHOOD CONSERVATION TO RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE, FOR 1.27 ACRES AND NC, NEIGHBORHOOD CONSERVATION FOR 0.56 ACRES

Attachments: RZN 17-5950: (4847 W. WEDINGTON/LEISURE HOMES CORP.)

C.3 2017-0617

VAC 17-5960 (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN):

AN ORDINANCE TO APPROVE VAC 17-5960 FOR PROPERTY LOCATED EAST OF BARTON AVENUE AND NORTH OF HUNTSVILLE ROAD TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: VAC 17-5960: (NORTH OF BARTON AVE. & HUNTSVILLE RD./MEEHAN:

C.4 2017-0627

VAC 17-5963 (ROCK ST. BETWEEN WEST AVE. AND SCHOOL ST./ROCK ST. ROW):

AN ORDINANCE TO APPROVE VAC 17-5963 FOR PROPERTY LOCATED AT ROCK STREET BETWEEN WEST AVENUE AND SCHOOL STREET TO VACATE A PORTION OF THE ROCK STREET RIGHT-OF-WAY

Attachments: VAC 17-5963 (ROCK ST. BETWEEN WEST AVE. AND SCHOOL ST./ROCK ST. R

C.5 2017-0646

CHAPTER 151 AND 161 UDC REVISIONS:

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO CHANGE BUILDING HEIGHT RESTRICTION MEASUREMENTS FROM FEET TO STORIES IN CHAPTER 161 AND TO AMEND §151.01 DEFINITIONS TO DEFINE "STORY"

Attachments: CHAPTER 151 AND 161 UDC REVISIONS

6.7 C.6 2017-0648

AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT:

AN ORDINANCE TO AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT BY AMENDING THE APPLICABILITY SECTION TO INCLUDE COLLEGE AVENUE OVERLAY DISTRICT AND TO ENACT §166.26 COLLEGE AVENUE OVERLAY DISTRICT

Attachments: AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT

C.6. C.7 2017-0650

REZONE COLLEGE AVENUE:

AN ORDINANCE TO REZONE ALL PARCELS WITHIN OR NEAR COLLEGE AVENUE AS SHOWN ON EXHIBIT C OF THE PLANNING DEPARTMENT'S AGENDA MEMO COMPRISING ABOUT 24.62 ACRES

Attachments: REZONE COLLEGE AVENUE

C.8 2017-0641

2018 ANNUAL BUDGET AND WORK PROGRAM: 8:00 AM Sat. 11-18-17

A RESOLUTION TO ADOPT THE 2018 ANNUAL BUDGET AND WORK PROGRAM

Attachments: 2018 ANNUAL BUDGET AND WORK PROGRAM

D. City Council Agenda Session Presentations:

Move to Next agenda D.1 2017-0635

AGENDA SESSION PRESENTATION - 2017-2018 DRAINAGE IMPROVEMENTS PLAN

E. City Council Tour:

F. Announcements:

G. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

Pre Agenda Meeting 11-8-17

City of Fayetteville, Arkansas

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

City Council Agenda Session Tentative Agenda

Tuesday, November 14, 2017

4:30 PM

City Hall Room 326

City Council Members

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

move ASP

1. 2017-0635

AGENDA SESSION PRESENTATION - 2017-2018 DRAINAGE IMPROVEMENTS PLAN

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions

A. Consent:

A.1 2016-0587

APPROVAL OF THE NOVEMBER 7, 2017 CITY COUNCIL MEETING MINUTES.

A.2 2017-0614

PAYMENTUS CORPORATION:

A RESOLUTION TO APPROVE A CONTRACT WITH PAYMENTUS CORPORATION IN THE AMOUNT OF $5,000.00 EXPANDING THE SCOPE OF SERVICES TO ADD A FIELD DISPLAYING CUSTOMER PAST DUE BALANCES IN THE ONLINE UTILITY BILLING SYSTEM

Attachments: PAYMENTUS CORPORATION

A. 3 2017-0621

2017 BULLETPROOF VEST PARTNERSHIP PROGRAM:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2017 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF $6,070.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2017 BULLETPROOF VEST PARTNERSHIP PROGRAM

BA_2017 BULLETPROOF VEST PARTNERSHIP PROGRAM

A. 4 2017-0561

FEDERAL AND STATE LAW ENFORCEMENT REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $81,516.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND INSURANCE PROCEEDS FROM A WRECKED VEHICLE

Attachments: FEDERAL AND STATE LAW ENFORCEMENT REVENUE

BA_FEDERAL AND STATE LAW ENFORCEMENT REVENUE

A 5 **2017-0636**

FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES ON GROOMING AND UNIFORM REQUIREMENTS AND BODY-WORN CAMERAS

Attachments: FAYETTEVILLE POLICE DEPARTMENT POLICIES

A 6 2017-0620

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A7 2017-0624

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Attachments: UNIVERSITY OF ARKANSAS JOINT LEASE AGREEMENT TERMINATION

A8 **2017-0619**

COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA:

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B. Unfinished Business:

B1 2017-0532

SMALL CELL COMMUNICATIONS FACILITIES:

AN ORDINANCE TO ENACT § 110.03 SMALL CELL FACILITIES AND NETWORKS INTO CHAPTER 110: TELECOMMUNICATION FRANCHISE, BILLPOSTING, AND SMALL CELL FACILITIES AND NETWORKS

Attachments: SMALL CELL COMMUNICATIONS FACILITIES

Legislative History

10/3/17	City Council Meeting	tabled

B.2 2017-0616

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Attachments: VIP CLUB

Legislative History

11/8/17	City Council Meeting	first reading

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Attachments: VAC 17-5963 (ROCK ST. BETWEEN WEST AVE. AND SCHOOL ST./ROCK ST. R

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EX A_CHAPTER 151 AND 161 UDC REVISIONS

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Attachments: AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT
EX B_AMEND §166.21 DOWNTOWN DESIGN OVERLAY DISTRICT
EX B_CODE CHANGES STRIKEOUT

C 7 **2017-0650**

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EX C_REZONE COLLEGE AVENUE

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A RESOLUTION TO ADOPT THE 2018 ANNUAL BUDGET AND WORK PROGRAM

Attachments: 2018 ANNUAL BUDGET AND WORK PROGRAM

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

G. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE