

Council Member Adella Gray
Ward 1 Position 1

Council Member Sarah Marsh
Ward 1 Position 2

Council Member Mark Kinion
Ward 2 Position 1

Council Member Matthew Petty
Ward 2 Position 2



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

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

Alderman Kyle Smith
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
March 6, 2018**

A meeting of the Fayetteville City Council was held on March 6, 2018 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports, and Discussion Items.

1. Monthly Financial Report - Paul Becker

Agenda Additions

A. Consent:

1. Approval of the February 20, 2018 City Council Meeting Minutes.

Approved

2. **HAZMAT SERVICES REVENUE:** A resolution to approve a budget adjustment recognizing hazmat services revenue received by the fire department from Washington County in the amount of \$2,305.00 and increasing the related expense budget.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 65-18

3. **ARKANSAS STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT:** A resolution to authorize acceptance of a 2017-2018 State Drug Crime Enforcement and Prosecution Grant for state funding of the Fourth Judicial District Drug Task Force in the amount of \$54,693.47, and to authorize Mayor Jordan to sign all necessary documents to receive the grant funds.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 66-18

4. **ENVIRONMENTAL CONSULTING OPERATIONS, INC:** A resolution to approve Amendment No. 4 to the contract with Environmental Consulting Operations, Inc. in the amount of \$61,872.00 for Wetlands Mitigation Site Monitoring and Management in 2018.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 67-18

5. **RFP #17-07 ECOSCONNECT, LLC:** A resolution to award RFP #17-07 and authorize the Mayor to sign a one-year contract with Ecosconnect, LLC, with an option to renew for up to four additional one-year terms, in the amount of \$12,000.00 per year for backflow tracking services.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 68-18

6. **GARDEN DISTRICT TOWNHOMES, LLC:** A resolution to approve Amendment #1 to the Water Main Installation Cost Share Agreement with Garden District Townhomes, LLC to provide for reimbursement of the cost of materials for installing two fire hydrants in the amount of \$5,121.60.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 69-18

7. **BOBCAT COMPANY:** A resolution to authorize the purchase of a Bobcat E45 excavator with attachments from Bobcat Company of West Fargo, North Dakota in the amount of \$69,857.30, pursuant to a National Joint Powers Alliance Cooperative Purchasing Agreement, for use by the Transportation Services Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 70-18

8. **SUPERIOR AUTOMOTIVE GROUP:** A resolution to approve the purchase of three police package Chevrolet Tahoe's from Superior Automotive Group of Siloam Springs in the total amount of \$95,589.00, pursuant to a state procurement contract, for use by the police department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 71-18

- 9. LEWIS AUTOMOTIVE GROUP:** A resolution to authorize the purchase of a 2018 Dodge Ram 1500 4WD Regular Cab from Lewis Automotive Group of Fayetteville, Arkansas in the amount of \$21,131.00, pursuant to a state procurement contract, for use by the Facilities Management Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 72-18

- 10. WILLIAMS TRACTOR:** A resolution to approve the purchase a 2018 New Holland RB450 4x5 Dry Hay Baler from Williams Tractor of Fayetteville in the amount of \$30,241.00 pursuant to National Joint Powers Alliance Cooperative Purchasing Contract, for use by the Wastewater Treatment Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 73-18

- 11. STEVE LANDERS:** A resolution to authorize the purchase of a Toyota Prius Hybrid from Steve Landers of Rogers, Arkansas in the amount of \$23,108.00, pursuant to a State Procurement Contract, for use by the Fleet Division, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 74-18

- 12. REPEAL RESOLUTION NO. 33-17:** A resolution to repeal Resolution No. 33-17 and authorize the purchase of a 2018 Elgin Crosswind Street Sweeper from Environmental Products Mid-South of Memphis, Tennessee in the amount of \$251,739.20, pursuant to a National Joint Powers Alliance Cooperative Purchasing Contract, for use by the Transportation Services Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 75-18

- 13. SWEETSER CONSTRUCTION, INC.:** A resolution to authorize Mayor Jordan to sign a contract with Sweetser Construction, Inc. in the amount of \$3,891,372.55 for the construction of the Old Wire Road Protected Bike Lane and Sidewalk Project, to approve a project contingency in the amount of \$194,000.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 76-18

B. Unfinished Business:

- 1. RZN 17-6034 (2468 N. CROSSOVER RD./JONES):** An ordinance to rezone that property described in rezoning petition RZN 17-6034 for approximately 4.40 acres located at 2468 North Crossover Road from rsf-2, residential single family, 2 units per acre to ns-g, neighborhood services-general.

THIS ORDINANCE WAS TABLED TO THE MARCH 20, 2018 CITY COUNCIL MEETING.

C. New Business:

1. **VAC 18-6075 (EAST OF DEAD HORSE MOUNTAIN ROAD/MEADOWS AT STONEBRIDGE):** An ordinance to approve VAC 18-6075 for property located east of 2000 block, Dead Horse Mountain Road to vacate a portion of a utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6042

2. **RZN 18-6062 (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST):** An ordinance to rezone that property described in rezoning petition RZN 18-6062 for approximately 16.76 acres located south of 2901 Mount Comfort Road from rsf-4, residential single family, 4 units per acre to nc, neighborhood conservation for about 7.47 acres, to ri-u, residential intermediate-urban for about 1.96 acres, and to r-a, residential agricultural for about 7.32 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6043

3. **RZN 17-6052 (EAST OF ROLLING HILLS DR./KEENAN):** An ordinance to rezone that property described in rezoning petition RZN 17-6052 for approximately 22.59 acres located at east of Rolling Hills Drive and Old Missouri Road from rsf-4, residential single family, 4 units per acre to nc, neighborhood conservation.

THIS ORDINANCE WAS SENT BACK TO THE PLANNING COMMISSION.

4. **AUTOMATED MERCHANT SYSTEMS, INC.:** An ordinance to waive the requirements of formal competitive bidding and approve a contract with Automated Merchant Systems, Inc. for credit card processing services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6044

5. **AMEND CHAPTER 98 & CHAPTER 50:** An ordinance to amend § 98.02 duty of property owner and occupant to keep sidewalks free from obstructions, §98.04 growing trees and other vegetation near intersections; right-of-way to be kept free from grass and weeds, § 98.08 spilling or tracking debris onto public streets and § 50.01 definitions of the Fayetteville Code, and to enact §98.09 abatement by city; costs responsibility of owner.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6045

6. **ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS:** An ordinance to enact § 97.083 smoking and use of tobacco products into Chapter 97: Parks and Recreation to prohibit smoking and tobacco use in all City Parks and Trails.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 6046

7. **DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN:** A resolution to approve and authorize Mayor Jordan to proceed with phase one of the implementation schedule for the Downtown/Entertainment District Parking and Mobility Plan developed by Nelson/Nygaard Consulting Associates, Inc.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 77-18

- 8. SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT 0.04 ACRES:** A resolution to authorize Mayor Jordan to sell about 0.04 acres of city property south of George's Majestic Lounge and west of the railroad tracks to the highest or best bidder.

THIS RESOLUTION WAS TABLED INDEFINITELY.

- 9. SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .1 ACRES:** A resolution to sell about 0.1 acres of land at the northwest corner of South Razorback Road and Sligo Street to John Christopher Looney and Myriah Dawn Johnson for \$5,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 78-18

- 10. AMEND § 74.01:** An ordinance to amend § 74.01 application of regulations to add a definition of roadway.

THIS ORDINANCE WAS LEFT ON FIRST READING.

D. City Council Agenda Session Presentations:

1. Agenda Session Presentation, Sales Tax Report - Paul Becker.
2. Agenda Session Presentation, Monthly Energy Usage Report - Peter Nierengarten

E. City Council Tour

1. 4:30 PM Monday, March 5, 2018 RZN 17-6034 2468 N. Crossover/Jones.

F. Announcements

Adjournment: 9:42 p.m.

City Council Meeting:

March 6, 2018

Adjourn: 9:42 pm

Subject:	Roll				
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Bunch	✓			
	La Tour	✓			
	Smith	✓			
	Gray	✓			
	Mayor Jordan	✓			

9-0

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

Subject:	RZN 17-6052 (EAST OF ROLLING HILLS DR./KEENAN)				
Motion To:		<i>Amenda Agenda</i>	<i>Refer to Planning</i>		
Motion By:		<i>Kinion</i>	<i>Gray</i>		
Seconded:		<i>Gray</i>	<i>Tennant</i>		
<i>Referred to Planning Commission</i>	Marsh	☒	☒		
	Kinion	☒	☒		
	Petty	☒	☒		
	Tennant	☒	☒		
	Bunch	☒	☒		
	La Tour	☒	☒		
	Smith	☒	☒		
	Gray	☒	☒		
	Mayor Jordan				

8-0

8-0

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

Subject:	Consent				
Motion To:		Approve			
Motion By:		Marsh			
Seconded:		Kinion			
A. 1-A. 13 <u>Approved</u> 65-18 176-18	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Bunch	✓			
	La Tour	✓			
	Smith	✓			
	Gray	✓			
	Mayor Jordan				

8-0

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

Subject:		RZN 17-6034 (2468 N. CROSSOVER RD./JONES)			
Motion To:			3rd Read	Add Citizen presentation	Table for 2 weeks
Motion By:			Marsh	Tennant	Gray
Seconded:			Petty	Gray	Tennant
B. 1 Unfinished Business Tabled to March 20 2018	Marsh	✓	✓	N	
	Kinion	✓	✓	✓	
	Petty	✓	✓	N	
	Tennant	✓	✓	✓	
	Bunch	✓	✓	✓	
	La Tour	✓	✓	N	
	Smith	✓	✓	N	
	Gray	✓	✓	✓	
Mayor Jordan				✓	

8-0

8-0

5-4 Mayor Voted
yes

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

Subject:		VAC 18-6075 (EAST OF DEAD HORSE MOUNTAIN ROAD/MEADOWS AT STONEBRIDGE)			
Motion To:			2nd Read	3rd Read	Approve
Motion By:			Petty	Kinion	
Seconded:			Kinion	Petty	
C. 1 New Business Approved 6042	Marsh	Absent	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	✓	✓	✓	
	La Tour	✓	✓	✓	
	Smith	✓	✓	✓	
	Gray	✓	✓	✓	
Mayor Jordan					

7-0

8-0

8-0

Subject:		RZN 18-6062 (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST)			
Motion To:			2nd Read	3rd Read	Approve
Motion By:			Gray	Gray	
Seconded:			La Tour	Smith	
C. 2 New Business Approved 6043	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	✓	✓	✓	
	La Tour	✓	✓	✓	
	Smith	✓	✓	✓	
	Gray	✓	✓	✓	
Mayor Jordan					

8-0

8-0

8-0

Subject:	RZN 17-6052 (EAST OF ROLLING HILLS DR./KEENAN)				
Motion To:					
Motion By:					
Seconded:					
C. 3 New Business <i>Moved to before Consent</i>	Marsh				
	Kinion				
	Petty				
	Tennant				
	Bunch				
	La Tour				
	Smith				
	Gray				
	Mayor Jordan				

Subject:	AUTOMATED MERCHANT SYSTEMS, INC.				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Gray</i>	<i>Gray</i>		
Seconded:		<i>Marsh</i>	<i>Marsh</i>		
C. 4 New Business <i>6044</i> <i>Approved</i>	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Bunch	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Smith	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Mayor Jordan				

8-0

8-0

8-0

Subject: AMEND CHAPTER 98 & CHAPTER 50					
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>Kinion</i>	<i>Kinion</i>		
C. 5 New Business <i>Approved</i> <i>60045</i>	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	✓	✓	✓	
	La Tour	✓	✓	✓	
	Smith	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>8-0</i>	

Subject: ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS					
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Gray</i>	<i>Marsh</i>		
Seconded:		<i>Kinion</i>	<i>Gray</i>		
C. 6 New Business <i>6046</i> <i>Approved</i>	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Bunch	✓	✓	✓	
	La Tour	✓	✓	✓	
	Smith	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>8-0</i>	

Subject:		DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN			
Motion To:		Approve			
Motion By:		Petty			
Seconded:		Marsh			
C. 7 New Business <i>Approved</i> 7-7-18	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Bunch	✓			
	La Tour	✓			
	Smith	✓			
	Gray	✓			
Mayor Jordan					

8-0

Subject:		SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT 0.04 ACRES			
Motion To:		Approve	Table Indef.		
Motion By:		Gray	Marsh		
Seconded:			Smith		
C. 8 New Business <i>Tabled indef.</i> <i>Approved</i>	Marsh	Died	✓		
	Kinion	for	✓		
	Petty	lack	✓		
	Tennant	of a	✓		
	Bunch	second	✓		
	La Tour		✓		
	Smith		✓		
	Gray		✓		
Mayor Jordan					

8-0

Subject:		SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .1 ACRES			
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Gray</i>			
C. 9 New Business	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Bunch	✓			
	La Tour	✓			
	Smith	✓			
	Gray	✓			
Mayor Jordan					

Approved
78-18

8-0

Subject:		AMEND § 74.01			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:					
Seconded:					
C. 10 New Business	Marsh				
	Kinion				
	Petty				
	Tennant				
	Bunch				
	La Tour				
	Smith				
	Gray				
Mayor Jordan					

*Left on
the
First
Reading*

**AR Municipalities with Smoke-free Park Laws
As of October 2, 2017**

C.6. 3-6-18 Enact 97,083

1. Arkadelphia
2. Ash Flat
3. Atkins
4. Batesville
5. Benton
6. Bentonville
7. Berryville
8. Blytheville
9. Conway
10. Dover
11. Elm Springs
12. Fort Smith
13. Gosnell
14. Harrison
15. Helena-West Helena
16. Little Rock
17. Magnolia
18. Mena
19. Perryville
20. Phillips County
21. Pottsville
22. Prairie Grove
23. Russellville
24. Sebastian County
25. White Hall
26. Yellville

SEC Towns Adopting Tobacco Free Park Policy

Athens, GA

Baton Rouge, LA

Gainesville, FL

Sister Cities Adopting Policy

Asheville, NC

Chapel Hill, NC

Boulder, CO

Ft. Collins, CO

Lawrence, KS

There are 1,531 Cities with Smoke-free Park Laws nationwide. (as of Oct 2, 2017)



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



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: **March 7, 2018**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of March 6, 2018**

1. A resolution to approve a budget adjustment in the amount of \$11,198.00 recognizing hazmat services revenue received from Washington County and increasing the related expense budget.
2. A resolution to authorize acceptance of a 2017-2018 State Drug Crime Enforcement and Prosecution Grant for state funding of the Fourth Judicial District Drug Task Force in the amount of \$54,693.47, and to authorize Mayor Jordan to sign all necessary documents to receive the grant funds.
3. A resolution to approve Amendment No. 4 to the contract with Environmental Consulting Operations, Inc. in the amount of \$61,872.00 for wetlands mitigation site monitoring and management in 2018.
4. A resolution to award RFP #17-07 and authorize the Mayor to sign a one-year contract with Ecosconnect, LLC, with an option to renew for up to four additional one-year terms, in the amount of \$12,000.00 per year for backflow tracking services.
5. A resolution to approve Amendment #1 to the water main installation cost share agreement with Garden District Townhomes, LLC to provide for reimbursement of the cost of materials for installing two fire hydrants in the amount of \$5,121.60.
6. A resolution to authorize the purchase of a Bobcat E45 excavator with attachments from Bobcat Company of West Fargo, North Dakota in the amount of \$69,857.30, pursuant to a National Joint Powers Alliance Cooperative purchasing agreement, for use by the Transportation Services Department.

7. A resolution to approve the purchase of three police package Chevrolet Tahoes from Superior Automotive Group of Siloam Springs in the total amount of \$95,589.00, pursuant to a state procurement contract, for use by the Police Department.

8. A resolution to authorize the purchase of a 2018 Dodge Ram 1500 4WD regular cab from Lewis Automotive Group of Fayetteville, Arkansas in the amount of \$21,131.00, pursuant to a state procurement contract, for use by the Facilities Management Division.

9. A resolution to approve the purchase a 2018 New Holland RB450 4x5 dry hay baler from Williams Tractor of Fayetteville in the amount of \$30,241.00 pursuant to National Joint Powers Alliance cooperative purchasing contract, for use by the Wastewater Treatment Division.

10. A resolution to authorize the purchase of a Toyota Prius Hybrid from Steve Landers of Rogers, Arkansas in the amount of \$23,108.00, pursuant to a state procurement contract, for use by the Fleet Division, and to approve a budget adjustment.

11. A resolution to repeal resolution no. 33-17 and authorize the purchase of a 2018 Elgin Crosswind street sweeper from Environmental Products Mid-South of Memphis, Tennessee in the amount of \$251,739.20, pursuant to a National Joint Powers Alliance cooperative purchasing contract, for use by the Transportation Services Department.

12. A resolution to authorize Mayor Jordan to sign a contract with Sweetser Construction, Inc. in the amount of \$3,891,372.55 for the construction of the Old Wire Road protected bike lane and sidewalk project, to approve a project contingency in the amount of \$194,000.00, and to approve a budget adjustment.

13. An ordinance to approve VAC 18-6075 for property located East of 2000 Block, Dead Horse Mountain Road to vacate a portion of a utility easement.

14. An ordinance to rezone that property described in rezoning petition RZN 18-6062 for approximately 16.76 acres located south of 2901 Mount Comfort Road from RSF-4, Residential Single Family, 4 units per acre to NC, Neighborhood Conservation for about 7.47 acres, to RI-U, Residential Intermediate-Urban for about 1.96 acres, and to R-A, Residential Agricultural for about 7.32 acres.

15. An ordinance to waive the requirements of formal competitive bidding and approve a contract with Automated Merchant Systems, Inc. for credit card processing services.

16. An ordinance to amend § 98.02 **Duty of Property Owner and Occupant to Keep Sidewalks Free From Obstructions**, §98.04 **Growing Trees and Other Vegetation Near Intersections; Right-of-Way To Be Kept Free From Grass and Weeds**, § 98.08 **Spilling or Tracking Debris Onto Public Streets** and § 50.01 **Definitions** of the Fayetteville Code, and to enact §98.09 **Abatement by City; Costs Responsibility of Owner**.

17. An ordinance to enact § 97.083 **Smoking and Use of Tobacco Products** into Chapter 97: **Parks and Recreation** to prohibit smoking and tobacco use in all city parks and trails.

18. A resolution to approve and authorize Mayor Jordan to proceed with phase one of the implementation schedule for the Downtown/Entertainment District Parking and Mobility Plan developed by Nelson/Nygaard Consulting Associates, Inc.

19. A resolution to sell about 0.1 acres of land at the northwest corner of South Razorback Road and Sligo Street to John Christopher Looney and Myriah Dawn Johnson for \$5,000.00.

City of Fayetteville, Arkansas

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



City Council Meeting Final Agenda

Tuesday, March 6, 2018

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

Kyle Smith Ward 4

ELECTED OFFICIALS:

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items****1. [2017-0543](#)**

MONTHLY FINANCIAL REPORT - PAUL BECKER

Agenda Additions**A. Consent****A. 1 [2018-0013](#)**

APPROVAL OF THE FEBRUARY 20, 2018 CITY COUNCIL MEETING MINUTES

A. 2 [2018-0112](#)**HAZMAT SERVICES REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$11,198.00 RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED FROM WASHINGTON COUNTY AND INCREASING THE RELATED EXPENSE BUDGET

Attachments: [HAZMAT SERVICES REVENUE](#)
 [BA HAZMAT SERVICES REVENUE](#)

A. 3 [2018-0133](#)**ARKANSAS STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2017-2018 STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT FOR STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$54,693.47, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

Attachments: [ARKANSAS STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT](#)

A. 4 [2018-0054](#)**ENVIRONMENTAL CONSULTING OPERATIONS, INC:**

A RESOLUTION TO APPROVE AMENDMENT NO. 4 TO THE CONTRACT WITH ENVIRONMENTAL CONSULTING OPERATIONS, INC. IN THE AMOUNT OF \$61,872.00 FOR WETLANDS MITIGATION SITE MONITORING AND MANAGEMENT IN 2018

Attachments: [ENVIRONMENTAL CONSULTING OPERATIONS, INC](#)

A. 5 [2018-0127](#)**RFP #17-07 ECOSCONNECT, LLC:**

A RESOLUTION TO AWARD RFP #17-07 AND AUTHORIZE THE MAYOR TO SIGN A ONE-YEAR CONTRACT WITH ECOSCONNECT, LLC, WITH AN OPTION TO RENEW FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS, IN THE AMOUNT OF \$12,000.00 PER YEAR FOR BACKFLOW TRACKING SERVICES

Attachments: [ECOSCONNECT, LLC](#)

A. 6 [2018-0134](#)**GARDEN DISTRICT TOWNHOMES, LLC:**

A RESOLUTION TO APPROVE AMENDMENT #1 TO THE WATER MAIN INSTALLATION COST SHARE AGREEMENT WITH GARDEN DISTRICT TOWNHOMES, LLC TO PROVIDE FOR REIMBURSEMENT OF THE COST OF MATERIALS FOR INSTALLING TWO FIRE HYDRANTS IN THE AMOUNT OF \$5,121.60

Attachments: [GARDEN DISTRICT TOWNHOMES, LLC AMENDMENT 1](#)

A. 7 [2018-0119](#)**BOBCAT COMPANY:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A BOBCAT E45 EXCAVATOR WITH ATTACHMENTS FROM BOBCAT COMPANY OF WEST FARGO, NORTH DAKOTA IN THE AMOUNT OF \$69,857.30, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE THE BY TRANSPORTATION SERVICES DEPARTMENT

Attachments: [BOBCAT COMPANY:](#)

A. 8 [2018-0120](#)**SUPERIOR AUTOMOTIVE GROUP:**

A RESOLUTION TO APPROVE THE PURCHASE OF THREE POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS IN THE TOTAL AMOUNT OF \$95,589.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE POLICE DEPARTMENT

Attachments: [SUPERIOR AUTOMOTIVE GROUP](#)

A. 9 [2018-0121](#)**LEWIS AUTOMOTIVE GROUP:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2018 DODGE RAM 1500 4WD REGULAR CAB FROM LEWIS AUTOMOTIVE GROUP OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$21,131.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE FACILITIES MANAGEMENT DIVISION

Attachments: [LEWIS AUTOMOTIVE GROUP](#)

A. 10 [2018-0122](#)**WILLIAMS TRACTOR:**

A RESOLUTION TO APPROVE THE PURCHASE A 2018 NEW HOLLAND RB450 4X5 DRY HAY BALER FROM WILLIAMS TRACTOR OF FAYETTEVILLE IN THE AMOUNT OF \$30,241.00 PURSUANT TO NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE WASTEWATER TREATMENT DIVISION

Attachments: [WILLIAMS TRACTOR, INC.](#)

A. 11 [2018-0123](#)**STEVE LANDERS:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOYOTA PRIUS HYBRID FROM STEVE LANDERS OF ROGERS, ARKANSAS IN THE AMOUNT OF \$23,108.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE FLEET DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [STEVE LANDERS](#)
 [BA STEVE LANDERS](#)

A. 12 [2018-0124](#)**REPEAL RESOLUTION NO. 33-17:**

A RESOLUTION TO REPEAL RESOLUTION NO. 33-17 AND AUTHORIZE THE PURCHASE OF A 2018 ELGIN CROSSWIND STREET SWEEPER FROM ENVIRONMENTAL PRODUCTS MID-SOUTH OF MEMPHIS, TENNESSEE IN THE AMOUNT OF \$251,739.20, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments: [REPEAL RESOLUTION NO. 33-17](#)

A. 13 [2018-0136](#)**SWEETSER CONSTRUCTION, INC.:**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$3,891,372.55 FOR THE CONSTRUCTION OF THE OLD WIRE ROAD PROTECTED BIKE LANE AND SIDEWALK PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$194,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [SWEETSER CONSTRUCTION, INC.](#)
 [BA SWEETSER CONSTRUCTION, INC.](#)

B. Unfinished Business**B. 1** [2018-0053](#)**RZN 17-6034 (2468 N. CROSSOVER RD./JONES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-6034 FOR APPROXIMATELY 4.40 ACRES LOCATED AT 2468 NORTH CROSSOVER ROAD FROM RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE TO NS-L, NEIGHBORHOOD SERVICES-LIMITED

Attachments: [RZN 17-6034 \(2468 N. CROSSOVER RD./JONES\)](#)
 [ADDITIONAL_RZN 17-6034 \(2468 N. CROSSOVER RD./JONES\)](#)

This ordinance was left on the first reading at the February 6, 2018 City Council meeting. This ordinance was left on the second reading at the February 20, 2018 City Council meeting.

C. New Business**C. 1** [2018-0126](#)**VAC 18-6075 (EAST OF DEAD HORSE MOUNTAIN ROAD/MEADOWS AT STONEBRIDGE):**

AN ORDINANCE TO APPROVE VAC 18-6075 FOR PROPERTY LOCATED EAST OF 2000 BLOCK, DEAD HORSE MOUNTAIN ROAD TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: [VAC 18-6075 \(EAST OF DEAD HORSE MOUNTAIN ROAD/MEADOWS AT STON](#)

C. 2 [2018-0116](#)**RZN 18-6062 (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 18-6062 FOR APPROXIMATELY 16.76 ACRES LOCATED SOUTH OF 2901 MOUNT COMFORT ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION FOR ABOUT 7.47 ACRES, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN FOR ABOUT 1.96 ACRES, AND TO R-A, RESIDENTIAL AGRICULTURAL FOR ABOUT 7.32 ACRES

Attachments: [RZN 18-6062 \(SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST\)](#)

C. 3 [2018-0085](#)**RZN 17-6052 (EAST OF ROLLING HILLS DR./KEENAN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-6052 FOR APPROXIMATELY 22.59 ACRES LOCATED AT EAST OF ROLLING HILLS DRIVE AND OLD MISSOURI ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments: [RZN 17-6052 \(EAST OF ROLLING HILLS DR./KEENAN\)](#)
 [ADDITIONAL RZN 17-6052 \(EAST OF ROLLING HILLS DR./KEENAN\)](#)

C. 4 [2018-0130](#)**AUTOMATED MERCHANT SYSTEMS, INC.:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT WITH AUTOMATED MERCHANT SYSTEMS, INC. FOR CREDIT CARD PROCESSING SERVICES

Attachments: [AUTOMATED MERCHANT SERVICES, INC.](#)

C. 5 [2018-0097](#)**AMEND CHAPTER 98 & CHAPTER 50:**

AN ORDINANCE TO AMEND § 98.02 DUTY OF PROPERTY OWNER AND OCCUPANT TO KEEP SIDEWALKS FREE FROM OBSTRUCTIONS, §98.04 GROWING TREES AND OTHER VEGETATION NEAR INTERSECTIONS; RIGHT-OF-WAY TO BE KEPT FREE FROM GRASS AND WEEDS, § 98.08 SPILLING OR TRACKING DEBRIS ONTO PUBLIC STREETS AND § 50.01 DEFINITIONS OF THE FAYETTEVILLE CODE, AND TO ENACT §98.09 ABATEMENT BY CITY; COSTS RESPONSIBILITY OF OWNER

Attachments: [AMEND CHAPTER 98 & CHAPTER 50](#)

C. 6 [2018-0135](#)**ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS:**

AN ORDINANCE TO ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS INTO CHAPTER 97: PARKS AND RECREATION TO PROHIBIT SMOKING AND TOBACCO USE IN ALL CITY PARKS AND TRAILS

Attachments: [ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS](#)

C. 7 [2018-0117](#)**DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN:**

A RESOLUTION TO APPROVE AND AUTHORIZE MAYOR JORDAN TO PROCEED WITH PHASE ONE OF THE IMPLEMENTATION SCHEDULE FOR THE DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN DEVELOPED BY NELSON/NYGAARD CONSULTING ASSOCIATES, INC.

Attachments: [DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN](#)

C. 8 [2018-0132](#)**SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT 0.04 ACRES:**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SELL ABOUT 0.04 ACRES OF CITY PROPERTY SOUTH OF GEORGE'S MAJESTIC LOUNGE AND WEST OF THE RAILROAD TRACKS TO THE HIGHEST OR BEST BIDDER

Attachments: [SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .04 ACRES](#)

C. 9 [2018-0131](#)**SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .1 ACRES:**

A RESOLUTION TO SELL ABOUT 0.1 ACRES OF LAND AT THE NORTHWEST CORNER OF SOUTH RAZORBACK ROAD AND SLIGO STREET TO JOHN CHRISTOPHER LOONEY AND MYRIAH DAWN JOHNSON FOR \$5,000.00

Attachments: [SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .1 ACRES:](#)

C. 10 [2018-0139](#)**AMEND § 74.01:**

AN ORDINANCE TO AMEND § 74.01 **APPLICATION OF REGULATIONS** TO ADD A DEFINITION OF ROADWAY

Attachments: [AMEND § 74.01](#)

D. City Council Agenda Session Presentations**D. 1** [2018-0140](#)

AGENDA SESSION PRESENTATION, SALES TAX REPORT - PAUL BECKER

D. 2 [2018-0138](#)

AGENDA SESSION PRESENTATION, MONTHLY ENERGY USAGE REPORT - PETER NIERENGARTEN

**E. City Council Tour: 4:30 PM MONDAY, MARCH 5, 2018
RZN 17-6034 2468 N. CROSSOVER/JONES****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 Device for the Deaf (TDD), for hearing impaired are available for all City Council meetings, a 72-hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available on our website at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.

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

CityClerk

From: Benjamin Lorenzo <benlorenzojr@gmail.com>
Sent: Sunday, February 25, 2018 4:01 PM
To: CityClerk
Subject: Rezoning request for 2468 N. Crossover/Jones.

Here are my concerns:

TRAFFIC/SAFETY CONCERNS

- *Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.*
- *Cars can only turn north in or out, into high speed traffic.*
- *Cars traveling south will cut through Candlewood or Edenbrook's private driveway.*
- *Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.*
- *School children walking to school face more traffic not paying attention to them.*
- *The only walkers are crossing Crossover on Township to go to Gulley Park.*

Sent from my iPhone



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: Mayor Jordan

CC: City Council
Don Marr, Chief of Staff
Garner Stoll, Development Services Director
Andrew Garner, City Planning Director

FROM: Kit Williams, City Attorney

DATE: February 28, 2018

RE: Rezoning Applications from James Keenan

You asked whether the landowner's rezoning application/petition was sufficiently noncompliant with the Unified Development Code to require re-submittal before it could be approved by the City Council. The Rezoning Application states at the very top: "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.*" (emphasis in original)

Even though "Please" is used, the form of this sentence is a clear command: "fill out this form completely. . . ." It is therefore a requirement rather than a suggestion. This is further strengthened by the second italicized sentence denying placement "*on the Planning Commission agenda until this information is furnished.*"

The short letter authored by David Jorgensen and supplied to me by Planning does not refer to many items or factors listed on page 3 of the application under the heading "A written description of this request addressing the following items:" Even with apparent defect in the rezoning application, the Planning Department unfortunately placed this on the Planning Commission Agenda which voted to forward it to the City Council with the recommendation to enact the rezoning requested.

Can the City Council now pass this property owner's rezoning request despite the incomplete application for rezoning? I do not believe so. I base this not only on the zoning application itself, but upon the real law governing rezoning requests by landowners, the Unified Development Code and specifically § 154.03 **Private Parties/Zoning Amendment**. The City Council enacted § 154.03 to require certain things to be done by a landowner to rezone their property.

"(A) *Petition*. Any private party. . . upon payment of the appropriate fee, shall submit to the Planning Commission a petition giving the following information:

- (1) Legal description of the property involved;
- (2) Zoning classification request for the property; and
- (3) Statement explaining why the proposed changes will **not conflict with the surrounding land uses.**"

The letter submitted with application certainly did not explain why the proposed change would not conflict with the surrounding uses (which were not mentioned in the letter).

§ 154.03 is **mandatory** ("shall submit") upon the petitioner (which is synonymous with applicant). Therefore, a proper rezoning petition or application was never submitted to the Planning Commission by the landowner which nullifies any consideration or vote concerning the rezoning petitions.

Can the City Council just ignore § 154.03's requirements and pass the rezoning ordinance anyway? No. Fayetteville must follow and obey its own procedural and zoning ordinances until they are repealed or altered.

"A city simply cannot pass procedural ordinances they expect to be followed by their residents and then conveniently ignore them themselves. **A legislative body must substantially comply with its own procedural policies.**" *Potocki v. City of Fort Smith*, 279 Ark. 19, 648 S.W. 2d 462, (1983). (emphasis added)

"(N)or does a city have to create a zoning ordinance or a land use plan or adopt planned use districts or planned commercial districts, but once it has done so **it must follow the ordinance until it is repealed or altered.**" *City of Little Rock v. Pfeifer*, 318 Ark. 679, 887 S.W. 2d 296, 298 (1994). (emphasis added)

Recommendation

I recommend that this rezoning petition be sent back to the Planning Commission to be heard once the landowner has fully complied with § 154.03 (A) *Petition*. I also recommend that the Planning Department amend its application to fully comply with § 154.03 (A). If the Planning Department would like to suggest that any rezoning petitioner submit additional information such as the items found in (5) of the application to assist the Planning Department in making its recommendation for or against the rezoning, the application needs to be clear such additional information is not required. However, a "(s)tatement explaining why the proposed change will not conflict with the surrounding land uses," is clearly required.

Once the landowner's application (petition) complies with § 154.03 (A), both the Planning Commission and then the City Council can act on such rezoning request.

Council Member Adella Gray
Ward 1 Position 1

Council Member Sarah Marsh
Ward 1 Position 2

Council Member Mark Kinion
Ward 2 Position 1

Council Member Matthew Petty
Ward 2 Position 2



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

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 Kyle Smith
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
February 20, 2018**

A meeting of the Fayetteville City Council was held on February 20, 2018 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, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Sarah Bunch, John La Tour, Kyle Smith, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

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

Agenda Additions: None

Consent:

Approval of the February 6, 2018 City Council Meeting Minutes.

Approved

Missy Gipson Short-Term Lease Agreement: A resolution to approve a short-term lease agreement with Missy Gipson for the Drake Field Terminal Building banquet area for rent in the amount of \$400.00.

Resolution 54-18 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$2,305.00 and increasing the related expense budget.

Resolution 55-18 as recorded in the office of the City Clerk

Bid #18-16 Art Thureson, LLC: A resolution to award Bid #18-16 and authorize the purchase of two twelve-foot wide prefabricated bridges from Art Thureson, Inc. of Waterford, Michigan in the total amount of \$79,000.00 plus applicable taxes to replace two existing five-foot wide bridges in Gulley Park.

Resolution 56-18 as recorded in the office of the City Clerk

Southwestern Electric Power Company Agreement: A resolution to approve an agreement with Southwestern Electric Power Company to participate in an energy efficiency rebate program and accept an incentive rebate in the amount of \$14,664.60, and to approve a budget adjustment.

Resolution 57-18 as recorded in the office of the City Clerk

Watershed Conservation Resource Center Task Order No. 6: A resolution to approve Task Order No. 6 with the Watershed Conservation Resource Center in the amount of \$25,140.00 for the repair of flood damage to the stream restoration project at Sweetbriar Park.

Resolution 58-18 as recorded in the office of the City Clerk

Lake Fayetteville Improvements Project: A resolution to approve a budget adjustment in the amount of \$18,000.00 recognizing parkland dedication fees from the Northeast Quadrant to be used to upgrade the water line and plumbing at the Veterans Park restroom facility.

Resolution 59-18 as recorded in the office of the City Clerk

University of Arkansas Memorandum of Agreement: A resolution to authorize the Mayor to sign a Memorandum of Agreement with the University of Arkansas to provide half of the funding for a Bicycle and Pedestrian Coordinator position with the total amount paid by the city not to exceed \$30,000.00.

Resolution 60-18 as recorded in the office of the City Clerk

OurPharma, LLC Tax Back Program: A resolution to approve and certify the participation of OurPharma, LLC in the Arkansas Tax Back Program and to agree to authorize the Arkansas

Department of Finance and Administration to refund city sales tax back to OurPharma, LLC for qualified purchases.

Resolution 61-18 as recorded in the office of the City Clerk

Street Name Change: A resolution to change the name of West Maclure Way to West Maclura Way, and to change the name of West Zander Drive to West Anthem Drive.

Resolution 62-18 as recorded in the office of the City Clerk

Repeal Resolution No. 40-18: A resolution to repeal resolution No. 40-18 and authorize the purchase of a 2018 Dodge Ram from Steve Landers Chrysler Dodge Jeep of Little Rock in the amount of \$26,971.00, pursuant to a state procurement contract, for use by the Police Department.

Resolution 63-18 as recorded in the office of the City Clerk

Council Member Marsh moved to accept the Consent Agenda as read. Council Member Kinion seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

RZN 17-6034 (2468 N. Crossover Rd./Jones): An ordinance to rezone that property described in rezoning petition RZN 17-6034 for approximately 4.40 acres located at 2468 North Crossover Road from RSF-2, Residential Single Family, 2 units per acre to NS-G, Neighborhood Services-General. *This ordinance was left on the first reading at the February 6, 2018 City Council meeting.*

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 unanimously.

City Attorney Kit Williams read the ordinance.

Garner Stoll, Development Services Director gave a brief description of the ordinance. He stated he received a call from the applicant, Mr. Jones and wants to change the request to Neighborhood Services Limited.

Jerry Jones, Applicant stated he would like the rezoning to be lowered to Neighborhood Services Limited. He believes it is fair to his neighbors, a good compromise, and would work for the area.

There was a brief discussion about the differences between the NS-G and NS-L zonings.

Council Member Tennant: What about the height of the buildings?

Garner Stoll: Three stories. The existing zoning is three stories too.

There was discussion about a possible amendment.

Council Member Marsh moved to amend the rezoning from NS-G to NS-L per the applicant's request. **Council Member Smith** seconded the motion. Upon roll call the motion passed unanimously.

Paul Henry, 2885 East Township spoke about traffic concerns and safety. He spoke against the ordinance and stated it isn't consistent with City Plan 2030. He believes there would be a side effect of spot zoning.

Council Member Tennant: There's been comments about us leaving this zoning alone until the property on the south and east comes up for sale because then you would have a complete area of developable land. Is that something we should consider or is there precedent? Are there legal issues with making a zoning while only making assumptions on future areas that surround that area?

City Attorney Kit Williams: Each zoning should stand on its own. There are many things that the City Council can consider, such as spot zoning and safety. I believe the most important part of zoning is compatibility with the adjoining and nearby neighborhood. The property owner is entitled to some sort of judgement of the City Council in his zoning request. It shouldn't be postponed until some indefinite time in the future when something else might occur. I have not ever seen that recognized by the Arkansas Supreme Court as a valid zoning consideration. The 2030 Plan is another thing that you consider.

Council Member Tennant: I think this will be developed at some point in time, whether it all is or just this piece. If it is left residential, I don't believe single family will work on this piece because it has been sitting there for years. No one wants it as single family residential because it's too close to Highway 265. What density do you think is acceptable on that piece of land if it stays residential?

Paul Henry: I think it would be higher density than what it is, but the access needs to change because our safety concern is that Highway 265 is a danger. I ask that we don't go forward, not to hinder him, but to allow for a better plan to be put together.

Council Member Bunch: Is this a typical rezoning that we do not have a development plan proposed at this time?

Garner Stoll: This is normal except for the Planned Districts. The Planned Districts require some overall scheme of development of the property.

Don Marr, Chief of Staff: We have tried to make sure that development discussion was not a part of a rezoning discussion because the use of the land is what you are deciding on, not what's going to be built on it. It is whether the uses are appropriate. We have been advised by our City Attorney numerous times to make sure we don't mix those two.

Council Member Tennant: Traffic is going to be an issue, regardless of what goes in there. As I look at the property to the east and south, even if you leave it the current houses per acre, you are looking at 30 plus houses. That is 120 cars coming in and out. This is not going to eliminate traffic, no matter what we do.

Ted Runnells, Citizen spoke about safety and traffic concerns.

Council Member Tennant: There is a dedicated street or an old street that was never built. Am I correct?

Andrew Garner, City Planning Director: There is a platted right-of-way from Firewood to the north. It's in between two houses. It has not been built as a street, but there is a legal access point.

Council Member Tennant: The original idea was to attach Candlewood to some sort of access out to Township?

Ted Runnells: It was just another way to get out before Candlewood was there.

Council Member Tennant: We can't build it now because a house is there?

Andrew Garner: No, there is not a house there. There's just a driveway.

Ted Runnells: We definitely would like for it be residential, if anything.

Council Member Tennant spoke about Mr. Runnells access to Township.

Ted Wade, Citizen spoke about traffic flow concerns and people coming down his private driveway. He spoke about property value concerns.

Council Member Tennant spoke about the ways people may turn off Highway 265. He requested to know the rules about a citizen putting a private gate up if it's not a city street.

Mayor Jordan: They could if they wanted. It is their driveway. Correct?

Andrew Garner: Yes. We have laws against gated subdivisions. In this case, it's a private driveway. I don't see an issue with putting a gate across their own driveway.

Council Member Tennant: It is three houses.

Andrew Garner: Right.

Council Member Tennant: It's the access road to their driveway. Does that make a difference?

Andrew Garner: I would have to read through the fine print of that code. I believe the intent of the code is to prevent gated communities and apartment complexes. People have put gates on properties for their own private driveway and that has been allowed. In this case it sounds like it is two or three houses and not gating up a whole subdivision. They all still have public street access as well.

Council Member Tennant: I don't know that they will do this, but there really is a traffic problem in that access road. The Fire Department would need access if they ever needed to get in there.

Mayor Jordan: The Fire Department will get in there if need be.

Council Member Tennant: I don't doubt it. I don't know if that makes a difference for those three homes. There is a safety factor with that road being used as a turnaround. Logically, it would be used for a turnaround more, if anything went in there.

Don Marr, Chief of Staff: We will do research because there are many neighborhoods in this city where they were not built to the residential street standards that were done as private drives. We identified a lot of these during the ice storm because we were prohibited from cleaning up on those streets. They can't be blocked because the public has to access and public safety responses. It depends on the number of households' access as to whether it can be gated.

Council Member Tennant: In this spot, there can't be any more homes. It's three large houses.

Don Marr: It may be able to be done as a driveway. I don't want other subdivisions who have private roads thinking they can put up a gate. We have rules against that.

Council Member Tennant requested more research to be done.

Council Member Marsh 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 failed 4-4. Council Members Gray, Marsh, Petty, and La Tour voting yes. Council Members Kinion, Tennant, Bunch, and Smith voting no.

Council Member Kinion: We might need to take another City Council tour. I know we have been to this property in this area before. We can talk about it at Agenda Session.

City Attorney Kit Williams: It will be heard at the next City Council meeting unless something else is done, such as a motion to table.

Council Member Tennant stated his appreciation for leaving it on the second reading to allow for more citizen discussion and research. He requested to know if city staff wanted Neighborhood Services Limited from the beginning?

Garner Stoll: Yes, NS-L.

Council Member Tennant: The Planning Commission wanted Neighborhood Services General?

Garner Stoll: That's right.

Council Member Tennant: Did you look at other options? Was that the best of several options or was that the only one that made sense at the time?

Garner Stoll: We were aware of the two previous requests for RO and RSF-8. For one reason or another, both got high centered. One thing I thought was applicable here was the smaller building size, the buildings have to be on the street, and the parking has to be adjacent to the buildings.

From the highway, it doesn't give you that hard edge strip commercial look with large parking lots. It allows residential and office uses, low level commercial uses on top of each other in a vertical manner. It's a beautiful site with lots of trees and depth. Fayetteville's process is that first we zone, then we plat, and then we site plan.

Council Member Tennant: In the zoning classifications, I was surprised there wasn't a smaller unit size allotted. I thought there would be something in the middle. Didn't it go from 3,000 square feet to 25,000 square feet at one time and then 8,000 square feet became the middle?

City Attorney Kit Williams: Yes. The NS-G was designed to be the middle. The NS-L used to be Neighborhood Services.

Council Member Tennant: So, we went from either 3,000 square feet to 25,000 square feet?

City Attorney Kit Williams: That is correct.

Council Member Tennant: You can't get smaller than 3,000 square foot buildings in this case. Mixed use would allow for a building to be built three stories high with a mixed use of residential and retail.

Garner Stoll stated yes. He spoke about the limitations on commercial and square foot requirements.

Council Member Tennant spoke about it being a difficult spot on Highway 265 because of accessibility. He stated no one wants anything but residential as it sits on the plot. He stated a City Council tour would be advisable.

Council Member Marsh: We have talked about the impact of this on a specific neighborhood. We need to zoom out and think of this in the regional context. This is Highway 265 and it is a regional corridor. If we think in terms of future transit planning and we are going to put density somewhere, this is a good place to put it.

Council Member Tennant: What is the traffic count on Highway 265 around that area?

Devin Howland, Director of Economic Vitality: 21,000 cars. That is 1/3 of I-49's volume.

Council Member Tennant: That's a lot.

Council Member Bunch: I had requested some information on accidents because the traffic is an issue. I didn't receive it in time to review it, but when we do our site visit, we can look at it.

This item was left on the Second Reading.

New Business:

Centennial Open Space Acquisition: A resolution to approve the attached real estate contract in which Centennial Bank agrees to sell and convey to the City of Fayetteville approximately 228 acres pursuant to a special warranty deed for \$3,302,250.00, to authorize Mayor Jordan to apply for and accept a generous 50/50 matching grant from the Walton Family Foundation for this acquisition, to authorize Mayor Jordan to enter into a no interest five year loan from the Walton Family Foundation in the amount of \$1,651,125.00 and to approve the attached budget adjustment.

Devin Howland, Director of Economic Vitality gave a brief description of the resolution.

Council Member Tennant: I always try to look at the future when doing things like this. There is an investment on our part, even though it is a very good financial deal for our taxpayers. In the future, I could envision something like the X Games coming to Northwest Arkansas. We have the U of A, Walton Foundation, top five place to live, expanding airport, and soon we'll have nonstop four lane interstate roads leading to millions of people. Would something like this be a relatively inexpensive investment on that coming down the line?

Devin Howland: I think so, especially because they are soft surface trails that will be developed on the site. It is important to think big. To have an amenity that could potentially be designed if the Master Plan envisions it is a very big draw.

Council Member Tennant: For that Master Plan to happen, these pieces need to be in place to add to the other pieces we have in place.

Devin Howland: It would be a great diversification of the soft trails in the city and in the region as well.

Council Member La Tour: I am very excited about the project. I had a concern about the perpetual nature of it. I'm excited about the economic vitality that it can add and the potential to make Fayetteville a destination in the biking circuit. It's a good financial deal. When can I ride my bike on it?

Devin Howland: There is no timeline commitment to build the facilities. It will be as budget and capital permits.

Council Member Tennant: This is why we have an A&P Commission, Chamber of Commerce, and the tourism groups. They go out and actively find people. This will empower them even more to find ways to get people here.

Council Member Marsh: I love this plan and the environmental benefits. We are getting a great deal on the land, but it is going to cost us \$1.6 million over the next five years. This will have to come out of our budget. We have a waiting list for sidewalks that is over 14 years long. We have neighborhoods that need to be connected with sidewalks and trails, that will serve people every day, not just tourist. We need to consider how we are going to pay for that because we have a tight

budget. If we are going to spend \$330,000 a year on this, where is that going to come from? I hope we don't cut it out of our existing sidewalk and trail plan.

Paul Becker, Chief Financial Officer: This will be like any one term investment. In the General Fund, we will end the year with about \$5 million or \$6 million over and above the 60-day financial reserve. It wouldn't be cut out of the operating budget or any of the capital projects you all approved during the CIP project. Reserves are for an economic downturn. Also, opportunities come along occasionally to invest and this is one of those opportunities. The \$1.6 million won't cut into our reserves to a great degree because it's going to come out incrementally over a five-year period.

Council Member Marsh: Normally we take out money that's left over and use that for raises for our staff. Is this going to affect our ability to give raises, especially police and fire?

Paul Becker: You can't take one-time money and pay salaries over a period of time. That money wouldn't be appropriated to use in that salary package anyway. When we do talk about the raise package, we can't go into reserves to maintain it. It shouldn't affect that discussion.

Mayor Jordan: When we made that decision, we talked about how we would pay for it. We have a no interest loan we can pay back in a five-year period, which leaves the reserves in place in case we need to do more things.

Council Member Marsh: I'm hearing from the community that they don't want to see short-changed neighborhood parks. We want to make sure we can have sidewalks and trails for our residents' day to day use. We want to be able to pay our police and fire to get them up to market rate.

Mayor Jordan: This a decision you have to make tonight as to whether you think this is a good investment.

Don Marr: There are certain things that come before you, once. The ability to purchase Kessler came before us, one time. You have an opportunity to take it or leave it. All of us who manage the taxpayers' money has a fiduciary responsibility to minimize the risk, but take advantage of opportunities where citizens get a huge return. A 50% match on a piece of property is only available to us because of a foreclosure. A bank is willing to take less money for a public benefit in matching funds. There is not a timeline to build trails and that was purposeful by the Mayor. There is a time requirement for this land. Without a funding partner and a bank willing to take it off an auction, we wouldn't be here talking about it today. On behalf of all city staff, you have the ability to have this discussion because of strong money management. The contract states we must close on this before March 30, 2018. Thank you to the Walton Family Foundation for partnering with us. We think this is a great economic development item with the use of reserves over five years and zero interest for 228 acres with no development requirement, only within your existing plans and what you prioritize.

Council Member Smith thanked city staff for their work on the item. He stated there wasn't a reason to not like plan. He wanted to know what happens when there is not a big mountain bike

event? He wanted to know if it would stay open for hiking and recreational use that's not racing and will it put any limitations on the city about tree preservation?

Devin Howland: Looking at the property where the trail head is, there was a planned road on the northern end. Whatever method we use to protect the land, we have to make sure that it's in line with those outputs and outcome agreements, which would allow us eight to ten miles of soft trails. This would be open to the public, not just for events.

Council Member Bunch: I am grateful with the relationship we have had with the Walton Family Foundation. This is a good economic standpoint from the sales tax revenue, HMR revenue, and the businesses that may pop up around it. There seems to be some challenges with a development at this site if it were sold to a developer. This is a great way to maintain our environmental area that we would like to see when coming into Fayetteville.

There was a short discussion about the cost to develop.

Jeff Amerine, Startup Junkie stated this project would drive tourism and help to attract and retain the best talent.

Kyla Templeton, National Interscholastic Cycling Association League (NICA) and Race Director expressed her enthusiasm for the resolution.

Dr. Ellen Brune, Startup Junkie and Coach for the NICA League spoke in favor of the resolution.

Molly Rawn, Executive Director of Experience Fayetteville spoke in favor of the resolution.

Erin Scott, Environmental Action Committee Member spoke in favor of the resolution.

Colin Massey, 1630 North Jordan Lane stated he was on the Environmental Action Committee. He spoke in favor of the resolution.

Chuck Maxwell, 1063 North Kings Drive stated he was on the Parks & Recreation Advisory Board and President of the Ozark Off Road Cyclist. He spoke in favor of the resolution.

Paxton Roberts, Executive Director of BikeNWA. He spoke in favor of the resolution.

Sonia Gutierrez requested more natural barriers be placed between 49 and residential to help with noise reduction. She spoke in favor of the resolution.

Frank Sharp, Kessler Mountain spoke about the positive quality of life in Fayetteville. He spoke in favor of the resolution.

Elizabeth Bowen, Northwest Arkansas Regional Planning Commission spoke about open spaces and is in favor of the resolution.

Paula Marinoni, 617 West Lafayette Street spoke in favor of the resolution.

Steve Clark, President & CEO of Fayetteville Chamber of Commerce spoke in favor of the resolution.

Will Dockery, 4149 West Bradstreet Lane spoke in favor of the resolution.

Don Marr stated his appreciation for Mayor Jordan and his forward-thinking vision for the future.

Mayor Jordan thanked Don Marr, Devin Howland, Paul Becker, Kit Williams, staff that worked on the item, City Council, Centennial Bank, and Walton Family Foundation. He spoke about future projects.

Council Member Marsh moved to approve the resolution. Council Member La Tour seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 64-18 as recorded in the office of the City Clerk

RZN 18-6076 (203, 205 & 207 S. West Ave./Rouse): An ordinance to rezone that property described in rezoning petition RZN 18-6076 for approximately 0.47 acres located at 203, 205 & 207 South West Avenue from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban.

City Attorney Kit Williams read the ordinance.

Garner Stoll, Development Services Director gave a brief description of the ordinance. He stated the Planning Commission and staff recommend approval.

Council Member Gray moved to suspend the rules and go to the second reading. Council Member Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Marsh 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 unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 6038 as Recorded in the office of the City Clerk

Appeal RZN 17-6046 (East of Greens Chapel Rd./Walker): An ordinance to rezone that property described in rezoning petition RZN 17-6046 for approximately 29 acres located east of

Greens Chapel Road from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

Garner Stoll, Development Services Director gave a brief description of the ordinance.

Blake Jorgensen, Jorgensen & Associates: We don't like to appeal the staff or Planning Commissions' denial. In this case, we are stuck with the surrounding property that we have street stub outs that were designed and designated to create connectivity in a pattern consistent with a more neighborhood development pattern. We have commercial amenities in the area. I believe this is compatible and harmonious for the area.

Carl Walker, Property Owner: The way the streets go into this property and how it fits with the other ones, it is a perfect fit. We would like to offer housing in an affordable range that fits in the area.

Mayor Jordan: Is Ruppel west of that?

Garner Stoll: Yes.

Mayor Jordan: How far?

Garner Stoll: Close to a mile.

Council Member La Tour: What are some examples of potential uses of Rural Agriculture?

Garner Stoll: The Rural Agriculture District allows one unit per two acres, residential. It also allows the agriculture uses.

Council Member La Tour: I feel strongly we should allow this landowner to develop his land. I know it isn't infill development, but you can't build a house on a two-acre lot affordably. It would fit nicely with housing developments on two sides of it. I don't see any reason to deny this request.

Council Member Marsh: I agree with staff and the Planning Commission assessment of this property. Four units per acre is not an appropriate land use. Based on the 2030 Plan, we are supposed to be discouraging suburban sprawl. It could exasperate flooding issues downstream. The further out you get, the more you are going to spend on transportation cost and that affects the affordability of the home.

Council Member La Tour: I have nothing against infill development and the urban look. We need to have variety in the marketplace. I don't view it as a great immoral breach by letting this landowner develop his land with affordable housing in an area of town that is growing. I agree it will cost more to drive there than somewhere in Downtown, but many people are economically affluent enough to cover that cost. It would be a waste to hold the land with no development when

someone is willing to develop it. We have a housing shortage in Fayetteville. Each new house brings in economic development.

Council Member Smith: When speaking about sprawl, it's not further out than the edge of the residential developments there already.

A discussion followed about the date the area was zoned.

Council Member Smith: Where is our line for sprawl?

Council Member Marsh: When we approved the Ruppel Road extension, there was the understanding it was going to be the western growth boundary of the city. This falls way outside of the Ruppel Road area. Out beyond that was supposed to be agricultural enduring green network area. A lot of these other subdivisions were approved before we did that deal. The assumption is that we are going to try to concentrate new growth within the Mayor's box around the city or directly adjacent to it.

Mayor Jordan gave a brief historical description of the area when he was a Council Member.

Don Marr spoke about it being an area that changed when the nation was experiencing an economic downturn in 2011. He stated more discussion is needed in the 2030 Plan to have City Council direction on policy. He stated there is confusion on what is defined as sprawl and it needs to be identified. He believes this rezoning request is caught in the middle between two plans.

Garner Stoll: There are two questions that are relevant when we work on the new plan. The first is, have the services and utilities been expanded that it makes fiscal sense to allow this area to be developed at a higher density than the residential agricultural district. The second question is that if the answer is yes, what character of development are you looking for.

Don Marr: When the city went through the recent Bloomberg Housing Grant that we got, one of the things identified by members of our community was that we needed more walkable areas around the community. In our growth concept maps, we should be identifying all areas in town, not just Downtown in the urban core.

Council Member Tennant: Even though I like the idea of future areas of walkability, this piece of land is trapped in a no man's land. I don't see why you don't follow the current pattern and allow this. I support the rezoning.

Council Member Bunch: I'm a big proponent of infill and walkability. I don't usually support projects that contribute to urban sprawl. I see the challenges people face in trying to find affordable housing in Fayetteville. They are looking outside the City of Fayetteville in smaller communities for homes.

Council Member Kinion: As a banker, I am faced with trying to find affordable housing with an affordable mortgage plan for families of modest means. This is in a rural development area. There are programs that would allow a family to get into this with a rural development loan. If you look

at this piece of property, we have water, sewer, the capacity for growth, and to develop it in an affordable manner. It's not so far away from services that it will make transportation an issue. This is affordable housing and I support that.

Council Member Smith: Can you put a number on what you consider affordable housing?

Carl Walker: For this area, it would probably be around the \$175,000 to \$200,000 range.

Council Member Petty: How big would a \$200,000 house be?

Carl Walker: The housing market right now in the western part of Fayetteville is around a 110-square foot to 120-square foot. An 1,800-square foot house would cost around \$200,000.

Council Member Petty: I don't think sprawl versus infill is the right way to talk about this. When we talk about walkability, it doesn't have anything to do with how far a place is from somewhere else. Walkability means you've got an opportunity to park once and do more than one thing. There is no such thing as walkability when you only have four units to the acre. You can't achieve that because your distances from most homes in that environment on average are too great for people to walk. I'm basing my decision on if this is fiscally a good decision for the city. The money won't be there whenever it's time to replace the roads again.

Council Member Marsh: RS-4 development does not pay for the cost of infrastructure to maintain it. We have an abundance of single family, three bedrooms, and two bath homes. The demographics of our households are changing. We are already over 75% child free households. It isn't that we don't have enough housing, it's that we don't have the right kind of housing.

Council Member Kinion: We have completed our 20-year water plan. In this area, we are not struggling for infrastructure, it's on the east side of town, not on the west side of town. In this specific piece of property, we already have the investment in the infrastructure with the capital available to expand into this at this density without causing additional pressure on the capital improvements needed to move forward.

Council Member Petty spoke briefly about infrastructure cost and tax revenue. He stated there is no math that will account for the tax revenue that needs to be collected when building four units per acre that will cover the replacement costs for roadways, water, and sewer. He stated the only math that makes it work is higher taxes or a radical increase in the number of homes on the site.

Council Member Kinion moved to suspend the rules and go to the second reading. Council Member La Tour seconded the motion. Upon roll call the motion passed unanimously.

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 unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Smith stated if the item came back with greater density he might be more in favor of it. He doesn't believe it is the best use of the land in the area.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-3. **Council Members Gray, Kinion, Tennant, Bunch, and La Tour** voting yes. **Council Members Marsh, Petty, and Smith** voting no.

Ordinance 6039 as Recorded in the office of the City Clerk

RZN 2018-0090 (City of Farmington, Red Canyon Development, LLC): An ordinance to approve the City of Farmington's rezoning of that property described in rezoning petition RZN 2018-0090 for approximately 126.03 acres located at Double Springs Road from A-1, Agriculture District to R-1, Single Family Residential.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: According to state law, we only have to do a resolution. I apologize for writing an ordinance. We are not approving this rezoning, you are considering whether the rezoning in Farmington is compatible and will not adversely impact the adjoining property within our own city limits. Farmington made the decision to rezone, but to have it be effective, the City Council must concur with that and say it will not adversely impact our property.

Council Member Petty: Could you clarify if you mean adverse impacts of the abutting property?

City Attorney Kit Williams: Yes.

Council Member Petty: Merely the abutting properties?

City Attorney Kit Williams: That is what they are looking at. It's not crystal clear, but I think that's what is looked at. When this has happened before, we've rezoned property in Johnson and other places have approved it. The adjoining property is what they are talking about and whether it's going to be compatible and not adversely impact it.

Garner Stoll, Development Services Director gave a brief description of the ordinance. Staff believes it is compatible.

Council Member La Tour moved to suspend the rules and go to the second reading. **Council Member Gray** seconded the motion. Upon roll call the motion passed unanimously.

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 unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 6040 as Recorded in the office of the City Clerk

Amend Article XI Environmental Action Committee: An ordinance to amend Article XI **Environmental Action Committee** in Chapter 33 **Departments, Boards, Commissions and Authorities** of the Fayetteville Code to add consideration of climate mitigation and adaptation strategies and policy recommendations regarding energy efficiency and clean energy to the purpose of the committee.

City Attorney Kit Williams read the ordinance.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the ordinance. He stated the Environmental Action Committee recommended unanimously in favor of the amendment.

Council Member La Tour: What legal liabilities would the members of the Environmental Action Committee have if they recommended something and it turned out that people lost money?

City Attorney Kit Williams: I believe they would have zero liabilities. They are an advisory committee. They can give you and the Mayor advice and then it is up to you to decide whether you are going to take the advice or not. When you make a decision, it's normally going to be a legislative decision by the City Council, which is granted deference by the courts. It would never be arbitrary and capricious, so it would never be overturned.

Council Member La Tour: If we pass this ordinance, will it still be advisory?

City Attorney Kit Williams: Yes. None of your advisory committees' have any ultimate authority. All the advisory committees are simply to provide advice to you. The City Council always makes the final decision as a body.

Mayor Jordan: A Council Member could sponsor a recommendation from the committee?

City Attorney Kit Williams: Yes. You could bring resolutions or ordinances forward and it would be up to the City Council to adopt them.

Don Marr, Chief of Staff: At times, we will have people mad because some Council Member brought an item directly to the Council, rather than going to the advisory committee. That is not a

requirement. Council Members, Mayor, any elected official, and any person's name on a ballot can bring an item to this Council without having to go through a committee. All our committee members are advisory in nature.

Mayor Jordan: An elected official can bring anything they want to the Council, including myself.

Peter Nierengarten: The Environmental Action Committee consist of 11 citizens from the City of Fayetteville. One Council Member, one member from the local industry, one member from a science discipline, and eight citizens at large.

Don Marr: This is a strong and active citizen committee. We appreciate their feedback.

Council Member Marsh spoke about the high caliber applicants that are received for the Environmental Action Committee. She stated her appreciation to citizens for their expertise on environmental issues.

Council Member Marsh moved to suspend the rules and go to the second reading. Council Member Smith seconded the motion. Upon roll call the motion passed 7-1. Council Members Gray, Marsh, Kinion, Petty, Tennant, Bunch, and Smith voting yes. Council Member La Tour voting no.

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 Marsh seconded the motion. Upon roll call the motion passed 7-1. Council Members Gray, Marsh, Kinion, Petty, Tennant, Bunch, and Smith voting yes. Council Member La Tour voting no.

City Attorney Kit Williams read the ordinance.

Council Member Smith thanked the Environmental Action Committee for all their work.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Council Members Gray, Marsh, Kinion, Petty, Tennant, Bunch, and Smith voting yes. Council Member La Tour voting no.

Ordinance 6041 as Recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: For citizens who use our trail system for their transportation, we will have a significant section closed on the greenway. It's Frisco Trail between Maple and Frisco for a re build situation. It will be closed 24 hours a day from February 20, 2018 through February 23, 2018.

The city added complimentary WIFI in 10 park locations throughout the city. Thank you to our IT Department and Communications Department for their work to expand these services.

We have street work taking place on Rebecca, Summerhill Drive, and Garland Avenue.

The Spring Bulky Waste Cleanup have been set. Ward 1 will be on March 31, 2018 from 7:00 a.m. to 2:00 p.m. More information is on the website.

Council Member Petty: The local chapter of the Urban Land Institute won a grant last fall to study a segment of College Avenue. It's a study of health outcomes and its effect on the health of the community. The final presentation is coming up on Friday at the Town Center from 10:15 a.m. to noon. I would like to invite City Council and the public to attend.

A discussion followed about what types of items could be disposed of on clean up days.

City Council Agenda Session Presentations:

Agenda Session Presentation - Residential Energy Code Policy Analysis

City Council Tour: None

Adjournment: 8:34 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

CityClerk

From: Peggy James <peggyrjames@prodigy.net>
Sent: Sunday, March 04, 2018 3:57 PM
To: CityClerk
Subject: Rolling Hills Rezoning and Extension

Dear City Clerk,
Please make this letter part of the permanent record for this issue.
Peggy

Dear Members of the Planning Commission,

I am a 25 year resident of the Rolling Hills Subdivision. My husband and I raised our family here, so we can reflect on the many changes in the area. I'm a retired FPS teacher and my husband is retired from AT&T. The following are some of our thoughts about the items before your commission. (RH = Rolling Hills)

*** waiting to get on College from Rolling Hills can take a wait through several light changes. Putting more traffic on RH will just increase those issues.

*** Our WONDERFUL flyover and the addition of the traffic light and Whole Foods (yay) has made this area of College a traffic mess. Cars start waiting to go north near Hobby Lobby at certain times of the day. Pouring more cars into this section, instead of the Joyce or Township junctions seems more reasonable to me. Those roads have more options for where drivers can go.

*** With no access to Gregg from this intersection (RH and College - without multiple jogs through neighborhoods) it seems like an unwise decision. Get that access first so people can have choices on how to get out of the College area easily.

*** if you're ultimately going to connect to Old Wire, why don't you vastly improve the Old Wire and Old Missouri intersection as well as the section of Old Missouri from Rolling Hills up to Old Wire. (Similar to the Old Wire /Mission junction.) You'll be funneling the traffic in a very similar fashion without disrupting existing neighborhoods. The cars will all end up in the same intersection at Crossover regardless of your path.

*** as we leave our neighborhood on Loxley onto RH, there can be so much congestion that we are stuck waiting for quite a while. The intersection in question has that funny little jog and it confuses everyone.

***speed is a huge issue on RH now. This is one of the reasons it is hard to get out onto RH

**** Butterfield is a great school. The traffic in the area has increased exponentially since our son went there. He was a bike rider. Today I would not allow that. As an adult who bikes, we won't ride that way because of the speed and narrow passage. Allowing zoning in the area to be more dense than the current designation will cause so many issues for the school and neighborhoods.

*** Butterfield is crowded now. Where will all of the area kids forced out of Butterfield be bussed to make room for the new children? The current zoning will also bring new children, but the higher density in the zoning could quadruple the number of children who would come with the lower density zoning.

Please come drive the roads in the morning and afternoon. Put your kid on a bicycle [at 3:30](#) each day. RH is only a few blocks long, yet is fed by multiple neighborhoods, shopping centers, at least 4 churches and other businesses. Deciding we need those additional changes without seeing the real issues we face is not great city planning.

Is this area of town ready for the changes the zone change and road extension will make? We do not think so! We believe you need to take a long look at what is REALLY here and only move forward once you've solved

the problems you are going to create. There are other solutions. More brainstorming is needed before you jump on the changes you're currently considering.

We obviously have plenty of people interested in the issues, so finding volunteers to help find a compromise doesn't seem out of the question.

Sincerely,

Peggy and Pat James

[2620 N. Stanton Ave.](#)

Sent from my iPad

Branson, Lisa

From: CityClerk
Sent: Monday, March 05, 2018 8:09 AM
To: Garner, Andrew; Stoll, Garner; Harrison, Andy
Cc: peggyrjames@prodigy.net; Bolinger, Bonnie; Pennington, Blake; Broyles, Lana; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Henson, Pam; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Jordan, Lioneld; Lynch, Rhonda; Mulford, Patti; Norton, Susan; Ramos, Eduardo; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Bunch, Sarah; La Tour, John; Smith, Kyle
Subject: FW: Rolling Hills Rezoning and Extension

Please see email below regarding Rolling Hills Subdivision.

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**** Butterfield is a great school. The traffic in the area has increased exponentially since our son went there. He was a bike rider. Today I would not allow that. As an adult who bikes, we won't ride that way because of the speed and narrow passage. Allowing zoning in the area to be more dense than the current designation will cause

so many issues for the school and neighborhoods.

*** Butterfield is crowded now. Where will all of the area kids forced out of Butterfield be bussed to make room for the new children? The current zoning will also bring new children, but the higher density in the zoning could quadruple the number of children who would come with the lower density zoning.

Please come drive the roads in the morning and afternoon. Put your kid on a bicycle [at 3:30](#) each day. RH is only a few blocks long, yet is fed by multiple neighborhoods, shopping centers, at least 4 churches and other businesses. Deciding we need those additional changes without seeing the real issues we face is not great city planning.

Is this area of town ready for the changes the zone change and road extension will make? We do not think so! We believe you need to take a long look at what is REALLY here and only move forward once you've solved the problems you are going to create. There are other solutions. More brainstorming is needed before you jump on the changes you're currently considering.

We obviously have plenty of people interested in the issues, so finding volunteers to help find a compromise doesn't seem out of the question.

Sincerely,

Peggy and Pat James

[2620 N. Stanton Ave.](#)

Sent from my iPad

CityClerk

From: Emily J. Brickman <emjhollingsworth@yahoo.com>
Sent: Sunday, March 04, 2018 9:20 PM
To: dog13gregg@aol.com; rautry333@gmail.com; lesliebeld@aol.com;
zniederman.planningcommission@gmail.com; atq@flintlocklab.com; matthew.johnson@mercy.net;
matt@mbi-arch.com; rnoble@crcrawford.com; Sloanscroggin.planning@gmail.com; Garner, Andrew;
CityClerk
Subject: Fwd: Community Position on Rezoning & Rolling Hills Drive Expansion
Attachments: Attachment 1 - 20170706_City Council Agenda Memo.pdf.pdf; Attachment 2 - 2RZN17-6052_
20180220_Agenda Memo.pdf; Attachment 3 - Geology_King, M.E. Bedrock Geology of Fayetteville
Quadrangle.pdf; Attachment 4 - Topography_20140626_AR_Fayetteville_20140626
_TM_geo_Topo_.pdf.pdf; Attachment 5 - National Wetlands Inventory.pdf; Attachment 6 - 20180130_
_22102210858_228_Soil_Map.pdf; Attachment 7 - Corrosion_20180130_22202210451_16
_Corrosion_of_Concrete.pdf; Attachment 8 - Warwick Listing.pdf

Please see my emails below sent to city council and others. I graciously hope you take into consideration my positions and the information below prior to making decision regarding Rolling Hills and the potential proposed rezoning.

Sincerely,

Emily Brickman

_____-&
M

Hello,

I am contacting you in relation to ADM-18-6098 Rolling Hills Dr. MSP Amend, 252-253: Submitted by the planning division to amend the master street plan to downgrade Rolling Hills Drive from a Principal Arterial to a Collector. Although I appreciate the consideration to downgrade RH, I disagree with this proposed amendment. The existing RH should be downgrade to a Collector, but the proposed extension area for RH should be removed altogether from the plan. My proposed recommendation is in line with conclusions reached in the neighborhood meeting held on February 22, 2018.

Thanks for your consideration,

Emily J. Brickman
Professional Geologist, AR, TX, MO
3183 North Katherine Avenue
Fayetteville, Arkansas 72703

Begin forwarded message:

From: Emily Hollingsworth <emjhollingsworth@yahoo.com>

Date: February 11, 2018 at 4:06:46 PM CST

To: "mayor@fayetteville-ar.gov" <mayor@fayetteville-ar.gov>, "dmarr@fayetteville-ar.gov" <dmarr@fayetteville-ar.gov>, "city_attorney@fayetteville-ar.gov" <city_attorney@fayetteville-ar.gov>, "ward4_pos1@fayetteville-ar.gov" <ward4_pos1@fayetteville-ar.gov>, "ward1_pos1@fayetteville-ar.gov" <ward1_pos1@fayetteville-ar.gov>, "ward1_pos2@fayetteville-ar.gov" <ward1_pos2@fayetteville-ar.gov>, "ward2_pos1@fayetteville-ar.gov" <ward2_pos1@fayetteville-ar.gov>, "ward3_pos2@fayetteville-ar.gov" <ward3_pos2@fayetteville-ar.gov>, "ward3_pos1@fayetteville-ar.gov" <ward3_pos1@fayetteville-ar.gov>, "ward2_pos2@fayetteville-ar.gov" <ward2_pos2@fayetteville-ar.gov>, "jcurth@fayetteville-ar.gov" <jcurth@fayetteville-ar.gov>, "agarner@fayetteville-ar.gov" <agarner@fayetteville-ar.gov>

Subject: Community Position on Rezoning & Rolling Hills Drive Expansion

Reply-To: Emily Hollingsworth <emjhollingsworth@yahoo.com>

Dear Mayor, City Council, and City Planners,

I have spoken with many of you about the possible rezoning of the 22.59 acre parcel east of Rolling Hills Drive and Old Missouri and the possible extension of Rolling Hills Drive (RH). Since we have spoken, community members have collected over 1,000 signatures on change.org and over 50 on-paper signatures for the petition titled "Permanently Remove the Rolling Hills Drive to Crossover/265 Extension From Any Master Plan". In addition, we created a logo "We Love Rolling Hills, Keep Our Streets Small and Our Trees Tall", set up a Facebook group, and have had approximately 50 people contribute more than \$1,450 to purchase yard signs which just arrived.

Many, or all of you have said and official city documentation indicate that the rezoning is not related to the expansion of RH. I would like to beg to differ. If you would kindly reference the City Staff Review Form dated July 26, 2017 (2017-0335, Attachment 1), you will see that the rezoning from RSF-4 to NS-G of an approximately 11-acre portion of the 50-acre property is referenced in relation to the "Planned Principal Arterial link connecting Rolling Hills Drive in the west with Old Wire and Crossover Roads to the east". Reference to the RH expansion is included seven times throughout this 27 page document and is used for justification of the rezoning. In addition, the 2/20/2018 Staff Review on the rezoning from RSF-4 to NC (2018-00085, Attachment 2) mentions the RH extension six times. In the eyes of a citizen and based on a cursory review of city planning documentation, zoning classification and RH expansion are combined items as they both have significant impacts on the future use of the property.

The following is information which should be considered prior to developing the 50-acre parcel located to the east of Old Missouri Road, north of Oldwire Road and North Strawberry Drive to the south, to the west of Oak Bailey Drive and North Katherine Ave to the east, and to the south of Farr Land and Raven Trail to the north.

Site Background Information

Both the larger 50 acre parcel and the 22.59 acres proposed for rezoning (the site) are located within the United States Geological Survey (USGS) Fayetteville Quadrangle. As seen on the Bedrock Geology of Fayetteville Quadrangle included as Attachment 3, the site is bisected by the southwest-to-northeast trending Fayetteville Fault and shales and sandstones of the Fayetteville Shale and the Cain Hill Member of the Hale Formation outcrop at the surface. As

shown on the geologic map, a dramatic change in surface elevation occurs along the fault trace bisecting the property. The topographic contours on the geologic map and the USGS topographic map for Fayetteville quadrangle (Attachment 4) indicate approximately 100 to 120 ft of elevation change occurs from Raven Trail (Farr Lane) in the north to Strawberry Drive to the southeast. Although the Staff Review mentions numerous times throughout the document the property's "significant downward grade", none of the figures provided in documentation include surface elevation contours. Hopefully, the visuals included as part of this email will help you to better understand the relevance of geology and topography to the site.

Additionally and as shown on the topographic map included as Attachment 4, none of the maps or text included in either Staff Review mentions the tributary to Mud Creek which is mapped as originating near the northeast corner of the Butterfield Trail Elementary School property. This tributary flows to the north towards Raven Trail and through residential property, then flows to the northwest to the confluence with an unnamed tributary to Mud Creek. Surface water from the vast majority of the site, upgradient from North Strawberry Drive, North Katherine Avenue, Warwick Drive, and even the elementary school, flows into this surface water drainage.

My son and I have walked this terrain many times on our way to kindergarten drop off and pickup; we have observed a large depression near the northeast corner of the elementary school property, large volumes of surface water within this depression, and surface water inundation of downgradient properties. In addition, I have listened to the concerns of these downgradient property owners related to historical flooding of their properties and concerns for how upgradient development could cause negative impacts.

Additionally, I will ask you to refer to Attachment 5, documentation provided by the National Wetlands Inventory for surface waters and wetlands (<https://www.fws.gov/wetlands/Data/Mapper.html>). As shown on this figure, a freshwater pond and the associated downgradient riverine system are mapped in areas in or associated with the rezoning request. Undoubtedly, dense development of the site and the proposed rezoning area will result in increased surface water impacts on downgradient residents and should be taken into consideration when evaluating this rezoning request.

Attachment 6 is the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service Web Soil Survey Map for the site. Soil type corresponds to surface geology. The majority of the property is mapped as Enders-Leesburg Complex (8 to 20% slopes), a clayey residuum weathered from acid shale with a landform position of mountain flank. Enders-Leesburg Complex soils are described as having very limiting capacity to transmit water and a high capacity to induce surface water runoff. Attachment 7 is again provided by the USDA, and shows the Enders-Leesburg Complex soils located onsite as having a high risk of corrosion to concrete. This high risk indicates the potential for soil-induced electrochemical or chemical actions to cause corrosion and weakness to concrete. Other limiting factors identified from the USDA soil survey include poor suitability for roads, very limited septic tank absorption capacity, and very limited subsurface water management system performance.

Zoning Requests in Relation to Zoning of the Area

The proposal to modify portions of the site from RSF-4 (RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE) to Neighborhood Conservation (10 units per acre) is a very high density for this area of Fayetteville. Residential lots in Huntingdon (located to the east and north), Strawberry Drive (located to the east-southeast), and Rolling Hills (located to the west) average

¼ to ½ acre or more in size. In addition, the rezoning would allow for potential 2, 3, and 4 family units, which there are few within the area.

No matter what your City of Fayetteville Staff Review conclude, this rezoning request does not protect the character and integrity of the existing residential areas. Speaking as a property owner in this neighborhood (Huntingdon – 3183 North Katherine Avenue), this rezoning request is not in-line with the area, specifically citing:

- inclusion of three and four family dwellings,
- potential for offices, studios, and related services,
- 10 units per acre,
- lot with minimum of 40 ft,
- lot area minimum of 4,000 square feet, and
- diminished setbacks.

Besides a very small portion of property located along the current Rolling Hills Drive, none of the aforementioned NC attributes are currently existing in our neighborhood. This rezoning request is not in line with the character and integrity of the existing area.

Zoning Requests in Relation to Zoning Near Fayetteville Elementary Schools

As you know, this zoning request is adjacent to an elementary school (Butterfield Elementary School) where children from five to nine years of age attend school. Land use near other elementary schools located outside of downtown Fayetteville includes:

- Vandergriff Elementary School is adjacent to civic and private open space, parks, and RSF-4, with the front of the school adjacent to a road and offices.
- Root Elementary school is surrounded on all sides by RSF-4 land use.
- Approximately 85% of Happy Hollow Elementary School is bordered by residential, with a small portions adjoined by Main Street Center.
- Owl Creek Elementary is adjoined by RSF-4, Institutional, Residential-Agricultural, and Community Services.

If approved, the zoning request would allow for ¼ of the Butterfield property boundary to adjoin NC zoning. This would set a precedence, as no other elementary school located outside of downtown has adjacent land with up to 10 units per acre. Not to mention the RH expansion would also put ¼ of the Butterfield property boundary adjacent to a 4, and up to 5 lane, major road, while the western property boundary would also be adjacent to a road. The request to change the zoning for a property adjacent to Butterfield Trail Elementary School is not in line with existing land use patters for other Fayetteville Elementary schools. The staff review did not discuss or evaluate land use scenarios or potential risks related to zoning near an elementary school and, in my opinion, is a misstep and shows lack of understanding of the true nature of our neighborhood as most residents either went to or chose to live in this neighborhood because of Butterfield Trail Elementary School.

This zoning request has little respect for the surrounding environment.

Other Issues of Importance

- See Attachment 8. This property listing and acreage is only accessible from Warwick Drive. The planning commission memo (Attachment 2) Infrastructure section has no mention of connecting to Warwick; however, this listing indicate otherwise. Either the developer or city is not being forthright with their plans and have not provided citizens with adequate information and notification.

- Documentation included in the zoning application indicates Raven Trail will be removed from the city parks and trails system. This is not in-line with the 2030 Master Plan, Section 10. Framework. Goal 4.i. Expand and interconnect the sidewalk and trail system at the neighborhood, citywide, and regional levels. Removing Raven Trail and turning it into a Farr Lane isn't what you would call encouragement of pedestrian mobility.
- The zoning request does not adequately plan, provide information on, or address road planning, construction requirements, and future traffic movement which could negatively impact our neighborhoods.
- The Fayetteville 2030 Master Plan Future Land Use Map indicates the site land use as residential. It has been noted by many, that the NS zoning goes against the 2030 plan and that going against the 2030 plan creates a "very slippery slope".
- There has been poor communication and discussion with and from the city on the vision for this project. Recent documentation indicates that the city has
 - o Many of the city council or planning group have said that there is no funding for the RH expansion project and that a bond would likely be necessary. Only one of you has been forthright and mentioned the possibility for a 2020 bond covering parks and transportation which this project could be funded under. In my opinion, there has been misdirection and a lack of truth from many in the city related towards funding of this project.
 - o Specific questions asked at the January 22, 2018 planning meeting by citizens were not addressed by the board; instead, the citizens were matter-a-factly told that this was infill. The applicant was not called up by the board to answer any questions.
 - o Many living on or adjacent to Rolling Hills Drive did not received notification related to past city meetings, such as the one held on October 26, 2017; however, after increased community interest, people living on Rolling Hills Drive received notification (letter dated February 5, 2018 from the City of Fayetteville Arkansas RE: Rolling Hills Drive Master Street Plan Meetings).
 - o As documented in information gained from the Freedom of Information Act request, it appears that the council, planning board, and the property realtor/developer have a relationship exclusive of each other, which excludes actual members of the community. I ask, why is there a need for meetings between city officials and the developer?

These are not all of my concerns; however, please consider this information while considering next steps related to the rezoning of the aforementioned property and the expansion of Rolling Hills Drive. We community members care and wish to be involved in this process.

Sincerely,

Emily J. Brickman
 Professional Geologist, AR, TX, MO
 3183 North Katherine Avenue
 Fayetteville, Arkansas 72703

City of Fayetteville Staff Review Form

2017-0335

Legistar File ID

7/6/2017

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

Andrew Garner

6/16/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5803: Rezone (E. OF OLD MISSOURI RD. & ROLLING HILLS DR./KEENAN, 253- 254): Submitted by JORGENSEN & ASSOCIATES for property EAST OF OLD MISSOURI RD. & ROLLING HILLS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 10.86 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JULY 6, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: June 16, 2017

SUBJECT: RZN 17-5803: Rezone (E. OF OLD MISSOURI RD. & ROLLING HILLS DR./KEENAN, 253- 254): Submitted by JORGENSEN & ASSOCIATES for property EAST OF OLD MISSOURI RD. & ROLLING HILLS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 10.86 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to NS-G, Neighborhood Services, General, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The proposed rezoning request is an approximately 11-acre portion of a larger 50-acre parcel to the east of Old Missouri Road, between Rolling Hills Drive to the north and Oakcliff Street to the south. The property is currently undeveloped and zoned RSF-4, Residential Single-family, 4 Units per Acre. Along with 11,000 acres of other property on the periphery of the City's boundaries, the subject property was annexed in to Fayetteville in 1967. To the subject property's north, the City's Master Street Plan indicates a Planned Principal Arterial link connecting Rolling Hills Drive in the west with Old Wire and Crossover Roads to the east. Although not identified as being within Hillside-Hilltop Overlay District, the property is heavily-vegetated with a significant downward grade from southeast to northwest.

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre to NS-G, Neighborhood Services, General, in order prepare the parcel for development.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use patterns in this area, which includes a mixture of residential and non-residential development. Although this area of Fayetteville is predominantly detached single-family in character, those properties in close vicinity to the requested rezoning range from office and institutional uses the west, undeveloped and school properties to the north, and attached housing to the southwest. The proposal of NS-G zoning with access to the Collector-classified Old Missouri Road, between a Collector, Old Wire Road, to the south, and a Principal Arterial, Rolling Hills Drive, to the north

can take advantage of existing infrastructure and minimize future traffic needing to enter or pass through low-volume residential streets. Furthermore, by locating potentially low- to medium-intensity residential and non-residential uses on the subject property, a natural transition can be created from the aforementioned major transportation routes to future growth on undeveloped properties to the east.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. The location of the requested rezoning is complimentary of the guidelines of City Plan 2030 for higher intensity non-residential uses along connecting corridors. As mentioned, the subject property can access the Collector-classified Old Missouri Road, and is within an 1/8th of a mile of two other major transportation routes: Old Wire Road and Rolling Hills Drive. Additionally, this rezoning request addresses the future extension of Rolling Hills Drive eastward as indicated by the Master Street Plan, which will place the subject property on a potentially significant intersection serving a large area of residential housing.

3

Among the goals in City Plan 2030, the proposed rezoning represents the potential for appropriate infill development, development in a traditional town form pattern, and a means of discouraging suburban sprawl. Although a sanitary sewer extension is likely needed to facilitate development, other City infrastructure and amenities are already in place and available for access, thereby reducing the strain on City infrastructure and amenities that would result from similar development in a sprawl location. Similarly, the requested NS-G zoning district encourages patterns of development that result in realizing the City's goal of making traditional town form the standard. This includes the expectation that buildings be located at the street and on corners, thereby creating an environment appealing to pedestrians and reducing the visual impact of parking areas, while also limiting permitted uses to those that are complementary to adjacent neighborhoods. A mixture of residential and commercial uses, which is permitted by the NS-G zoning district, is typical in a traditional urban form, with buildings addressing the street.

DISCUSSION:

On June 12, 2017, the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 6-1-0. Commissioner Belden voted 'no'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

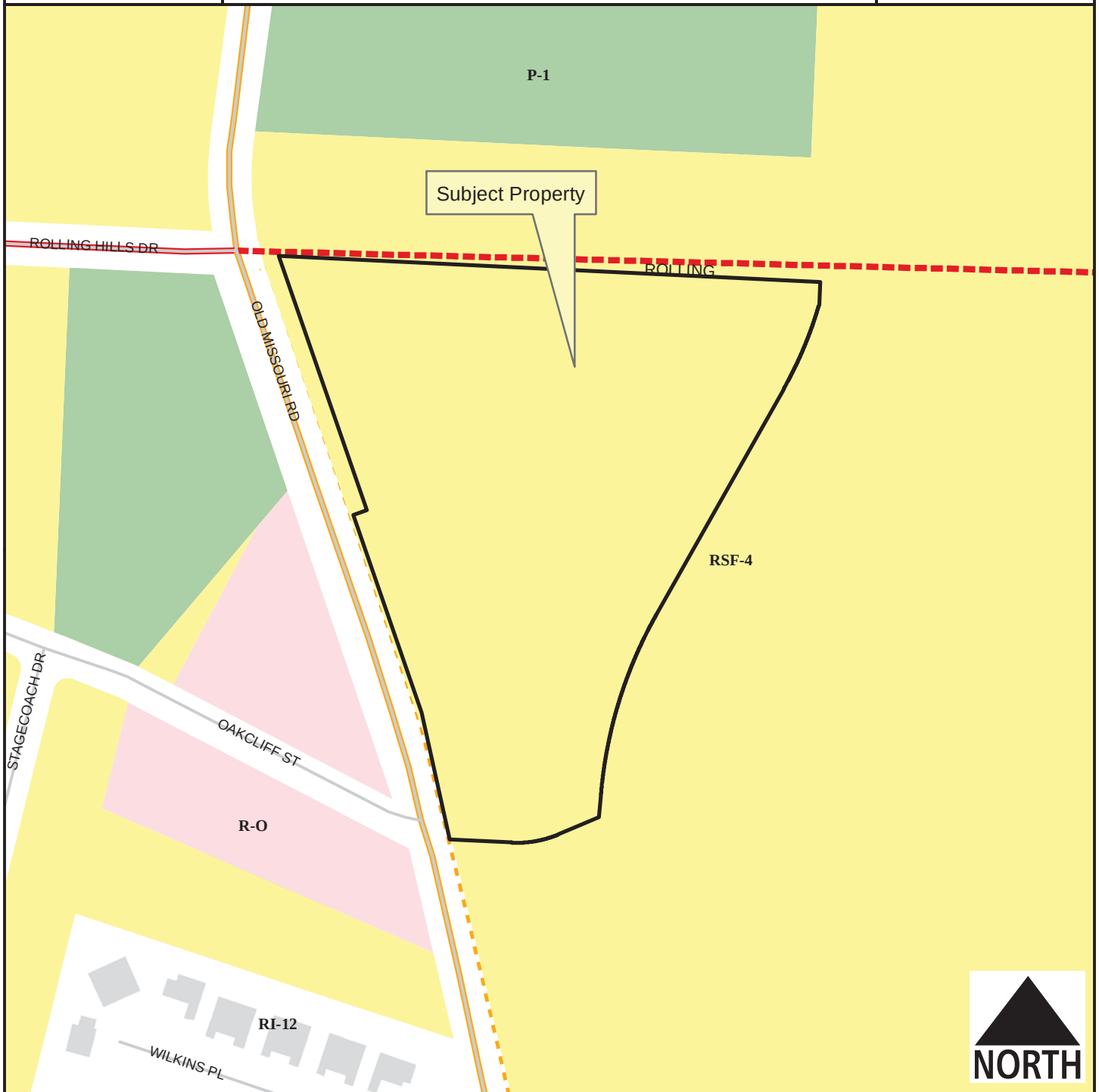
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

RZN 17-5803

Close Up View

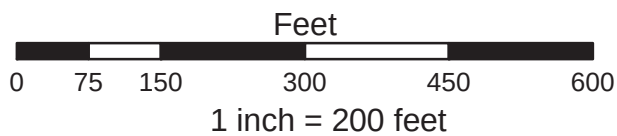
KEENAN

17-5803
EXHIBIT 'A'



Legend

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



- RSF-4
- Residential-Office
- P-1

17-5803

EXHIBIT 'B'

LEGAL DESCRIPTION: (REZONE TO NSG)

A part of the SW1/4 of the NE1/4 of Section 36, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, NE1/4, thence S47°19'01"W 103.51 feet, thence N12°31'05"W 460.21 feet to the POINT OF BEGINNING ; thence N12°31'05"W 178.91 feet, thence N19°07'20"W 288.26 feet, thence N70°52'39"E 20.00 feet, thence N19°07'21"W 370.00 feet, thence S87°14'50"E 745.99 feet, thence S02°45'10"W 32.12 feet, thence along a non tangent curve to the right 125.32 feet, said curve having a radius of 538.69 feet and chord bearing and distance of S22°49'33"W125.04 feet, thence S29°29'25"W 355.66 feet to a point of curve to the left 264.88 feet, said curve having a radius of 608.69 feet and a chord bearing and distance of S17°01'25"W 262.80 feet, thence S04°33'25"W 28.59 feet, thence S67°13'38"W 59.92 feet to a point of curve to the right 66.83 feet, said curve having a radius of 150.00 feet and a chord bearing and distance of S79°59'24"W 66.27 feet, thence N87°14'50"W 84.85 feet to the POINT OF BEGINNING, Containing 8.08 acres, more or less, subject to easements and right of ways of record.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

#330

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

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

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

Applicant (person making request):

Name: James Keenan

Address:

E-mail:

Phone:

()

()

Fax:

()

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

Name: Jorgensen & AssocAddress: 124 W. Sunbridge
FAYETTEVILLE, AR
72703E-mail: dave@jorgensenassoc.com

Phone:

()

()

Fax:

()

Site Address / Location: _____

Current Zoning District: RSF-4Requested Zoning District: NSGAssessor's Parcel Number(s) for subject property: 765-16065-012**FINANCIAL INTERESTS**

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

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

Name (printed): James T. Keenan, Trustee Date: 4/18/17

✓ Signature: [Signature]

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

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

✓ Name (printed): James T. Keenan Address: _____

Signature: [Signature]

Phone: _____

Date: _____

() _____

Name (printed): _____

Address: _____

Signature: _____

Phone: _____

Date: _____

() _____

Rezoning Checklist:

Attach the following items to this application:

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



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: June 12, 2017 (Updated with Planning Commission Results)

SUBJECT: **RZN 17-5803: Rezone (E. OF OLD MISSOURI RD. & ROLLING HILLS DR./KEENAN, 253- 254):** Submitted by JORGENSEN & ASSOCIATES for property EAST OF OLD MISSOURI RD. & ROLLING HILLS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 10.86 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES, GENERAL

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5803** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

The proposed rezoning request is an approximately 11-acre portion of a larger 50-acre parcel to the east of Old Missouri Road, between Rolling Hills Drive to the north and Oakcliff Street to the south. The property is currently undeveloped and zoned RSF-4, Residential Single-family, 4 Units per Acre. Along with 11,000 acres of other property on the periphery of the City's boundaries, the subject property was annexed in to Fayetteville in 1967. To the subject property's north, the City's Master Street Plan indicates a Planned Principal Arterial link connecting Rolling Hills Drive in the west with Old Wire and Crossover Roads to the east. Although not identified as being within Hillside-Hilltop Overlay District, the property is heavily-vegetated with a significant downward grade from southeast to northwest. Surrounding land use and zoning is provided on *Table 1*.

4

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre
South	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre
East	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre
West	Good Shepard Lutheran Church Butterfield Plaza Offices	P-1, Institutional R-O, Residential Office

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre to NS-G, Neighborhood Services, General, in order prepare the parcel for development.

Public Comment: Staff has received comment from one individual who is expressly opposed to the request. Their opposition stems from a desire to not live next to commercial development or attached residential housing, both of which are permitted within the NS-G zoning district.

INFRASTRUCTURE:

Streets: The subject portion of this parcel has access to Old Missouri Road, an improved Collector-classified street with full right-of-way, curb, and gutter. Sidewalk however, is not present along the subject property's frontage. Any street improvements required in this area will be determined at the time of development proposal.

Water: Public water is available to the site. A 6-inch water main runs along the Old Missouri Road right-of-way and is available for service. To the east is a large 36-inch transmission line within a 40-foot easement which is not available for connection.

Sewer: Public sewer is not currently available to the site. The nearest sanitary sewer access is a 6-inch sewer main that terminates at the east end of Rolling Hills Drive. Development of this property will likely necessitate an extension of existing sanitary sewer mains.

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-yr floodplain and no protected streams are present on the subject property. Although no portion of the property is designated as Hillside-Hilltop Overlay District (HHOD), there are some areas of 15% or greater slope.

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 properties within the proposed rezone as **Residential 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.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: *Land Use Compatibility:* The proposed zoning is compatible with surrounding land use patterns in this area, which includes a mixture of residential and non-residential development. Although this area of Fayetteville is predominantly detached single-family in character, those properties in close vicinity to the requested rezoning range from office and institutional uses the west, undeveloped and school properties to the north, and attached housing to the southwest. The proposal of NS-G zoning with access to the Collector-classified Old Missouri Road, between a Collector, Old Wire Road, to the south, and a Principal Arterial, Rolling Hills Drive, to the north can take advantage of existing infrastructure and minimize future traffic needing to enter or pass through low-volume residential streets. Furthermore, by locating potentially low- to medium-intensity residential and non-residential uses on the subject property, a natural transition can be created from the aforementioned major transportation routes to future growth on undeveloped properties to the east.

5

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. The location of the requested rezoning is complimentary of the guidelines of City Plan 2030 for higher intensity non-residential uses along connecting corridors. As mentioned, the subject property can access the Collector-classified Old Missouri Road, and is within an 1/8th of a mile of two other major transportation routes: Old Wire Road and Rolling Hills Drive.

Among the goals in City Plan 2030, the proposed rezoning represents the potential for appropriate infill development, development in a traditional town form pattern, and a means of discouraging suburban sprawl. Although a sanitary sewer extension is likely needed to facilitate development, other City infrastructure and amenities are already in place and available for access, thereby reducing the strain on City infrastructure and amenities that would result from similar development in a sprawl location. Similarly, the requested NS-G zoning district encourages patterns of development that result in realizing the City's goal of making traditional town form the standard. This includes the expectation that buildings be located at the street and on corners, thereby creating an environment appealing to pedestrians and reducing the visual impact of parking areas, while also limiting permitted uses to those that are complementary to adjacent neighborhoods. A mixture of residential and commercial uses, which is permitted by the NS-G zoning district, is typical in a traditional urban form, with buildings addressing the street.

Lastly, this area of the City has many residents living in large numbers of low- to medium-density single-family homes without ready access to non-residential goods. The nearest retail and services are along the College Avenue corridor approximately a mile to the west. This development pattern has resulted in many residents being required to drive to meet any daily needs, and contributing to congestion along Rolling Hills Drive and other routes. The FLUM designation of this area as Residential Neighborhood recognizes this issue in encouraging appropriate non-residential uses, and

the applicant's proposal for NS-G along this connecting corridor could help alleviate the lack of accessible services in the area.

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 mixed-uses and to promote walkable developments, which are generally not permitted by-right under the existing RSF-4 zoning district. The proposed NS-G, Neighborhood Services, General, zoning will encourage appropriate commercial or residential development on a parcel with direct access to major connecting corridors and in an area that has seen limited provision of retail and services. The NS-G zoning district is designed primarily to promote neighborhood businesses that are complementary and compatible in scale, aesthetics, and use with surrounding land uses.

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

Finding: The NS-G zoning district allows a limited range of commercial activity and a residential density that is greater than that allowed under the current RSF-4 zoning district. Given the property's undeveloped state, any development would invariably create the potential for increased traffic in the area. That said, and as previously noted, the property is located on Old Missouri Road, a Collector-classified street, and in close proximity to Rolling Hills Drive and Old Wire Road, Arterial and Collector streets respectively. There are not currently any signalized intersections in the immediate vicinity of the subject property, but this may change and be required in association with a proposed development submittal. While there will be an appreciable increase in traffic with any development, direct access to Old Missouri Road will likely limit the intrusion of through traffic into adjacent neighborhoods.

6

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: Due to the property being currently undeveloped, development under the current zoning or the proposed zoning will result in an increase in the load on public services. That said, this increase has the potential to be greater than under the existing RSF-4 zoning, depending on the type of development. For example, a non-residential development would not create any density nor adversely increase the load on schools compared to single-family housing, but may place greater demands on public water and sewer. In the instance of residential housing being developed, a rezoning to NS-G may increase the population density to an amount greater than the existing RSF-4. NS-G allows for 18 units per acre, while RSF-4 allows 4 units per acre. Despite these potential and varying impacts, the subject property has access to existing infrastructure, and is an area where staff does not feel a development would have significant 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 17-5803 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>June 12, 2017</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Quinlan			
Second: Brown			
Vote: 6-1-0			
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: <u>July 6, 2017 (planned)</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.03, RSF-4, Residential Single-family, 4 Units per Acre
 - o §161.20, NS-G, Neighborhood Services – General
 - o §162.01, Unit 12b, General Business
- Request letter
- Rezone Exhibit
- 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 12	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.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16)

161.19 - Neighborhood Services – General

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cluster Housing Development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 16	Shopping Goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

All Dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback Regulations.*

Front:	Side	Side-Zero Lot Line	Rear	Rear, when contiguous to a single-family residential district
A build-to-zone that is located between the front property line and a line 25 ft. from the front property line.	5 feet	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 shall be 10 feet.	None	15 feet

(F) *Building height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

162.01 - Establishment/Listing

...

(L) Unit 12b. General Business.

- (1) *Description.* Unit 12b consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12b must be within a building containing 8,000 square feet or less, excluding area dedicated to residential uses.

(2) *Included Uses.*

Personal Services: (Maximum gross floor area of 1500 square feet)	• Day care
	• Dry Cleaning
	• Salon/Barber shop
	• Tailoring
Specialized Retail: (Maximum gross floor area of 2,000 square feet)	• Antique/home decor sales
	• Apparel
	• Art/architectural supplies
	• Bakery, Pastry shops
	• Bicycle Shops
	• Bookstore
	• Coffee shop
	• Delicatessen
	• Drugstore
	• Florist
	• Food specialty stores
	• Grocery
	• Hardware
	• Health food store
	• Hobby/Craft Stores
	• Ice cream
	• Meat Market
	• Restaurant/café
	• Small appliance repair
	• Stationary Store
	• Toy store
	• Video rental
Professional Offices: (Maximum gross floor area of 3000 square feet)	• Accountant
	• Architect
	• Attorney

	• Broker
	• Business/Mgmt Consultant
	• Doctor



**JORGENSEN
+ASSOCIATES**
Civil Engineering + Surveying

RZN 17-5803

Request Letter

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

4/13/17

City of Fayetteville
113 W Mountain
Fayetteville, AR. 72701

Att: Planning Dept.
Re: Rezoning Request (Keenan)

Attached please find information pertaining to a rezoning request for James Keenan. This property consists of 10.86 acres and Old Missouri Rd runs along the south boundary. An 8" water line runs along this street. Sewer is available at the intersection of Rolling Hills and Old Missouri Rd. The existing property is RSF-4 and the request is to rezone to Neighborhood Services-General. This new zoning will allow a mixed use area of medium intensity which promotes a walkable development.

Please place this on the agenda for review.

Thank you.

Sincerely;

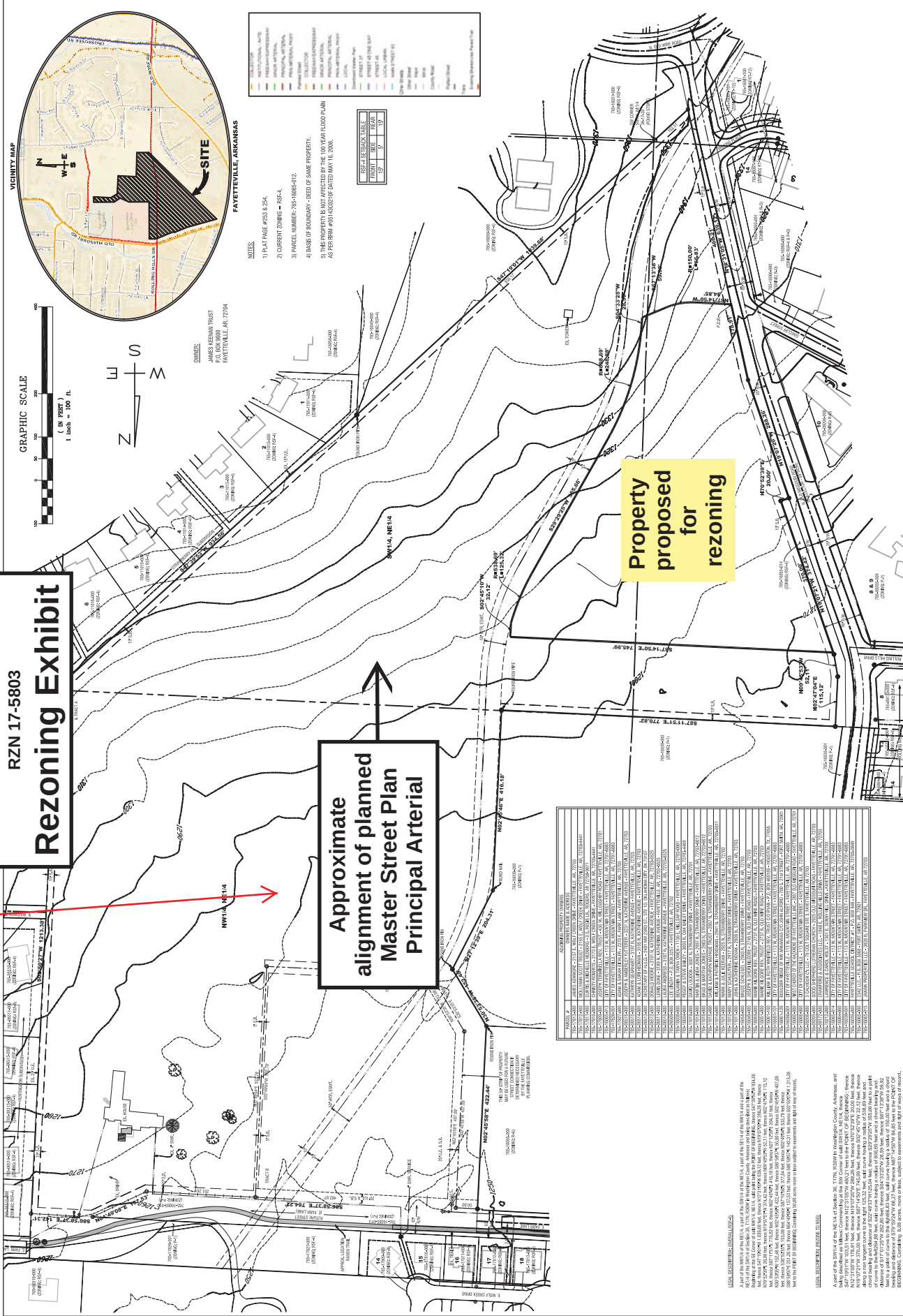

David L. Jorgensen, P.E.

RZN 17-5803

Rezoning Exhibit

**Approximate
Alignment of planned
Master Street Plan
Principal Arterial**

Property proposed for rezoning

[illegible]

EGM DESCRIPTION: (INTERALL) RSF-0)

[illegible]

EVALUATION OF THE EFFECTS OF THE 1997-1998 EL NIÑO ON THE MEXICAN ECONOMY

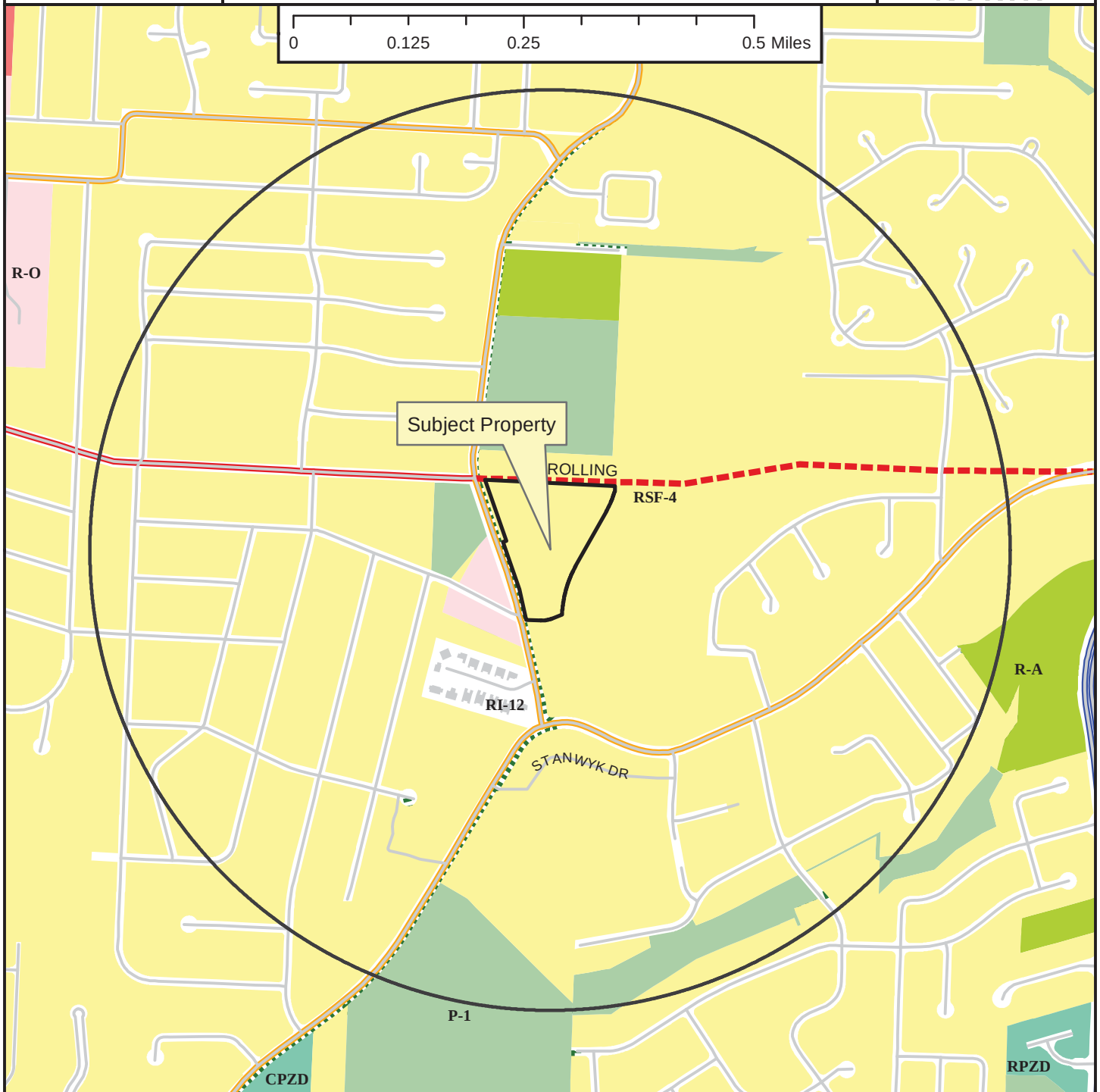
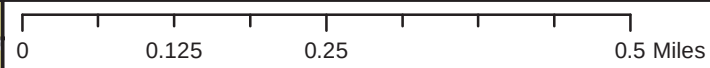
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RZN 17-5803

KEENAN

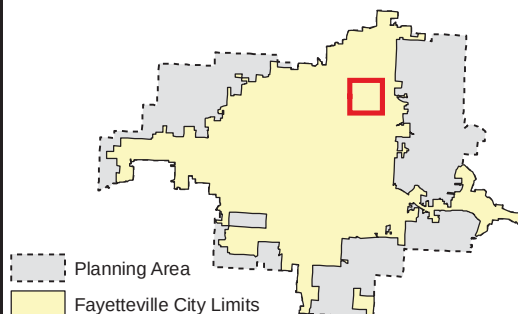


One Mile View



Legend

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

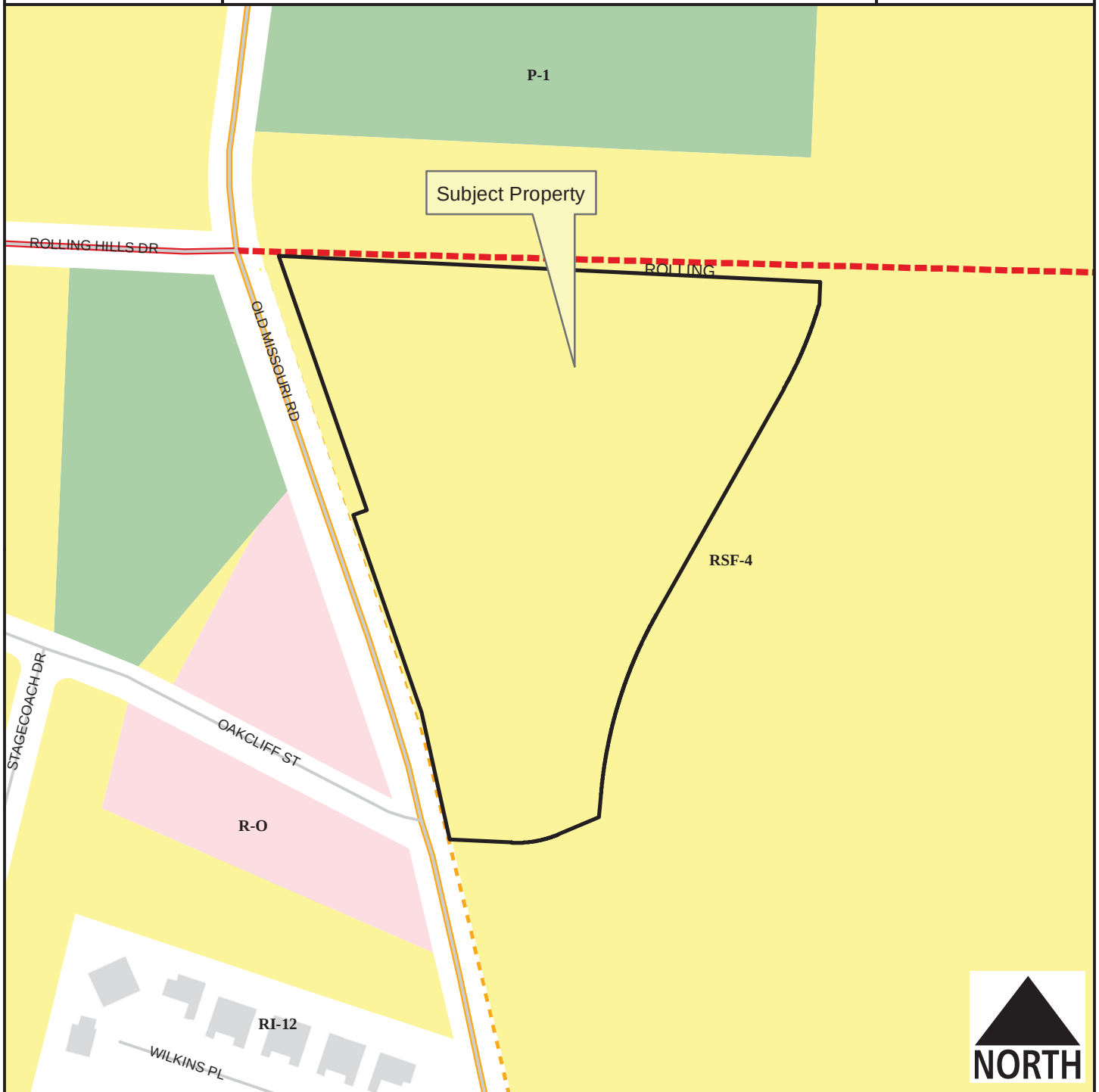


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RSF-1 Residential-Agricultural
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- C-1 Residential-Office
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

RZN 17-5803

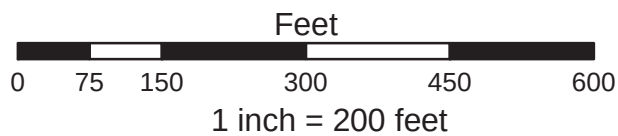
KEENAN

Close Up View



Legend

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

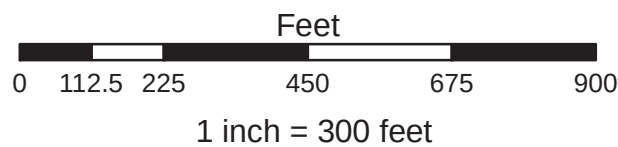
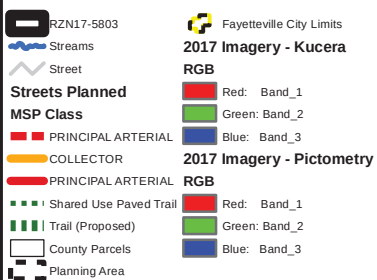


- RSF-4
- Residential-Office
- P-1

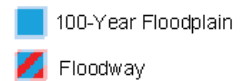
RZN 17-5803

Current Land Use

KEENAN



FEMA Flood Hazard Data



Dear Andrew

My name is Tanya Owen and I am writing about a proposed rezoning issue on your agenda tonight. I have spoken with Jorgensen & Associates and I believe I understand what is being requested. My home will be approximately 1100 ft from this development.

I am personally very concerned about increasing traffic flow on the already congested Old Missouri/ Old Wire interchange. Further, I do not see the need for additional commercial space in Fayetteville, when the center directly across the street from this proposed rezoning already has multiple places that are usually (as they are now) unoccupied. Finally and selfishly, I am concerned about bringing additional commercial traffic to this area, which is so near to Butterfield Elementary. While my children have aged out of this school, this is our neighborhood school and having commercial entities so close to the children is entirely unnecessary, given the numerous commercial spaces for lease in Fayetteville. My husband and I are both small business owners in Fayetteville and we have numerous choices when looking for office space, such as what is being proposed. I see no need for more.

Thank you for your consideration.
Tanya

--

Tanya Rutherford Owen, Ph.D., CRC, CLCP, LPC
Owen Vocational Services, Inc.
1130 E Millsap
Fayetteville, AR 72703
(479) 695-1772
Fax (501) 421-6043

BEDROCK GEOLOGY OF FAYETTEVILLE QUADRANGLE

WASHINGTON COUNTY, ARKANSAS

By
Maria E. King, Jack T. King, and Stephen
Department of Geosciences
University of Arkansas
2001

LITHOSTRATIGRAPHY

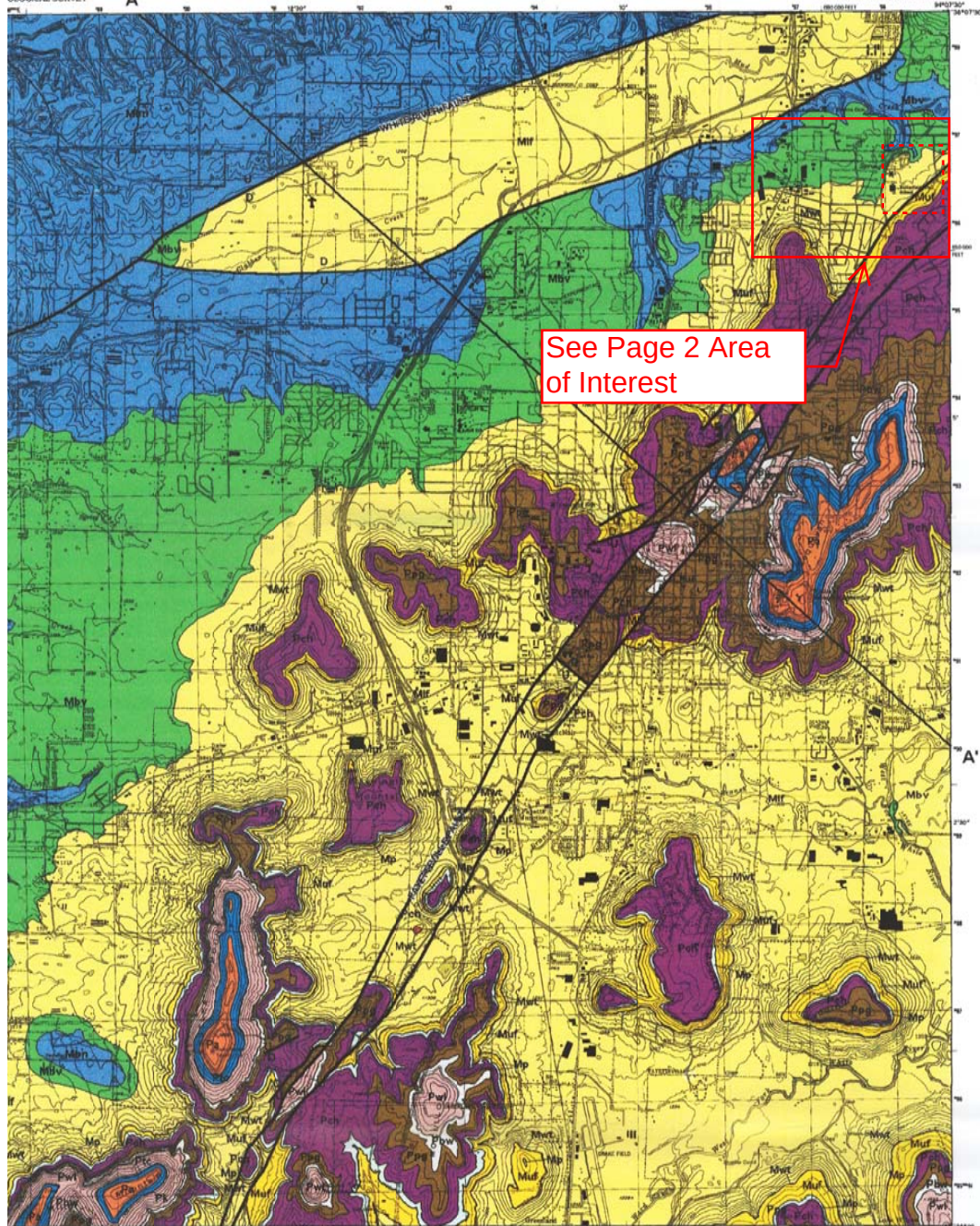
PENNSYLVANIAN	ATOKAN	Atoka Fm.	Pa Atoka Formation Massive sequence of mostly tan to gray silty sandstone to shales, 7.5 - 21.6 m (25 - 72 ft) thick.
		Ptc	Trace Creek Member Dark gray shale with some beds of sandstone, 6 - 18 m
MORROWAN	Bloyd Fm.	Pk	Kessler Member Bioclastic and oolitic limestone that contains abundant of clay-pebble conglomerate, and minor amounts of chert sandstone, 0.9 - 1.8 m (3 - 6 ft) thick.
		Pwl	Woolsey/Dye Member Composed of terrestrial sediments comprised of dark, often interbedded with thin siltstones. A thin coal bed, Baldwin coal, occurs at or near the top of the Woolsey shale, marine shale. Total thickness is 4 - 13.5 m (20 - 45 ft).
		Pbw	Brentwood Member Sequence of limestones separated by thick intervals of shale. The limestone has prominent crossbedding and contains sand, 4.5 - 18 m (15 - 60 ft) thick.
		Ppg	Prairie Grove Member Composed of thin to massive, often crossbedded, fine grained ("honeycomb weathering"), lumpy sandstone or various limestone with lenses of relatively pure, crinoidal, highly fossiliferous limestone and oolitic limestone, 7.5 - 19.5 m (25 - 65 ft) thick.
		Pch	Cane Hill Member Composed of dark gray silty shale, interbedded with a bedded fine-grained sandstone, 4.5 - 16.5 m (15 - 55 ft).
		Mp	Pitkin Formation Represented by a fine to coarse grained, oolitic, blocky sandstone, 0 - 12 m (0 - 40 ft) thick.
MISSISSIPPIAN	CHESTERIAN	Fayetteville Fm.	Muf Upper Shale Member Black, fissile shale with abundant small concretions, 3 - 12 m (10 - 40 ft) thick.
		Mwt	Wedington Member Gray to brown, fine-grained, very hard, sometimes cherty, 1 - 3 m, often is a highly fossiliferous dark-red limestone, 0.6 - 1.8 m (2 - 6 ft) thick.
		Mlf	Lower Shale Member Black, fissile shale with large septarian concretions, 10 - 50 m (30 - 150 ft) thick.
		Batesville Fm.	Mbv Batesville Formation Composed of fine to coarse grained, cream colored to light gray sandstone with thin shales. The Handville Member is a crystalline, fossiliferous limestone that, when present, occurs at the base of the formation, 0.6 - 3.6 m (2 - 12 ft) thick.
OSAGEAN	Boone Fm.	Mbn	Boone Formation Consists of a fine to coarse grained fossiliferous sandstone interbedded with chert. Thickness undetermined.

SYMBOLS

- Contacts
- Cross Section
- Normal Fault

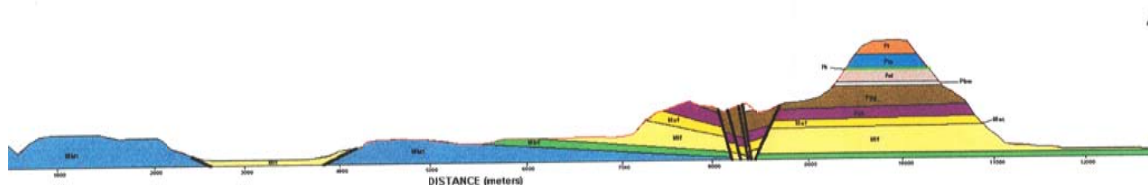
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- McPherson, J. D., 1994. *Geological Survey of Arkansas*, Information Circular 36, Arkansas Geological Survey of Arkansas, 11 - 15.
- Stewart, R. W., 1991. The geology of Washington County. Arkansas Geological Survey, Annual Report 91, 1 - 104.
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See Page 2 Area
of Interest

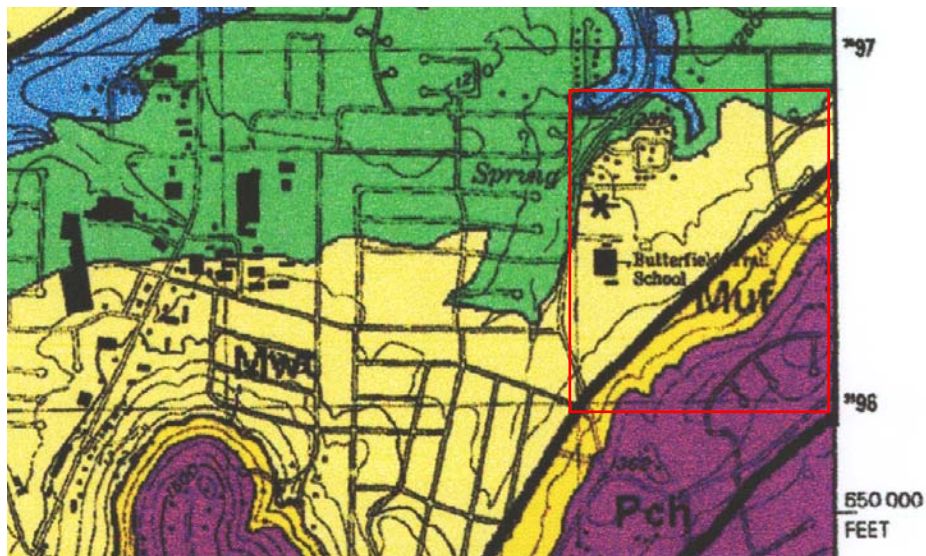
CROSS-SECTION A - A'



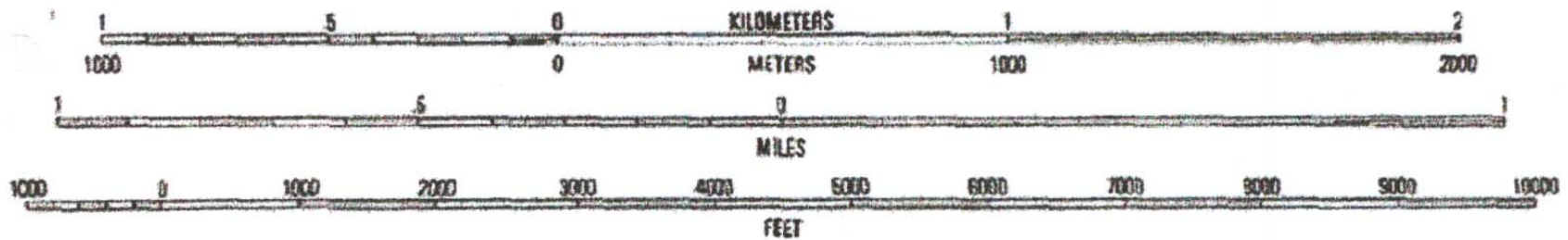
Supported by the U. S. Geological Survey, National Geologic Mapping Program, under assistance of Award # 04G040000.

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The views and conclusions contained in this document are those of the authors and should not be interpreted as necessarily representing the official policies, either expressed or implied of the U. S. Government.



SCALE 1:24 000



**CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
TO CONVERT FROM FEET TO METERS, MULTIPLY BY 0.3048**

structural platform is the least deformed of the three provinces and is dissected by erosion. A series of large northeast trending normal faults, smaller east-west normal faults, subsidence structures, and fractures are characteristic features of the platform. The transition from the northern Arkansas structural platform and the Arkoma basin is marked by thickening strata to the south, increased regional dip ($>3^\circ$), and numerous large faults trending east to west (Handford and Manger, 1993). The interpretation of this region as a structural platform is controversial, but the data from this work does not address this controversy.

Structures

Fractures

Fractures can be easily observed on a pavement outcrop of the Pennsylvanian age, Cane Hill Member of the Hale Formation basal conglomerate, in a creek bed at the south edge of the University of Arkansas campus (Fig. 28). At this location, UTM (WGS-84) Zone 15 S 394594 3991721 (site #375, Table 8, Appendix B), which is located on the south side of the Fayetteville Fault, the joint system is clear and provides an excellent example of the tectonics of the Fayetteville Fault.

Faults

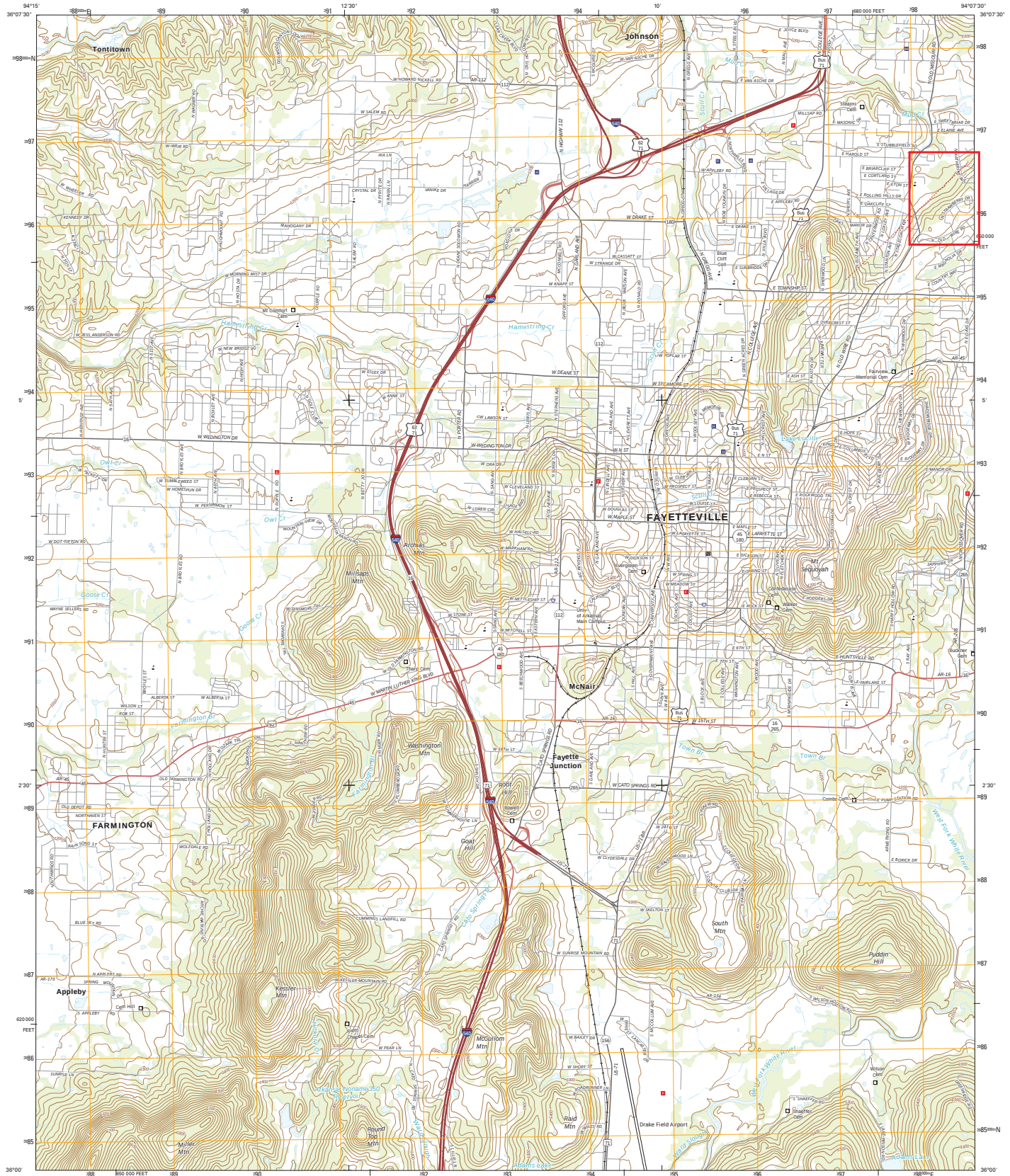
Two major faults trend along the Fayetteville Quadrangle. They are the Fayetteville Fault and the White River Fault (Plate 1).

Fayetteville Fault

The Fayetteville Fault crosses the Fayetteville Quadrangle from UTM (WGS-84) Zone 15 S 390200 3984500, which is 2.5 kilometers east of the southwest corner of the

quadrangle on its southern boundary, to UTM (WGS-84) Zone 15 S 398750 3996700, which is 1.8 kilometers south the northeast corner of the quadrangle on its eastern boundary. The strike of the Fayetteville Fault is azimuth 30°. The Fayetteville Fault is a normal fault, downthrown toward the southeast. The fault passes through the business district of the City of Fayetteville, as well as residential and farm areas, and near the southeast corner of the University of Fayetteville campus. The fault trace can be observed at two locations; UTM (WGS-84) Zone 15 S 394972 3992187, which is the railroad cut under the Lafayette Street bridge (Fig. 29), and at UTM (WGS-84) Zone 15 S 394594 3991721 (site #375, Table 8, Appendix B), which is in a stream bed. A parallel fault is located about 500 meters to the southeast of the Fayetteville Fault. Between the two faults and on either side, there are an undetermined number of related small faults and small splay faults. Between the Fayetteville Fault and its partner, a graben along with other complicated geological features are present. The best observed complicated structure is located in the City of Fayetteville at Lake Lucille, centered at UTM (WGS-84) Zone 15 S 396383 3993475, site #491, Table 15, Appendix B. This structure was referred to as a collapse structure, created by dissolution in the Boone Formation by Cate (1962). It was probably created by a combination of complex faulting and subsequent collapsing due to dissolution of underlying Boone Limestone, caused by movement of water along the fault plains.

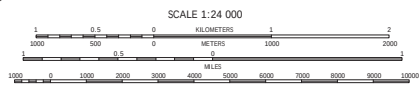
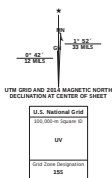
Simonds (1891) named the Fayetteville Fault for a fault trace exposed in Fayetteville, Washington County, Arkansas. The Fayetteville Fault has been mapped and described under the name Price Mountain, Glade Creek, Onda, and Cove Creek faults (Croneis, 1930).



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1,000-meter grid. Universal Transverse Mercator, Zone 16E
10,000-foot scale. Arkansas Coordinate System of 1983 (north
zone)

This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery: NAIP, June 2000
Roads: HERE, 2003
Hydrography: National Hydrography Dataset, 2000
Contours: National Elevation Dataset, 2000
Boundaries: Multiple sources; see metadata file 3072_2003
Public Land Survey System: BLM, 2011



CONTOUR INTERVAL 20 FEET
NORTH AMERICAN DATUM OF 1983

This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.16





National Wetlands Inventory

surface waters and wetlands

[ABOUT](#)[GET DATA](#)[PRINT](#)[FIND LOCATION](#)

BASEMAPS >

MAP LAYERS >

☒ Wetlands ⓘ ⓘ

☒ Riparian ⓘ ⓘ

☒ Riparian Mapping Areas ⓘ ⓘ

☒ Data Source ⓘ ⓘ

☐ Source Type

☐ Image Scale

☐ Image Year

☒ Areas of Interest ⓘ

☒ FWS Managed Lands ⓘ ⓘ

☒ Historic Wetland Data ⓘ ⓘ

+

...

Measure

🕒

🏠

1:18,056

36.103 | -94.112

LEGEND

Butterfield Park

POWERED BY esri

U.S. Fish and Wildlife Service, National Standards and Support Team,...



National Wetlands Inventory

surface waters and wetlands

[ABOUT](#)[GET DATA](#)[PRINT](#)[FIND LOCATION](#)

MAP LAYERS >

- ☒ Wetlands
- ☒ Riparian
- ☒ Riparian Mapping Areas
- ☒ Data Source
 - ☐ Source Type
 - ☐ Image Scale
 - ☐ Image Year
- ☒ Areas of Interest
- ☒ FWS Managed Lands
- ☒ Historic Wetland Data

+

-

Measure

1:9,028

36.110 | -94.129

LEGEND

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

Riparian

-

U.S. Fish and Wildlife Service, National Standards and Support Team,...

POWERED BY 

Soil Map—Washington County, Arkansas (Rolling Hills Extension - Rezoning)



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

1/30/2018
Page 1 of 3

Soil Map—Washington County, Arkansas
(Rolling Hills Extension - Rezoning)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Arkansas

Survey Area Data: Version 14, Oct 5, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 24, 2008—Feb 28, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AsC2	Apison gravelly loam, 3 to 8 percent slopes, eroded	7.4	4.8%
CIG	Clarksville extremely gravelly silt loam, 12 to 60 percent slopes	0.0	0.0%
EnC2	Enders gravelly loam, 3 to 8 percent slopes, eroded	0.7	0.4%
EnD2	Enders gravelly loam, 8 to 12 percent slopes, eroded	7.7	5.1%
ErE	Enders-Leesburg complex, 8 to 20 percent slopes	58.2	38.2%
ErF	Enders-Leesburg complex, 20 to 40 percent slopes	5.0	3.3%
FaC2	Fayetteville fine sandy loam, 3 to 8 percent slopes eroded	20.5	13.5%
HmC	Hector-Mountainburg gravelly fine sandy loam, 3 to 8 percent slopes	8.0	5.2%
HoF	Hector-Mountainburg stony fine sandy loams, 3 to 40 percent slopes, rocky	11.6	7.6%
MoD	Montevallo soils, 3 to 12 percent slopes	16.3	10.7%
SfC2	Savannah fine sandy loam, 3 to 8 percent slopes, eroded	6.4	4.2%
Ta	Taloka complex, mounded	10.8	7.1%
Totals for Area of Interest		152.5	100.0%

Washington County, Arkansas

ErE—Enders-Leesburg complex, 8 to 20 percent slopes

Map Unit Setting

National map unit symbol: 2rxhc

Elevation: 500 to 2,500 feet

Mean annual precipitation: 37 to 59 inches

Mean annual air temperature: 45 to 69 degrees F

Frost-free period: 185 to 245 days

Farmland classification: Not prime farmland

Map Unit Composition

Enders and similar soils: 60 percent

Leesburg and similar soils: 30 percent

Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Enders

Setting

Landform: Hillslopes

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Mountainflank, side slope, base slope

Down-slope shape: Concave, convex

Across-slope shape: Convex, linear

Parent material: Clayey residuum weathered from acid shale

Typical profile

A - 0 to 3 inches: stony loam

E - 3 to 8 inches: gravelly silt loam

Bt1 - 8 to 40 inches: clay

Bt2 - 40 to 54 inches: clay

Cr - 54 to 58 inches: bedrock

Properties and qualities

Slope: 8 to 20 percent

Depth to restrictive feature: 40 to 60 inches to paralithic bedrock

Natural drainage class: Well drained

Runoff class: Very high

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water storage in profile: Moderate (about 7.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 6s

Hydrologic Soil Group: D
Hydric soil rating: No

Description of Leesburg

Setting

Landform: Mountain slopes
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Mountainflank
Down-slope shape: Convex, linear
Across-slope shape: Linear
Parent material: Loamy colluvium derived from sandstone and shale

Typical profile

A - 0 to 10 inches: stony loam
Bt1 - 10 to 33 inches: gravelly clay loam
Bt2 - 33 to 72 inches: cobbly clay loam

Properties and qualities

Slope: 8 to 20 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat):
Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Moderate (about 8.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 6s
Hydrologic Soil Group: B
Hydric soil rating: No

Minor Components

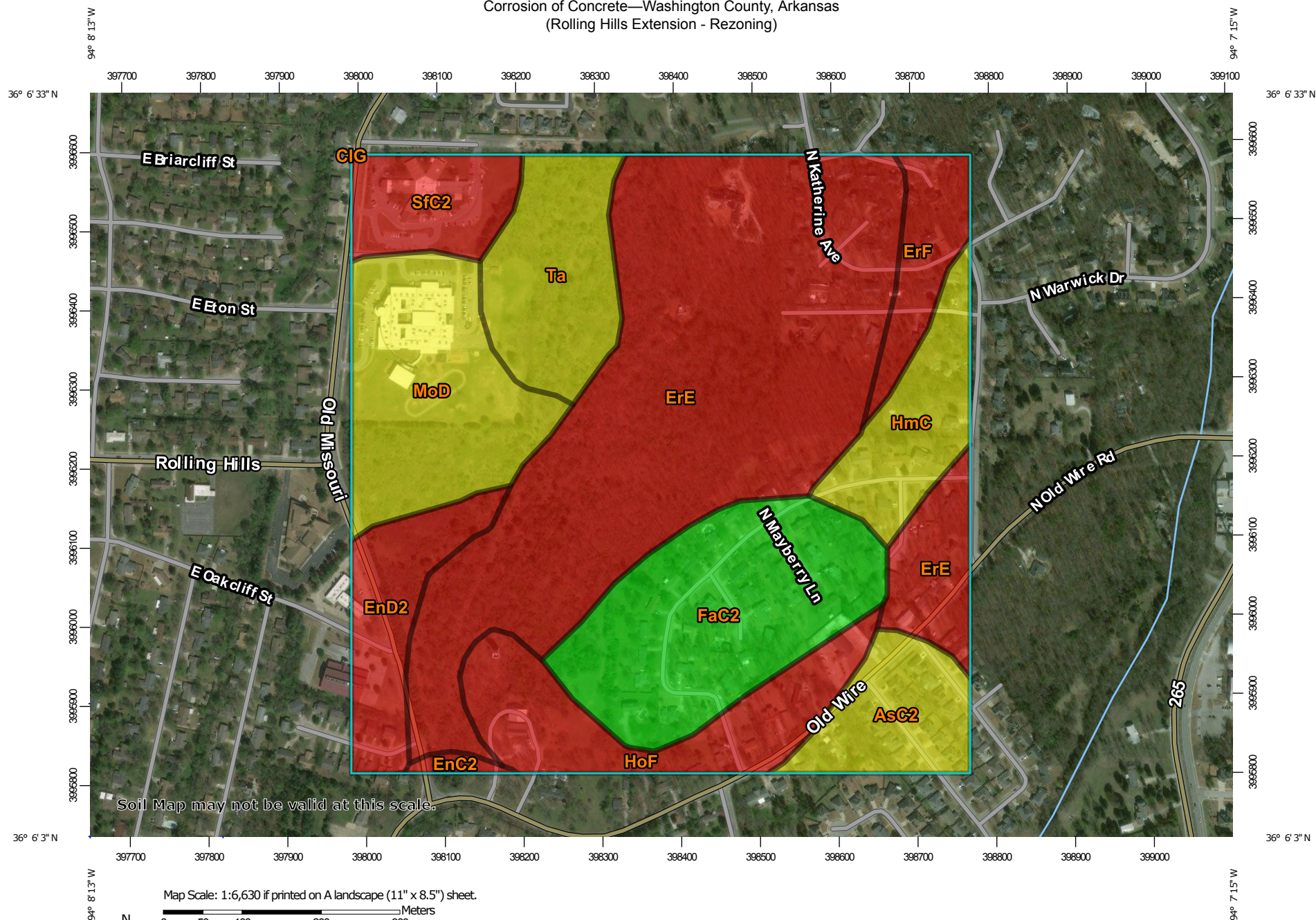
Mountainburg

Percent of map unit: 10 percent
Landform: Hillslopes
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Interfluvium
Down-slope shape: Convex
Across-slope shape: Linear

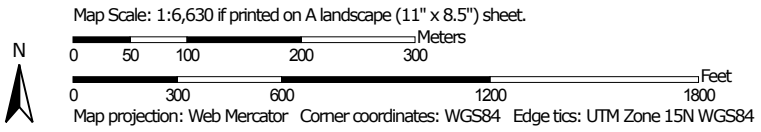
Data Source Information

Soil Survey Area: Washington County, Arkansas
Survey Area Data: Version 14, Oct 5, 2017

Corrosion of Concrete—Washington County, Arkansas (Rolling Hills Extension - Rezoning)



Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Background

 Aerial Photography

Soils

Soil Rating Polygons

-  High
-  Moderate
-  Low
-  Not rated or not available

Soil Rating Lines

-  High
-  Moderate
-  Low
-  Not rated or not available

Soil Rating Points

-  High
-  Moderate
-  Low
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

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Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

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This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Arkansas
Survey Area Data: Version 14, Oct 5, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 24, 2008—Feb 28, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Corrosion of Concrete

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AsC2	Apison gravelly loam, 3 to 8 percent slopes, eroded	Moderate	7.4	4.8%
CIG	Clarksville extremely gravelly silt loam, 12 to 60 percent slopes	High	0.0	0.0%
EnC2	Enders gravelly loam, 3 to 8 percent slopes, eroded	High	0.7	0.4%
EnD2	Enders gravelly loam, 8 to 12 percent slopes, eroded	High	7.7	5.1%
ErE	Enders-Leesburg complex, 8 to 20 percent slopes	High	58.2	38.2%
ErF	Enders-Leesburg complex, 20 to 40 percent slopes	High	5.0	3.3%
FaC2	Fayetteville fine sandy loam, 3 to 8 percent slopes eroded	Low	20.5	13.5%
HmC	Hector-Mountainburg gravelly fine sandy loam, 3 to 8 percent slopes	Moderate	8.0	5.2%
HoF	Hector-Mountainburg stony fine sandy loams, 3 to 40 percent slopes, rocky	High	11.6	7.6%
MoD	Montevallo soils, 3 to 12 percent slopes	Moderate	16.3	10.7%
SfC2	Savannah fine sandy loam, 3 to 8 percent slopes, eroded	High	6.4	4.2%
Ta	Taloka complex, mounded	Moderate	10.8	7.1%
Totals for Area of Interest			152.5	100.0%

Description

"Risk of corrosion" pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens concrete. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the concrete in installations that are entirely within one kind of soil or within one soil layer.

The risk of corrosion is expressed as "low," "moderate," or "high."

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



Mitch Weigel



2200 Warwick,
Fayetteville, AR 72703

Lot Size: **5 acre(s)** **\$500,000**



Mitch Weigel



Property Details for 2200 Warwick, Fayetteville, AR 72703

Secluded +/-5 acre estate lot located in east central Fayetteville. Close to everything and secluded at the same time. Subject to approved split by the City of Fayetteville. More acreage is available.

Exterior & Lot Details

Utilities:

Public Sewer
At Street,
Public Water
At Street

Year Built: 0

Lot Size: 5 acre(s)

Lot Description:

Consider Subdivide,
Secluded, Will
Subdivide, Wooded

Zoning: Residential



Mitch Weigel



Listing Details

Subdivision:

Fayetteville
Outlots

Address:

2200 Warwick
City:

Fayetteville

State: AR

Zip: 72703

County:

Washington

Listing

courtesy of:

Downtown
Properties
Real Estate
Group, INC.

Price: \$500,000

Taxes: \$1,000

Property Type:

Lot/Land/Acreage

Status: Active

Listing #: [1026333](#)



CityClerk

From: Tonya Landrum <travel.teach.transform@gmail.com>
Sent: Monday, March 05, 2018 5:37 PM
To: CityClerk
Subject: Please Oppose Rezoning

Categories: Forwarded

I would like for this message to be part of the official record and am writing to ask that you oppose the rezoning of the land on the east side of Rolling Hills. Additionally, we are very interested in that land being protected rather than developed and ask that you do all in your power to see that the area does not become a mass of cookie-cutter housing. If any rezoning happens, it needs to be to ensure protection of that green space, fewer houses and safety for our school children.

While I understand that this is an overlapping of several issues, I am extremely concerned about the future of our neighborhood. The rezoning and development of the many acres south of Butterfield seems contrary to what the City of Fayetteville says it represents. Our city needs its trees, its wooded areas and its wildlife habitat. The citizens do not want large tracts of land clear cut in order to have developers put up subdivisions. While I understand there is a need for housing, the city must be intentional and proactive in order to maintain the character and small town feel of Fayetteville. Clear cutting trees and flattening large green spaces in the heart of Fayetteville is not in our best interest. We must find the best approach for ensuring that some of that green space be protected.

As the city works diligently to address population growth, a conscientious effort must be continuously renewed in order to prioritize the quality of life of local citizens rather than the wishes and whims of wealthy, self-interested developers and businessmen. We deserve better, our environment deserves better, and this great city deserves better.

I sincerely appreciate your time and efforts regarding the matter of the rezoning. I firmly believe that the far majority want what is best for our wonderful community. Please, when you consider that matter of rezoning, prioritize the needs of the majority and oppose this unacceptable proposal.

Warm regards,
Tonya Landrum

CityClerk

From: Liz Krauft <lkrauft@gmail.com>
Sent: Tuesday, March 06, 2018 12:02 PM
To: dog13gregg@aol.com; rautry333@gmail.com; lesliebeld@aol.com;
zniederman.planningcommission@gmail.com; atq@flintlocklab.com; matthew.johnson@mercy.net;
matt@mbi-arch.com; rnoble@crcrawford.com; Sloanscroggin.planning@gmail.com; Garner, Andrew;
CityClerk
Subject: Rezoning near Rolling Hills neighborhood

Hello all,

My name is Liz Krauft.

Today, I'm writing to you as a citizen of Fayetteville and resident of the Rolling Hills neighborhood. I'm very concerned about the fate of our neighborhood. I've been studying maps, plans, proposals, rezoning applications, and numerous documents I've acquired via the Freedom of Information Act.

I know that Jorgenson and Associates have resubmitted their application to rezone a portion of property owned by James Keenan, due to glaring deficiencies in the previous application. It's shocking that it was approved in its incomplete state.

If the planning commission approves that application a second time, it will get sent on to the City Council whom I believe will approve it based on various master plans. I cannot properly convey via email how I am adamantly against this rezoning. I have many concerns:

1. This is a wildlife habitat full of gorgeous deer, foxes, bats, songbirds, and many other species. It is also an established wetland that is at times used as an outdoor classroom. All of this will go away as a consequence of the rezoning.
2. The intersection of Rolling Hills and Old Missouri is already dangerous for pedestrians. Children are basically playing frogger going to and from Butterfield Elementary. Traffic will increase dramatically as a consequence of the rezoning.
3. The soil on the 50 undeveloped acres is actually very unsuitable for building. A geologist has educated me enough that I know the soil is conducive to run off, and literally corrosive to concrete. Can you imagine what would happen to the properties of adjacent homeowners after a heavy rain if there was suddenly a lot of pavement in that area? Flooded properties and faulty construction would be a consequence of the rezoning.
4. This is probably the most disturbing and insulting: I have come to understand that if Rolling Hills were to be extended, it would later be connected across Crossover road to Skillern, and eventually pushed through to the Brookwater subdivision. Am I to be at peace knowing that my neighbors homes are to be destroyed, my school age children's safety is to be compromised, wildlife habitats are to be destroyed, all to create a shortcut for the wealthy people (i.e. some Razorback coaches) on the East Side of town? It's a disgrace to the hardworking people that live in our neighborhood. The favoritism of the wealthy would be an obvious consequence of the rezoning.

I'm urging you to vote against this rezoning. It will have impacts and consequences beyond the immediate area proposed. I'm looking at the big picture, and I hope you will too. Please consider the wishes of hundreds of families that are proud to live in the heart of Fayetteville, and not the desires of a few.

I appreciate your time,
Liz Krauft

CityClerk

From: Mayor
Sent: Tuesday, March 06, 2018 2:53 PM
To: Nicole Claesen
Cc: Leigh Anne Yeargan; Leslie Bandy; Stoll, Garner; Marr, Don; Norton, Susan; Williams, Kit; Garner, Andrew; Tennant, Justin; Bunch, Sarah; CityClerk
Subject: RE: City Council Meeting This Evening
Categories: FYI

Nicole,

The item C.3. RZN 17-6052 still appears on the City Council agenda for this evening only because it was approved in the agenda packet on Feb. 26. I just met with City Attorney Kit Williams and he has confirmed that this item should not be discussed or voted on other than to refer it back to the Planning Commission. The City Attorney has advised that if a council member made a motion to hear this item, he will advise that hearing the rezoning would be improper and that no valid rezoning ordinance can be possible without sending the ordinance back to the Planning Commission.

Mayor Jordan

From: Nicole Claesen [mailto:nclaesen@hotmail.com]
Sent: Tuesday, March 06, 2018 1:34 PM
To: Mayor <Mayor@fayetteville-ar.gov>; Garner, Andrew <agarner@fayetteville-ar.gov>; Tennant, Justin <ward3_pos1@fayetteville-ar.gov>; Bunch, Sarah <ward3_pos2@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>
Cc: Leigh Anne Yeargan <leighanneyeargan@yahoo.com>; Leslie Bandy <lesliebandy1@gmail.com>
Subject: City Council Meeting This Evening

Good afternoon,

I needed to confirm some things regarding this evening's City Council Meeting. In regards to the rezoning request for the Keenan Property (RZN 17-6052) we were of the understanding that it was removed from the agenda. However, it is on the agenda and I need to confirm that this item WILL NOT be discussed or voted on other than to refer it back to the Planning Commission. I also need to confirm that a city council member cannot make a motion to hear this item. Furthermore, should the Planning Commission vote yes on this item at the March 12th Meeting, we are requesting that it is not placed on the March 20th City Council Meeting agenda. Given that is during spring break we feel it would not give our neighborhoods fair and due process to have our voices and concerns heard at the first reading. Thank you so much and I look forward to your response.

Sincerely,
Nicole Claesen

CityClerk

From: Anna McClard Pope <aemcclard@gmail.com>
Sent: Tuesday, March 06, 2018 3:13 PM
To: dog13gregg@aol.com; rautry333@gmail.com; lesliebeld@aol.com;
zniederman.planningcommission@gmail.com; atq@flintlocklab.com; matthew.johnson@mercy.net;
matt@mbi-arch.com; rnoble@crcrawford.com; Sloanscroggin.planning@gmail.com; Garner, Andrew;
CityClerk
Subject: Rolling Hills Rezoning Request

Dear Planning Commission Officials,

As a citizen of Fayetteville and member of the Rolling Hills Community, I would like to express my opposition to the rezoning request put forth by Jorgenson and Associates. The impact to the current infrastructure, schools, and environment has not been studied to a degree to provide sufficient evidence that this will not negatively impact the area.

In addition, I am concerned for the wildlife that resides in the Wetlands area that would be destroyed as the result of this potential development.

I would like to add my statement to the public record.

Thank you,
Anna

CityClerk

From: Leigh Anne Yeargan <leighanneyeargan@yahoo.com>
Sent: Tuesday, March 06, 2018 8:23 PM
To: dog13gregg@aol.com; rautry333@gmail.com; lesliebeld@aol.com;
zniederman.planningcommission@gmail.com; atq@flintlocklab.com; matthew.johnson@mercy.net;
matt@mbi-arch.com; rnoble@crcrawford.com; Sloanscroggin.planning@gmail.com; Garner, Andrew;
CityClerk
Cc: Williams, Kit; Mayor
Subject: Rezoning of Property Next to Old Missouri Road and Rolling Hills Drive from RSF-4 to NC; Owner
James T. and James F. Keenan Trust

Categories: FYI

Dear Commission Members:

It is my understanding that the City Council voted on March 6, 2018, to remand RZ 17-6052 to the Planning Commission because the application was deficient. Specifically, the applicant failed to provide information in response to items 5(a)-(i) as required by the application. It is further my understanding that the Planning Commission will address this application at its March 12 meeting.

Because information critical to the rezoning application was previously omitted, namely whether the proposed changes will conflict with the surrounding land use, whether the requested zoning is needed or justified, and whether the current zoning is impractical, the Planning Commission should not consider any additional information provided by the applicant until appropriate notice is given.

Section 157.01 of the City Ordinances states that "[t]he purpose of providing notification of public hearings is to ensure that all applications comply with state statutes and that affected or interested property owners are notified of the action being considered." Notice of rezoning amendments must be given 15 days prior to the Planning Commission meeting.

Since the application was just remanded to the Planning Commission on March 6, 2018, the Planning Commission cannot consider it on March 12 since no notice of the new information has been given 15 days prior to March 12. The applicant must give notice as provided by the ordinance so that all interested parties are aware of the information being offered in support of the application - specifically adjacent landowners. To consider the application on March 12 would not only violate the City's own ordinance, but the spirit of the Freedom of Information Act and the public trust.

Thank you for your consideration.

Leigh Anne Yeargan

CityClerk

From: Garner, Andrew
Sent: Thursday, March 08, 2018 8:10 AM
To: Nicole Claesen; Harrison, Andy
Cc: Leigh Anne Yeargan; Mayor; CityClerk
Subject: RE: Rezoning notification list
Attachments: 17-6052 Certificate of Mailing.pdf; 17-5803 Certificate of Mailing.pdf

Ms. Claesen,
See attached certificates of mailing for these rezonings.

Andrew

Andrew Garner, AICP
City Planning Director
City of Fayetteville, Arkansas
479.575.8262
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

From: Nicole Claesen [mailto:nclaesen@hotmail.com]
Sent: Thursday, March 8, 2018 8:00 AM
To: Harrison, Andy <aharrison@fayetteville-ar.gov>
Cc: Leigh Anne Yeargan <leighanneyeargan@yahoo.com>; Mayor <Mayor@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>; Garner, Andrew <agarner@fayetteville-ar.gov>
Subject: Rezoning notification list

Good morning Andy,

Could you please give me an ETA on when I could expect to receive the list of property owners that were notified for both the rezoning in July (RSF4 to NSG) and the current rezoning request (RSF4 to NC). That list would include names & addresses of those notified, as well as, the date notification was sent and by what method.
Thank you so much!

Sincerely,
Nicole Claesen

From: William Claesen
Date: Wednesday, March 7, 2018 at 12:04 PM
To: "Harrison, Andy"
Cc: <leighanneyeargan@yahoo.com>
Subject: Re: Rezoning notifications

Hi Andy,
Thank you for responding. However, what I need is the list of property owners that were notified for the rezoning in July (RSF4 to NSG) and the list of property owners that were notified for the current rezoning request. Jorgensen & Associates are required to provide you was the names & addresses of those notified, as well as, the date notification was sent and by what method (certified mail, standard mail etc..). If you could please provide me with that information as soon as possible. Thank you in advance.

Sincerely,
Mrs. Nicole Claesen

Sent from my iPhone

On Mar 7, 2018, at 11:12 AM, Harrison, Andy <aharrison@fayetteville-ar.gov> wrote:

Ms. Claeson,

Please see attached as requested. 17-5803 refers to the June 2017 rezone request to NS-G.

Thank you.

Andy Harrison
Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov
T 479.575.8267 | F 479.575.8202
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)
<image001.png>

From: Garner, Andrew
Sent: Wednesday, March 07, 2018 11:04 AM
To: Harrison, Andy <aharrison@fayetteville-ar.gov>
Cc: Nicole Claesen <nclaesen@hotmail.com>
Subject: FW: Rezoning notifications

Andy,
Could you please coordinate with Ms. Claesen on her request below?

Thanks,
Andrew

Andrew Garner, AICP
City Planning Director
City of Fayetteville, Arkansas
479.575.8262
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

From: Nicole Claesen [<mailto:nclaesen@hotmail.com>]
Sent: Wednesday, March 7, 2018 8:27 AM
To: Garner, Andrew <agarner@fayetteville-ar.gov>
Cc: Mayor <Mayor@fayetteville-ar.gov>; Leigh Anne Yeargan <leighanneyeargan@yahoo.com>;
CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Rezoning notifications

Good morning Andrew,

I know that you are busy with several things right now. I would certainly appreciate it if you could please email me the notifications that were sent by Jorgensen & Associates to surrounding property owners for the rezoning this past July on the Keenan property (from RSF4 to NSG)

And the notifications that were sent by Jorgensen & Associates to surrounding property owners for the the current rezoning request (RSF4 to NC). Thank you so much for your assistance.

Sincerely,
Nicole Claesen

From: William Claesen
Date: Tuesday, March 6, 2018 at 9:50 AM
To: "Garner, Andrew"
Cc: Leigh Anne Yeargan, "Curth, Jonathan"
Subject: <no subject>

Hello again,

Thank you for responding to my email from Friday. I do still need their response for items a-l (the attachment you sent does not include that); we certainly understand that should that land be developed they could place local streets within the development, but they would not be able to take homes in Huntingdon and connect to Crossover/265 (as outlined in the 2030 Master Plan). We do indeed expect the city to recommend the removal of the RHD to Crossover/265 extension as it is currently proposed in the 2030 Master Plan. Please address the items 1,2. Thank you again for your time.

Sincerely,
Nicole Claesen

From: William Claesen
Date: Tuesday, March 6, 2018 at 8:51 AM
To: "Garner, Andrew"
Cc: "Curth, Jonathan", Leigh Anne Yeargan
Subject: <no subject>

Good morning Andrew,

I need clarification on a couple of things and have a few requests:

1. Please email me the notifications that were sent by Jorgensen & Associates to surrounding property owners for the rezoning this past July on the Keenan property (from RSF4 to NSG)
2. Please email me the notifications were sent by Jorgensen & Associates to surrounding property owners for the current rezoning request (RSF4 to NC)
3. I need clarification on the agenda item for the downgrade recommendation (Rolling Hills Drive/Skillern Road)- As listed on the agenda, it is very vague. What will the statement be from you at the meeting regarding the recommendation at the meeting?
4. Please email me the re-submitted rezoning application from Jorgensen & Associates in its entirety
5. Clarification regarding the removal of the Rolling Hills Drive extension. Specifically what is the current status on if/when it will be removed from the Master Plan, what exactly will the recommendation be to the Planning Commission?
6. When do you anticipate the removal of the extension to be on a Planning Commission Meeting Agenda?

Thank you so much for your time! I look forward to hearing from you as soon as possible.

Sincerely,
Nicole Claesen

<17-5803 Notification Letter.pdf>

<17-6052 Notification Letter.pdf>



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

This is to confirm that on 1/3/13 the attached notification was sent to
the adjacent property owners.



David L. Jorgensen, P.E.

ADJOINING PROPERTY OWNERS	
PARCEL #	OWNERS NAME & ADDRESS
765-17813-000	JAMES ASHMORE - 2137 E. WOLF CREEK DRIVE - FAYETTEVILLE, AR. 72703
765-17812-000	MOLLYANN SCOTT TRUST - 2155 E. WOLF CREEK DRIVE - FAYETTEVILLE, AR. 72703-4441
765-17811-000	CURTIS & MICHELLE HEDBERG - 3 S. REGIS LN., ROGERS, AR 72758-9071
765-17810-000	CHRISTY ROBERTS - 2173 E. WOLF CREEK DRIVE - FAYETTEVILLE, AR. 72703-4441
765-17809-000	JOSEPH TERMINELLA SR. REV. TRUST - 430 W. WILLOUGHBY ROAD - FAYETTEVILLE, AR. 72701
765-16065-013	CITY OF FAYETTEVILLE - 113 W. MOUNTAIN STREET - FAYETTEVILLE, AR. 72701-6083
765-17826-001	CITY OF FAYETTEVILLE - 113 W. MOUNTAIN STREET - FAYETTEVILLE, AR. 72701-6083
765-17827-000	ADAM & SARAH EICHLER - 2270 E. FARR LANE - FAYETTEVILLE, AR. 72703
765-06516-000	JOSEPH & AMBERLEY FUTTERER - 3231 N. KATHERINE AVENUE - FAYETTEVILLE, AR. 72703
765-06515-000	KATHRYN GEARHART - 3197 N. KATHERINE AVENUE - FAYETTEVILLE, AR. 72703
765-06514-000	ADAM & LORI HEDMAN - 3195 N. KATHERINE AVENUE - FAYETTEVILLE, AR. 72703
765-06513-000	SECRETARY OF H.U.D. - 2401 NW 23RD ST., STE 1D, OKLAHOMA CITY, OK 73107
765-06512-000	DONALD MOORE JR - 3191 N. KATHERINE AVENUE - FAYETTEVILLE, AR. 72703-6525
765-06511-000	LEWIS DUKE - 3189 N. KATHERINE AVENUE - FAYETTEVILLE, AR. 72703-6525
765-06510-000	LAURA ANDRESS - 3187 N. KATHERINE AVENUE - FAYETTEVILLE, AR. 72703-6525
765-06509-000	LEE LINZAY - P.O. BOX 3257 - FAYETTEVILLE, AR. 72702
765-16038-000	BENJAMIN & TANYA OWEN - 1130 E. MILLSAP ROAD - FAYETTEVILLE, AR. 72703-0001
765-16034-000	PEGGY, STEVE & VICKY BAILEY - 3003 N. OAK BAILEY DRIVE - FAYETTEVILLE, AR. 72703-4409
765-11019-000	DAVID LOUDON - 3001 N. STRAWBERRY DRIVE - FAYETTEVILLE, AR. 72701
765-11018-000	MARTIN & LINDA JONES - 2997 N. STRAWBERRY DRIVE - FAYETTEVILLE, AR. 72703-6612
765-11016-000	BRAD & MARTHA JONES - 2963 N. STRAWBERRY DRIVE - FAYETTEVILLE, AR. 72703-6612
765-11015-000	DAVID & KATHRYN MAYHUE TRUST - 2957 N. STRAWBERRY DRIVE - FAYETTEVILLE, AR. 72703
765-11014-000	WILLIAM & PATRICIA HENSMAN - 2941 N. STRAWBERRY DRIVE - FAYETTEVILLE, AR. 72703-6611
765-11013-000	MARK & JULIE KEERAN - 2925 N. STRAWBERRY DRIVE - FAYETTEVILLE, AR. 72703
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765-16049-000	JOSEPH & SHERI KILGORE - 2745 N. OLD WIRE ROAD - FAYETTEVILLE, AR. 72703
765-16059-000	MARIE KILGORE REV. TRUST - P.O. BOX 3809 - FAYETTEVILLE, AR. 72702
765-16051-000	MARIE KILGORE REV. TRUST - P.O. BOX 3809 - FAYETTEVILLE, AR. 72702
765-16061-100	WILLIAM & RUTH WHITFIELD REV. TRUST - P.O. BOX 8 - LOWELL, AR 72745
765-16061-101	CITY OF FAYETTEVILLE - 113 W. MOUNTAIN STREET - FAYETTEVILLE, AR. 72701-6083
765-16061-126	BOULDER RIDGE OF NW ARKANSAS C/O JOHN ALFORD - P.O. BOX 11548 - FORT SMITH, AR. 72917
765-16060-001	CITY OF FAYETTEVILLE - 113 W. MOUNTAIN STREET - FAYETTEVILLE, AR. 72701-6083
765-16060-000	FIRST CHURCH OF THE NAZARENE OF FAYETTEVILLE, INC. - 2857 OLD MISSOURI ROAD - FAYETTEVILLE, AR. 72701
765-16066-000	CITY OF FAYETTEVILLE - 113 W. MOUNTAIN STREET - FAYETTEVILLE, AR. 72701-6083
765-09206-000	3 CALHOUN C's LLC - 79 COLT SQUARE STE 3, FAYETTEVILLE, AR 72703
765-09205-000	GOOD SHEPHERD LUTHERAN CHURCH - 2925 OLD MISSOURI ROAD - FAYETTEVILLE, AR. 72703
765-09172-000	CRAWFORD & ASSOCIATES LLC. - 1848 E. ROLLING HILLS DRIVE - FAYETTEVILLE, AR. 72703
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765-16039-001	CITY OF FAYETTEVILLE - 113 W. MOUNTAIN STREET - FAYETTEVILLE, AR. 72701-6083
765-16039-000	FAYETTEVILLE SCHOOL DISTRICT #1 - P.O. BOX 849 - FAYETTEVILLE, AR. 72702-0849
765-16065-000	2342 LLC. - P.O. BOX 3068 - FORT SMITH, AR. 72901
765-16065-015	JHAWK PROPERTIES LLC - 3828 N. PARKVIEW DR., FAYETTEVILLE, AR 72703



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Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

This is to confirm that on 5/23/17 the attached notification was sent to
the adjacent property owners.


David L. Jorgensen, P.E.

ADJOINING PROPERTY OWNERS

PARCEL #	OWNERS NAME & ADDRESS
765-17813-000	JAMES ASHMORE - 2137 E. WOLF CREEK DRIVE - FAYETTEVILLE, AR. 72703
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City of Fayetteville, Arkansas

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



City Council Agenda Session Tentative Agenda

Tuesday, February 27, 2018

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

Kyle Smith Ward 4

ELECTED OFFICIALS:

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. [2017-0543](#)
MONTHLY FINANCIAL REPORT - PAUL BECKER

Agenda Additions

A. Consent:

- A. 1 [2018-0013](#)
APPROVAL OF THE FEBRUARY 20, 2018 CITY COUNCIL MEETING MINUTES

- A. 2 [2018-0112](#)
HAZMAT SERVICES REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$11,198.00 RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED FROM WASHINGTON COUNTY AND INCREASING THE RELATED EXPENSE BUDGET

Attachments: [HAZMAT SERVICES REVENUE](#)
[BA_HAZMAT SERVICES REVENUE](#)

A. 3 [2018-0133](#)

ARKANSAS STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2017-2018 STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT FOR STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$54,693.47, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

Attachments: [ARKANSAS STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT](#)

A. 4 [2018-0054](#)

ENVIRONMENTAL CONSULTING OPERATIONS, INC:

A RESOLUTION TO APPROVE AMENDMENT NO. 4 TO THE CONTRACT WITH ENVIRONMENTAL CONSULTING OPERATIONS, INC. IN THE AMOUNT OF \$61,872.00 FOR WETLANDS MITIGATION SITE MONITORING AND MANAGEMENT IN 2018

Attachments: [ENVIRONMENTAL CONSULTING OPERATIONS, INC](#)

A. 5 [2018-0127](#)

RFP #17-07 ECOSCONNECT, LLC:

A RESOLUTION TO AWARD RFP #17-07 AND AUTHORIZE THE MAYOR TO SIGN A ONE-YEAR CONTRACT WITH ECOSCONNECT, LLC, WITH AN OPTION TO RENEW FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS, IN THE AMOUNT OF \$12,000.00 PER YEAR FOR BACKFLOW TRACKING SERVICES

Attachments: [ECOSCONNECT, LLC](#)

A. 6 [2018-0134](#)

GARDEN DISTRICT TOWNHOMES, LLC:

A RESOLUTION TO APPROVE AMENDMENT #1 TO THE WATER MAIN INSTALLATION COST SHARE AGREEMENT WITH GARDEN DISTRICT TOWNHOMES, LLC TO PROVIDE FOR REIMBURSEMENT OF THE COST OF MATERIALS FOR INSTALLING TWO FIRE HYDRANTS IN THE AMOUNT OF \$5,121.60

Attachments: [GARDEN DISTRICT TOWNHOMES, LLC AMENDMENT 1](#)

A. 7 [2018-0119](#)

BOBCAT COMPANY:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A BOBCAT E45 EXCAVATOR WITH ATTACHMENTS FROM BOBCAT COMPANY OF WEST FARGO, NORTH DAKOTA IN THE AMOUNT OF \$69,857.30, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE THE BY TRANSPORTATION SERVICES DEPARTMENT

Attachments: [BOBCAT COMPANY:](#)

A. 8 [2018-0120](#)

SUPERIOR AUTOMOTIVE GROUP:

A RESOLUTION TO APPROVE THE PURCHASE OF THREE POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS IN THE TOTAL AMOUNT OF \$95,589.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE POLICE DEPARTMENT

Attachments: [SUPERIOR AUTOMOTIVE GROUP](#)

A. 9 [2018-0121](#)

LEWIS AUTOMOTIVE GROUP:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2018 DODGE RAM 1500 4WD REGULAR CAB FROM LEWIS AUTOMOTIVE GROUP OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$21,131.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE FACILITIES MANAGEMENT DIVISION

Attachments: [LEWIS AUTOMOTIVE GROUP](#)

A. 10 [2018-0122](#)

WILLIAMS TRACTOR:

A RESOLUTION TO APPROVE THE PURCHASE A 2018 NEW HOLLAND RB450 4X5 DRY HAY BALER FROM WILLIAMS TRACTOR OF FAYETTEVILLE IN THE AMOUNT OF \$30,241.00 PURSUANT TO NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE WASTEWATER TREATMENT DIVISION

Attachments: [WILLIAMS TRACTOR, INC.](#)

A. 11 [2018-0123](#)

STEVE LANDERS:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOYOTA PRIUS HYBRID FROM STEVE LANDERS OF ROGERS, ARKANSAS IN THE AMOUNT OF \$23,108.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE FLEET DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [STEVE LANDERS](#)
 [BA STEVE LANDERS](#)

A. 12 [2018-0124](#)

REPEAL RESOLUTION NO. 33-17:

A RESOLUTION TO REPEAL RESOLUTION NO. 33-17 AND AUTHORIZE THE PURCHASE OF A 2018 ELGIN CROSSWIND STREET SWEEPER FROM ENVIRONMENTAL PRODUCTS MID-SOUTH OF MEMPHIS, TENNESSEE IN THE AMOUNT OF \$251,739.20, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments: [REPEAL RESOLUTION NO. 33-17](#)

A. 13 [2018-0136](#)

SWEETSER CONSTRUCTION, INC.:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$3,891,372.55 FOR THE CONSTRUCTION OF THE OLD WIRE ROAD PROTECTED BIKE LANE AND SIDEWALK PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$194,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [SWEETSER CONSTRUCTION, INC.](#)
 [BA_SWEETSER CONSTRUCTION, INC.](#)

B. Unfinished Business:**B. 1** [2018-0053](#)

RZN 17-6034 (2468 N. CROSSOVER RD./JONES):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-6034 FOR APPROXIMATELY 4.40 ACRES LOCATED AT 2468 NORTH CROSSOVER ROAD FROM RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE TO NS-L, NEIGHBORHOOD SERVICES-LIMITED

Attachments: [RZN 17-6034 \(2468 N. CROSSOVER RD./JONES\)](#)

This ordinance was left on the first reading at the February 6, 2018 City Council meeting. This ordinance was left on the second reading at the February 20, 2018 City Council meeting.

C. New Business:**C. 1** [2018-0126](#)

VAC 18-6075 (EAST OF DEAD HORSE MOUNTAIN ROAD/MEADOWS AT STONEBRIDGE):

AN ORDINANCE TO APPROVE VAC 18-6075 FOR PROPERTY LOCATED EAST OF 2000 BLOCK, DEAD HORSE MOUNTAIN ROAD TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: [VAC 18-6075 \(EAST OF DEAD HORSE MOUNTAIN ROAD/MEADOWS AT STON](#)

C. 2 [2018-0116](#)

RZN 18-6062 (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 18-6062 FOR APPROXIMATELY 16.76 ACRES LOCATED SOUTH OF 2901 MOUNT COMFORT ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION FOR ABOUT 7.47 ACRES, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN FOR ABOUT 1.96 ACRES, AND TO R-A, RESIDENTIAL AGRICULTURAL FOR ABOUT 7.32 ACRES

Attachments: [RZN 18-6062 \(SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST\)](#)

C. 3 [2018-0085](#)

RZN 17-6052 (EAST OF ROLLING HILLS DR./KEENAN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-6052 FOR APPROXIMATELY 22.59 ACRES LOCATED AT EAST OF ROLLING HILLS DRIVE AND OLD MISSOURI ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments: [RZN 17-6052 \(EAST OF ROLLING HILLS DR./KEENAN\)](#)

C. 4 [2018-0130](#)

AUTOMATED MERCHANT SYSTEMS, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT WITH AUTOMATED MERCHANT SYSTEMS, INC. FOR CREDIT CARD PROCESSING SERVICES

Attachments: [AUTOMATED MERCHANT SERVICES, INC.](#)

C. 5 [2018-0097](#)

AMEND CHAPTER 98 & CHAPTER 50:

AN ORDINANCE TO AMEND § 98.02 DUTY OF PROPERTY OWNER AND OCCUPANT TO KEEP SIDEWALKS FREE FROM OBSTRUCTIONS, §98.04 GROWING TREES AND OTHER VEGETATION NEAR INTERSECTIONS; RIGHT-OF-WAY TO BE KEPT FREE FROM GRASS AND WEEDS, § 98.08 SPILLING OR TRACKING DEBRIS ONTO PUBLIC STREETS AND § 50.01 DEFINITIONS OF THE FAYETTEVILLE CODE, AND TO ENACT §98.09 ABATEMENT BY CITY; COSTS RESPONSIBILITY OF OWNER

Attachments: [AMEND CHAPTER 98 & CHAPTER 50](#)

C. 6 [2018-0135](#)

ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS:

AN ORDINANCE TO ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS INTO CHAPTER 97: PARKS AND RECREATION TO PROHIBIT SMOKING AND TOBACCO USE IN ALL CITY PARKS AND TRAILS

Attachments: [ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS](#)

C. 7 [2018-0117](#)

DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN:

A RESOLUTION TO APPROVE AND AUTHORIZE MAYOR JORDAN TO PROCEED WITH PHASE ONE OF THE IMPLEMENTATION SCHEDULE FOR THE DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN DEVELOPED BY NELSON/NYGAARD CONSULTING ASSOCIATES, INC.

Attachments: [DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN](#)

C. 8 [2018-0132](#)

SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT 0.04 ACRES:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SELL ABOUT 0.04 ACRES OF CITY PROPERTY SOUTH OF GEORGE'S MAJESTIC LOUNGE AND WEST OF THE RAILROAD TRACKS TO THE HIGHEST OR BEST BIDDER

Attachments:

[SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .04 ACRES](#)

C. 9 [2018-0131](#)

SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .1 ACRES:

A RESOLUTION TO SELL ABOUT 0.1 ACRES OF LAND AT THE NORTHWEST CORNER OF SOUTH RAZORBACK ROAD AND SLIGO STREET TO JOHN CHRISTOPHER LOONEY AND MYRIAH DAWN JOHNSON FOR \$5,000.00

Attachments:

[SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .1 ACRES:](#)

C. 10 [2018-0139](#)

AMEND § 74.01:

AN ORDINANCE TO AMEND § 74.01 APPLICATION OF REGULATIONS TO ADD A DEFINITION OF ROADWAY

Attachments:

[AMEND § 74.01](#)

D. City Council Agenda Session Presentations:**D. 1** [2018-0038](#)

AGENDA SESSION PRESENTATION BY GREG WEEKS AND STEVE CARPENTER PROVIDING AN UPDATE ON CH2M AND RECENT ORGANIZATIONAL CHANGES

D. 2 [2018-0140](#)

AGENDA SESSION PRESENTATION, SALES TAX REPORT - PAUL BECKER

D. 3 [2018-0138](#)

AGENDA SESSION PRESENTATION, MONTHLY ENERGY USAGE REPORT - PETER NIERENGARTEN

E. City Council Tour:

F. Announcements:

G. Adjournment



City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0543

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 1.

MONTHLY FINANCIAL REPORT - PAUL BECKER



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0013

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE FEBRUARY 20, 2018 CITY COUNCIL MEETING MINUTES



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0112

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

HAZMAT SERVICES REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$11,198.00 RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED FROM WASHINGTON COUNTY AND INCREASING THE RELATED EXPENSE BUDGET

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment in the amount of \$11,198.00 recognizing hazmat services revenue received from Washington County and increasing the related expense budget.

City of Fayetteville Staff Review Form

2018-0112

Legistar File ID

3/6/2018

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

2/7/2018

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a budget adjustment in the amount of \$11,198.00 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

Budget Impact:

1010.300.3040-5218.01		General Fund--Hazmat Equipment	
Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 12,000.00
		Funds Obligated	\$ -
		Current Balance	\$ 12,000.00
Does item have a cost?	No	Item Cost	\$ -
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 11,198.00
		Remaining Budget	\$ 23,198.00

Must Attach Completed Budget Adjustment:

V20140610

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

FROM: David Dayringer, Fire Chief 

DATE: February 7, 2018

SUBJECT: Approval of a budget adjustment in the amount of \$11,198 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

RECOMMENDATION:

Approval of a budget adjustment in the amount of \$11,198.00 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

DISCUSSION:

The City of Fayetteville has received \$11,198.00 of Hazmat Services Revenue from Washington County. The Fire Department would like to utilize the revenue to offset costs for the Fayetteville Hazmat Team. It will also be utilized to cover expenses for training and related expenses. These purchases will be vital to the efficient and effective operation of the Hazmat Response Operations of the Fire Department.

BUDGET/STAFF IMPACT:

Increase expenses to correspond with hazmat services revenue received.

Attachments:

Budget Adjustment for Hazmat Revenue

Budget Year	Division	Adjustment Number
2018	FIRE (300)	
	/Org2	
	Requestor: David Dayringer	

Approval of a Budget Adjustment in the amount of \$11,198 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

POSTED: /

v.20180119

C:\Program Files\Granicus\Legistar5\Packet\1246 City Council Agenda Session 2 27 2018\0003 2 BA HAZMAT SERVICES REVENUE1



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0133

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

ARKANSAS STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2017-2018 STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT FOR STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$54,693.47, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a 2017-2018 State Drug Crime Enforcement and Prosecution Grant for state funding of the Fourth Judicial District Drug Task Force in the amount of \$54,693.47, and authorizes Mayor Jordan to sign all necessary documents to receive the grant funds.

City of Fayetteville Staff Review Form

2018-0133

Legistar File ID

3/6/2018

Mike Reynolds

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

Mike Reynolds

2/16/2018

POLICE (200)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of the 2nd 2017-2018 Arkansas State Drug Crime Enforcement and Prosecution (DF2) Grant award for state funding of the 4th Judicial District Drug Task Force in the amount of \$54,693.47.

Budget Impact:

2930.200.2960-various

Drug Enforcement

Account Number

Fund

31605-2018

Police Drug Enforcement

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 518,000.00

Funds Obligated \$ 91,019.39

Current Balance \$ 426,980.61

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 426,980.61

Previous Ordinance or Resolution #

V20180209

Original Contract Number:

Approval Date:

Comments: Please sign in BLUE ink.



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 6, 2018

TO: Mayor and City Council *Mike Reynolds*
FROM: Mike Reynolds, Deputy Chief of Police
DATE: February 16, 2018
SUBJECT: Arkansas State Drug Crime Enforcement and Prosecution Fund Grant Award #2

RECOMMENDATION:

Staff recommends acceptance of the 2nd Arkansas State Drug Crime Enforcement and Prosecution (DF) Grant award for state funding of the 4th Judicial District Drug Task Force (DTF) in the amount of \$54,693.47.

BACKGROUND:

The Arkansas Department of Finance and Administration (ADF&A) has provided state grant funding to the City of Fayetteville for multi-jurisdictional drug task force activities since 1991. Participating law enforcement agencies include Fayetteville, Springdale, Prairie Grove, Farmington, Lincoln, Greenland, West Fork, Goshen, and Washington County. The DTF Control Group consists of top law enforcement officials from Fayetteville, Springdale, Prairie Grove, and Washington County. Fayetteville continues to provide fiduciary oversight of this grant and provides a DTF Supervisor, three (3) DTF Officers, and a DTF Secretary. Springdale provides two (2) DTF Officers and Washington County provides a DTF Officer. Also, Prairie Grove provides a DTF Officer who represents the seven (7) rural agencies.

DISCUSSION:

ADF&A's Office of Intergovernmental Services is offering continuation grant funding through the State Drug Crime Enforcement and Prosecution Fund (DCF) in the following amounts: state - \$54,693.47 and local match - \$13,352.61. The DCF grant defines required local matching funds based on a percentage split of approximately 80/20 in awarded state funds plus local match funds. To receive the state portion of the DCF, the 4th DTF and member agencies must commit to the local match.

BUDGET/STAFF IMPACT:

No increase in budgeted funds will be required. The current DTF budget will be sufficient for the balance of 2018. This grant funding will have no impact on current staffing levels.

Attachments:

Grant Award Packet



ARKANSAS DEPARTMENT OF
FINANCE AND ADMINISTRATION

OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 400

P. O. Box 8031

Little Rock, Arkansas 72203-8031

Phone: (501) 682-1074

Fax: (501) 682-5206

<http://www.state.ar.us/dfa>

☐

JAG

☐

RSAT

☒

DCF

☐

LLEBG

**Arkansas State Drug Crime Enforcement
and Prosecution Grant Fund**

CFDA #: N/A

1. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)

Mr. Lioneld Jordan, Mayor
4th JD DTF
113 West Mountain Street
Fayetteville, AR. 72701

4. SUBGRANT NUMBER: J17-004-DF2

5. START DATE: January 1, 2018

END DATE: June 30, 2018

6. AWARD DATE: March 1, 2018

2. MODIFICATION EFFECTIVE DATE:

7. ACTION: ☒ Initial

☐

Modification

2A. MODIFICATION AMOUNT \$

STATE MATCH \$

LOCAL MATCH \$

8. AWARD AMOUNT \$ 68,046.08

STATE AMOUNT \$ 54,693.47

LOCAL MATCH \$ 13,352.61

3. PROJECT DESCRIPTION:

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

9. SPECIAL CONDITIONS (check if applicable)

☒

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

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

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



DEPARTMENT OF FINANCE AND ADMINISTRATION
OFFICE OF INTERGOVERNMENTAL SERVICES

PAGE 1 OF 1

APPROVED BUDGETS

AGENCY NAME:	SUBGRANT NO:	PROJECT PERIOD:
4th JD DTF (City of Fayetteville)	J17-004-DF2	January 1, 2018 - June 30, 2018
	ORIGINAL_BUDGET	REVISION_1
BUDGETED LINE ITEM	ORIGINAL BUDGET AMOUNT (\$)	ORIGINAL BUDGET AMOUNT (L)
SALARIES		
SALARIES 01 - Supervisor - Chris	13,651.03	3,332.68
SALARIES 02 - Investigator - Oswalt	12,863.05	3,140.30
SALARIES 03 - Investigator - Moore	10,540.62	2,573.41
MANDATED BENEFITS		
EMPLOYER BENEFITS		
MAINTENANCE AND OPERATIONS		
PROFESSIONAL SERVICES		
Contract Labor-Springdale PD	7,022.69	1,714.48
Contract Labor-Washington Co	4,030.94	984.09
Contract Labor-Prairie Grove PD	6,585.14	1,607.65
TRAVEL/ TRAINING		
EQUIPMENT		
CAPITAL OUTLAY		
TOTAL	\$ 54,693.47	\$ 13,352.61

Signature of Authorized Official/Date

Walter Anderson 2-16-2018

Signature of Fiscal Officer/Date

Category	State	Local	State	Local
SALARIES	37,054.70	9,046.39	-	-
MANDATED BENEFITS	-	-	-	-
EMPLOYER BENEFITS	-	-	-	-
MAINTENANCE AND OPERATIONS	-	-	-	-
PROFESSIONAL SERVICES	17,638.77	4,306.22	-	-
TRAVEL/ TRAINING	-	-	-	-
EQUIPMENT	-	-	-	-
CAPITAL OUTLAY	-	-	-	-
TOTAL	\$ 54,693.47	\$ 13,352.61	\$ -	\$ -

Category	State	Local	TOTALS
SALARIES	(37,054.70)	(9,046.39)	\$ (46,101.09)
MANDATED BENEFITS	-	-	\$ -
EMPLOYER BENEFITS	-	-	\$ -
MAINTENANCE AND OPERATIONS	-	-	\$ -
PROFESSIONAL SERVICES	(17,638.77)	(4,306.22)	\$ (21,944.99)
TRAVEL/ TRAINING	-	-	\$ -
EQUIPMENT	-	-	\$ -
CAPITAL OUTLAY	-	-	\$ -
TOTAL	\$ (54,693.47)	\$ (13,352.61)	\$ (68,046.08)



**Department of Finance
and Administration**

1515 West Seventh Street, Suite 400
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 683-5604
Fax: (501) 682-5206
<http://www.dfa.arkansas.gov>

GENERAL ASSURANCES AND CERTIFICATIONS

**AO
Initials**

- 1 _____ The applicant assures that federal funds made available under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program will not be used to supplant state and local funds, but will be used to increase the amount of funds that would, in the absence of federal funds, be made available for the activities of this project.
- 2 _____ The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the National Institute of Justice and the Department of Finance and Administration shall prescribe shall be provided to assure fiscal control, proper management, and effective disbursement of funds received under this sub award;
- 3 _____ The applicant assures that it will maintain an appropriate grant administration system to ensure that all terms, conditions and specifications of the grant, including these assurances, are met.
- 4 _____ The applicant assures that it will comply with the **OJP Financial Guide** in its administration of the grant. The OJP Financial Guide can be accessed online at <http://www.ojp.usdoj.gov/financialguide/>.
- 5 _____ The applicant assures that it shall maintain such data and information and submit such reports in such form, at such times, and containing such data and information as the as the National Institute of Justice and the Department of Finance and Administration may require;
- 6 _____ The applicant agrees to use the grant and matching funds only for the purposes stated in this application. Additionally, the applicant agrees that any grant and matching funds approved for personnel for this project will be based on the percent of time the personnel actually devote to the project.
- 7 _____ The applicant assures that at the end of each federal fiscal year that the project is in force, and at the end of the project period, it will submit a performance report to the Department of Finance and Administration in a manner to be prescribed;
- 8 _____ The applicant certifies that the program contained in this application meets all the requirements, and that all the information is correct, and that the applicant will comply with all provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and all other applicable federal and state laws;
- 9 _____ The applicant assures that before any budgetary or programmatic amendment is made to an approved program, it will submit such an amendment to the Department of Finance and Administration for review;
- 10 _____ The applicant assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office of Justice Programs, Office of Civil Rights Compliance (OCRC) and the Arkansas Department of Finance and Administration, Office of Intergovernmental Services;



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

Department of Finance and Administration

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AO Initials

- 11 _____ The applicant assures that if it is required to formulate an Equal Employment Opportunity Program (EEOP) in accordance with 28 CFR 42.301, et. seq., it should submit a certification to the state that it has a current EEOP on file which meets the requirements therein;
- 12 _____ The applicant assures that it will comply with the provisions of the Department of Finance and Administration's "Drug Law Enforcement Sub Grant Procedures and Financial Management Guidelines";
- 13 _____ The applicant assures that it will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part II, Applicability of Office of Management and Budget Circulars; Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; and Part 63, Floodplain Management and Wetland Protection Procedures;
- _____ The applicant assures that in addition to all other audit requirements, it will allow the Division of Legislative Audit or any other independent or internal auditors of the Department of Finance and Administration to have access to the applicant's records and financial statements;
- 14 _____ (A) as may be necessary for the Department of Finance and Administration to comply with the 1996 Single Audit Act Amendments and Office of Management and Budget (OMB) Circular A-133, and other rules and/or regulations governing financial accounting and auditing guidelines, principles, and procedures; and
- _____ (B) as may be requested by the Department of Finance and Administration to comply with any State or local government rules and/or regulations;
- 15 _____ The applicant assures that it will fully participate in the compilation of statistical information as required by state agencies, i.e., providing complete finger print arrest information;
- 16 _____ The applicant assures that both federal, state, and matching funds used for this project will be used exclusively to support defined Edward Byrne Memorial Justice Assistance Grant (JAG) Program activities, and will not be used to support any general purpose law enforcement or other activity maintained by the applicant;
- 17 _____ The applicant assures that if the grant funds are used to support a Task Force, the Task Force Board of Directors or 'Control Group' will hold regularly scheduled meetings at least monthly, and will provide the State Drug Director with copies of the agenda and minutes of each meeting;
- 18 _____ The applicant assures that if grant funds are used to support a Task Force, the Task Force Administrator and the Board of Directors will develop and/or maintain a detailed policy and procedures manual for the guidance of task force operations.



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

Department of Finance and Administration

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AO Initials

- 19 _____ The applicant assures that all proposals for out of state travel for conference and training will be submitted to the Arkansas Law Enforcement Committee for approval prior to any expense being incurred.
- 20 _____ The applicant agrees to comply with the with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable. The applicant also agrees to accept full responsibility for any compensatory time allowance or overtime pay obligations for persons employed within the project not funded by the grant.
- 21 _____ The applicant agrees that no officer or employee of its agency shall be involved in a decision that affects the applicant during the time of employment with the knowledge that there is an opportunity to further their interest as set forth in the Department of Justice, Office of Justice Programs Financial Guide.
- 22 _____ The applicant agrees to comply with the following Assurances and Certifications previously submitted and signed for SFY 2017-18 Drug Crime Fund Award as being applicable to this sub award: Standard Assurances; Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirement; Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions; and Equal Employment Opportunity Plan (EEOP) Certification

CERTIFICATION

I hereby certify that the applicant will comply with the above certifications and certify that the program proposed in this application meets all the requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; that all the information presented is correct; and the application will comply with the provisions of the Act and all other federal laws, regulations, and guidelines and applicable state laws and regulations.

(Signature of Authorized Official)

Lioneld Jordan
(Printed Name)

(Signature of Fiscal Officer)

Willie Newman
(Printed Name)

(Date)

Mayor
(Title)

2-16-2018
(Date)

Fiscal Officer
(Title)

POST AWARD REQUIREMENTS FOR DRUG CRIME FUND SUB-RECIPIENTS

2017-18 STATE DRUG CRIME FUND (DCF)

DFA/IGS GRANT CONDITIONS

1. The sub-recipient must comply with Act 1086 of 2007: The State Drug Crime Enforcement and Prosecution Grant Fund <http://www.arkleg.state.ar.us/assembly/2007/R/Acts/Act1086.pdf>
2. The sub-recipient agrees to prepare and submit an *Inventory Report* for equipment purchased with federal, state, and/or local matching funds with the *1st Quarterly Report*.
3. The sub-recipient agrees to prepare and submit a *Monthly Request for Reimbursement Form* (with copies of invoices, cancelled checks, and other documentation of expenditures by line item) by the 15th day of each month following the month for which subgrant expenditures were paid. A supporting document(s) (Excel Spreadsheet) reporting the allocation of subgrant expenditures between federal, state and/or local funds shall accompany each Request for Reimbursement. Reimbursement requests must be timely. Documentation must be appropriate, legible, and accurate. Sub-recipients are **required** to submit requests monthly, even if the request is zero. Failure to submit monthly reimbursement requests in a timely manner may impose additional special conditions.
4. Please note and acknowledge the additional items below. Sub recipient agrees that the following special conditions related to the expenditure of grant funds which have been approved by the DF&A Office of Intergovernmental Services, will be followed
 - a. Grant funds will be used only in accordance with the approved budget. Expenditures incurred or made outside the approved budget line items/categories will be disallowed.
 - b. All lease agreements (i.e. vehicle, storage, office space, and/or rental) must be submitted to DFA-IGS for the file within 60 days of the award date.
 - c. Preapproval is required for out of state travel. Prior to travel, sub-recipient must submit an out-of-state travel request form to IGS for approval no later than 30 days before the travel. IGS will provide the standard form to use. Expense incurred for out of state travel that is not pre-approved by IGS will be disallowed.
 - d. Uniform allowance is limited to the purchase of standard officer uniform, hazardous material uniform and necessary hazmat accessories. Undercover officers may not use the uniform allowance to purchase plain clothes.
 - e. Lease cost for vehicles may not exceed \$600 per month per vehicle.
 - f. Health Insurance premiums and retirement benefits are limited to the maximums paid by the State of Arkansas for its employees. At the time of this award, health insurance maximum is \$450 and retirement maximum rate is 14.75%
 - g. The purchase of weapons, lethal or non-lethal and ammunition for those weapons is an unallowable expense.
 - h. The purchase of drug interdiction canine is unallowable.
 - i. The use and fund of "Buy Money" is an unallowable cost under this award.
 - j. Before unique purchases, review federal/state solicitations and be aware of other unallowable items or items that require special conditions for approval.
 - k. The sub-recipient will assure that the JAG Grants' section has complete and correct contact information both for the Contract Official for the grant and for the DTF Director and Fiscal Officer. Changes in This contact information will include physical address, phone, fax and e-mail information as well as updated Memorandum of Understanding. Replacement or changes of DTF officers/staff who are paid directly by the grant or whose salary is used in whole or in part as match to the grant must also be reported to the IGS analyst assigned to your sub grant.
 - l. Attend any required DFA-IGS sponsored trainings/meetings as deemed necessary.



Initial

5. The sub-recipient agrees to prepare and submit *Quarterly Reports* by the 10th of the month following the end of a quarter. Report due dates are October 10th, January 10th, April 10th, and July 10th. Sub-recipient must utilize the Accountability Measures Quarterly Report Tool when submitting quarterly reports. Failure to submit quarterly reports in a timely manner may result in suspension of funds.
6. *Budget Modifications/Revision Requests* must be submitted by the 10th of the month in order for them to be considered for expenditures made during that month. Budget revisions will not be accepted during the last month of the grant period absent extraordinary circumstances. Sub-recipient may request modification of the approved budget to reallocate funds between existing categories. Requests for the addition of new budget categories or line items may not be approved. The final budget request modification/revision must be submitted no later than May 10th. DFA-IGS will only accept four (4) budget modifications request during the awarded project period. **This does not include the initial budget modification which is due within 45 days of the Award Date.**
6. The subrecipient agrees to submit within **thirty (30) days** of the end of the grant period a *Cumulative Financial Report and Annual Narrative Report* "MARKED FINAL." Reimbursement requests not submitted by ninety days past the final day of the grant period will be denied payment subject extraordinary circumstances. Absent such circumstances, the federal and/or state funds will be deobligated from the subaward.
7. The sub-recipient agrees to provide notification to IGS of all changes made to the General Project Information, i.e. contact information-name, address, telephone, fax, e-mail, etc. and changes made to authorized officials and/or staffing. The sub-recipient will assure that DFA-IGS has complete and correct contact information for the Contract Official for the grant, the DTF Director/Commander, and the Fiscal Officer. Changes in contact information will include physical address, phone, fax and e-mail information as well as updated Memorandum of Understanding. Replacement or changes of DTF officers/staff who are paid directly by the grant or whose salary is used in whole or in part as match to the grant must also be reported the DFA-IGS.
8. The sub-recipient agrees to attend any required DFA-IGS sponsored trainings/meetings as deemed necessary as well as other local trainings/meetings.
9. The sub-recipient understands that prior written approval is required for subgrant expenditures from federal and/or state funds budgeted in equipment and travel and training line items. The subrecipient shall submit to IGS a written request to purchase small equipment items not approved in the initial budget and submit a written request for use of funds for out-of-state travel and training. Federal and/or state funds budgeted for these purposes shall neither be obligated nor expended until approved by IGS and/or the Law Enforcement Committee. All approvals will be transmitted in written form to the subrecipient.
10. The subrecipient shall ensure that federal and/or state matching funds are used to supplement existing funds for program activities and must not replace those funds that have been appropriated for the same purpose. Federal and/or state matching funds made available under this grant will be used to increase the amount of funds that would, in the absence of federal and/or state matching funds, be made available for law enforcement activities. If there is a potential presence of supplanting, the subrecipient will supply documentation demonstrating that the reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

For example, no maintenance and operation costs previously funded by a state, city or county government may be supported with Drug Crime Fund and/or state matching funds. Any federal and/or state matching funds budgeted to supplement existing state and/or local funds due to increased maintenance and operation costs (e.g. fuel, utilities, etc.) shall not be used until all state and/or local funds budgeted for those costs are exhausted.



Initial

11. The sub-recipient understands that should it fail to comply with the terms and conditions of this subaward, including civil rights requirements, whether stated in a Federal or State statute, regulation, assurance, application, or notice of award, IGS may take one or more of the following actions, as appropriate in the circumstances: (1) temporarily withhold cash payments pending correction of the deficiency by the recipient; (2) disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance; (3) wholly or partly suspend or terminate the current award; (4) withhold further awards for the project or program and (5) take other remedies that may be legally available.

SUBRECIPIENT ACCEPTANCE OF DCF GRANT CONDITIONS

Authorized Official



Fiscal Officer

Date

2-16-2018

Date



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0054

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

ENVIRONMENTAL CONSULTING OPERATIONS, INC:

A RESOLUTION TO APPROVE AMENDMENT NO. 4 TO THE CONTRACT WITH ENVIRONMENTAL CONSULTING OPERATIONS, INC. IN THE AMOUNT OF \$61,872.00 FOR WETLANDS MITIGATION SITE MONITORING AND MANAGEMENT IN 2018

WHEREAS, Ordinance 5687, which was adopted on May 6, 2014, waived the requirement of formal competitive bidding and authorized a contract with Environmental Consulting Operations, Inc. for wetlands mitigation site monitoring and management for 2014; and

WHEREAS, Section 3.3 of the contract provides that the contract may be renewed for additional one year terms upon mutual agreement of the City and Environmental Consulting Operations, Inc.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 4 to the contract with Environmental Consulting Operations, Inc. in the amount of \$61,872.00 for wetlands mitigation site monitoring and management in 2018.

City of Fayetteville Staff Review Form

2018-0054

Legistar File ID

3/6/2018

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

Tim Nyander

2/15/2018

Wastewater Treatment Plant /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends a resolution to approve Amendment No. 4 to the contract with Environmental Consulting Operations, Inc. in the amount of \$61,872.00 for wetlands mitigation site monitoring and management through 2018.

Budget Impact:

5400.730.5120-5315.00

Water and Sewer

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 61,872.00

Funds Obligated \$ -

Current Balance \$ 61,872.00

Does item have a cost? Yes

Item Cost \$ 61,872.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # 64-17

Original Contract Number: 2320

Approval Date:

Comments: Ordinance 5687



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Tim Nyander, Utilities Director

DATE: February 15, 2018

SUBJECT: Environmental Consulting Operations, Inc. Amendment No. 4

RECOMMENDATION:

Staff recommends a resolution to approve Amendment No. 4 to the contract with Environmental Consulting Operations, Inc. in the amount of \$61,872.00 for wetlands mitigation site monitoring and management through 2018.

BACKGROUND:

Ordinance 5687, which was adopted on May 6, 2014, waived the requirement of formal competitive bidding and authorized a contract with Environmental Consulting Operations, Inc. for wetlands mitigation site monitoring and management for 2014. Section 3.2 of the contract provides that the contract may be renewed for additional one year terms upon mutual agreement of the City and Environmental Consulting Operations, Inc.

ECO, Inc. developed the wetlands and storm water protection best management plans and conducted excellent construction inspection for the WSIP, and was tasked to ensure full compliance with the related regulations and permits. ECO, Inc. also designed the wetlands mitigation site that was required by the Corps of Engineers, which has a mandated seven-year monitoring and reporting period. Funding comes from the Wastewater Treatment Operations Program.

DISCUSSION:

The contract covers the following work tasks for 2018:

1. Project Administration and Management
2. Annual Ecological Restoration Monitoring
3. Annual Adaptive Management Strategy
4. Update Credit Tracking Ledger for Surplus Wetland Credits
5. Academic Research Project Guidance

The details of each of these work tasks are outlined within the proposed Amendment No. 4 between the City of Fayetteville and ECO, Inc.

Amendment No. 4 has an increase of \$5,372.00 from 2017, and justification is attached.

BUDGET/STAFF IMPACT:

An appropriation of \$61,872.00 is requested to pay for these services. This will be paid for within the budget of the Wastewater Treatment Operations Program.

Attachments:

Amendment No. 4

2018 Executive Summary

**AMENDMENT NO. 4
TO
AGREEMENT FOR ENVIRONMENTAL CONSULTING SERVICES
BETWEEN CITY OF FAYETTEVILLE, ARKANSAS AND
ENVIRONMENTAL CONSULTING OPERATIONS, INCORPORATED
FOR
WOOLSEY WET PRAIRIE ECOLOGICAL MONITORING AND MANAGEMENT
ENVIRONMENTAL CONSULTING SERVICES**

THIS AMENDMENT NO. 4 to the Agreement For Professional Environmental Consulting Services, dated May 8, 2014 (the “Agreement”), by and between CITY OF FAYETTEVILLE, ARKANSAS (CITY) and ENVIRONMENTAL CONSULTING OPERATIONS, INC. (ECO) for environmental consulting services in connection with monitoring and ecological adaptive management of CITY’s wetland mitigation site (Site) known as Woolsey Wet Prairie is made and entered into for purposes of continuity of Site wetland habitat status in order to maintain surplus wetland credits generated at Site and due to Corps of Engineers (Corps) regulatory requirements to manage and maintain wetland compensatory mitigation in perpetuity to assure Site continues to meet ecological performance standards.

WHEREAS, this **AMENDMENT NO. 4** is a renewal of the May 8, 2014 Agreement that included a provision for automatic renewal of ECO’s annual Scope of Services beyond 2014 for additional 1-year terms upon mutual agreement by both CITY and ECO. Unless specifically stated, all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the CITY and ECO. All work to be performed prior to issuance of Amendment has been completed.

NOW THEREFORE, the CITY and ECO agree to amend the Agreement for ECO’s Scope of Services as follows:

1. Part A - Project Administration And Management

- a) General administration and project management activities;
- b) Perform project initiation activities;
- c) Provide environmental regulatory and technical information to CITY, CITY Contractors, Citizens of CITY, and Academia;
- d) Meet with CITY, CITY Contractors, and Academia for information exchange, goal and timeline setting, reviewing management strategies, and action items;
- e) Perform internal project control including budgeting, scheduling, and quality control;
- f) Part A applies to January through December 2018. ECO’s renewal of annual Scope of Services will be reviewed by the City Council and amended upon approval for renewal of Part A services beyond 2018.

2. Part B - Annual Ecological Restoration Monitoring

- a) Conduct qualitative monitoring activities throughout the growing season to maintain cumulative plant species lists, evaluations of seasonal hydrology and associated plant communities, and identification of stands of invasive plant species to be controlled;
- b) Observe and document total plant species richness for each wetland cell and the total mitigation Site in historical comprehensive plant species lists;
- c) Record locations of concentrated stands of non-native and native invasive plant species and locations of rare Arkansas Natural Heritage Commission tracking plant species on wetland cell maps;
- d) Develop 2018 Woolsey Wet Prairie Adaptive Management Strategy & Monitoring Report No. 12 that is consistent with historical monitoring and management activities at Site in a format to be used for Site adaptive management purposes;
- e) Part B applies to January through December 2018. ECO's renewal of annual Scope of Services will be reviewed by the City Council, and amended upon approval for renewal of Part B services beyond 2018.

3. Part C - Annual Adaptive Management Strategy

- a) Continued development and implementation of annual strategy for specific controls of invasive species via selection, coordination, and scheduling of time sensitive hydrology controls, herbicide applications, mowing, hand pulling, and prescribed burning;
- b) Make Site visits throughout the growing season to make observations of hydrology, vegetation, and effectiveness of invasive vegetation control;
- c) Oversee selection, scheduling, and coordination of Site adaptive management activities and provide guidance pertaining to Site Deed-Restrictive Covenant restrictions to CITY and CITY's Contractors associated with management of Site;
- d) Provide restoration ecology advisory technical guidance to CITY and CITY's Contractors associated with management of Site for the purpose of implementation of Site management activities that are compliant with Site permanent protection measures and restrictions specified in the CITY's Section 404 permit;
- e) Document and maintain records of adaptive management activities implemented and the date of use;
- f) Make adjustments, as necessary, to timing and type of vegetation management to be implemented including, but not restricted to, hydrology management, mowing, herbicide applications, prescribed burning, and hand pulling of invasive plant species;

- g) Utilize drone-generated wetland cell aerial photographs showing locations of concentrated stands of invasive and non-native plant species and locations of rare Arkansas Natural Heritage Commission tracking plant species in order to target and prioritize areas for specific management activities;
- h) Develop herbicide application specifications that include specific types of herbicides to apply to specific invasive plant species by City contractors;
- i) Schedule and select type of herbicide, adjuvant, and application rate to be used for specific target non-native and invasive plant species at specific locations and document herbicide effectiveness;
- j) Coordinate, schedule, and observe areas where herbicide applications have been made to evaluate effectiveness for controlling invasive species by City contractors;
- k) Develop burn specifications that clearly identify prescribed Burn Contractor responsibilities as a part of CITY's informal bid process that identify: Site preparation, notifications, and Burn Contractor responsibilities;
- l) Coordinate, schedule, and observe prescribed burn to evaluate Burn Contractor's conformance with state laws, notifications, and specifications;
- m) Part C applies to January through December 2018. ECO's renewal of annual Scope of Services will be reviewed by the City Council, and amended upon approval for renewal of Part C services beyond 2018.

4. Part D - Update Credit Tracking Ledger for Surplus Wetland Credits

- a) Site has generated surplus of wetland credits above those required by CITY's Section 404 permit for wetland compensatory mitigation. CITY has received Corps approval to use wetland credits to mitigate for wetland impacts caused by the CITY's infrastructure improvement projects within Illinois River watershed, HUC 11110103;
- b) Under the 2014 Scope of Services, ECO developed a wetland credit ledger to include surplus credits and credit debits from CITY's Van Asche Extension Project for submittal to Corps;
- c) Under the 2015 Scope of Services, ECO developed a wetland credit ledger to include surplus credits and credit debits from CITY's Clabber Creek Recreational Trail Project for submittal to Corps;
- d) Under the 2016 Scope of Services, CITY did not utilize any surplus wetland credits for City infrastructure improvement projects requiring wetland compensatory mitigation;
- e) Under the 2017 Scope of Services, CITY did not utilize any surplus wetland credits for City infrastructure improvement projects requiring wetland compensatory mitigation;

- f) It is unknown at the current time, whether or not Part D services will be necessary for January through December 2018, and will be a function of whether or not surplus credit transactions occur. Should 2018 wetland credit transactions occur, ECO shall update wetland credit ledger accordingly for submittal to Corps at the end of 2018;
- g) ECO's renewal of annual Scope of Services will be reviewed by the City Council, and amended upon approval for renewal of Part D services beyond 2018.

5. Part E - Academic Research Project Review and Guidance

- a) During 2017, there was an increased interest in the Site for academic research projects from various departments of the University of Arkansas ranging from herpetology to soil microbiology. While research projects at the site are exciting and encouraged, the need exists for guidance and oversight to ensure that all parties involved are made aware of the various requirements of the City of Fayetteville's Section 404 permit and Deed Restricted Covenant for the Site. Failure to manage research project activities at the Site has the potential to result in the City not being in compliance with the terms and conditions of the City's Section 404 permit and the Deed Restricted Covenant for the Site.
- b) ECO, Inc. is in the process of developing a research request form intended for use by proposed research projects that will provide project-specific relative information to ECO, Inc., CH2MHill, and the City of Fayetteville for review and approval, while also educating the applicant about the Site Section 404 permit requirements.
- c) Part E applies to January through December 2018. ECO's renewal of annual Scope of Services will be reviewed by the City Council, and amended upon approval for renewal of Part E services beyond 2018.

6. Compensation

For the amended Scope of Services described herein, CITY agrees to pay ECO the sum specified below on Cost Detail Table. The total payment shall be a lump sum "not to exceed" amount of **SIXTY ONE THOUSAND EIGHT HUNDRED SEVENTY TWO U.S. DOLLARS** (\$61,872.00).

Amendment No. 4 - 2018 Cost Detail

Amended ECO Scope of Services	Fee Estimate
Part A - 2018 Project Administration And Management	\$2,508
Part B - 2018 Annual Ecological Restoration Monitoring	\$21,850
Part C - 2018 Annual Adaptive Management Strategy	\$32,510
Part D - 2018 Update Surplus Wetland Credit Tracking Ledger	\$ 0
Part E - 2018 Academic Research Project Guidance	\$5,004
TOTAL	\$61,872.00

The CITY and ECO intending to be legally bound, indicate their approval of this AMENDMENT No. 4 by their signatures below.

**ENVIRONMENTAL CONSULTING
OPERATIONS, INC.**

CITY OF FAYETTEVILLE

By: 
Bruce Shackleford, President

By: _____
Lioneld Jordan, Mayor

Date: January 15, 2018

Date: _____

ATTEST:

By: _____
Sondra E. Smith, City Clerk/Treasurer

Date: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/26/2017

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 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 The Thomas Insurance Agency of Benton 114 East Conway Street P. O. Box 49 Benton AR 72018-0049		CONTACT NAME: Jennifer Wood PHONE (A/C, No. Ext): (501) 778-9162 FAX (A/C, No): (501) 778-0533 E-MAIL ADDRESS: jennifer.wood@nfp.com													
INSURED Environmental Consulting Operations, Inc. 17724 Interstate 30 Suite 5A Benton AR 72019		INSURER(S) AFFORDING COVERAGE <table border="1"><tr><td>INSURER A West American Ins Co</td><td>NAIC # 44393</td></tr><tr><td>INSURER B Cameron Insurance Company</td><td>15725</td></tr><tr><td>INSURER C Ohio Casualty Ins Co</td><td>24074</td></tr><tr><td>INSURER D Westchester Surplus Lines Ins</td><td>10172</td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>		INSURER A West American Ins Co	NAIC # 44393	INSURER B Cameron Insurance Company	15725	INSURER C Ohio Casualty Ins Co	24074	INSURER D Westchester Surplus Lines Ins	10172	INSURER E:		INSURER F:	
INSURER A West American Ins Co	NAIC # 44393														
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INSURER C Ohio Casualty Ins Co	24074														
INSURER D Westchester Surplus Lines Ins	10172														
INSURER E:															
INSURER F:															

COVERAGES

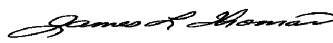
CERTIFICATE NUMBER: CL1752606203

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	☒ COMMERCIAL GENERAL LIABILITY			BZW57085594	5/10/2017	5/10/2018	EACH OCCURRENCE \$ 2,000,000
	☐ CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000
							MED EXP (Any one person) \$ 15,000
							PERSONAL & ADV INJURY \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 4,000,000
	☒ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG \$ 4,000,000
	OTHER:						Employment Practices Liab \$ 100,000
B	AUTOMOBILE LIABILITY			CA8001504	3/1/2017	3/1/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☐ ANY AUTO						BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
	☒ SCHEDULED AUTOS						Medical payments \$ 5,000
	☐ NON-OWNED AUTOS						
C	☒ UMBRELLA LIAB			US057085594	5/10/2017	5/10/2018	EACH OCCURRENCE \$ 1,000,000
	☐ EXCESS LIAB						AGGREGATE \$ 1,000,000
	☐ CLAIMS-MADE						
	DED ☒ RETENTION \$ 10,000						
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			XW57085594	5/10/2017	5/10/2018	☒ PER STATUTE ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Professional Liability			G24280469006	5/10/2017	5/10/2018	Contractors Pollution Liab Agg 2,000,000
							Contractors Pollution Liab Occ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER christinabrinkley@att.net Proof of Insurance	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 James Thomas/JWOOD 
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ACORD 25 (2014/01)
INS025 (2014/01)

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End of January 15, 2018 Amendment No. 4 for Environmental Consulting Services

2018 Executive Summary:
Woolsey Wet Prairie Annual Ecological Monitoring and Adaptive Management

Overview & Background

The Woolsey Wet Prairie Sanctuary was established by the City of Fayetteville as part of wetland compensatory mitigation requirements under Section 404 Permit 14207 issued by the U.S. Army Corps of Engineers Little Rock District. The 43.8-acre mitigation site was constructed to offset the permanent alteration of 7.92 acres of wetlands from construction of the City's Wastewater Systems Improvement Project (WSIP). The Section 404 Permit required 73.57 wetland credits to be generated at the mitigation site to offset wetland losses from the WSIP. To date, a total of 94.47 mitigation credits have been generated, producing a surplus of 20.90 credits.

On September 30, 2013, after numerous conferrals with ECO, Inc., the City of Fayetteville received a special one-of-a-kind approval from the Corps to use the 20.90 surplus wetland credits for city infrastructure projects that require wetland compensatory mitigation within the Illinois River Watershed. To date, surplus wetland credits have been used for the City's Van Asche Drive Extension Project and the Clabber Creek Recreational Trail Project, saving the City thousands of dollars.

Environmental Consulting Operations, Inc. (ECO, Inc.) developed the wetlands and stormwater permitting Best Management Practices Plans and conducted excellent construction inspection for the WSIP and was tasked to ensure full compliance with related regulations and permits. Under their supervision, contractors working for the city completed over \$160 million in work without a single permit violation. ECO, Inc. designed the ecological features of the wetland mitigation site that was required by the Corps of Engineers, which had a mandated monitoring and reporting period, and maintains the required wetland credit ledger to track the use of surplus wetland credits by the City of Fayetteville.

Under ECO, Inc.'s adaptive management strategy, the mitigation site has a current plant species list totaling 479 species, a ten-fold increase beyond the 47 plant species observed in 2004. Eleven species at the site are tracked by the Arkansas Natural Heritage Commission as species of state conservation concern. Nonetheless, persistent invasive species are present at the site, requiring continued monitoring and adaptive management activities

ECO, Inc. Scope of Work

ECO, Inc.'s May 8, 2014 Agreement For Professional Environmental Consulting Services covered the following work tasks for 2014, and as amended in 2015, 2016, and 2017:

- (1) Annual Ecological Restoration of Existing Mitigation Site;
- (2) Annual Adaptive Management Strategy for Existing Mitigation Site;
- (3) Development of Credit Tracking Ledger for Surplus Wetland Credits;
- (4) Provide environmental regulatory and technical information to the City of Fayetteville and City Contractors.

The details for each of these work tasks are outlined within the proposed 2018 Contract Amendment No. 4 between the City of Fayetteville and ECO, Inc. in Parts A, B, C, and D. For 2018, Part E has been added for providing Academic Research Project Guidance.

Justification for 2018 Woolsey Wet Prairie Contract Price Increase

During 2017, there was an increased interest in conducting academic research projects at Woolsey Wet Prairie from various departments of the University of Arkansas ranging from herpetology surveys to soil microbiology studies. While research projects at the site are exciting and encouraged, the need exists for guidance and oversight to ensure that all parties involved are made aware of the various requirements of the City of Fayetteville's Section 404 permit and Deed Restricted Covenants for the wetland compensatory mitigation site. Some seeking to conduct academic endeavors have commenced with their project work without formally notifying ECO, Inc., CH2MHill, or the City of Fayetteville. To ECO, Inc.'s knowledge, there at least five five research projects at various stages of completion at the property. Some involved in academic ventures have expressed to ECO, Inc. that they thought the wetland mitigation site was "just another City Park" where they could do their research with no restrictions.

Failure to manage research project activities at the mitigation site has the potential to:

- a) **Result in the City not being in compliance with the terms and conditions of the City's Section 404 permit and/or the Deed Restricted Covenant for the property,**
- b) **Result in the possible reduction in surplus wetland credits for City infrastructure improvement projects,**
- c) **Result in damage to isolated stands of rare and ecologically sensitive plant species, and**
- d) **Result in one research project taking place in such a manner to interfere with another research project.**

Therefore, a need has arisen to provide guidance to academia and to require all academic research projects to provide a formal notification and a proposal describing the types of activities and scheduling for proposed projects.

ECO, Inc.'s scope under this part will be to:

- a) **Developing a research request form intended for use by proposed research projects that will provide project-specific relative information to ECO, Inc., CH2MHill, and the City of Fayetteville for review and approval.**
- b) **Develop a brief guidance document to educate those who plan to conduct research projects at the site about prohibited activities specified within the City's Section 404 permit and deed-restrictive covenants for the property.**
- c) **Review proposed research projects and make recommendations to City, CH2MHill, and applicant.**

A cost detail for ECO, Inc.'s 2018 scope of work is shown below.

Amendment No. 4 - 2018 Cost Detail	
Amended ECO Scope of Services	Fee Estimate
Part A - 2018 Project Administration And Management	\$2,508
Part B - 2018 Annual Ecological Restoration Monitoring	\$21,850
Part C - 2018 Annual Adaptive Management Strategy	\$32,510
Part D - 2018 Update Surplus Wetland Credit Tracking Ledger	\$ 0
Part E – 2018 Academic Research Project Guidance	\$5,004
TOTAL	\$61,872.00

The total cost of \$61,872.00 for the 2018 scope of work represents a \$5,372.00, or 9.5% increase over the \$56,500.00 amount that was approved by the City of Fayetteville for ECO, Inc.'s 2017 scope of work. The addition of Part E accounts for the majority (9.3%) of the 9.5% cost increase, while ECO, Inc.'s annual hourly fee increase accounts for roughly 0.2% of the cost increase.

Considering that ECO, Inc.'s 2017 work was completed at a cost that was \$1,461.08 under the 2017 budget, the actual 2018 increase is equivalent to \$3,910.92, or an actual realized increase of 6.9% above the 2017 amount approved by the City.

2017 Contract Amend. No. 3 Approved Amount	2017 Amount Billed	2017 Amount Under Budget	2018 Cost
\$56,500	\$55,038.92	\$1,461.08	\$61,872 (\$3,910.92 above 2017 amount approved.

Scopes of work and associated costs for Parts A through D will not change significantly from 2017 to 2018.

ECO, Inc. will continue to conduct annual monitoring activities to identify problem areas where specific management controls are warranted.

ECO, Inc. will continue to coordinate adaptive management practices to:

- **Develop plant group-specific herbicide application guidance and recommendations for CH2MHill,**
- **Review records of herbicide applications made by CH2MHill,**
- **Coordinate with CH2MHill, to maintain an aggressive herbicide program for controlling woody vegetation in an effort to "prevent" excessive growth of trees that necessitates timber mukching,**
- **Develop prescribed burn specifications for informal bid process of selecting burn contractor,**
- **Coordinate/scheduling/oversight of prescribed burn.**
- **Process/coordinate/update surplus wetland credit ledger should City infrastructure improvement projects arise that require wetland mitigation credits.**

ECO, Inc. possesses the very specialized technical and regulatory skills and site-specific knowledge to complete these tasks for the purpose of meeting Corps of Engineers mandated mitigation performance standards and to maintain the existing surplus wetland credits for use in future city infrastructure improvements that require compensatory wetland mitigation.



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0127

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

RFP #17-07 ECOSCONNECT, LLC:

A RESOLUTION TO AWARD RFP #17-07 AND AUTHORIZE THE MAYOR TO SIGN A ONE-YEAR CONTRACT WITH ECOSCONNECT, LLC, WITH AN OPTION TO RENEW FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS, IN THE AMOUNT OF \$12,000.00 PER YEAR FOR BACKFLOW TRACKING SERVICES

WHEREAS, the City's Backflow Program has always internally handled backflow assembly test and survey submissions and customer notifications regarding backflow assemblies; and

WHEREAS, more than 12,000 backflow assemblies are currently in place around the City with more than 500 added each year; and

WHEREAS, Backflow Program staff recommended moving to a web-based backflow prevention/cross connection tracking software application with program support services that will allow staff to keep track of the increasing numbers of assemblies and test reports.

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 RFP #17-07 and authorizes Mayor Jordan to sign a one-year contract with EcosConnect, LLC, with an option to renew for up to four additional one-year terms, in the amount of \$12,000.00 per year for backflow tracking services.

City of Fayetteville Staff Review Form

2018-0127

Legistar File ID

3/6/2018

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

Tim Nyander

2/15/2018

Water & Sewer Maintenance /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends awarding RFP #17-07 and authorizing a contract with EcosConnect, LLC in the amount of \$12,000.00 for Backflow Tracking Software and Services for the Backflow Department.

Budget Impact:

5400.720.1840.5314.00

Water and Sewer

Account Number

Fund

02066.1801

Backflow Prevention Assemblies

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 93,190.00

Funds Obligated \$ -

Current Balance \$ 93,190.00

Does item have a cost? Yes

Item Cost \$ 12,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 81,190.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Tim Nyander, Utilities Director

DATE: February 15, 2018

SUBJECT: **Approval of a Backflow Tracking Software and Service Contract with EcosConnect, LLC**

RECOMMENDATION:

Staff recommends awarding RFP #17-07 and approving a software and service contract with EcosConnect, LLC in the amount of \$12,000.00 for backflow tracking services for the Backflow Department.

BACKGROUND:

The City of Fayetteville Backflow Department has always internally handled backflow assembly test and survey submissions (from certified testers) and customer notification regarding their backflow assemblies. The City currently has over 12,000 backflow assemblies, with more than 500 added each year for the last several years. The Backflow Department is currently in need of a web-based backflow prevention/cross connection tracking software application and program support services that will allow for the department to keep track of the increasing amount of assemblies and test reports.

DISCUSSION:

The City received a proposal from EcosConnect, LLC (RFP #17-07) that will provide the necessary web-based software and services needed to manage the large number of submitted assembly test reports, as well as keeping track of all of the backflow assemblies in the City and when they are to be tested. The software also sends out notifications to customers, telling them that their assembly needs to be tested or if it is out of compliance. This will save a tremendous amount of time, and will also create more accurate backflow records as a result of having less data entry and human error.

EcosConnect, LLC will charge \$12,000.00 at the signing of the contract, which will be credited towards the cost of \$1.00 per submitted backflow assembly test report (test reports cost \$1.00 per submission thereafter). EcosConnect, LLC will charge \$2.00 per customer notification generated and distributed.

BUDGET/STAFF IMPACT:

Funds are available within the Backflow Prevention Assemblies Project.

Attachments:

Contract for Backflow Tracking Services



**CITY OF
FAYETTEVILLE
ARKANSAS**

Contract for Services:
Contract for Backflow Tracking Services
Between the City of Fayetteville, AR
and EcosConnect, LLC.
Renewal Terms: 1 year with 4 renewals

Agreement is made this _____ day of _____, 2018 by and between the **City of Fayetteville, Arkansas (City)** located at 113 W. Mountain, Fayetteville, Arkansas 72701 and **EcosConnect, LLC. (EcosConnect)** located at 1925 NW Amberglen Pkwy, Suite 130, Beaverton, OR 97006.

WITNESSETH:

WHEREAS, City has previously determined a need for a PROVIDER FOR BACKFLOW TRACKING SERVICES; and

WHEREAS, City, after soliciting competitive proposals for such services pursuant to City of Fayetteville RFP 17-07 (herein after referred to as Request for Proposal or RFP), City hereby awards this contract to EcosConnect, LLC; and

WHEREAS, EcosConnect has represented that it is able to satisfactorily provide these services according to the terms and conditions of the RFP, which are incorporated herein by reference, and the terms and conditions are contained herein; and

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

1. Term: This Agreement shall be for an initial one-year period from the effective date of this contract. This agreement may be renewed for four (4) additional one (1) year terms with approval of both parties.
 - a. This contract may be canceled by either party with thirty (30) days written notice. In the event of cancellation, all records pertaining to the City of Fayetteville accounts and records shall become the property of the City of Fayetteville and turned over accordingly within thirty (30) calendar days after cancellation of contract. The records shall be delivered to the City of Fayetteville within a comma separated file (.csv) which will include all data that has been stored and collected per this contract.
 - b. Services shall be performed in a timely manner.
 - c. Failure of EcosConnect to comply with any of the provisions of this Contract shall be considered a material breach of Contract and shall be cause for immediate termination of the Contract at the sole discretion of the City.
 - d. In addition to all other legal remedies available to it, the City reserves the right to cancel or obtain from another source any services which have not been provided within the period of time stated in this agreement, or if no such time is stated, within a reasonable period of time from the date of order or request, as determined by the City.
2. Attachments: The Contract documents which comprise the contract between the City and the EcosConnect consist of this Contract and the following documents attached hereto, and made a part hereof. In the event of a conflict between the terms of this Contract and the above referenced

documents, the conflict shall be resolved as follows: the terms of this Contract shall prevail over the other documents, and the terms of the remaining documents shall be given preference in their above listed order.

- a. Exhibit A: The City's Request for Proposals, inclusive of all Addenda, RFP 17-07
- b. Exhibit B: EcosConnect's response to RFP 17-07
- c. Exhibit C: Scope of Work

3. Fees and Expenses: The City shall pay EcosConnect usage fees based on the following schedule.

- a. **Test report/survey submission fee**: \$1.00 per test report or survey submitted through system. Billed monthly based on prior month's actual submissions through Service.
- b. **Initial setup/start-up fee**: \$12,000.00 due upon contract signing. Credited back against test report and survey submissions. Credit cannot be applied to Customer notice generation and distribution fees as described below.
- c. **Customer notice generation and distribution fee**: \$2.00 per backflow prevention assembly listed on each notice for all notices generated and distributed by EcosConnect for benefit of the City. These fees shall be billed monthly based on prior month's actual production of notices.
- d. **Manual Entry of Test Data by Vendor**: \$4.00 per completed test report (200 completed test reports minimum). Billed monthly as required.
- e. **Data entry fees**: Fees for backlogged data may be applied to the initial setup/ start-up fee.
- f. **Taxes**: Fee payment amounts under this agreement do not include Taxes, and Customer shall pay all Taxes applicable to payments between the parties under this agreement. The City is not a tax-exempt entity.
- g. EcosConnect shall track, log and provide reporting data related to this agreement along with invoice for payment for each month. Annual fee increases shall be capped at 2% for entry fees and allow for annual for United States Postal Rate increases for notifications.
- h. **Additional live training**: Any additional remote live training in excess of the allowed four (4) hours per month may be charged at \$200.00 per hour. One live on-site training shall be included at startup. Additional onsite training shall be \$1,600.00 per day plus transportation costs as outlined in EcosConnect's submittal.

4. Notices: Any notice required to be given under this Agreement to either party to the other shall be sufficient if addressed and mailed, certified mail, postage paid, delivery, e-mail or fax (receipt confirmed), or overnight courier.

5. Applicable Law: This Agreement shall be governed by and construed in accord with the laws of the State of Arkansas and City ordinances. Venue for all legal disputes shall be Washington County, Arkansas.

6. Entire Agreement: This Agreement sets forth the entire agreement and understanding between the parties on the subject matter of this Agreement. Neither party shall be bound by any conditions, definitions, representations or warranties with respect to the subject matter of this Agreement other than those as expressly provided herein.

7. 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 amendment to the Contract approved by the Mayor and the City Council in advance of the change in scope, cost or fees.
8. Contract Administration: The Mayor or his/her Designated Representative shall be the Contract Administrator for this contract. EcosConnect Principal or his/her Designated Representative shall be the primary contact for all matters pertaining to this contract.
9. 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, EcosConnect 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.), exempting those records that, "if disclosed would give advantage to competitors or bidders," as described in Section (b)(9)(A). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
10. Professional Responsibility: EcosConnect shall exercise reasonable skill, care, and diligence in the performance of services and will carry out its responsibilities in accordance with customarily accepted professional practices.
11. Assignment and Subcontracting: EcosConnect shall perform this Contract. No assignment or subcontracting shall be allowed without the prior written consent of the City. In the event of a corporate acquisition and/or merger, EcosConnect shall provide written notice to the City within thirty (30) business days of such notice of 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 Proposer, which has disclosed its intent to assign or subcontract in its response to the RFP, without exception shall constitute approval for purposes of this Agreement.
12. Permits & Licenses: EcosConnect shall secure and maintain any and all permits and licenses required to complete this Contract.
13. Indemnification: EcosConnect shall indemnify, pay the cost of defense, including but not limited to attorneys' fees, and hold harmless the City from all suits, actions or claims of any character brought on account of any injuries or damages received or sustained by any person, persons, or property a result of or by, or in consequence of any neglect in safeguarding the work; or on account of any act or omission, neglect or misconduct of EcosConnect; or by, or on account of, any claim or amounts recovered under the Workers' Compensation Law or of any other laws, by-laws, ordinances, order of decree, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Fayetteville. The first ten dollars (\$10.00) of compensation received by EcosConnect represents specific consideration for this indemnification obligation.
14. Payments: The City shall pay all invoices within 30 calendar days of acceptance.

15. Special Conditions:

- a. The City reserves the right to review, audit, and examine any and all records obtained by EcosConnect pertaining to accounts turned over by the City.
- b. EcosConnect shall show proof of any required licensing required by the State of Arkansas. Any required license shall be kept current throughout the term of this Contract. Proof of bonding certificate and licensing shall be submitted before each renewal.
- c. Customer accounts and all associated information updates shall be discontinued by the City at the sole discretion of the City. All historical information may be retained within EcosConnect.

IN WITNESS WHEREOF, the parties have executed this Agreement.

By: _____
LIONELD JORDAN, Mayor

By: Paul A. Molisani
Paul Molisani, Principal

ATTEST:

WITNESS: [Signature]

By: _____
Sondra E. Smith, City Clerk/Treasurer

Date Signed: _____

Date Signed: 2/2/2018



CITY OF
FAYETTEVILLE
ARKANSAS

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

RFP (REQUEST FOR PROPOSAL)

REQUEST FOR PROPOSAL: RFP 17-07, Backflow Tracking Services

DEADLINE: Thursday July 06, 2017 before 2:00:00 PM, local time

RFP DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Les McGaugh, lmcgaugh@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: Friday June 09, 2017

REQUEST FOR PROPOSAL RFP 17-07, Backflow Tracking Services

No late proposals shall be accepted. RFP's shall be submitted in sealed envelopes labeled with the project number and name as well as the name and address of the firm.

All proposals shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection. Any bid, proposal, or statements of qualification will be rejected that violates or conflicts with state, local, or federal laws, ordinances, or policies.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of submitting, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Agent.

Name of Firm: _____

Contact Person: _____ Title: _____

E-Mail: _____ Phone: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Signature: _____ Date: _____

City of Fayetteville, AR
Request for Proposal
RFP 17-07, Backflow Tracking Services

The City of Fayetteville, Arkansas, invites qualified and experienced vendors to submit responses to Request for Proposal (RFP) 17-07, Backflow Tracking Services for the purchase of software and monitoring services related to backflow tracking as described in the scope of services.

To be considered, proposals shall be received at the City Administration Building, City Hall, Purchasing – Room 306, 113 West Mountain, Fayetteville, Arkansas, by Thursday, July 06, 2017 before 2:00:00 PM, local time. No late submittals shall be accepted.

Project documents & addendums can be obtained by request from the City of Fayetteville via request from Les McGaugh, Purchasing Agent at lmcgaugh@fayetteville-ar.gov or (479)575-8220. The invitation to bid, notice of and addenda issued will be made publically available at <http://fayetteville-ar.gov/bids>. All questions regarding the process should be directed to Les McGaugh.

Proposals submitted shall be qualified to do business and licensed in accordance with all applicable laws of the state and local governments where the project is located.

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 reject any or all proposals and to waive irregularities therein and all Proposers shall agree that such rejection shall be without liability on the part of the City of Fayetteville for any damage or claim brought by any Proposer because of such rejections, nor shall the Proposers seek any recourse of any kind against the City of Fayetteville because of such rejections. The filing of any Proposal in response to this invitation shall constitute an agreement of the Proposer to these conditions

CITY OF FAYETTEVILLE

By: Les McGaugh
Title: Purchasing Agent
Ad date: 06/09/17

SECTION:	PAGE NUMBER
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Advertisement	02
SECTION A: General Terms & Conditions	04
SECTION B: Vendor References	14
SECTION C: Scope of Services and General Information	15
SECTION D: Submittal Signature	19

1. SUBMISSION OF A PROPOSAL SHALL INCLUDE:

Each proposal shall contain the following at a minimum. Proposer must also address detailed requirements as specified in the Scope of Work.

- a. A written narrative describing the method or manner in which the Proposer proposes to satisfy requirements of this RFP in the most cost effective manner.
- b. A description of the Proposer's experience in providing the same or similar services as outlined in the RFP. This description should include the names of the person(s) who will provide the services, their qualifications, and the years of experience in performing this type of work. Also, include the reference information requested in this RFP.
- c. The complete fee and cost to the City for all services outlined in this RFP.
- d. Statement should be no more than twenty five (25) pages; single sided, standard, readable, print on standard 8.5x11 papers. Proposers shall also submit a three (3) page (maximum) executive summary. The following items will not count toward the page limitations: appendix, cover sheet, 3-page executive summary, resumes (resumes shall be no more than 1 page per person), and forms provided by the City for completion.
- e. All Proposers shall submit six (6) sets of the proposal as well as one (1) electronic copy on a properly labeled CD or other electronic media device. **The electronic copy submitted should be contained into one (1) file.** The use of Adobe PDF documents is strongly recommended. Files contained on the CD or electronic media shall not be restricted against saving or printing. **The electronic copy shall be identical to the original papers submitted inclusive of City forms for completion.** Electronic copies shall not be submitted via e-mail to City employees by the Proposer.
- f. Proposals will be reviewed following the stated deadline, as shown on the cover sheet of this document. Only the names of Proposers will be available after the deadline until a contract has been awarded by the Fayetteville City Council. All interested parties understand proposal documents will not be available until after a valid contract has been executed.
- g. Proposers shall submit a proposal based on documentation published by the Fayetteville Purchasing Division.
- h. Proposals 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.
- i. Proposals must follow the format of the RFP. Proposers should structure their responses to follow the sequence of the RFP.
- j. Proposers shall have experience in work of the same or similar nature, and must provide references that will satisfy the City of Fayetteville. Proposer shall furnish a reference list of

clients for whom they have performed similar services and must provide information as requested in this document.

- k. Proposer is advised that exceptions to any of the terms contained in this RFP or the attached service agreement must be identified in its response to the RFP. 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.
- l. Local time shall be defined as the time in Fayetteville, Arkansas on the due date of the deadline. Documents shall be received before the deadline time as shown by the atomic clock located in the Purchasing Division Office.

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 proposal must be sent in writing via e-mail to the Purchasing Department. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the proposal. 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 RFP made or given prior to the award of the contract.

DESCRIPTION OF SUPPLIES AND SERVICES:

Any manufacturer's names, trade name, brand name, catalog number, etc. used in specifications are for the purpose of describing and establishing general quality levels. Such references are NOT intended to be restrictive. Proposals shall be considered for all brands that meet the quality of the specifications listed for any items.

3. RIGHTS OF CITY OF FAYETTEVILLE IN REQUEST FOR PROPOSAL 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 rank firms and negotiate with the highest-ranking firm. Negotiation with an individual Proposer does not require negotiation with others.
- b. The City reserves the right to select the proposal it believes will serve the best interest of the City.
- c. The City of Fayetteville reserves the right to accept or reject any or all proposals.
- d. The City of Fayetteville reserves the right to cancel the entire request for proposal.
- e. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the request for proposal or in proposals submitted.
- f. The City of Fayetteville reserves the right to request any necessary clarifications, additional information or proposal data without changing the terms of the proposal.
- g. The City of Fayetteville reserves the right to make selection of the Proposer to perform the services required on the basis of the original proposals without negotiation.

4. EVALUATION CRITERIA:

The evaluation criterion defines the factors that will be used by the selection committee to evaluate and score responsive, responsible and qualified proposals. Proposers shall include sufficient information to allow the selection committee to thoroughly evaluate and score proposals. Each proposal submitted shall be evaluated and ranked by a selection committee. The contract will be awarded to the most qualified Proposer, per the evaluation criteria listed in this RFP. Proposers are not guaranteed to be ranked.

5. COSTS INCURRED BY PROPOSERS:

All expenses involved with the preparation and submission of proposals to the City, or any work performed in connection therewith, shall be borne solely by the Proposer(s). No payment will be made for any responses received, or for any other effort required of, or made by, the Proposer(s) prior to contract commencement.

6. ORAL PRESENTATION:

An oral presentation and/or interview may be requested of any firm, at the selection committee's discretion.

7. CONFLICT OF INTEREST:

- a. The Proposer 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 "Limited Authority of City Employee to Provide Services to the City".
- b. The Proposer 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 Proposer'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 Proposer 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 Proposer. The City agrees to communicate with the Proposer its opinion via e-mail or first-class mail within thirty days of receipt of notification.

8. WITHDRAWAL OF PROPOSAL:

A proposal may be withdrawn prior to the time set for the proposal submittal based on a written request from an authorized representative of the firm; however, a proposal shall not be withdrawn after the time set for the proposal.

9. LATE PROPOSAL OR MODIFICATIONS:

- a. Proposal and modifications received after the time set for the proposal 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. Proposers should call the Purchasing Division at (479) 575-8220 to insure receipt of their submittal documents prior to opening time and date listed.
- b. The time set for the deadline shall be local time for Fayetteville, AR on the date listed. All proposals shall be received in the Purchasing Division BEFORE the deadline stated. The official

clock to determine local time shall be the atomic clock located in the Purchasing Division, Room 306 of City Hall, 113 W. Mountain, Fayetteville, AR.

10. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

- a. The laws of the State of Arkansas apply to any purchase made under this request for proposal. Proposers 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.

PROVISION FOR OTHER AGENCIES:

Unless otherwise stipulated by the Proposer, the Proposer 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: "Proposer certifies that his proposal 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 Arkansas with Arkansas law applying to the case.

13. CITY INDEMNIFICATION:

The successful Proposer(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 services or any part thereof covered by this order, and such obligation shall survive acceptance of the services and payment thereof by the City.

14. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for proposal apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by Proposers 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. CERTIFICATE OF INSURANCE:

The successful Proposer shall provide a Certificate of Insurance in accordance with specifications listed in this request for proposal, prior to commencement of any work. Such certificate shall list the City of Fayetteville as an additional insured. Insurance shall remain valid throughout project completion.

17. PAYMENTS AND INVOICING:

The Proposer must specify in their proposal the exact company name and address which must be the same as invoices submitted for payment as a result of award of this RFP. Further, the successful Proposer 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 RFP. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest or penalty for untimely payments. **Payments can be processed through Proposer's acceptance of Visa at no additional costs to the City for expedited payment processing.** The City will not agree to allow any increase in hourly rates by the contract without PRIOR Fayetteville City Council approval.

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 Proposer intends to subcontract a portion of this work, the Proposer shall disclose such intent in the proposal submitted as a result of this RFP.
- 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 RFP, without exception shall constitute approval for purpose of this Agreement.

20. NON-EXCLUSIVE CONTRACT:

Award of this RFP 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-phase 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 RFP from the Proposer. 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. SERVICES AGREEMENT:

A written agreement, in substantially the form attached, incorporating the RFP and the successful proposal will be prepared by the City, signed by the successful Proposer and presented to the City of Fayetteville for approval and signature of the Mayor.

24. INTEGRITY OF REQUEST FOR PROPOSAL (RFP) DOCUMENTS:

Proposers shall use the original RFP form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Proposers may use an attachment as an addendum to the RFP form(s) if sufficient space is not available on the original form for the Proposer to enter a complete response. **Any modifications or alterations to the original RFP documents by the Proposer, whether intentional or otherwise, will constitute grounds for rejection of such RFP response.** Any such modifications or alterations a Proposer wishes to propose shall be clearly stated in the Proposer's RFP response and presented in the form of an addendum to the original RFP documents.

25. OTHER GENERAL CONDITIONS:

- a. Proposers must provide the City with their proposals signed by an employee having legal authority to submit proposals on behalf of the Proposer. The entire cost of preparing and providing responses shall be borne by the Proposer.
- b. The City reserves the right to request any additional information it deems necessary from any or all Proposers after the submission deadline.
- c. This solicitation 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 Proposer in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the Proposer'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.
- d. If products, components, or services other than those described in this solicitation document are proposed, the Proposer must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- e. **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 result in all Proposers being on equal terms.
- f. Any inquiries or requests for explanation in regard to the City's requirements shall 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.

- g. At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews.
- h. Any information provided herein is intended to assist the Proposer in the preparation of proposals necessary to properly respond to this RFP. The RFP 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 RFP's content or to exclude any relevant or essential data.
- i. Proposers irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be controlled by Arkansas law in Washington County. 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.
- j. The successful Proposer 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 Proposer 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 Proposer 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.
- k. The successful Proposer'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 Proposer 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 the City of Fayetteville.

26. **CONTRACT REQUIREMENTS:** Any contract between the successful proposer and the City shall include the following:

- a. **Indemnification:** The awarded Proposer shall indemnify and hold harmless City of Fayetteville and their agents and employees from and against all claims, damages, losses and expenses including attorneys' fees arising out of or resulting from the performance of the services, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting there from; and is caused in whole or in part by any negligent or willful act or omission of the successful Proposer and anyone directly or indirectly employed by him/her or anyone for whose acts any of them may be liable. In any and all claims against City of Fayetteville or any of their agents or employees, by any employee of the successful Proposer, directly or indirectly employed by him/her, or anyone for whose acts any of them may be liable, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the successful Proposer or under the Workers' Compensation Acts, Disability Benefits Acts or other employee benefits acts.

- b. **Suspension or Termination of Services:** City of Fayetteville or awarded Proposer shall have the right to terminate this agreement at any time upon thirty (30) days advance written notice to the other party of its intention to terminate.
- c. **Laws and Regulations:** The successful Proposer'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 Proposer 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.

Proposer shall at all times observe and comply with all such existing and future laws, ordinances and regulations, and shall protect and indemnify City of Fayetteville and its agents against the violation of any such law, ordinance, regulation, order or decree, whether by himself/herself or by his/her employees. Licenses of a temporary nature, necessary for the prosecution of the services shall be secured and paid for by the successful Proposer.

- d. **Assignments:** The successful Proposer 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 Proposer 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 Proposer 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.
- e. **Insurance:** The successful Proposer shall not commence work under this contract until all insurance described below has been obtained, certificate listing the City as an additional insured, and such insurance has been approved by City of Fayetteville. Premiums for all insurance policies required shall be the responsibility of the Proposer.

- i. **Worker's Compensation:** Statutory Amount

- ii. **Comprehensive General & Automobile Insurance**

- f. **Payments:** If the Consultant has made application for payment as above, the Project Manager will issue a request for payment to the Accounting Department for such amount as is determined to be properly due, or state in writing the itemized and specific reasons for withholding a payment. The City intends to pay accepted invoice within thirty (30) calendar days. No payment shall constitute an acceptance of any services not in accordance with the Contract Documents.
 - i. **Final payment:** Upon receipt of written notice from the Consultant that all contracted services are complete, the Project Manager will, within a reasonable time, review all services and reports. If the Project Manager finds the services and reports of the Consultant complete and acceptable in accordance with the provisions of the Contract Documents, s/he shall, within a reasonable time, process a pay request so that final

payment can be made. The acceptance of final payment shall constitute a waiver of all claims by the Consultant except those previously made in writing and still unsettled.

- g. **Renewable Terms:** The City reserves the right to award this contract for a single year, beginning with the date approved by the Fayetteville City Council, and for four additional automatic one year renewals. The City reserves the right to cancel this contract within thirty (30) days prior written notice.
- h. **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 copying costs pursuant to the FOIA may be assessed for this compliance.
- i. **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.

27. APPENDIX DOCUMENTS: The appendix documents below are included as part of this RFP

- a. Appendix A – Backflow and Meter totals for the City of Fayetteville, AR
- b. Appendix B – Ordinance 5970 (Amend § 51.146 Backflow Prevention)

City of Fayetteville
RFP 17-07, Backflow Tracking Services
SECTION B: Vendor References

The following information is required from all firms so all statements of qualification may be reviewed and properly evaluated:

COMPANY NAME: _____

NUMBER OF YEARS IN BUSINESS: _____ HOW LONG IN PRESENT LOCATION: _____

TOTAL NUMBER OF CURRENT EMPLOYEES: _____ FULL TIME _____ PART TIME

NUMBER OF EMPLOYEES PLANNED FOR THIS CONTRACT: _____ FULL TIME _____ PART TIME

PLEASE LIST FOUR (4) REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed):

1. _____
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

FAX NUMBER

E-MAIL ADDRESS

2. _____
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

FAX NUMBER

E-MAIL ADDRESS

3. _____
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

FAX NUMBER

E-MAIL ADDRESS

4. _____
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

FAX NUMBER

E-MAIL ADDRESS

1. BACKGROUND

The City of Fayetteville delivers water to residential, commercial, and industrial customers in Fayetteville as well as smaller communities including Elkins, Farmington, Goshen, Greenland, Mount Olive Rural Water Association, Wheeler, Johnson (south), Rural Washington County, and West Fork. Services provided also includes a Cross Connection Program that maintains fire, domestic, and irrigation backflow records for all backflows in the service area. These backflow preventers protect the public water system from contamination from the customer's water system. The City's current database consists of several high health hazard facilities such as wastewater plants, hospitals, health clinics, veterinary clinics, public schools, University of Arkansas, car washes, restaurants, factories, food processing plants, lawn irrigations, and thousands of residential customers. The City of Fayetteville is currently tracking an estimated 6000 commercial, industrial, and commercial irrigation backflow preventers. This does not include residential at this time. The City anticipates tracking an estimated 4000 residential backflow preventers in the future.

2. PROJECT SCOPE

The City of Fayetteville is seeking proposals from qualified firms to provide backflow prevention, cross connection tracking software, and implementation for the Meter Department, Backflow Division. Proposers are encouraged to be creative in using information provided as a starting point, and as a baseline in providing a response outlining capabilities of the tracking software application. The proposer shall provide all labor, materials and equipment necessary to perform the work required for notification of backflow assembly testing. The proposer shall also provide all labor, materials, and equipment necessary for an online notification, tracking and data management system which maintains customer, backflow, and certified tester's information.

3. STATEMENT OF WORK/RESPONSIBILITIES

1. Fayetteville currently utilizes an electronic records keeping software program which can be used to initially populate the proposers program. However, there may be many test reports and surveys which may require manual data entry by the proposer prior to implementation.
2. Proposer shall provide and maintain an online hosted database to house Fayetteville's Cross Connection customer and tester information with the following features:
 - a. Provide real time access to the customer database to a minimum of 6 (six) licensed users.
 - b. Provide access to view and export real time compliance reports, customer's testing information, and certified tester information.
 - c. Capable of storing at least, but not limited to the following:
 - i. Test report information of current and past reporting's to include:
 1. Property name, address, contact information
 2. Backflow test readings, manufacturer, size, model, serial number and location of assemblies.
 - d. Maintain record of all letter notifications sent via proposers system including
 - i. Letters to be sent by the proposer shall include the following, or similar thereto:
 1. Test Due
 2. Test Past Due

- 3. Test Failure (if applicable)
- 4. Insufficient Backflow Protection for the Application (if applicable)
 - e. Maintain Certified Tester's company information, backflow certification certificates, licensing, annual test kit calibration certificates
 - f. Maintain customer information for active and inactive accounts
 - g. Ability to track all surveys of City's choice
 - h. Ability to send testing notification to Certified Tester after online submissions
 - i. Ability to send email notifications of passing reports to customers
 - j. Ability to send, store, and access additional letter notifications
- 3. Proposer shall be responsible for issuing multiple letters to properties having testable containment backflow assemblies in order to facilitate compliance in accordance with Fayetteville's Cross Connection Ordinances. Format and content of letters shall be approved by the City of Fayetteville in advance.
- 4. All correspondence and communication documents including but not limited to letters, communication in writing, emails, etc. shall give the appearance of being directly from the City even though the content will be a collaborative effort by the Proposer and the City. Corresponding documents and letters shall only include City logos.
- 5. Notifications shall include both customer and backflow assembly information, including when the backflow assembly is due for annual certification, as well as the last tester on record with contact information.
- 6. Proposer shall be responsible to notify Certified Testers of updated information requirements for test kit and certification requirements. Tester's information shall be kept on record and up to date at all times.
- 7. Proposer shall provide education and training for local Certified Testers as well as City of Fayetteville staff, up to 10 staff members, conducted in an on-site training sessions.
- 8. Proposer is responsible for providing real time records of non-compliant customers.
- 9. Proposer shall have the capability to generate letters for enforcement actions or survey/inspection notification directly from database.
- 10. Proposer shall include a complete and comprehensive fee schedule. The schedule of fees shall not change during the term of contracted service.
- 11. The tracking/software application shall have the following processing functions
 - a. Data validation
 - b. Statistical data analysis and graphics
 - c. Data import/export capability
 - d. Reporting
 - e. Photo attachment to backflow test reports
 - f. Detector meter info to include the read and if it registers in gallon or cubic feet
 - g. Estimates gallons used on fire lines and pump test
- 12. The awarded Proposer shall be responsible for developing a process for receiving Fayetteville's backflow and survey information for both current and new customers, implementing annual notification dates, and receiving of Certified Tester's information.

4. KEY QUESTIONS: All Proposers shall provide answers to the following questions as part of the response to this RFP.

- 1. How long have you been providing cross connection software to customers?
- 2. How many current customers do you have utilizing the software being proposed?

3. What is the largest number of backflow devices that a single customer manages with your software?
4. How does your tracking/software manage a cross connection control program?
5. How does your software manage customer data and notifications?
6. Describe the extent of compatibility your software interfaces with all current major browsers including Safari, Chrome, Firefox, and Internet Explorer.
7. Do you offer a mobile application for your software? If yes, what operating systems and devices is your mobile application compatible with? If yes, is it a separate application or a website formatted for mobile device viewing?
8. Is the website used by the tester's user mobile friendly? If so, please describe.
9. How is the City's data stored with relation to other customer data?
10. Is customer data and the City's data stored within a dedicated server or shared server?
11. Describe and provide the hosted server and database architecture.
12. Where are your data centers located and how many exist?
13. What provisions are made for high availability within the primary data center?
14. How does failover occur if the primary data center becomes unavailable?
15. How does the City export data from the system for analysis?
16. Describe and provide your backup strategy.
17. Are there application program interfaces (API) available for interfacing to the proposed system?
18. How will your software link with the City's utility customer information? The City currently utilizes New World ERP, and Hansen
19. Does your software have embedded help documentation? If not, please provide how help documentation is accessed.
20. How customizable is the tracking/software program to the City's preferences?
21. Does your software offer additional modules? If yes, provide a listing of all modules and their functionality within RFP response.
22. What is the process and time frame for converting from New World ERP and Hansen to your software?

5. MAINTENANCE AND SUPPORT QUESTIONS: All Proposers shall provide answers to the following questions as part of the response to this RFP.

1. What type of support does your company offer?
2. List and provide the hours of support with corresponding time zone.
3. How are after hours support request handled?
4. Is there a designated support tech assigned to the City?
5. Is the support honored for the length of the contract?
 - a. If not what options does your company offer?
6. Describe how the City would request support via telephone and web.

6. TRAINING QUESTIONS: All Proposers shall provide answers to the following questions as part of the response to this RFP.

1. Does your company offer on-site training workshops?
 - a. How many?
 - b. Is there a fee?
 - c. Does your company offer ongoing web based training?

- d. If so, how often do you upgrade your online training?
 - e. What is the cost per day for additional onsite training and how many individuals does that include?
 - f. What is the cost per day for remote live training (City staff interacting with company staff to provide training)?
 - g. What training does your company offer the testers?
 - h. Can training be customized for the City's specific needs?
2. Proposers shall include a cost proposal for all personnel requirements and any other applicable cost associated with the services to be provided. At a minimum, provide the following cost breakdown:
- a. Upfront initial setup/start-up costs
 - b. Annual maintenance costs
 - c. Periodic software upgrade costs (if applicable)
7. Pay per use fees (if applicable). **All Proposers shall provide answers to the following questions as part of the response to this RFP.**
- a. Proposers shall provide a break down of fees if there are different fee structures depending on customer type (residential, business, government entity, university, etc.)
 - b. Tester registration fees?
 - c. Manual entry cost per test for test that may not yet be in our electronic database
 - d. Fayetteville in-house tracking fees
 - e. Is there a late fee imposed on those customers that do not comply with proposer requests? If so, how much?
 - f. Can the City of Fayetteville elect to pay all or a portion of online submission fees thereby reducing customer cost?
8. **ADDITIONAL QUESTIONS: All Proposers shall provide answers to the following questions as part of the response to this RFP.**
- a. Can Fayetteville add to the online submission fees to help cover other program costs?
 - b. If yes, will Fayetteville receive 100% of the overage above contractor fee?
 - c. If Fayetteville will not receive 100%, exactly how much will it receive?
 - d. Is there a cost per letter for the contractor to include mailing Installation Due/Past Due notices?
 - e. If yes, how much per letter?
9. **REFERENCES:** Proposer **shall** supply four (4) references for which similar services have been provided for Cross Connection Programs during the past (5) five years. Proposers are advised to provide accurate reference information. References will be checked during evaluation period. The City reserves the right to consider experience as part of evaluation.

Proposers shall include this form completed in its entirety with RFP response. This form shall not count towards page limitations set forth in the RFP.

1. DISCLOSURE INFORMATION

Proposer 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. Proposer response must 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, to your knowledge, 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. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

_____ 1) NO KNOWN RELATIONSHIP EXISTS

_____ 2) RELATIONSHIP EXISTS (Please explain): _____

I certify that; as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

2. PRIMARY CONTACT INFORMATION

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

Corporate Name of Firm: _____

Primary Contact: _____ Title of Primary Contact: _____

Phone#1 (cell preferred): _____ Phone#2: _____

E-Mail Address: _____

3. ACKNOWLEDGEMENT OF ADDENDA

Acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED

4. PRICING:

Pricing shall be attached as a separate form. Reference RFP for details on what all pricing shall include.

5. DEBARMENT CERTIFICATION:

As an interested party on this project, you are required to provide debarment/suspension certification indicating in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

Signature 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.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME OF COMPANY: _____

PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

PRINTED NAME: _____

PHONE: _____ FAX: _____

E-MAIL: _____

SIGNATURE: _____

TITLE: _____ DATE: _____

DUNS#: _____ TAX ID: _____



Backflow Totals

RFP 17-07
Appendix A

Total Water Accounts - 43,259

1	Residential	24,257
2	Commercial, Government, and Industrial	2,793
3	Yard	2,101
4	Fire	618

Total Estimated Backflows - 12,405

1	Residential	6,064	(This is 25% of the total accounts)
2	Commercial, Government, and Industrial	2,800	
3	Yard	2,101	
4	Fire	1,080	(This is 90% of total accounts x 2 DCDA and DC)
5	U of A	930	



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

Ordinance: 5970

File Number: 2017-0028

AMEND § 51.146 BACKFLOW PREVENTION:

AN ORDINANCE TO AMEND § 51.146 **BACKFLOW PREVENTION** OF THE FAYETTEVILLE CODE TO MORE CLOSELY CONFORM TO THE LATEST AMERICAN WATER WORKS ASSOCIATION AND ARKANSAS STATE PLUMBING CODE

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 § 51.146 (B) (6) *Air Gap* by repealing it and enacting a new (6) *Air Gap* as shown below

“(6) *Air Gap* (AG) means a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. The air gap shall be at least 2 ½ times the diameter of the supply pipe. In no case shall it be less than 1 inch.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 51.146 (C) Handbook by repealing the end of the sentence “from time to time hereafter be amended” and enacting a new end of the sentence: “and may be revised as needed.”

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 51.146 (D) (1) and (2) and enacts the following replacement (1) and (2)

“(1) The requirements and standards set forth herein shall apply to residential establishments having in-ground irrigation systems, fire suppression systems, and/or pools and to industrial and commercial developments and buildings. These establishments, developments and buildings shall follow the requirements of the *Arkansas State Plumbing Code* and the *City of Fayetteville's CrossConnection Control Program: Handbook of Policies and Procedures*.

(2) Single-family residential dwelling units, unless involved in commercial operations, are exempt from the requirements of this section except for residential dwelling units having in-ground irrigation systems, fire suppression systems, pools or otherwise have a plumbing system that presents an unreasonable danger of contaminating the public water supply under the purview of the *Arkansas State Plumbing Code* or the *City of Fayetteville Cross Connection Control Program: Handbook of Policies and Procedures*."

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby repeals all use of "Water and Sewer Division" and enacts the replacement "Utilities Department" throughout § 51.146.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby amends §51.146(F)(4) by repealing subsection (b), relettering all following subsections and repealing the current subsection (e) and enacting the following relettered subsection (d) as follows:

"(d) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete crossconnection survey, the public water system shall be protected by the installation of a University of Southern California (USC) approved reduced-pressure principle backflow prevention assembly (RP) or an air gap at the service connection. These premises will be considered High Hazard."

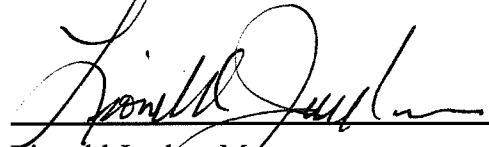
Section 6. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 51.146 (K) Testing and maintenance and enacts a replacement (K) as follows:

"*Testing and maintenance.* The customer or the contractor responsible for the installation of the backflow prevention assembly will notify the Utilities Department immediately after installation of the assembly for inspection. The customer or contractor shall have the backflow prevention assembly tested by a state certified testing technician within ten days of the installation date and annually thereafter, and shall provide the Utilities Department with the proper test forms. In instances where the Utilities Department, the City of Fayetteville, and/or the plumbing inspector deems the hazard to be great enough, testing may be required at more frequent intervals. All costs of testing shall be paid by the customer. Any repairs required as a result of inspections or testing shall be arranged for and paid by the customer through private contract with a state certified assembly repair technician. Records of inspections, testing, and/or repairs to backflow preventers shall be kept by the Utilities Department and/or the city and made available to the state health department upon request. All existing customer premises shall be in compliance with this section in accordance with the notification by the water utility."

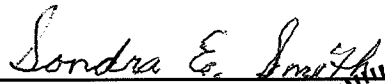
Section 7. That the City Council of the City of Fayetteville, Arkansas hereby repeals the last sentence in § 51.146 (L) *New Construction*.

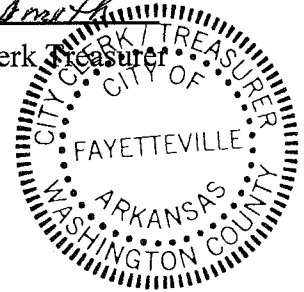
PASSED and APPROVED on 5/2/2017

Approved:


Lioneld Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk ~~Treasurer~~





City of Fayetteville, Arkansas

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

Text File

File Number: 2017-0028

Agenda Date: 5/2/2017

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

AMEND § 51.146 BACKFLOW PREVENTION:

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and Sewer Division” and enacts the replacement “Utilities Department” throughout § 51.146.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby amends § 51.146(F)(4) by repealing subsection (b), relettering all following subsections and repealing the current subsection (e) and enacting the following relettered subsection (d) as follows:

“(d) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete crossconnection survey, the public water system shall be protected by the installation of a University of Southern California (USC) approved reduced-pressure principle backflow prevention assembly (RP) or an air gap at the service connection. These premises will be considered High Hazard.”

Section 6. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 51.146 (K) Testing and maintenance and enacts a replacement (K) as follows:

“Testing and maintenance. The customer or the contractor responsible for the installation of the backflow prevention assembly will notify the Utilities Department immediately after installation of the assembly for inspection. The customer or contractor shall have the backflow prevention assembly tested by a state certified testing technician within ten days of the installation date and annually thereafter, and shall provide the Utilities Department with the proper test forms. In instances where the Utilities Department, the City of Fayetteville, and/or the plumbing inspector deems the hazard to be great enough, testing may be required at more frequent intervals. All costs of testing shall be paid by the customer. Any repairs required as a result of inspections or testing shall be arranged for and paid by the customer through private contract with a state certified assembly repair technician. Records of inspections, testing, and/or repairs to backflow preventers shall be kept by the Utilities Department and/or the city and made available to the state health department upon request. All existing customer premises shall be in compliance with this section in accordance with the notification by the water utility.”

Section 7. That the City Council of the City of Fayetteville, Arkansas hereby repeals the last sentence in § 51.146 (L) *New Construction*.

City of Fayetteville Staff Review Form

2017-0028

Legistar File ID

5/2/2017

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Tim Nyander

4/5/2017

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

AN ORDINANCE TO AMEND § 51.146 BACKFLOW PREVENTION TO MORE CLOSELY CONFORM TO THE LATEST AWWA AND ARKANSAS STATE PLUMBING CODE STANDARDS

Budget Impact:

N/A		N/A	
Account Number		Fund	
N/A		N/A	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	NA	Item Cost	\$ -
Budget Adjustment Attached?	NA	Budget Adjustment	\$ -
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 2, 2017

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Water and Sewer Committee

FROM: Tim Nyander, Utilities Director *TN*

DATE: April 14, 2017

SUBJECT: An Ordinance to amend § 51.146 Backflow Prevention to more closely conform to the latest AWWA and Arkansas State Plumbing Code standards.

RECOMMENDATION:

Staff recommends approval of an Ordinance to amend § 51.146 Backflow Prevention to more closely conform to the latest AWWA and Arkansas State Plumbing Code standards.

BACKGROUND:

The Backflow Prevention section has not been revised in a number of years. The American Water Works Association (AWWA) and Arkansas State Plumbing Code (ASPC) have both been revised in recent years, and the City of Fayetteville Backflow and Cross Connection standards need to be amended to reflect those revisions and continue to protect the City of Fayetteville water supply.

DISCUSSION:

It is requested that the Backflow Prevention code be amended in the following ways:

- Definition of "Air gap" amended to reflect the size of air gap needed for compliance.
- Applicability Section amended to add residential, in-ground irrigation systems, fire suppression systems, and pools.
- Added to Section (D)(1) regarding residential, commercial and industrial applicability.
- Added to Section (D)(2) regarding single-family residential applicability.
- Deleted section (F)(4)(b).
- Section (F)(4)(e) amended to include "University of Southern California (USC) approved." Also, added "These premises will be considered High Hazard."
- Amended Section K to include "state" certified testing and "The customer shall be responsible for all testing annually thereafter."
- "Water & Sewer Division" changed to "Utilities Department" all throughout.

As it is written now, the code states that the City of Fayetteville tests all backflow assemblies annually, which is not the case. The code should state that the City of Fayetteville inspects the assemblies after installation, but that the customer or contractor shall be responsible for having the backflow assemblies tested after installation and annually.

BUDGET/STAFF IMPACT:

None.

ATTACHMENTS:

Staff Review Form

§ 51.146 Backflow Prevention with Markup

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

51.146 Backflow Prevention

(A) *Purpose.* The purpose of this section is as follows:

- (1) To protect the public water supply of the city from the possibility of contamination or pollution from backflow into the public water system.
- (2) To promote the elimination or control of cross connections, actual or potential, between the customer's potable water system(s) and non-potable water systems, plumbing fixtures, and industrial piping systems.
- (3) To contain at the service connection any actual or potential pollution or contamination within the customer's premises.
- (4) To provide a continuous, systematic, and effective program of cross-connection control.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *Backflow* shall mean a hydraulic condition, caused by a difference in pressures, in which non-potable water or other fluids flow into a potable water system.
- (2) *Backflow preventer (BFP)* shall mean a testable assembly to prevent backflow.
- (3) *Cross connection* means any actual or potential connection between the public water system and a source of contamination or pollution.
- (4) *Double-check valve assembly (DC)* means a complete assembly meeting AWWA Standard C510 and the requirements of the *Arkansas State Plumbing Code* consisting of two internally loaded, independently operating check valves between two tightly closing resilient-seated shutoff valves, with four properly placed resilient seated test cocks.
- (5) *Reduced-pressure principle backflow prevention assembly (RP)* means a complete assembly meeting AWWA Standard C511 and the requirements of the *Arkansas State Plumbing Code* consisting of a hydraulically operating, mechanically independent differential relief valve located between two independently operating, internally loaded check valves that are located between two tightly closing resilient seated shutoff valves, with four properly placed resilient-seated test cocks.
- (6) *Air gap (AG)* means a physical separation between two piping systems; the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. The air gap shall be at least 2 ½ times the diameter of the supply pipe. In no case shall it be less than 1 inch.

(C) *Handbook of Policies and Procedures.* There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the *City of Fayetteville Cross-Connection Control Program: Handbook of Policies and Procedures*, as and may be revised as needed. ~~from time to time hereafter be amended.~~

(D) *Applicability.*

- (1) The requirements and standards set forth herein shall apply to residential establishments having in-ground irrigation systems, fire suppression systems, and/or pools and to industrial and commercial developments and buildings. These establishments, developments and buildings shall follow the requirements of the *Arkansas State Plumbing Code* and the *City of Fayetteville's Cross-Connection Control Program: Handbook of Policies and Procedures*.
- (2) Single-family residential dwelling units, unless involved in commercial operations, are exempt from the requirements of this section except for residential dwelling units having in-ground irrigation systems, fire suppression systems, pools or otherwise have a plumbing system that presents an unreasonable danger of contaminating the public water supply under the purview of the *Arkansas State Plumbing Code* or the *City of Fayetteville Cross-Connection Control Program: Handbook of Policies and Procedures*.
- (3) These standards are supplemental to and do not supersede or modify the *Arkansas State Plumbing Code (ASPC)* and its latest revisions under which the city operates.

(E) *Administration.* The ~~Water and Sewer Division~~ Utilities Department of the city shall be responsible for administration of this section and evaluating the hazards inherent in supplying a customer's water system.

(F) *Backflow prevention.*

- (1) *Evaluation of hazards.* ~~The Water and Sewer Division~~ Utilities Department shall determine whether solid, liquid, or gaseous pollutants or contaminants are, or may be, handled and/or used on the customer's premises in such a manner as to possibly contaminate the public water system.
- (2) *Customer installation of BFP.* When a hazard or potential hazard to the public water system is found on the customer's premises, the customer shall be required to install an approved backflow prevention assembly (BFP), or an air gap, at each public water service connection to the premises.
- (3) *Type of BFP.*
 - (a) The type of BFP required shall depend on the degree of hazard involved.
 - (b) Any backflow prevention assembly required herein shall be an approved type which is in compliance with requirements of the *City of Fayetteville's Cross-Connection Control Program: Handbook of Policies and Procedures*.
- (4) *Degree of hazard.* The degree of hazard shall be as determined as set forth in AWWA M-14 manual or as described below:
 - (a) In the case of any premises where there is an auxiliary water supply connected to the plumbing system, the public water system shall be protected from the

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

possibility of backflow by a reduced-pressure principle backflow prevention assembly (RP) at the service connection.

(b) ~~In the case of any premises where substances are handled and/or used that are objectionable, but not hazardous to human health, and the likelihood exists of it being introduced into the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or approved double check valve assembly (DC).~~

(c) In the case of any premises where there is any material hazardous to human health, which is handled and/or used in such a fashion as to create an actual or potential threat to the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or an approved reduced-pressure principle backflow prevention assembly (RP).

(d) In the case of any premises where there are unprotected cross-connections, either actual or potential, the public water system shall be protected by an approved reduced-pressure principle backflow prevention assembly (RP) or an air gap at the service connection.

(e) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected by the installation of ~~an~~ a University of Southern California (USC) approved reduced-pressure principle backflow prevention assembly (RP) or an air gap at the service connection. These premises will be considered High Hazard.

(G) *Noncompliance/emergencies.*

(1) *Violation/notice.* Upon discovery of any protective device required by this section which has not been installed, or is defective, or has been removed, or altered, or relocated, or bypassed, (except emergency situations), written notice shall be given to the customer. Such notice shall set forth the violation, the remedy required, and the time frame in which the violation shall be remedied.

(2) *Water service discontinued.*

(a) If violations are not corrected by the date and time as stated on the notice, the water supply will be discontinued by the ~~Water and Sewer Division~~ Utilities Department.

(b) Discontinued water service shall not be resumed until conditions at the customer's premises have been abated or corrected to the satisfaction of the ~~Water and Sewer Division~~ Utilities Department.

(3) *No water service connection.* No water service connection shall be installed on the premises of any customer unless the public potable water system is protected as required by this section.

(4) *Emergency.* In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination, the water service shall be discontinued by the ~~water and sewer division~~ Utilities Department immediately without notice.

(H) *Right of entry.* For the purpose of making any inspections or discharging the duties imposed by this section, the ~~Water and Sewer Division~~ Utilities Department of the city, the state health department, and/or plumbing inspector shall have the right to enter upon the premises of any customer. Each customer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premises by the ~~Water and Sewer Division~~ Utilities Department of the city, the state health department, and/or plumbing inspector for the purpose stated herein.

(I) *Ownership.* Backflow prevention assemblies required by this section will be installed downstream of the water meter and are owned by, and are the responsibility of the customer of the water utility.

(J) *Installation and costs.* Customers of the city water utility requiring backflow prevention assemblies shall pay all costs associated with installation of the appropriate size and type of backflow preventer under private contract. Backflow prevention assemblies shall be installed in accordance with the requirements of the city's *Cross-Connection Control Program: Handbook of Policies and Procedures*. The ~~Water and Sewer Division~~ Utilities Department shall review and approve all plans for placement of backflow preventers prior to installation. Backflow prevention assemblies not installed in accordance with the requirements of the city's *Cross-Connection Control Program: Handbook of Policies and Procedures* shall be corrected at the customer's expense.

(K) *Testing and maintenance.* The customer or the contractor responsible for the installation of the backflow prevention assembly will notify the ~~Water and Sewer Division~~ Utilities Department immediately after installation of the assembly ~~so that it can be tested and inspected~~ for inspection. ~~The Water and Sewer Division will inspect and test.~~ The customer or contractor shall have the backflow prevention assembly tested by a state certified testing technician within ten days of the installation date, and shall provide the Utilities Department with the proper test forms, ~~and annually thereafter.~~ The Customer shall be responsible for all testing annually thereafter. In instances where the ~~Water and Sewer Division~~ Utilities Department, the City of Fayetteville, and/or the plumbing inspector deems the hazard to be great enough, testing may be required at more frequent intervals. All costs of testing shall be paid by the customer. Any repairs required as a result of inspections or testing shall be arranged for and paid by the customer through private contract with a state certified assembly repair technician. Records of inspections, testing, and/or repairs to backflow preventers shall be kept by the ~~Water & Sewer Department~~ Utilities Department and/or the city and made available to the state health department upon request. All existing customer premises shall be in compliance with this section in accordance with the notification by the water utility.

(L) *New construction.* All new construction within the city shall be effected upon the passage of this section. ~~All existing customer premises shall be in compliance with this section in accordance with the notification by the water utility.~~

(M) *Thermal expansion.* It is the responsibility of the customer to eliminate possible hazards caused by thermal expansion if a closed system has been created by the installation of a backflow assembly.



Backflow Tracking Software/Service Proposal

for the

City of Fayetteville, Arkansas

In Response to RFP #17-07, Backflow Tracking Services

From: EcosConnect LLC

Dated: July 3, 2017

Submitted by:

Paul A. Molisani
Co-founder
EcosConnect LLC
PO Box 981
Wilsonville, OR 97070
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Introduction/Executive Summary

Thank you for the opportunity to submit this proposal to provide Backflow Prevention/Cross Connection Control (CCC) tracking software and services to enhance the capabilities, accuracy, and productivity of the City of Fayetteville's CCC program. EcosConnect is a secure cloud-based application developed from inception for use by both Cross-Connection Control Specialists (CCS) and Backflow Assembly Testers (BAT). In fact, our name comes from the concept that cross-connection control is an "ecosystem" requiring cooperation and collaboration between CCS's, BAT's, and the water user. By "connecting" them through a simple, flexible, and efficient software tool, it will enhance compliance and significantly reduce the likelihood of a backflow event from occurring, while keeping the costs to do so at a minimum.

EcosConnect is much more than a web-based reporting tool. Our vision is to provide software tools that help **all** stakeholders with features and functionality that enable them to manage and track their complete workflow, record communications between users specific to each test/survey, and facilitate the logistics required with having multiple parties involved. Our goal is to enrich the role of the CCS and BAT by reducing and simplifying the administrative activities required of their respective roles so they can focus on identifying hazards and educating water users on the need to protect against exposure to those hazards.

The key difference between EcosConnect and competitors is that the core of our system is a work order/workflow management tool, not just a reporting tool. EcosConnect is easily customized to fit any process where a deliverable (backflow prevention test, site survey, water quality sample, valve exercising, hydrant flushing, customer complaint follow-up, etc) is desired and tracking of **progress and results** is required for each job. Communication *during* the process is critical and often needs to be recorded for legal and administrative purposes, not only at the end of a process when a report is submitted.

Our competitive research indicates that most of the offerings available today are simply transitioning the paper report to a digital format with no features or functionality beyond submitting the final report and some small amount of data aggregation. Photographs and supporting information cannot be viewed or acted upon until the report has been submitted, or is tracked outside the system by utilizing phone and/or email communications. EcosConnect provides tools for real-time chat and the attachment of photos and supporting documentation to each job while it is being performed. This feature is unique in that it gives the users the opportunity to communicate about issues, or potential issues, within a specific job so that the appropriate action can be taken early on, thus minimizing the potential for error and misunderstandings. Additionally, these communications are date/time stamped and are viewable on the "Job" page along with the test results.

Further, EcosConnect can be used as a conduit to share best practices, backflow event history, training materials, identify security vulnerabilities, and the ability to share technical expertise within our community of users. These enhanced capabilities, along with others that will be described later in this proposal, could not be achieved by utilizing a PC based product with a web portal specific to each water supplier. By being cloud-based, every user has equal importance when it comes to the release and implementation of new features and response time to address problems. Both happen promptly without the need to upload a patch or download new software onto your server or PC.

We have strived to keep the process simple, intuitive, and low cost while providing flexibility with the level of use that each account holder may desire.

Approach to overall management

Data migration: During the implementation phase, we will have a dedicated project manager to assist you with defining the data elements you want to collect/track and customization of your Notices as required. Your customer and assembly data will be imported into our software and rationalized to make sure it is consistent with industry standard nomenclature (eg. Conbraco...not CONB).

We offer at no additional cost an initial system introduction and training class to the BAT community in conjunction with, or immediately following, the Water Supplier training so that they know what to expect and how to establish their account prior to the actual transition to EcosConnect from your current system. These classes will include both lecture (show & tell) and the opportunity for hands-on practice. We generally like to perform these classes at the water supplier's location but we can perform offsite if necessary. If there are costs to utilize an offsite location, these are expected to be borne by the water supplier.

Overall Cost Comparison

Our fee structure is simple. \$1/test submission plus \$2/notice generated and mailed by EcoConnect to the water user. As an example, if every customer required a Test Due notice **AND** a Past Due notice, the cost would be \$5 per assembly. It is unlikely that every customer will need both notices and costs can be reduced by not generating notices to customers deemed likely to comply (City-owned properties, parks, universities, hospitals, etc).

If the City decides to pass the cost through to the tester, an additional \$1/test submission will be applied.

EcosConnect LLC was officially formed in March 2014. However, discovery and development work actually began in February 2013. The co-founders, Dan Blaisdell and Paul Molisani bring unique talents and experience to the organization.

Paul has a BS in Mechanical Engineering and an MBA. He has been an Oregon certified BAT and owner of PM Backflow since 2003, an Oregon certified CCS since 2009, an ABPA certified BAT since 2013, and recently became certified as both an ABPA proctor and TREEO (Florida) certified BAT. His experience with CCC programs, backflow testing, and business processes provide the basis for the development of EcosConnect. Check out his company website at www.pmbackflow.com.

Dan Blaisdell formed Manifest Web Design in 2008 which currently has 8 contributors to draw from for talent and support. Manifest develops and maintains several large web and database applications including the Roloff Family (Little People, Big World), Stark's Vacuum, MediPro, and InspectorAde. Dan also has served as VP of Engineering for Tiger Logic which was a public company traded on the Nasdaq under the symbol TIGR until being acquired by SPRINKLR. Additionally, Dan sits on the Portland Community College web advisory committee. Check out his company website at www.manifestwebdesign.com.

EcosConnect was founded on bringing best practices to the CCC industry. We continually research software packages offered both within the industry and for other industries. Being a BAT, Paul has been required to either use, or been exposed to, almost all the PC based programs and early SaaS programs. This continues to inspire him to identify opportunities above competitive offerings and formulate features that bring continually increasing value to all users in the ecosystem surrounding backflow prevention testing and cross connection control. We share ideas with our users regarding ways to reduce costs and non-value added activities based on trends we see within our user community.

Proposal Criteria

Per the RFP instructions, below are the details of our proposal listed following the format suggested:

1) Background

It is our understanding that the City of Fayetteville is seeking a service contract with a provider to supply a hosted web-based backflow prevention/cross connection tracking software application and program support services which means to us that you desire software that goes beyond your current needs and can enhance your program capabilities from where it stands today to one which can anticipate and facilitate the workflow requirements of the future. It needs to be scalable (6000 customers to 10,000+) and allow for some customization for Fayetteville's specific needs. Our users enjoy the benefit of new feature development based on best practices utilized throughout the industry as well as features that can only be provided with the advent of mobile and cloud-based computing. We are excited about some productivity tools that are on our roadmap that our competitors cannot provide given their database and hardware architecture.

2) Project Scope

A strong CCC program has three primary functions:

1) Tracking compliance and reporting

As you are already aware, the old process of paper reporting and resulting dual entry by the CCS into a PC based tracking system is cumbersome and prone to errors and omissions.

EcosConnect provides secure online access from any web-enabled device for CCS's and BAT's to input their respective work directly into the system while in the field or office. Our software validates that all required fields are populated with data that is relevant. It will not allow an incomplete report to be submitted (see Exhibit #1) and checks that the BAT has all the proper credentials and authorization to work in your district (see Exhibit #2 & #3).

Now is the time for the City of Fayetteville to reassess what information you want to collect from BAT's or other technicians utilizing a software application in the field. Is a specific data element required, optional if available, or no longer necessary? EcosConnect provides the capability and flexibility for you to decide what data elements are important to your program and customize the application to your needs. You are no longer bound by the limitations of what can be fitted on the paper report format or what other local CCC programs are doing. The test report format for distribution to the water user is simplified and more easily interpreted by your customer reducing

phone calls and emails requesting clarification (see Exhibit #4). Test results are immediately available for approval/disapproval upon submission...there is no need for synchronization or quarantine (see Exhibit #5).

Our standard dashboard feature provides a real-time view of how water user compliance stands against your test anniversary schedule with the ability to click through the graphs to the underlying reports (see Exhibits #6 & 7). You can also immediately view and respond to problem areas such as failed assemblies and not waste time viewing/approving individual reports that have passed with no problems. Additional analytical tools are available for a nominal monthly fee if your CCS desires to track and report other less common metrics such as real-time views of the quantity of tests being performed by individual testers and/or companies over a given period of time, failure rates based on individual tester, failure rates based on make/model/size, and types of repairs being made. Also, based on the information in your RFP, Fayetteville will be managing the cross-connection control program(s) for other surrounding districts. EcosConnect provides the capability for your team to separately identify and track these assemblies within the same log-in through the use of different “roles” within a profile. No need to log out and log in separately for management of each district. All analytical and statistical reporting will also be separate. You simply click on the “role” from a drop down menu to access the specific data for that district. This is important so that any administrative fees Fayetteville may be charging those districts can be supported with data relevant to those districts.

2) Communication

The creation and distribution of Notices/Test Reminder Letters to water users is another primary function of a strong CCC program. With EcosConnect, you can create an unlimited number of notice formats (1st, 2nd, 3rd reminders, shutoff notices, failed test notice, insufficient backflow protection, etc) and define rules with regards to when these notices are created and distributed. The software automatically produces a real-time list that meets your customized rules and the CCS can direct the system to print and/or email all the notices in the list or choose a subset if desired. A single PDF file can be created with all notices for easy distribution to your specified print shop, or each notice can be saved as an individual PDF. The “Assembly History” page keeps track of when each notice was created and sent to a customer (see Exhibit #8). Another very useful feature unique to EcosConnect is the ability of CCS's and BAT's to communicate within the system on each job/test. These communications are recorded and tracked similar to a chat session (see Exhibit #9). Additionally, users can also include photo attachment with a posting. When a comment and/or photo is posted by a user, all users within that job's assignment chain receive an email notification providing the posting and a hyperlink to the actual job so they can quickly respond if necessary without the need to perform a search for

that specific job (see Exhibit #10). Why is this feature so important!?! Simply because tracking emails and notes outside of the system and remembering actions required can be unwieldy using a separate email and tickler system.

An enhancement to the feature described above on our development roadmap is to enable the CCS to require an action be completed by a specific date/time and have the system "ping" the respective parties if the action is not closed by the required deadline. No more calling or emailing the BAT to inquire when that backflow preventer is going to be repaired!!! You will be able to post the action and define when it needs to be completed and the system will let you know if the action has not been closed within your required timeframe.

We protect personally identifiable information such as name, phone number, and email addresses by not showing these to a BAT unless they already have a connection to that customer either through prior testing or input of this information themselves. The BAT inputs a testing PIN provided by the customer from their reminder notice to obtain the connection to the site address and related backflow assemblies due for testing.

3) Identification of potential hazards

The last but arguably the most important function of a strong program is to proactively identify and address potential and actual cross connections and define the level of protection required. Most CCS's we work with want more time to perform this function through surveys and site inspections, but are having their work time dominated with chasing down BAT's to revise incomplete or inaccurate test reports. EcosConnect's workflow and feature set will help them gain back that time and allow them to perform more site visits and educate water users on the importance of backflow protection.

Another potential hazard that seems to be common across the USA (but not necessarily defined this way) is the hazard presented by "drive by" testers. Although EcosConnect cannot entirely stop this "fraud" from happening, the mobile app feature will help reduce it as the BAT can be required to provide a site confirmation stamp by utilizing our mobile app which will capture GPS coordinates and date/time of the input. The mobile app is a premium feature with additional subscription fees applied to the BAT's account. It is still in development and expected to be completed for use in 2018.

3) **Statement of Work/Responsibilities** (from this point on, we will use Fayetteville's RFP text/format with a (response in red and within parenthesis) following each statement or question to aid in evaluation)

1. Fayetteville currently utilizes an electronic records keeping software program which can be used to initially populate the proposers program. However, there may be many test reports and surveys which may require manual data entry by the proposer prior to implementation. (We provide the ability to manually enter test results by other than the actual tester by giving the water supplier a "testing role" also. It is understood that there will be times when data may need to be entered by someone other than the actual entity responsible for performing the work. The data is entered and supporting documents are uploaded via a tester profile under the water supplier account. This maintains the ability to have a complete data set for reporting purposes. Additionally, the "tester role" listed under the water supplier can be used for internal testing purposes such as government buildings, parks, and other areas that may be tested by water supplier staff, not by a private company. As part of our training process, we like to have historical data used and input by the actual tester who performed the testing to be submitted as part of the training process. This accomplishes three goals: 1) Getting the user familiar with the process using their own data, 2) providing a no cost alternative for historical data input into the system with less redundant effort, and 3) providing an avenue for the testing company to get its customer contacts in the system prior to having new jobs created. Should they decide to use our CRM package, they will have a head start on inputting their customer information.)
2. Proposer shall provide and maintain an online hosted database to house Fayetteville's Cross Connection customer and tester information with the following features:

- a. Provide real time access to the customer database to a minimum of 6 (six) licensed users.

(There is not a limit on the number of Water Supplier users and no fee charged per Water Supplier user. Additionally, each user can be given different levels of permission to interact with the system/data (ie. Administrator, Technician, Read-only))

- b. Provide access to view and export real time compliance reports, customer's testing information, and certified tester information. (supported, see Exhibits)
- c. Capable of storing at least, but not limited to the following:
 - i. Test report information of current and past reporting's to include:
 1. Property name, address, contact information (supported)
 2. Backflow test readings, manufacturer, size, model, serial number and location of assemblies.

(In addition to the above listed elements, we allow for an unlimited number of contacts for a specific service address. In many cases, the corporate office may want to have a notification letter sent to the maintenance manager at the site address but have test reports sent to both them and the site. EcosConnect supports multiple contacts with corresponding notice and test report delivery.)

- d. Maintain record of all letter notifications sent via proposers system including
 - i. Letters to be sent by the proposer shall include the following, or similar thereto:
 - 1. Test Due
 - 2. Test Past Due
 - 3. Test Failure (if applicable)
 - 4. Insufficient Backflow Protection for the Application (if applicable)
- (We will work with the City to develop and integrate any content and format of notification(s) you need that is customizable as your needs change.)
- e. Maintain Certified Tester's company information, backflow certification certificates, licensing, annual test kit calibration certificates (supported, Exhibits #2 & #3)
 - f. Maintain customer information for active and inactive accounts (supported, Exhibit #11)
 - g. Ability to track all surveys of City's choice (supported, but need your specifics for the survey)
 - h. Ability to send testing notification to Certified Tester after online submissions (Supported by use of date/time stamp for status changes on each job, no need for separate notification, the testing company can see when they assign work, when it was submitted throughout the assignment chain, and view/print the test report at any time in the process)
 - i. Ability to send email notifications of passing reports to customers (supported, the testing company has this capability as well as the water supplier to send or resend, passing or failing reports, as necessary)
 - j. Ability to send, store, and access additional letter notifications (supported)
- 3. Proposer shall be responsible for issuing multiple letters to properties having testable containment backflow assemblies in order to facilitate compliance in accordance with Fayetteville's Cross Connection Ordinances. Format and content of letters shall be approved by the City of Fayetteville in advance. (supported)
 - 4. All correspondence and communication documents including but not limited to letters, communication in writing, emails, etc. shall give the appearance of being directly from the City even though the content will be a collaborative effort by the Proposer and the City. Corresponding documents and letters shall only include City logos. (supported, we will need the artwork from the City to upload into EcosConnect for placement on correspondence and documents)
 - 5. Notifications shall include both customer and backflow assembly information, including when the backflow assembly is due for annual certification, as well as the last tester on record with contact information. (supported, EcosConnect has suggestions to better facilitate the intent of making it easier for the customer to contact a tester for service. In many cases, having the last tester works, but there are times when companies discontinue operation or are disqualified by a water supplier to work in their district. There are other means to connect a customer to a qualified tester and make the process even simpler for them. Details can be provided when EcosConnect is the selected provider or by phone interview prior to provider selection if desired)

6. Proposer shall be responsible to notify Certified Testers of updated information requirements for test kit and certification requirements. Tester's information shall be kept on record and up to date at all times. (supported)
7. Proposer shall provide education and training for local Certified Testers as well as City of Fayetteville staff, up to 10 staff members, conducted in an on-site training sessions. (supported, no limit to attendees except as applicable to the facility being used and ability to view display screens)
8. Proposer is responsible for providing real time records of non-compliant customers. (supported)
9. Proposer shall have the capability to generate letters for enforcement actions or survey/inspection notification directly from database. (supported)
10. Proposer shall include a complete and comprehensive fee schedule. The schedule of fees shall not change during the term of contracted service. (supported)
11. The tracking/software application shall have the following processing functions
 - a. Data validation (supported)
 - b. Statistical data analysis and graphics (supported)
 - c. Data import/export capability (supported)
 - d. Reporting (supported)
 - e. Photo attachment to backflow test reports (supported, as well as other document formats)
 - f. Detector meter info to include the read and if it registers in gallon or cubic feet (supported, however we do not yet differentiate between gallons or cubic feet. If necessary, we can develop this capability in our application)
 - g. Estimates gallons used on fire lines and pump test (not yet supported but can be developed if necessary)
12. The awarded Proposer shall be responsible for developing a process for receiving Fayetteville's backflow and survey information for both current and new customers, implementing annual notification dates, and receiving of Certified Tester's information. (supported)

4) **KEY QUESTIONS:** All Proposers shall provide answers to the following questions as part of the response to this RFP.

1. How long have you been providing cross connection software to customers? (3+ years)
2. How many current customers do you have utilizing the software being proposed? (As this proposal is public record, we do not disclose this information. We are a newer company and we are growing. Additional detail can be provided in an oral interview)
3. What is the largest number of backflow devices that a single customer manages with your software? (27,000+ accounts)
4. How does your tracking/software manage a cross connection control program? (Each month, the appropriate notice is generated for customers with tests coming due or past due. These are sent via 1st class mail, email, or text, depending on customer and water supplier preference. USPS notices can be in card or letter format, again depending on

water supplier preference and notice content. These notices contain a Testing PIN number which the customer provides to the tester to enable access to the assembly information and test reporting process. Upon submission of the test results, the water system has immediate visibility. No synchronization is required.)

5. How does your software manage customer data and notifications? (Ecosconnect maintains both an Assembly History page, Exhibit #8, to show the complete history of when and what was sent by whom in terms of notices, test reports, and a Water Service page showing information about the account including account/site #, meter number, meter size, service address, and active/inactive assemblies along with other relevant data to that account. See Exhibit #11. This page is currently being enhanced and will likely show additional features by the time the City makes a decision. The structure will be very similar with some additional hyperlinks to aid in navigation to other relevant pages.)
6. Describe the extent of compatibility your software interfaces with all current major browsers including Safari, Chrome, Firefox, and Internet Explorer. (All major browsers are supported and QA tested prior to an update or new feature being launched. A temporary exception to this is if a "show-stopper" bug is identified and the system needs to be updated and running quickly to facilitate immediate use)
7. Do you offer a mobile application for your software? If yes, what operating systems and devices is your mobile application compatible with? If yes, is it a separate application or a website formatted for mobile device viewing? (Currently, our application is mobile friendly. An internet connection is required to input data. We are actively developing a native app to be used with iOS and Android and expect it to be ready for 2018 so that testers, or other technicians, can continue inputting data even if their internet connection is dropped. Once reconnected, the system will synchronize and any updated assignments will be visible)
8. Is the website used by the tester's user mobile friendly? If so, please describe. (See response in question #7 above)
9. How is the City's data stored with relation to other customer data? (See response in next question #10 below)
10. Is customer data and the City's data stored within a dedicated server or shared server? (All the City's data is stored with other customer data within the same database instance on a dedicated server. This is necessary to enable many of the productivity features and the single log-in feature for multiple water districts for BAT's. Please note though that a series of permissions are required to access certain data and no customer's personal data is accessible unless an already existing relationship has been formed between the tester and the water user via a PIN or through direct customer access. A user cannot phish for data in aggregate either. If attempts to do so are identified, the user's account could be suspended or revoked per our Terms of Use which all users must agree to during the account establishment process.)

11. Describe and provide the hosted server and database architecture.

We use Amazon Web Services for all of our hosting. Our technology stack follows the latest industry standards for scalable and secure cloud applications:

- Encrypted HTTP communication via SSL
- Amazon Elastic Compute (EC2) instances running a web server. These are regularly patched with the latest operating system security updates and are behind a strict firewall.
- MySQL Amazon Relational Database (RDS). The database is continuously backed up and we have the ability to restore to any point in time within the last 30 days. This is also behind a strict firewall.
- Amazon Simple Storage Service (S3) for uploaded file storage.

12. Where are your data centers located and how many exist? (EcosConnect utilizes Amazon Web Services (AWS) infrastructure which has a 99.9% guaranteed uptime. AWS provides data backup every 5 minutes and our server resides in their western region facilities. Should there be a failure of the database server, AWS could almost instantaneously rebuild the data on another server. Should there be a catastrophic failure, the last 5 minute snapshot could be used to recover)

13. What provisions are made for high availability within the primary data center? (see response to Questions #11 & #12 above)

14. How does failover occur if the primary data center becomes unavailable? (see response to Questions #11 & #12 above)

15. How does the City export data from the system for analysis? Data can be exported to a CSV file or to PDF by simply selecting the jobs you want to review on the Jobs Grid page and clicking on the Export button. There are a number of filters to select from to refine the data being sought or you can simply select all the data.

16. Describe and provide your backup strategy. (see response to Questions #11 & #12 above)

17. Are there application program interfaces (API) available for interfacing to the proposed system? (An API for new/revised customer and assembly information is provided to periodically upload data into EcosConnect from your internal system. The timeline for this action is really dependent on your ability to extract that information from your current system and put it into a CSV format provided by EcosConnect. We will provide technical assistance as required.)

18. How will your software link with the City's utility customer information? The City currently utilizes New World ERP, and Hansen (Our current process is to have a delimited text file uploaded from your utility software to our AWS S3 dedicated location. We then take that information and bring it into the EcosConnect database to update any changes you may have regarding customer accounts. If your utility software provider is open to the idea, we are seeking to create methods for a more seamless approach by working with them to develop a script to bring in the necessary information.)

19. Does your software have embedded help documentation? If not, please provide how help documentation is accessed. (not yet, but documentation and You-Tube training videos are coming soon)

20. How customizable is the tracking/software program to the City's preferences? (It was coded to allow flexibility with what data is presented and what type of data needs to be collected. Again, at its core, it is a work order/workflow management tool which by design makes it more customizable than a "reporting" tool offered by others. We would need to understand what you want it to do for your specific application.)
21. Does your software offer additional modules? If yes, provide a listing of all modules and their functionality within RFP response. (Yes, it offers additional workflow and reporting capabilities as described above in Question #20. Each district has their own requirements whereas backflow testing is somewhat standard across the country. We would need to know your specific requirements.)
22. What is the process and time frame for converting from New World ERP and Hansen to your software? (Depending on the integrity and completeness of the data, we estimate it would take approximately 2-4 weeks to rationalize and upload the data. This assumes we will have active cooperation with the City's team to promptly resolve any issues identified)

5) **MAINTENANCE AND SUPPORT QUESTIONS:** All Proposers shall provide answers to the following questions as part of the response to this RFP.

1. What type of support does your company offer? (Phone and email (FAQ, a web-based trouble ticket generator, and You-Tube videos coming soon))
2. List and provide the hours of support with corresponding time zone. (Phone and email support are officially Monday-Friday 7:00am-5:00pm Pacific Time. However, the call-in number will frequently be "manned" outside of those hours as well.)
3. How are after hours support request handled? (If someone is immediately available, we will respond on the spot. If not, we will respond the next business day during normal business hours as stated earlier.)
4. Is there a designated support tech assigned to the City? (no, it would not be practical or cost effective to have a dedicated tech)
5. Is the support honored for the length of the contract? (Yes)
 - a. If not what options does your company offer?
6. Describe how the City would request support via telephone and web. (Describe the problem being encountered to the best of your ability to support staff. If possible and using email, send screenshots. If by phone, describe the problem and we will try to duplicate it on our end for validation and corrective action.)

6) **TRAINING QUESTIONS:** All Proposers shall provide answers to the following questions as part of the response to this RFP.

1. Does your company offer on-site training workshops? (Yes)
 - a. How many? (depends on customer needs and availability of desired attendees)
 - b. Is there a fee? (1st training workshop day is no charge except transportation (flight, car rental and fuel) and lodging expenses. All subsequent on-site training days is \$1600/day plus transportation expenses. Training usually takes less than a full day.)

- c. Does your company offer ongoing web based training? (Coming soon)
 - d. If so, how often do you upgrade your online training? (when available, it will be updated as new features are launched)
 - e. What is the cost per day for additional onsite training and how many individuals does that include? (\$1600/day plus transportation expenses. We can accommodate training to as many as your facility can safely support. We require a WIFI connection, two video screens of a size viewable by all participants in the room, and ideally a computer for every account holder being trained. It is best if testers actually bring a laptop or tablet. Use of the EcosConnect system is fairly intuitive and we strive to make improvements in navigation continuously as new features are launched.
 - f. What is the cost per day for remote live training (City staff interacting with company staff to provide training)? (We do not charge for this service today. We reserve the right to in the future at \$200/hr if our complimentary offer becomes abused.)
 - g. What training does your company offer the testers? (We generally like to have the water supplier training 1st which takes half a day and then offer the testers a chance to come in to the water supplier's facility for training with the water supplier's cross connection team present the remaining part of the day. The basic functionality of assigning and completing a report is quite simple. Should the tester want to learn more about additional functionality such as our CRM tool and company analytics (which has a monthly subscription fee per tester and charged directly to the testing company), we can schedule a separate session with them via web or on-site at their facility.)
 - h. Can training be customized for the City's specific needs? (In most cases, it is! We have learned that each district has its own twist on certain aspects of operating a cross connection control program. For example, some districts might want to have a data element (eg. condition of shutoff valves) as required to be reported whereas the next district near them does not. The software and training will accommodate these differences as long as there is not a change being request in the core functionality of the database.)
2. Proposers shall include a cost proposal for all personnel requirements and any other applicable cost associated with the services to be provided. At a minimum, provide the following cost breakdown:
- a. Upfront initial setup/start-up costs (For budgetary purposes, we like to have 2 years "base use" at \$1 per test report submission paid upon contract signing. In the case of this RFP, plan on a non-refundable \$12,000.00. We use this amount as a credit towards the use of the system which is on a pay-per-use structure. In the end, you get this \$12K applied toward the pay-per-use fee so this cost is recovered over time as reports are submitted and the net result is no start-up costs. Once the credit is used up, the \$1/test report fee is billed monthly to the City based on actual number of reports submitted by testers using the system the prior month. The credit cannot be applied to notice generation and mailing costs.)

- b. Annual maintenance costs (\$none)
- c. Periodic software upgrade costs (if applicable) (\$none)

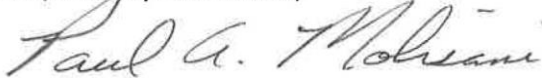
7) **Pay per use fees** (if applicable). All Proposers shall provide answers to the following questions as part of the response to this RFP.

- a. Proposers shall provide a breakdown of fees if there are different fee structures depending on customer type (residential, business, government entity, university, etc.)
(EcosConnect tries to keep it simple at \$1/test report submitted, no difference between customer types. We do have an additional notice generation and mailing fee of \$2/assembly for each notice that the City wants produced and mailed by EcosConnect directly to customers. The overall cost of this is significantly reduced by early compliance (no need for past due notices) and not having a notice generated for large customers such as the University, City-owned assemblies, and other customers with a large number of assemblies that the City deems likely to comply without a reminder notice. Within our system, we simply do not check the box on any contact for the customer account that would prompt the generation of a reminder mailing. Nothing generated by EcosConnect...nothing charged!!!)
- b. Tester registration fees? (\$none)
- c. Manual entry cost per test for test that may not yet be in our electronic database (\$none if the tester inputs the legacy test data as part of their training. \$4/test report (200 report minimum) if EcosConnect personnel have to input it manually on behalf of the City. Legacy test report data must comply with current requirements in order to be input. In other words, all required fields must be populated with relevant data prior to being input...no fudging allowed! Maintaining the completeness, integrity, and accuracy of the data is a cornerstone of our process and system)
- d. Fayetteville in-house tracking fees (\$1/test report submitted, however, we waive the monthly subscription cost associated with the City's "tester" role having advanced features such as CRM. The City will use their "tester" role to input tests performed by City staff and on behalf of testers that are not likely to open an User Account with EcosConnect.)
- e. Is there a late fee imposed on those customers that do not comply with proposer requests? If so, how much? (EcosConnect does not impose fees of any kind on the customer (water user) directly, however, additional fees are accrued for the additional notices required)
- f. Can the City of Fayetteville elect to pay all or a portion of online submission fees thereby reducing customer cost? (As stated above, EcosConnect does not impose fees on the customer (water user) directly. We prefer the City of Fayetteville absorb the \$1/test report submission to simplify the process and not require testing companies to pay for the basic level of service. If we are required to charge the testing company for each test, the fee is \$2.00/test report submission.

Additionally, any notice generation fees passed on to the testers will be at a negotiated cost for an assumed number of notices to be sent. Acceptance by the testing community is much higher when they do not experience greater cost which they then have to absorb or pass through to the water user.)

- 8) **ADDITIONAL QUESTIONS:** All Proposers shall provide answers to the following questions as part of the response to this RFP.
- a. Can Fayetteville add to the online submission fees to help cover other program costs? (Yes)
 - b. If yes, will Fayetteville receive 100% of the overage above contractor fee? (no)
 - c. If Fayetteville will not receive 100%, exactly how much will it receive? (93%, the other 7% is to cover administration costs as EcosConnect will likely have a large number of credit card fees associated with payments made by testing companies as well as some level of "chasing down" of payments. It is unlikely the creditworthiness of all the testing companies will be the same as the City's. EcosConnect also reserves the right to suspend or revoke access and use of the system to any account that is in arrears with payments until that account is made current.)
 - d. Is there a cost per letter for the contractor to include mailing Installation Due/Past Due notices? (Yes)
 - e. If yes, how much per letter? As stated above in the pay per use section, an additional notice generation and mailing fee of \$2/assembly will accrue for each notice that the City wants produced and mailed 1st class USPS by EcosConnect directly to customers. The goal of the program should be on-time compliance by making the process simpler and more efficient thus avoiding additional notices.
- 9) **REFERENCES:** Proposer shall supply four (4) references for which similar services have been provided for Cross Connection Programs during the past (5) five years. Proposers are advised to provide accurate reference information. References will be checked during evaluation period. The City reserves the right to consider experience as part of evaluation (see next page of Proposal)

Respectfully submitted,



Paul A. Molisani
EcosConnect LLC

503-830-0171

paul@ecosconnect.com



City of Fayetteville
RFP 17- 07, Backflow Tracking Services
SECTION B: Vendor References

The following information is required from all firms so all statements of qualification may be reviewed and properly evaluated:

COMPANY NAME: EcosConnect LLC

NUMBER OF YEARS IN BUSINESS: 3+ HOW LONG IN PRESENT LOCATION: 3+

TOTAL NUMBER OF CURRENT EMPLOYEES: 2 FULL TIME 6 PART TIME

NUMBER OF EMPLOYEES PLANNED FOR THIS CONTRACT: 0 FULL TIME 2 PART TIME

PLEASE LIST FOUR (4) REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed):

1. City of Hillsboro
COMPANY NAME

Hillsboro, OR 97123
CITY, STATE, ZIP

Brian Jansen
CONTACT PERSON

503-615-6723
TELEPHONE

FAX NUMBER

Brian.Jansen@hillsboro-oregon.gov
E-MAIL ADDRESS

3. Fire Services Plus
COMPANY NAME

Beaverton, OR 97007
CITY, STATE, ZIP

Candy Anthony
CONTACT PERSON

503-848-2345
TELEPHONE

FAX NUMBER

service@fireservicesplusinc.com
E-MAIL ADDRESS

2. City of Tualatin
COMPANY NAME

Tualatin, OR 97062
CITY, STATE, ZIP

Ernie Castro
CONTACT PERSON

503-691-3098
TELEPHONE

FAX NUMBER

ecastro@ci.tualatin.or.us
E-MAIL ADDRESS

4. Dynamic Backflow
COMPANY NAME

Wilsonville, OR 97070
CITY, STATE, ZIP

Kevin Krajewski
CONTACT PERSON

971-983-9456
TELEPHONE

FAX NUMBER

kevin@dynamicbackflow.com
E-MAIL ADDRESS

Jobs

Assemblies

Customers

Testers

Reports

Hillsboro

Testing Company

Search...

Hillsboro

Assembly Information

Details

Make/Model: FEBCO - 805Y

Serial: AK4227

Size: 1.00"

Location: Left side behind fence 1st box

Actions

Repairs Required

Improperly Installed

Update

Replace

Remove

Service Address

332 NE 64th Ct

Hillsboro, OR 97124

Installation Status

Select Status

Initial Test

Date Tested

7/3/2017

System psi

50

Check 1

2.2

Tight

Check 2

2.1

Tight

Result

Passed

Tester

PM Backflow

Gauge #

04071586

Cert #/State

4101 OR

Other Items

Meter Reading

Shut Off #1 Position

Open

Closed

Shut Off #2 Position

Open

Closed

Report Received By

Comments

add comment

Hillsboro

December 22, 2015 9:56 am

Set status to New.

Hillsboro

December 22, 2015 9:56 am

Set status to Assigned.

Add Photo

Save for Later

Set to In Review

Submit Results

Download PDF

Download CSV

Please fill out missing form fields.

Please choose an installation status.

Please select a position for shutoff 1

Please select a position for shutoff 2

EcosConnect LLC
Proposal in response to City of Fayetteville RFP 17-07, Backflow Tracking Services
Page 18 of 28

Exhibit 3

JobsAssembliesCustomers

TestersInvoicesBillsReports

PM Backflow

Search...

PM Backflow

Tester

Search...

Active

Krajewski, Kevin

Molisani, Alexander

Molisani, Paul

PM Backflow

Molisani, Paul

Deactivate

Details

Credentials

Gauges

Delete Selected

Add Gauge

Gauge Number	Calibration Date	Default
04071588	Thu Nov 10 2016	Yes
eight	Mon Jan 19 2015	No

Credentials

State Certification

No Image

Certification #: 4101
State: OR

New Credential

PM Backflow

503-830-0171

Contact

Name Phoenix Investment Group
Inc.,
Address 16111 SE 106th Ave,
Clackamas, OR 97015
Phone 503-799-5154

Service Address

Address 16111 SE 106th Ave,
Clackamas, OR 97015
Site ID

Assembly

Make WILKINS
Installation Status Existing
Type D.C.D.A
Location: In vault

Model 350ADA
Size 8"
Serial Number V14157

Initial Test

Date Tested 6/22/2017
Result **PASSED**
System PSI 75
Check 1 2.3 Tight
Check 2 3.4 Tight

Tester

Name Molisani, Paul
Address P.O. Box 981
Wilsonville, OR 97070
Certification # 4101 - OR
Gauge Num/Date 04071586 - 11/10/2016


Other Items

Meter Reading 000,015.43
Shut Off #1 Position Open
Shut Off #2 Position Open

Comments

-

IN COMPLETING AND SUBMITTING THIS TEST REPORT, THE TESTER CERTIFIES THAT THE ASSEMBLY HAS BEEN
TESTED AND MAINTAINED IN ACCORDANCE WITH ALL APPLICABLE RULES AND REGULATIONS OF THE WATER
SYSTEM, AND STATE REGULATIONS

Dashboard

Test Reports

Notices

Water Services

Assemblies

Customers

Reports

Hillsboro

▼

Water Supplier

▼

Search...

Hillsboro

Needs Approval ▼

All Flags ▼

Customer ▼

All Dates ▼

Columns ▼

Q Search

Clear

Set Status ▼

Export ▼

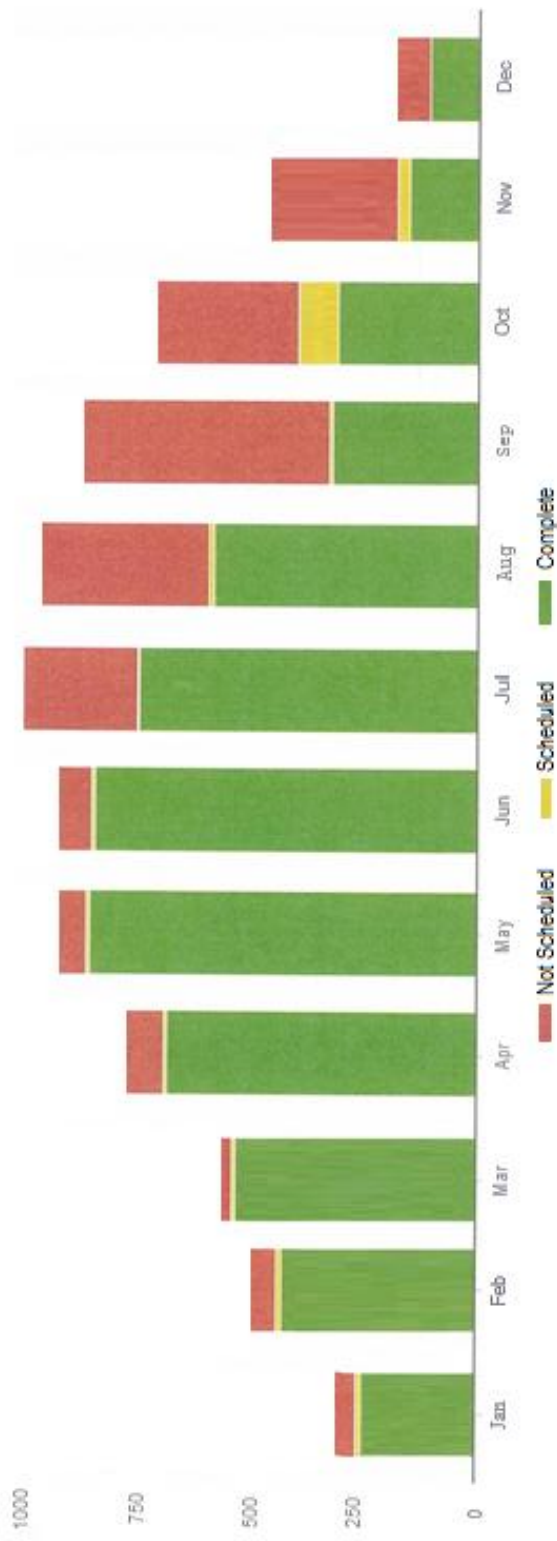
1-12 / 12

25 Per Page ▼

☐	Job	Status	Submitted On	Flags	Customer	Testing Company	Tester	Address	City
☐	53904	Needs Approval	04/11/2017	Edited	Tieu, Jay	PM Backflow	Molisani, Paul	3702 NW 1st Ct	Hillsbo
☐	53905	Needs Approval	04/11/2017	Edited	Archibald, Jacki & Rob	PM Backflow	Molisani, Paul	3726 NW 1st Ct	Hillsbo
☐	53911	Needs Approval	04/11/2017	Edited	Volk, William & Kristin	PM Backflow	Molisani, Paul	3794 NW 313th Ave	Hillsbo
☐	53912	Needs Approval	04/11/2017	Clear	Randolph, Lauren & Scott	PM Backflow	Molisani, Paul	3812 NW 313th Ave	Hillsbo
☐	53915	Needs Approval	05/02/2017	Failed Test	Perinelle, Florian	Flowcheck LLC	Flowcheck LLC	5654 SE Lexington Dr	Hillsbo
☐	53917	Needs Approval	05/08/2017	Clear	Randolph, Lauren & Scott	PM Backflow	Molisani, Paul	3812 NW 313th Ave	Hillsbo
☐	53918	Needs Approval	05/08/2017	Clear	Volk, William & Kristin	PM Backflow	Molisani, Paul	3794 NW 313th Ave	Hillsbo
☐	53919	Needs Approval	05/08/2017	Failed Test	Kuo, Shihjong	PM Backflow	Molisani, Paul	3798 NW 1st Ct	Hillsbo
☐	53920	Needs Approval	05/08/2017	Failed Test	Craft, Russ	PM Backflow	Molisani, Paul	3793 NW 1st Ct	Hillsbo
☐	53921	Needs Approval	05/08/2017	Edited	Blaisdell, Dan & Courtney	PM Backflow	Molisani, Paul	332 NE 64th Ct	Hillsbo
☐	53925	Needs Approval	06/25/2017	Clear	3 Brothers Resturant	PM Backflow	Krajewski, Kevin	7390 NE Butler St	Hillsbo
☐	53926	Needs Approval	06/25/2017	Clear	3 Brothers Resturant	PM Backflow	Krajewski, Kevin	7390 NE Butler St	Hillsbo

Dashboard

Assembly Scheduled Statuses by Test Anniversary, Month by Status



Dashboard

Test Reports

Notices

Water Services

Assemblies

Customers

Reports

Hillsboro

▼

Water Supplier

▼

Search...

Hillsboro

▼

Serial Number ▼

Eligible For Notice...

All Statuses ▼

All Dates ▼

Columns ▼

Search

Send

Change Test Anniversary

Download

Download All 7,248

1-25 / 7,248

Page 1

25 Per Page

Id	Status	Location Group	Last Tested	Test Anniversary	Customer	PIN	Service Address
94185	Not Scheduled		2017-06-25	Dec 31st	3 BROTHERS RESTAURANTS, LLC	9965EF	7390 NE Butler St
94186	Not Scheduled		2017-06-25	Dec 31st	3 BROTHERS RESTAURANTS, LLC	9965EF	7390 NE Butler St
90506	Not Scheduled		2017-05-02	Dec 31st	BAKER, FREDERICK G	BADE52	498 SW Brookwood Ave
94076	Not Scheduled		2017-05-02	Dec 31st	FAIRBAUGH, CRAIG M	19AE2F	2047 SE 48th Ave
95094	Not Scheduled		2017-05-02	Dec 31st	PERINELLE, FLORIAN L	C9175C	6654 SE Lexington Dr
24046	Complete		2017-04-11	Jun 2nd	DALEY, DAN	15CA29	3785 NW 1st Ct
24047	Complete		2017-04-11	Jun 2nd	KUO, SHIH JONG	D569D1	3798 NW 1st Ct
88070	Not Scheduled		2017-04-11	Dec 31st	AERNE, MS MICKIE J	7E2766	3754 NW 1st Ct
88071	Not Scheduled		2017-04-11	Dec 31st	TIEU, JAY A	62E3E4	3702 NW 1st Ct
88072	Not Scheduled		2017-04-11	Dec 31st	ARCHIBALD, ROB	17B916	3728 NW 1st Ct
88073	Not Scheduled		2017-04-11	Dec 31st	CRAFT, RUSSELL	838062	3783 NW 1st Ct
88078	Not Scheduled		2017-04-11	Dec 31st	VOLK, KRISTIN M	F08479	3784 NW 313th Ave

Exhibit 8

Dashboard
Test Reports
Notices
Water Services
Assemblies
Customers
Reports

Hillsboro
Water Supplier
Search...
Hillsboro

Assembly
Make: 850
Model: FEBCO
Serial #: HA48889
Size: 0.38"
Anniversary: Jun 2
Location: Se corner by drive

Customer
Name: DALEY, DAN
Address: 3785 NW 1st Ct
City: Hillsboro
State: OR
Zip: 97124

Most Recent Test
Last Test Date: 2017-04-11
Status: In Review
Test Result: Passed

Most Recent Notice
Date Sent: -
Notice Type: -

Test Date/Date Sent	Tester/Sender	Status	Test Result	Comments
2017-04-11	Daley, Dan & Mai	In Review	Passed	-
2017-04-11	Daley, Dan & Mai	Assigned	Passed	-
2016-05-30	Daley, Dan & Mai	Submitter	Passed	-
2015-05-29	Daley, Dan & Mai	Submitter	Passed	-
2014-06-03	Daley, Dan & Mai	Submitter	Passed	-

Jobs

Assemblies

Customers

Testers

Invoices

Bills

Reports

PM Backflow

Search...

PM Backflow

add comment

PM Backflow

November 22, 2015 8:16 pm

Set status to Submitted.

PM Backflow

November 22, 2015 8:16 pm

Sent to Lund, Brenda (Customer)

PM Backflow

November 22, 2015 8:16 pm

Sent to Wilsonville (Water Supplier)

Krajewski, Kevin

November 21, 2015 10:55 am

Set status to In Review.

Krajewski, Kevin

November 20, 2015 12:13 pm

First check failed. Customer present while testing.

PM Backflow

November 20, 2015 7:31 am

Set status to New.

PM Backflow

November 20, 2015 7:31 am

Set status to Assigned.

Summary

Details

Assigned To: Krajewski, Kevin

Gauge Info: 05071390 - 01/13/2015

Due Date: -

Customer

Lund, Brenda

7558 SW Vlahos Dr

Wilsonville, OR 97070

503-682-9878

brendalund@frontier.com

Site Contact

Lund, Brenda

503-682-9878

brendalund@frontier.com

Assembly Information

Details

Make/Model: FEBCO - 805Y

Serial: AJ3779

Size: 1.00"

Location: In backyard, beside house

Installation Status

Existing

Service Address

7558 SW Vlahos Dr

Wilsonville, OR 97070

Initial Test

Date Tested

11/20/2015

System psi

85

Check 1

0.0

Leaked

Check 2

2.0

Tight

Result

Failed

Tester

Krajewski, Kevin

Gauge #

05071390

Cert #/State

5119 OR

Email Report

Download PDF

Download CSV

Exhibit 10

Microsoft Office 365 ribbon interface showing the "MESSAGE" tab. The ribbon includes sections for "Delete", "Respond", "Quick Steps", "Move", "Tags", "Editing", and "Zoom".

MESSAGE

Delete: Ignore, Junk, Delete

Respond: Reply, Reply All, Forward, Meeting, More

Quick Steps: Wilsonville - pa..., Team Email, Create New, To Manager, Reply & Delete

Move: Move, Rules, OneNote, Actions

Tags: Mark Unread, Follow Up

Editing: Translate, Find, Related, Select

Zoom: Zoom, Zoom

New Comment - Message (Plain Text)

Krajewski, Kevin <notifications@ecosconnect.com>
New Comment

To: PM Backflow

i You forwarded this message on 7/3/2017 10:25 AM.
We removed extra line breaks from this message.

Hello PM Backflow,

At 5/23/2017 4:10 pm, Krajewski, Kevin made the comment:

"Junk piled up around Backflow box."

Job Information:
#58437 - 12732 Bellamy Way Oregon City, OR 97045 Job can be viewed at <http://secure.ecosconnect.com/#/job/58437/>

Dashboard

Test Reports

Notifies

Water Services

Assemblies

Customers

Reports

Hillsboro

Water Supplier

Search...

Hillsboro

Water Service

Site #

Site #

Meter #

60913102

Address

4450 NE Dawson Creek Dr Hillsboro, OR 97124

Type

Residential

Sub Type

Single Family

Status

Active

Testing PIN

Testing PIN

Tag

Add a tag...

Comments

Gated community, access code 1234

Submit

Map

4450 NE Dawson Creek Dr Hillsboro, OR 97124

Assemblies

Active

Inactive

All

Location	Make	Model	Serial #	Size	Status
Fire vault sw corner of lot next to WILKINS	350	V31702		8.00"	Active
Sw corner of property next to the WILKINS	375	L72083		2.50"	Active
Sw corner of property next to the WILKINS	375	L72083		2.50"	Active
Irrigation front of building near fm WILKINS	650	3555555		2.00"	Active
Fire vault sw corner of property r WILKINS	950	3552280		0.75"	Active
Mechanical room - lower device WATTS	957	MH2050		2.50"	Active
Mechanical room - upper device WATTS	957	MF2275		2.50"	Active

Customers

Active

Inactive

All

Name	Mailing Address	Phone	Email	Status
ACCEE SYSTEMS INC	4450 NE Dawson Creek Dr Hillsboro, OR 97124	360-745-1445	techops-procurement@accee.com	Active



CITY OF
FAYETTEVILLE
ARKANSAS

RFP (REQUEST FOR PROPOSAL)

REQUEST FOR PROPOSAL: RFP 17-07, Backflow Tracking Services

DEADLINE: Thursday July 06, 2017 before 2:00:00 PM, local time

RFP DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Les McGaugh, lmcgaugh@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: Friday June 09, 2017

REQUEST FOR PROPOSAL RFP 17-07, Backflow Tracking Services

No late proposals shall be accepted. RFP's shall be submitted in sealed envelopes labeled with the project number and name as well as the name and address of the firm.

All proposals shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection. Any bid, proposal, or statements of qualification will be rejected that violates or conflicts with state, local, or federal laws, ordinances, or policies.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of submitting, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Agent.

Name of Firm: EcosConnect LLC

Contact Person: Paul Molisani

Title: Co-founder

E-Mail: paul@ecosconnect.com

Phone: 503-830-0171

Business Address: PO Box 981

City: Wilsonville

State: Oregon

Zip: 97070

Signature: Paul A. Molisani

Date: 7/3/2017

City of Fayetteville
RFP 17-07, Backflow Tracking Services
SECTION D: Signature Submittal – Required with all responses

Proposers shall include this form completed in its entirety with RFP response. This form shall not count towards page limitations set forth in the RFP.

1. DISCLOSURE INFORMATION

Proposer 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. Proposer response must 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, to your knowledge, 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. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

X 1) NO KNOWN RELATIONSHIP EXISTS

_____ 2) RELATIONSHIP EXISTS (Please explain): _____

I certify that; as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

2. PRIMARY CONTACT INFORMATION

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.

Corporate Name of Firm: EcosConnect LLC

Primary Contact: Paul Molisani Title of Primary Contact: Co-founder

Phone#1 (cell preferred): 503-830-0171 Phone#2: _____

E-Mail Address: paul@ecosconnect.com

3. ACKNOWLEDGEMENT OF ADDENDA

Acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED

4. PRICING:

Pricing shall be attached as a separate form. Reference RFP for details on what all pricing shall include.

5. DEBARMENT CERTIFICATION:

As an interested party on this project, you are required to provide debarment/suspension certification indicating in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

Signature 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.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME OF COMPANY: EcosConnect LLC

PHYSICAL ADDRESS: 1915 SW Amberglen Parkway, Beaverton, OR 97006

MAILING ADDRESS: PO Box 981, Wilsonville, OR 97070

PRINTED NAME: Paul Molisani

PHONE: 503-830-0171 FAX: NA

E-MAIL: paul@ecosconnect.com

SIGNATURE: Paul A. Molisani

TITLE: Co-founder DATE: 7/3/2017

DUNS#: NA TAX ID: 47-1282180

CONTRACT FOR SERVICES BETWEEN
CITY OF FAYETTEVILLE, AR AND ECOSCONNECT, LLC

EXHIBIT C – SCOPE OF WORK

1. Services to be Provided:

EcosConnect hereby agrees to provide the City with BACKFLOW TRACKING SERVICES, as requested and more specifically outlined in the RFP, this Contract, and all subsequent documents that are incorporated into the terms and conditions and set forth the rights, duties and obligations of the parties pursuant to this Contract. During the terms of this Agreement, **EcosConnect** shall:

- a. Provide and maintain an online hosted database to house Fayetteville's Cross Connection customer and tester information with the features as outlined in RFP 17-07.
- b. Technical support in case of errors or the need for refunds will be provided from 8:00 AM-5:00 PM Central Standard Time, excluding federal holidays. An emergency contact will be provided for after-hours emergencies.
- c. A secure website that complies with Federal Red Flag Rules and Payment Card Industry Data Security Standards (PCI DSS) to protect online users from identity theft and ensure secure credit card transactions.
- d. The website will, at a minimum, support the latest versions of Safari, Firefox, Chrome, and Internet Explorer as of the contract date. Ensure that the City of Fayetteville's website is kept current to accommodate updates in the browsers listed above.
- e. Provide a responsive designed website that is scales and is functional on a variety of screen sizes to support mobile device access.
- f. Provide a daily backup of City of Fayetteville website and transaction information.
- g. Be responsible for issuing multiple letters to properties having testable containment backflow assemblies to facilitate compliance in accordance with Fayetteville's Cross Connection Ordinances (Outlined as Appendix B within Exhibit A). Format and content of letters shall be approved by the City of Fayetteville in advance.
- h. All correspondence and communication documents including but not limited to letters, communication in writing, emails, etc. shall give the appearance of being directly from the City even though the content will be a collaborative effort with the City. Corresponding documents and letters shall only include City logos.
- i. Notifications shall include both customer and backflow assembly information, including when the backflow assembly is due for annual certification, as well as the last tester on record with contact information;
- j. Shall notify Certified Testers of updated information requirements for test kit and certification requirements. Tester's information shall be kept on record and up-to-date at all times.
- k. Shall provide education and training for local Certified Testers
- l. Shall provide education and training at no additional fee to up to ten City of Fayetteville staff members.
 - i. Education and training shall be conducted in an on-site training session and shall include up to four (4) hours per month of free live remote training.
- m. Shall be responsible for providing real time records of non-compliant customers;
- n. Shall provide all deliverables and performance measures outlined in the attached Exhibit B.
- o. Proposer shall allow the City's GIS department to receive data upon request, within two (2) business days from date of request;

2. Privacy

- a. The term "customer" in this exhibit shall be defined as the City's customer account.
- b. **EcosConnect** shall collect the following types information for each customer at each location:
 - a. Name
 - b. Mailing and Shipping Address
 - c. E-Mail address (es)
 - d. Phone number (s)
- c. **EcosConnect** shall not collect credit card information of the City's customers as the City is paying for fees associated and identified as part of this contract.
- d. **EcosConnect** shall use information provided from each customer only as necessary to complete the order for service. **EcosConnect** shall not share information with outside parties.
- e. The **City** shall be considered the owner of all data transmitted as part of this agreement.
- f. **EcosConnect** shall use return e-mail addresses to answer the e-mail which was received. Such e-mail addresses shall not be used for any other purpose and shall not be shared with outside or third parties.
- g. **EcosConnect** shall take reasonable steps safeguard and verify customer identity before granting access or making corrections to a customer account. Customers may correct factual errors by sending **EcosConnect** a request that credibly shows error.
- h. **EcosConnect** shall maintain a secure network and shall keep all Customer data secure by means of maintaining a firewall configuration. **EcosConnect** shall maintain a firewall configuration policy and conduct configuration tests.
 - a. In the event of a data breach of information involving the Customer, **EcosConnect** shall notify the **City** within 12 hours of becoming aware of such breach.
 - b. **Statistical Information:** **EcosConnect** may anonymously compile statistical information related to the performance of the Service for purposes of improving the Service, but only if such information does not identify the data as Customer's or otherwise include Customer's name.

3. Publicity:

- a. **Logos:** **EcosConnect** may include City's name and logos in its customer lists, press releases, marketing materials, and on its website with advanced approval of the City.
- b. **Press Releases:** **EcosConnect** may issue a high-level press release announcing the relationship and the manner in which Customer will use the Service upon advanced approval from the City.
- c. **Removal of Logos:** The City reserves the right to require **EcosConnect** to withdraw any use of City's trademarks, name, and logos if the City reasonably considers that **EcosConnect's** use of the trademark, name, and logo is derogatory, defamatory, or detrimental to City or in any way damages the City's business or reputation.

4. Performance Measures: **EcosConnect** shall provide the deliverables as outlined in the attached Exhibit A and B.

5. EcosConnect Policies and Principles: Terms provided in this section shall govern regardless of what terms are required to access an EcosConnect Account, Application or Website.

- a. City employees may need an EcosConnect Account in order to use some Services. City of Fayetteville employee EcosConnect Accounts shall be assigned by the City.
- b. Passwords shall be kept confidential for all EcosConnect Accounts.

- c. The City shall be responsible for the activity that happens on or through a City administered EcosConnect Account. In the event the City learns of any unauthorized use of an employee's password or EcosConnect Account, the City shall contact EcosConnect.
- d. Misuse of EcosConnect Services is prohibited. The City agrees to not interfere with our Services or try to access them using a method other than the interface and the instructions provided. City agrees to only use EcosConnect Services only as permitted by law, including applicable export and re-export control laws and regulations. EcosConnect may suspend or stop providing Services if the City does not comply with this agreement.
- e. Using EcosConnect Services does not give the City ownership of any intellectual property rights in our Services or the content accessed by the City. The City may not use content from EcosConnect Services unless you obtain permission from its owner or are otherwise permitted by law. These terms do not grant the City the right to use any branding or logos used in EcosConnect Services. City agrees not to remove, obscure, or alter any legal notices displayed in or along with EcosConnect Services.
- f. EcosConnect Services display some content that is not EcosConnect's. Such content is the sole responsibility of the entity that makes it available. EcosConnect may review content to determine whether it is illegal or violates our policies, and we may remove or refuse to display content that we reasonably believe violates our policies or the law.
- g. In connection with EcosConnect Services, EcosConnect may send the City service announcements, administrative messages, and other information. The City may opt out of some of those communications.
- h. Some of EcosConnect Services are available on mobile devices. City agrees to not use such Services in a way that distracts or prevents from obeying traffic or safety laws.
- i. City's content in EcosConnect Services:
 - i. EcosConnect Services allow customers to submit content through a local Certified Tester. The City shall retain ownership of any intellectual property rights that the City holds in that content. The City's customer list shall not be disclosed to others.
 - ii. When content is uploaded or otherwise submitted to EcosConnect Services, the City gives EcosConnect permission to host, store, reproduce, modify, create derivative works (such as those resulting from translations, adaptations or other changes EcosConnect makes so that the City's content works better with services provided), communicate, publish, and distribute such content in order to perform the work defined within the scope of work. The rights granted in this license are for the limited purpose of operating, promoting, and improving services, and to develop new ones. This license continues even if the City stops using EcosConnect Services. Some Services may offer the City ways to access and remove content that has been provided to that Service.



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0134

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

GARDEN DISTRICT TOWNHOMES, LLC:

A RESOLUTION TO APPROVE AMENDMENT #1 TO THE WATER MAIN INSTALLATION COST SHARE AGREEMENT WITH GARDEN DISTRICT TOWNHOMES, LLC TO PROVIDE FOR REIMBURSEMENT OF THE COST OF MATERIALS FOR INSTALLING TWO FIRE HYDRANTS IN THE AMOUNT OF \$5,121.60

WHEREAS, on September 25, 2017, the City Council approved a cost share agreement with Garden District Townhomes, LLC for the construction of a water main along a portion of 9th Street between South College Avenue and South Washington Avenue, a distance of approximately 340 feet; and

WHEREAS, due to a misunderstanding the developer installed two fire hydrants the City had agreed to install and City staff recommend reimbursing the developer for the cost of the materials required to install the hydrants.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment #1 to the water main installation cost share agreement with Garden District Townhomes, LLC to provide for reimbursement of the cost of materials for installing two fire hydrants in the amount of \$5,121.60.

City of Fayetteville Staff Review Form

2018-0134

Legistar File ID

3/6/2018

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

Tim Nyander

2/15/2018

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends the approval of Amendment 1 to the cost share agreement with Garden District Townhomes, LLC in the amount of \$5,121.60 for reimbursement for the installation of two fire hydrants related to a water cost sharing project on 9th Street.

Budget Impact:

5400.720.5600-5808.00

Water/Sewer

Account Number

Fund

04039.1

Water/Sewer Impact Fee Cost Sharing Project

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 1,132,535.93

Funds Obligated \$ 33,535.77

Current Balance \$ 1,099,000.16

Does item have a cost? Yes

Item Cost \$ 5,121.60

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 1,093,878.56

V20140710

Previous Ordinance or Resolution # 5995

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Water & Sewer Committee

FROM: Tim Nyander, Utilities Director

DATE: February 20, 2018

SUBJECT: Garden District Townhomes, LLC Amendment No. 1

RECOMMENDATION:

Staff recommends approval of Amendment No. 1 to the cost share agreement with Garden District Townhomes, LLC in the amount of \$5,121.60 for reimbursement for the installation of two fire hydrants for a waterline cost share on 9th Street.

BACKGROUND:

The City recently participated in a cost share with Garden District Townhomes for installing a water line on 9th Street between N College and Washington. The cost share payment was \$16,327.50 plus \$1,064.59 of the \$1,632.75 contingency. When we were making decisions on the scope of the project, the customer was told that the City would install a new fire hydrant at each end of this water line, at N College and at Washington. There was some misunderstanding, and the client installed the 2 hydrants at their expense.

DISCUSSION:

Since the original understanding was for the City to install the fire hydrants at the City's expense, staff feels it is fair to reimburse Garden District Townhomes, LLC, for the cost of the materials at the City's cost, which is \$5,121.60. This cost is well below industry average.

BUDGET/STAFF IMPACT:

Funds for the City's portion are available in the Water Impact Fee Cost Sharing Project.

ATTACHMENTS:

Materials Estimate

<u>Item</u>	<u>Inventory #</u>	<u>Qty</u>	<u>Price /ea</u>	<u>Item</u>
HYDRANT MUELLER 4' Bury, MJ Shoe	1128002	2	\$1,550.00	\$3,100.00
8 X 6 MJ EPOXY TEE	1122842	2	\$160.00	\$320.00
8 MEGA LUG RETAINER 2000	1122818	2	\$42.00	\$84.00
8" MJ Gaskets	1400801	4	\$4.40	\$17.60
6" GATE VALVE	1126340	2	\$450.00	\$900.00
6" swivel adapters	1122777	4	\$131.35	\$525.40
6" MJ GASKETS	1400601	8	\$3.78	\$30.24
4"x3/4" Stainless B&N	3003440	36	\$4.01	\$144.36

Material Total Estimated Cost	\$5,121.60
--------------------------------------	-------------------

**AMENDMENT #1 TO CONTRACTUAL AGREEMENT
FOR COST SHARE OF WATER MAIN INSTALLATION COSTS**

BE IT KNOWN TO ALL:

That the City of Fayetteville, Arkansas (the "City") and Garden District Townhomes, LLC on this 6th day of March, 2018, hereby agree that Contractual Agreement for Cost Share of Water Main Installation Costs of September 5, 2017, shall be amended to include an additional obligation by the City of Fayetteville as follows:

"The City of Fayetteville agrees to reimburse Garden District Townhomes, LLC for the costs of installing two fire hydrants in the total amount of \$5,121.60."

The parties agree and understand that this Amendment is supplemental to their Agreement of September 5, 2017, and that it does not alter, amend or abridge any of the rights, obligations, or duties of the parties not expressly addressed herein.

IN WITNESS WHEREOF, the parties hereto have caused their signatures to be set by their authorized representative effective the date set forth herein above.

IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE SIGN BELOW:

**GARDEN DISTRICT
TOWNHOMES, LLC**

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____


ZARA NIEDERMAN,
Managing Member

By: _____

LIONELD JORDAN, Mayor

ATTEST: _____

ATTEST: _____

By: _____

By: _____

SONDRA SMITH, City Clerk



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0119

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

BOBCAT COMPANY:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A BOBCAT E45 EXCAVATOR WITH ATTACHMENTS FROM BOBCAT COMPANY OF WEST FARGO, NORTH DAKOTA IN THE AMOUNT OF \$69,857.30, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE THE BY TRANSPORTATION SERVICES DEPARTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of a Bobcat E45 Excavator with attachments from Bobcat Company of West Fargo, North Dakota in the amount of \$69,857.30, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Transportation Services Department.

City of Fayetteville Staff Review Form

2018-0119

Legistar File ID

3/6/2018

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

Jesse Beeks/Sara Glenn

2/14/2018

FLEET OPERATIONS (770)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to authorize the purchase of a Bobcat E45 Excavator with attachments from Bobcat Company of West Fargo, ND in the amount of \$69,857.30, pursuant to the NJPA Contract, for use by the Transportation Department.

Budget Impact:

9700.770.1920-5802.00

Shop

Account Number

Fund

02076.2017

Backhoes/Loaders

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 231,523.00

Funds Obligated \$ -

Current Balance \$ 231,523.00

Does item have a cost? Yes

Item Cost \$ 69,857.30

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 161,665.70

V20180209

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: February 14, 2018

SUBJECT: Purchase of one Excavator for Transportation

RECOMMENDATION:

City Council authorize the purchase of a Bobcat E45 Excavator with attachments from Bobcat Company of West Fargo, ND in the amount of \$69,857.30, pursuant to the NJPA Contract, for use by the Transportation Department.

BACKGROUND:

Unit 687 is a 2008 New Holland Backhoe with 13.6/15 points. Transportation has determined that they could use an excavator more efficiently than a backhoe. This change is significantly less expensive to purchase and to operate.

DISCUSSION:

Fleet recommends the purchase of a Bobcat E45 Excavator with attachments from Bobcat Company of West Fargo, ND in the amount of \$69,857.30, pursuant to the NJPA Contract, for use by the Transportation Department.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted and collected for this purchase.

This item was presented to the Equipment Committee on February 13, 2018.

Attachments:

NJPA Contract

Home > Cooperative Purchasing > Contracts - Fleet > Construction & Agricultural Equipment > Bobcat Company



Bobcat Company



Overview

Contract Documentation

Pricing

Marketing Materials

NJPA Contact Information

Contract#: 042815-CEC

Category: Construction & Agricultural Equipment

Description: Construction Equipment

Maturity Date: 05/19/2019

Bobcat Company is a leading provider of compact equipment for global construction, rental, landscaping, agriculture, grounds maintenance, government, utility, industrial and mining markets. We strive to empower our customers to do their jobs more efficiently and effectively. We're North Dakota's largest manufacturer, with the most extensive compact equipment distribution network in the world.

[Find a Dealer](#)

HOW TO PURCHASE

Our step-by-step guide



Vendor Contact Info

Randy L. Fuss

Direct Phone: 701-241-8746

randy.fuss@doosan.com

www.bobcat.com or

www.doosanequipment.com



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0120

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 8

SUPERIOR AUTOMOTIVE GROUP:

A RESOLUTION TO APPROVE THE PURCHASE OF THREE POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS IN THE TOTAL AMOUNT OF \$95,589.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE POLICE DEPARTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of three Police Package Chevrolet Tahoes from Superior Automotive Group of Siloam Springs in the total amount of \$95,589.00, pursuant to a state procurement contract, for use by the Police Department.

City of Fayetteville Staff Review Form

2018-0120

Legistar File ID

3/6/2018

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

Jesse Beeks/Sara Glenn

2/14/2018

FLEET OPERATIONS (770)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of three Chevy Tahoes with Police Pursuit Packages from Superior Chevrolet of Siloam Springs, Arkansas in the amount of \$31,863.00 each, for a total of \$95,589.00, pursuant to the State Contract, for use by the Police Department.

Budget Impact:

9700.770.1920-5802.00

Shop

Account Number

Fund

02081.2015/2016/2018

Police/Passenger Vehicles

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 549,432.00

Funds Obligated \$ -

Current Balance \$ 549,432.00

Does item have a cost? Yes

Item Cost \$ 95,589.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 453,843.00

V20180209

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: February 14, 2018

SUBJECT: Purchase of three Tahoes for Police Department

RECOMMENDATION:

City Council authorize the purchase of three Chevy Tahoes with Police Pursuit Packages from Superior Chevrolet of Siloam Springs, Arkansas in the amount of \$31,863.00 each, for a total of \$95,589.00, pursuant to the State Contract, for use by the Police Department.

BACKGROUND:

In the 2018 CIP an expansion unit was approved for the Police Department. Fleet has already issued a ready unit to the Police Patrol for this purpose.

Two Police Patrol units were totaled recently and 1 was issued as the 2018 expansion unit. This reduced our stock by 3 units on the lot. Fleet anticipates 3-4 current Tahoes to need replacement this year. To ensure Fleet has upfit units ready when needed, 3 new Tahoes need to be ordered now.

DISCUSSION:

Fleet recommends the purchase of three Chevy Tahoes with Police Pursuit Packages from Superior Chevrolet of Siloam Springs, Arkansas in the amount of \$31,863.00 each, for a total of \$95,589.00, pursuant to the State Contract, for use by the Police Department.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted for these purchases.

This item was presented to the Equipment Committee on February 13, 2018.

Attachments:



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0121

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 9

LEWIS AUTOMOTIVE GROUP:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2018 DODGE RAM 1500 4WD REGULAR CAB FROM LEWIS AUTOMOTIVE GROUP OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$21,131.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE FACILITIES MANAGEMENT DIVISION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of a 2018 Dodge Ram 1500 4WD Regular from Lewis Automotive Group of Fayetteville, Arkansas in the amount of \$21,131.00, pursuant to a state procurement contract, for use by the Facilities Management Division.

City of Fayetteville Staff Review Form

2018-0121

Legistar File ID

3/6/2018

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

Jesse Beeks/Sara Glenn

2/14/2018

FLEET OPERATIONS (770)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of a 2018 Dodge Ram 1500 4WD Regular Cab from Lewis Automotive Group of Fayetteville, Arkansas in the amount of \$21,131.00, pursuant to the State Contract, for use by Facilities Management.

Budget Impact:

9700.770.1920-5802.00

Shop

Account Number

Fund

02078.2018

Light/Medium Trucks

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 387,456.00

Funds Obligated \$ -

Current Balance \$ 387,456.00

Does item have a cost? Yes

Item Cost \$ 21,131.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 366,325.00

V20180209

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: February 14, 2018

SUBJECT: Purchase of one Truck for Facilities Management

RECOMMENDATION:

City Council to authorize the purchase of a 2018 Dodge Ram 1500 4WD Regular Cab from Lewis Automotive Group of Fayetteville, Arkansas in the amount of \$21,131.00, pursuant to the State Contract, for use by Facilities Management.

BACKGROUND:

Unit 2090 is a 2006 Chevy Silverado 1500 4x4 with 12.5 points. It has exceeded the 10 year life expectancy but still has some life left. Facilities Management would like to replace unit 2090 and then move it into a lesser demanding position. This move would give them another 4-wheel drive vehicle and enable staff during weather events.

DISCUSSION:

Fleet recommends the purchase of a 2018 Dodge Ram 1500 4WD Regular Cab from Lewis Automotive Group of Fayetteville, Arkansas in the amount of \$21,131.00, pursuant to the State Contract, for use by Facilities Management.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted and collected for this purchase.

This item was presented to the Equipment Committee on February 13, 2018.

Attachments:



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0122

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 10

WILLIAMS TRACTOR:

A RESOLUTION TO APPROVE THE PURCHASE A 2018 NEW HOLLAND RB450 4X5 DRY HAY BALER FROM WILLIAMS TRACTOR OF FAYETTEVILLE IN THE AMOUNT OF \$30,241.00 PURSUANT TO NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE WASTEWATER TREATMENT DIVISION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of a 2018 New Holland RB450 4x5 Dry Hay Baler from Williams Tractor of Fayetteville in the total amount of \$30,241.00, pursuant to a National Joint Powers Alliance cooperative purchasing contract, for use by the Wastewater Treatment Division.

City of Fayetteville Staff Review Form

2018-0122

Legistar File ID

3/6/2018

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

Jesse Beeks/Sara Glenn

2/14/2018

FLEET OPERATIONS (770)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of a 2018 New Holland RB450 4x5 Dry Hay Baler from Williams Tractor, Inc of Fayetteville, Arkansas in the amount of \$30,241.00, pursuant to the NJPA Contract, for use by the Wastewater Department.

Budget Impact:

9700.770.1920-5802.00

Shop

Account Number

Fund

02083.2018

Tractors/Mowers

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 307,000.00

Funds Obligated \$ -

Current Balance \$ 307,000.00

Does item have a cost? Yes

Item Cost \$ 30,241.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 276,759.00

V20180209

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: February 14, 2018

SUBJECT: Purchase of one Hay Baler for Wastewater Department

RECOMMENDATION:

City Council approve the purchase of a 2018 New Holland RB450 4x5 Dry Hay Baler from Williams Tractor, Inc of Fayetteville, Arkansas in the amount of \$30,241.00, pursuant to the NJPA Contract, for use by the Wastewater Department.

BACKGROUND:

Unit 5032 is a 2012 New Holland Hay Baler and has met the 6 year life expectancy. This type of equipment does not accumulate points as it does not have a mileage or hour meter.

DISCUSSION:

Fleet recommends the purchase of a 2018 New Holland RB450 4x5 Dry Hay Baler from Williams Tractor, Inc of Fayetteville, Arkansas in the amount of \$30,241.00, pursuant to the NJPA Contract, for use by the Wastewater Department.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted and collected for this purchase.

This item was presented to the Equipment Committee on February 13, 2018.

Attachments:

NJPA Contract

Home > Cooperative Purchasing > Contracts - Fleet > Construction & Agricultural Equipment > New Holland Ag



[Overview](#)

[Contract Documentation](#)

[Pricing](#)

[Marketing Materials](#)

[NJPA Contact Information](#)

HOW TO PURCHASE

Our step-by-step guide



Vendor Contact Info

Amy Swett

Direct Phone: 717-355-1686

amy.swett@newholland.com

www.newholland.com

New Holland Ag

Contract#: 021815-CNH

Category: Construction & Agricultural Equipment

Description: Ag Tractors & Implements

Maturity Date: 03/17/2019

New Holland manufactures a wide range of equipment, including a full line of tractors; hay and forage equipment; and harvesting, crop production equipment. The New Holland Agricultural lines includes Agricultural and Compact Tractors, Attachments & Loaders, Planting and Seeding, Application, Harvest, and Hay & Forage Equipment, Spreaders, and Rustler Utility Vehicles.



New Holland Ag Find a Dealer



STATE OF
NEW YORK

[Click to view the NJPA CNH Industrial America LLC Ag contract as adopted by the State of NY OGS;](#)

NEW YORK OGS CONTRACT

[New Holland Ag Products](#)

[New Holland Ag Build & Price](#)



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0123

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 11

STEVE LANDERS:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOYOTA PRIUS HYBRID FROM STEVE LANDERS OF ROGERS, ARKANSAS IN THE AMOUNT OF \$23,108.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE FLEET DIVISION, 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 the purchase of a Toyota Prius Hybrid from Steve Landers of Rogers, Arkansas in the amount of \$23,108.00, pursuant to a state procurement contract, for use by the Fleet Division.

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

2018-0123

Legistar File ID

3/6/2018

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

Jesse Beeks/Sara Glenn

2/14/2018

FLEET OPERATIONS (770)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of a Toyota Prius Hybrid from Steve Landers of Rogers, Arkansas in the amount of \$23,108.00, pursuant to the State Contract, for use by the Fleet Department, and to approve a budget adjustment.

Budget Impact:

9700.770.1920-5802.00

Shop

Account Number

Fund

02081.2018

Police/Passenger Vehicles

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 244,612.15

Funds Obligated \$ -

Current Balance \$ 244,612.15

Does item have a cost? Yes

Item Cost \$ 23,108.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 24,000.00

Remaining Budget \$ 245,504.15

V20180209

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: February 14, 2018
SUBJECT: Purchase of one Hybrid Car for Fleet

RECOMMENDATION:

City Council to authorize the purchase of a Toyota Prius Hybrid from Steve Landers of Rogers, Arkansas in the amount of \$23,108.00, pursuant to the State Contract, for use by the Fleet Department, and to approve a budget adjustment.

BACKGROUND:

Unit 1320 was a 2017 Ford C-Max Hybrid. This vehicle was totaled in November when a deer ran into it while on the highway.

DISCUSSION:

Fleet recommends the purchase of a Toyota Prius Hybrid from Steve Landers of Rogers, Arkansas in the amount of \$23,108.00, pursuant to the State Contract, for use by the Fleet Department.

BUDGET/STAFF IMPACT:

Sufficient funds have been collected between the insurance funds and what had been collected towards replacement. A Budget Adjustment will be presented to Council for the use of Fund Balance.

This item was presented to the Equipment Committee on February 13, 2018.

Attachments:

BA – Budget Adjustment

Budget Year	Division	Adjustment Number
2018	FLEET OPERATIONS (770)	
	Requestor: Sara Glenn	

Replace Unit 1320 with 1327 (FLET_F015). This unit was totaled at the end of 2017 and need to access Fund Balance as it was not previously budgeted for replacement.

	COUNCIL DATE:	3/6/2018
	LEGISTAR FILE ID#:	2018-0123
	<i>Liz Hutchens</i>	
	<i>2/16/2018 1:23 PM</i>	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0124

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 12

REPEAL RESOLUTION NO. 33-17:

A RESOLUTION TO REPEAL RESOLUTION NO. 33-17 AND AUTHORIZE THE PURCHASE OF A 2018 ELGIN CROSSWIND STREET SWEEPER FROM ENVIRONMENTAL PRODUCTS MID-SOUTH OF MEMPHIS, TENNESSEE IN THE AMOUNT OF \$251,739.20, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

WHEREAS, Resolution No. 33-17, passed on February 7, 2017, authorized the purchase of an Elgin Crosswind Street Sweeper from Scruggs Equipment Company of Memphis, Tennessee but the unit, which was recently received, did not meet the expectations of the City and was returned to the vendor.

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 repeals Resolution No. 33-17 and approves the purchase of a 2018 Elgin Crosswind Street Sweeper from Environmental Products Mid-South of Memphis, Tennessee in the amount of \$251,739.20, pursuant to a National Joint Powers Alliance cooperative purchasing contract, for use by the Transportation Services Department.

City of Fayetteville Staff Review Form

2018-0124

Legistar File ID

3/6/2018

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

Jesse Beeks/Sara Glenn

2/14/2018

FLEET OPERATIONS (770)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to repeal resolution 33-17 and authorize the purchase of a 2018 Elgin Crosswind Street Sweeper from Environmental Products Mid-South of Memphis, Tennessee in the amount of \$251,739.20, pursuant to the NJPA contact, for use by Transportation Department.

Budget Impact:

9700.770.1920-5802.00

Shop

Account Number

Fund

02080.2016

Other Equipment

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 388,643.26

Funds Obligated \$ -

Current Balance \$ 388,643.26

Does item have a cost? Yes

Item Cost \$ 251,739.20

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 136,904.06

V20180209

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: February 14, 2018

SUBJECT: Purchase of one Street Sweeper for Transportation

RECOMMENDATION:

City Council approve the repeal of resolution 33-17 and authorize the purchase of a 2018 Elgin Crosswind Street Sweeper from Environmental Products Mid-South of Memphis, Tennessee in the amount of \$251,739.20, pursuant to the NJPA contact, for use by Transportation Department.

BACKGROUND:

Unit 9146 is a 2010 Nissan A9000 Sweeper that has exceeded the 6 year life expectancy and currently has 15/15 points. The City only has 2 street sweepers which pick up anywhere from 40 - 64 yards of waste daily.

Resolution 33-17 was brought to the January 2017 Equipment Committee and was approved. The new unit was recently received and did not meet the expectations of the City. This unit was sent back and available sweepers were re-evaluated.

DISCUSSION:

Fleet recommends the purchase of a 2018 Elgin Crosswind Street Sweeper from Environmental Products Mid-South of Memphis, Tennessee in the amount of \$251,739.20, pursuant to the NJPA contact, for use by Transportation Department.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted and collected for this purchase.

This item was presented to the Equipment Committee February 13, 2018.

Attachments:

NJPA Contract

Home > Cooperative Purchasing > Contracts - Fleet > Public Utility & Airport Equipment > Elgin Sweeper Company



Elgin Sweeper Company



Overview

Contract Documentation

Pricing

Marketing Materials

NJPA Contact Information

HOW TO PURCHASE

Our step-by-step guide



Vendor Contact Info

David Panizzi, Business
Development Manager
Direct Phone: (847)622-7153
DPanizzi@elginsweeper.com
www.elginsweeper.com

Contract#: 022014-FSC

Category: Public Utility & Airport Equipment

Description: Street Sweepers

Maturity Date: 03/18/2018

Elgin Sweeper, located in Elgin, IL, is the leading manufacturer of street sweepers for municipal, contractor, airport, highway and industrial sweeping. Elgin has been designing and manufacturing quality sweeping products for nearly 100 years. We offer the broadest selection of sweepers including all variations of sweeping technology – mechanical, vacuum, regenerative air and now mechanical with vacuum assist for waterless dust suppression. Other new technologies such as PM-10 compliance, alternative fuel driven, and noise reduction are also available in select sweeper models. Street sweeping is a BMP that's recognized by the EPA for Stormwater remediation purposes.

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City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0136

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 13

SWEETSER CONSTRUCTION, INC.:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$3,891,372.55 FOR THE CONSTRUCTION OF THE OLD WIRE ROAD PROTECTED BIKE LANE AND SIDEWALK PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$194,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a contract with Sweetser Construction, Inc. in the amount of \$3,891,372.55 for the construction of the Old Wire Road Protected Bike Lane and Sidewalk Project, and further approves a project contingency in the amount of \$194,000.00.

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

2018-0136

Legistar File ID

3/6/2018

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Casey

2/16/2018

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a contract in the amount of \$3,891,372.55 with Sweetser Construction, Inc. for the construction of the Old Wire Road Protected Bike Lane & Sidewalk Project and approval of a project contingency of \$194,000.00 (5%). Approval of a Budget Adjustment.

Budget Impact:

5400.720-5600-5808.00

Water and Sewer Fund

4520.9556-5809.00

Sales Tax Construction Bonds

Account Number

Fund

06035.2600

Old Wire Road (Mission to 265)

12009.1

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 3,061,336.36

Funds Obligated \$ 117,177.01

Current Balance \$ 2,944,159.35

Does item have a cost? Yes

Item Cost \$ 4,085,372.55

Budget Adjustment Attached? Yes

Budget Adjustment \$ 1,638,759.00

Remaining Budget \$ 497,545.80

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Item cost reflects contract of \$3,891,372.55 plus a contingency of \$194,000.00 for a total item cost of \$4,085,372.55.



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Garner Stoll, Development Services Director
Chris Brown, City Engineer

FROM: Matt Casey, Engineering Design Manager

DATE: February 16, 2018

SUBJECT: **Approval of a contract in the amount of \$3,891,372.55 with Sweetser Construction, Inc. for the construction of the Old Wire Road Protected Bike Lane & Sidewalk Project and approval of a project contingency of \$194,000.00 (5%). Approval of a Budget Adjustment.**

RECOMMENDATION:

Staff recommends City Council approval awarding a contract in the amount of \$3,891,372.55 to Sweetser Construction, Inc. for the construction of the Old Wire Road Protected Bike Lane & Sidewalk Project, approve a project contingency of \$194,000.00 (5%), and a Budget Adjustment to consolidate funds from an existing CIP Old Wire Road Project.

BACKGROUND:

The City of Fayetteville Engineering Division has prepared the design for the next phase of the Old Wire Road project from Ash Street to Gulley Park. This phase includes storm sewer improvements, curb and gutter, a two-way cycle track and a 5' wide sidewalk along the east side of Old Wire Road. The two-way cycle track planned between Ash Street and Gulley Park will be an enhanced bikeway that will provide a protected facility, separated from both cars and pedestrians, which will create the safest possible environment for all users. The cycle track will be constructed with several enhancements for safety and efficiency, to provide a world-class facility that can be used as a template elsewhere in the City and by other jurisdictions in the region.

In July of 2017, the City Council approved a grant agreement with the Walton Family Foundation. The grant is a 50/50 matching grant that will pay up to \$1,361,428.00 towards the construction of the cycle track along this project.

DISCUSSION:

On February 15, 2018, the City received three (3) construction bids for this project. Sweetser Construction, Inc. submitted the low bid which was approximately 0.6% above the Engineer's Estimate of \$3,867,148.95.

Schedule 1 (Transportation Bond Fund) – Includes installation of the roadway, storm sewer, cycle track and sidewalk construction. Total bid for Schedule 1 is \$3,786,482.55.

Schedule 2 (Water and Sewer Fund) – Includes all of the work required to relocate the City's water and sewer facilities for this project. Total bid for Schedule 2 is \$104,890.00
Total bid for this project is \$3,891,372.55.

Engineering staff recommends awarding this contract to Sweetser Construction, Inc. The contract time is 365 days (12 months) for final completion.

BUDGET/STAFF IMPACT:

The roadway, cycle track, sidewalk and storm sewer portion of this project is funded by the Transportation Bond Fund and the grant from the Walton Family Foundation. The water and sewer relocations in this project are funded by the Water and Sewer Fund. A budget adjustment is proposed to move CIP funds allocated to Old Wire Road from Project 10011 in the amount of \$497,545.00.

Attachments:

Bid Tab

Section 0500 Agreement

Section 0400 Bid Form

Budget Adjustment

Vicinity Map

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: Old Wire Road Protected Bike Lane & Sidewalk Project (Ash St. to Gulley Park).

Contract No.: 18-21, Construction - Old Wire Road Protected Bike Lanes & Sidewalk Project
(Ash St. to Gulley Park)

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2018 by and between The City of Fayetteville, Arkansas and _____ (hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

Improvements to approximately 4,900 linear feet of Old Wire Road located between Ash St. and Gulley Park. The improvements include widening Old Wire Road on the east side of the roadway. Other improvements to be included in this project are: water relocations, two way cycle track & sidewalk construction, storm drainage, and lighting.

Any use of a third party dumpster or roll off container shall be procured from the City of Fayetteville Recycling and Trash Collection Division. Use of a Non-City dumpster or roll off container is not allowed.

Contractor is responsible for obtaining all applicable permits; however, fees for the City issued permits shall be waived.

The Contract includes work in City of Fayetteville Right-of-way and in General Utility Easements.

Refer to Section 00400-Bid Form for quantities:

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 2 - ENGINEER

- 2.01 The Contract Documents have been prepared by the City of Fayetteville Engineering Division. City of Fayetteville Engineering Division assumes all duties and responsibilities, and has the rights and authority assigned to City of Fayetteville Engineering Division in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

- A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

- A. The Work shall be Substantially Completed within 335 calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and final completion and ready for final payment in accordance with the GENERAL CONDITIONS within 365 calendar days after the date when the Contract Times commence to run.

3.03 LIQUIDATED DAMAGES:

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day

DOCUMENT 00500 – AGREEMENT (continued)

that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Five Hundred Dollars (\$500.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

- 4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the unit prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.
- 4.02 As provided in the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.
- 4.03 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.
1. There shall be no changes without prior written approval of the Engineer of Record and/or the City's designated Professional Engineer.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 5 - PAYMENT PROCEDURES

5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:

- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.

5.02 PROGRESS PAYMENTS, RETAINAGE:

- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.
 - 1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.
 - a. 95% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and

DOCUMENT 00500 – AGREEMENT (continued)

- b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.

5.03 **FINAL PAYMENT:**

- A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Contractor has carefully studied all:
 - (1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and

DOCUMENT 00500 – AGREEMENT (continued)

- (2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.
- E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.
- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract

DOCUMENT 00500 – AGREEMENT (continued)

Documents and the written resolution thereof by Engineer is acceptable to Contractor.

- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

- A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:

1. This Agreement.
2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
3. Performance, Payment, and other Bonds.
4. General Conditions.
5. Supplementary Conditions.
6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general

DOCUMENT 00500 – AGREEMENT (continued)

title: Old Wire Road Protected Bike Lanes & Sidewalk Project (Ash St, to Gulley Park)

8. Addenda numbers ____ inclusive.
9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

- A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 ASSIGNMENT OF CONTRACT:

- A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.03 SUCCESSORS AND ASSIGNS:

- A. The City of Fayetteville and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its

DOCUMENT 00500 – AGREEMENT (continued)

partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

8.04 **SEVERABILITY:**

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 **FREEDOM OF INFORMATION ACT:**

- A. 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.

8.06 **LIENS:**

- A. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§18-44-501 through 508) prohibits the filing of any mechanics' of materialmen's liens in relation to this public construction project. Arkansas law requires and the contractor promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for non-payment or labor or material on the bond. The contractor promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

DOCUMENT 00500 – AGREEMENT (continued)

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor. Three counterparts each has been retained by The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor.

This Agreement will be effective on _____, 20__, which is the Effective Date of the Agreement.

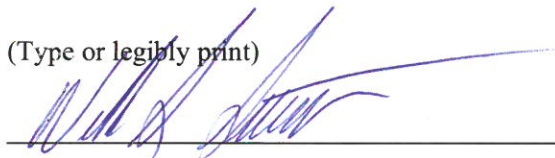
CONTRACTOR:

CITY OF FAYETTEVILLE

By: WILLIAM G SWEETSER

By: Lioneld Jordan

(Type or legibly print)



(Signature)

(Signature)

Title: PRESIDENT

Title: Mayor

DOCUMENT 00500 – AGREEMENT (continued)

Contractor shall attach evidence of authority to sign.

If Contractor is a corporation, corporate entity or LLC, Contractor shall attach Corporate Resolution authorizing Contractor's signature and execution of Agreement.

Further if Contractor is a corporation, corporate entity or LLC, Contractor shall also attach a copy of the Contractor's Articles of Incorporation and a copy from the Arkansas State Secretary of State to document that the corporation, corporate entity or LLC is in current "Good Standing" with the State of Arkansas and such entity is permitted to perform work in the State of Arkansas.

(SEAL)

(SEAL)

Attest Charles W. Miller Attest _____

DOCUMENT 00500 – AGREEMENT (continued)

Address for giving notices

SWEETSER CONSTRUCTION, INC.
590 W. POPLAR
FAYETTEVILLE, AR 72703

Address for giving notices

113 W. Mountain St.
Fayetteville, AR 72701

License No. ARKANSAS CONTRACTOR LICENSE #
0027470418

Agent for Service of process

WILLIAM G. SWEETSER

(Type or legibly print)



(Signature)

Contractor shall attach evidence of authority of Agent for Service process to sign. If Contractor is a corporation, corporate entity or LLC, Contractor shall attach Corporate Resolution authorizing Agent for Service process authority to sign.

(If Contractor is a corporation, corporate entity
or LLC, attach evidence of authority to
sign.)

Approved As to Form:

By: _____

Attorney For: _____

END OF DOCUMENT 00500

DOCUMENT 0400-BID FORM

Contract Name: OLD WIRE ROAD PROTECTED BIKE LANE & SIDEWALK PROJECT

Bid Number: 18-21, CONSTRUCTION

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder: SWEETSER CONSTRUCTION, INC.
590 West Poplar
Fayetteville, AR 72703

ARTICLE 1- INTENT

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2- TERMS AND CONDITIONS

- 2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

SWEETSER CONSTRUCTION, INC.

DOCUMENT 0400-BID FORM (continued)**ARTICLE 3- BIDDER'S REPRESENTATIONS**

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

- A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

<u>Number</u>	<u>Date</u>
<u>#1</u>	<u>Feb. 6</u>
<u>#2</u>	<u>Feb. 9</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.
- E. Bidder has obtained and carefully studied (or assumes responsibility for

having done so) all such additional or supplementary examinations,

DOCUMENT 0400-BID FORM (continued)

investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.

- F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.
- K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or

corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and

0400-Bid Form - Addendum #2

00400-3

DOCUMENT 0400-BID FORM (continued)

Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

- L. 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.

ARTICLE 4- BID PRICE

Bidders are required to provide pricing for all line items, including deductive alternate items. Failure to provide deductive alternate pricing can result in bid rejection.

The City intends to award this contract to the lowest qualified responsive responsible bidder based on the total base bid as long as the base bid amount falls within the amount of funds certified for the project plus 25%.

In the event no bid falls within the amount of funds certified for the project plus 25%, the City will utilize the deductive alternates in order to further evaluate bids until a bid received falls within the amount certified, plus 25%.

In the event all deductive alternates are subtracted from the total base bid and no bid falls within the amount certified, plus 25%, all bids shall be rejected and become confidential.

In no case shall the amount bid for the item of “mobilization” exceed 5% of the total contract amount for all items listed in the proposal or bid. Should the amount entered into the proposal or bid for this item exceed 5%, the bid shall be rejected.

Bidder shall complete the Work in accordance with the Contract Documents
for the following price(s):

0400-Bid Form - Addendum #2

00400-4

DOCUMENT 0400-BID FORM (continued)

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
1	Mobilization (Shall not exceed 5% of Total Bid)	LS	1	\$90,000.00	\$90,000.00
2	Insurance and Bonding	LS	1	\$56,200.00	\$56,200.00
3	Roadway Construction Control (Staking)	LS	1	\$46,500.00	\$46,500.00
4	Trench & Excavation Safety Systems	LS	1	\$2,000.00	\$2,000.00
5	Clearing, Grubbing, & Demolition	LS	1	\$40,000.00	\$40,000.00
6	R&D Existing Storm Sewer	LF	726	\$10.00	\$7,260.00
7	R&D Existing Curb and Gutter	LF	1805	\$10.00	\$18,050.00
8	R&D Existing Asphalt Pavement	SY	1156	\$10.00	\$11,560.00
9	R&D Existing Concrete Pavement	SY	1600	\$10.00	\$16,000.00
10	R&D Existing Concrete Driveway	SY	628	\$10.00	\$6,280.00
11	R & D Existing Bridge, Headwalls, Wingwalls and Slope Paving at Overcrest	LS	1	\$9,000.00	\$9,000.00
12	R&D Existing Storm Drain Inlet or Junction Box	EA	6	\$500.00	\$3,000.00
13	R&D Existing 6' Wood Privacy Fence	LF	605	\$5.00	\$3,025.00
14	Remove and Salvage Existing 3-Rail White Fence	LF	360	\$10.00	\$3,600.00

SWEETSER CONSTRUCTION, INC.

15	R & D Existing Traffic Signal Poles, Mast Arms, Heads and Appurtenances & Return	LS	1	\$5,000.00	\$5,000.00
16	R&D Existing Street Sign and Return to Owner	EA	19	\$100.00	\$1,900.00
17	R&D Existing Guardrail	EA	3	\$900.00	\$2,700.00
18	R&D Existing Retaining Walls	LS	1	\$9,100.00	\$9,100.00

0400-Bid Form - Addendum #2

00400-5

DOCUMENT 0400-BID FORM (continued)

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
19	R&D Existing Concrete Sidewalk	SY	645	\$10.00	\$6,450.00
20	R&D Existing Mailbox	EA	19	\$100.00	\$1,900.00
21	Unclassified Excavation (Plan Quantity)	CY	3890	\$16.50	\$64,185.00
22	Select Embankment (Plan Quantity)	CY	9645	\$22.00	\$212,190.00
23	Embankment (Plan Quantity)	CY	2764	\$22.00	\$60,808.00
24	Rock Excavation	CY	100	\$225.00	\$22,500.00
25	Subgrade Preparation (Plan Quantity)	SY	13877	\$4.00	\$55,508.00
26	4" Topsoil Placement	SY	10200	\$4.50	\$45,900.00
27	*Undercut and Stone Backfill	CY	100	\$38.00	\$3,800.00
28	18" RCP, Class III, Under Pavement	LF	398	\$50.00	\$19,900.00
29	18" RCP, Class III	LF	1613	\$43.00	\$69,359.00
30	24" RCP, Class III, Under Pavement	LF	302	\$77.00	\$23,254.00
31	24" RCP, Class III	LF	920	\$66.00	\$60,720.00
32	30" RCP, Class III	LF	11	\$90.00	\$990.00
33	36" RCP, Class III, Under Pavement	LF	42	\$175.00	\$7,350.00

34	36" RCP, Class III	LF	114	\$151.50	\$17,271.00
35	42" RCP, Class III	LF	19	\$172.50	\$3,277.50
36	48" RCP, Class III, Under Pavement	LF	168	\$213.00	\$35,784.00
37	48" RCP, Class III	LF	547	\$177.50	\$97,092.50
38	18" RCP FES w/Curtain Wall	EA	8	\$850.00	\$6,800.00

0400-Bid Form - Addendum #2

00400-6

DOCUMENT 0400-BID FORM (continued)

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
39	Concrete Collar (Connection to Existing Storm Sewer)	EA	3	\$200.00	\$600.00
40	4' DIA. Drop Inlet	EA	21	\$2,800.00	\$58,800.00
41	5' DIA. Drop Inlet	EA	2	\$3,800.00	\$7,600.00
42	6' DIA. Drop Inlet	EA	8	\$4,600.00	\$36,800.00
43	4' x 8' Drop Inlet (DI 26)	EA	1	\$5,200.00	\$5,200.00
44	6' x 8' Drop Inlet (E. Elmwood Dr.)	EA	1	\$5,500.00	\$5,500.00
45	6' x 15.5' Double Inlet (DI 14 and DI 15)	LS	1	\$9,800.00	\$9,800.00
46	4' Drop Inlet Extension	EA	18	\$800.00	\$14,400.00
47	12' Drop Inlet Extension	EA	1	\$2,400.00	\$2,400.00
48	Trench Drain (W. Overcrest)	EA	2	\$9,000.00	\$18,000.00
49	Remove Existing Inlet Top and Adjust to Grade Incl. Back Opening (E. Overcrest)	LS	1	\$1,500.00	\$1,500.00
50	12" Nyloplast Drain Basin with Grate	EA	2	\$1,800.00	\$3,600.00
51	12" ADS N12 Storm Sewer Pipe	LF	112	\$34.00	\$3,808.00
	12' x 4' Reinforced Concrete Box Culvert				

52	with Headwalls and Wingwalls	LS	1	\$99,000.00	\$99,000.00
53	Rip Rap w/ Filter Blanket	SY	25	\$75.00	\$1,875.00
54	Pavement Milling	SY	7821	\$2.90	\$22,680.90
55	Class 7 Aggregate Base Course	TON	1269	\$28.00	\$35,532.00
56	HMAC Surface Course (PG70-22)	TON	1255	\$77.30	\$97,011.50
57	HMAC Binder Course (PG70-22)	TON	261	\$73.85	\$19,274.85

0400-Bid Form - Addendum #2

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DOCUMENT 0400-BID FORM (continued)

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
58	Asphalt Concrete Patching for Maintenance of Traffic	TON	75	\$125.00	\$9,375.00
59	Aggregate Base for Roadway Maintenance	TON	50	\$28.00	\$1,400.00
60	Asphalt Street T-Patch	SY	250	\$75.00	\$18,750.00
61	4" Class B 4000 PSI Concrete Pavement (For Road Widening)	SY	545	\$52.00	\$28,340.00
62	18" Concrete Curb & Gutter	LF	5880	\$14.00	\$82,320.00
63	24" Concrete Curb & Gutter	LF	428	\$14.00	\$5,992.00
64	Stamped Concrete Buffer	SY	1620	\$136.18	\$220,611.60
65	4" Concrete Cycle Track w/ Class & Base	SY	4900	\$45.00	\$220,500.00
66	4" Concrete Sidewalk w/Class 7 Base	SY	2300	\$45.00	\$103,500.00
67	6" Wide Concrete Sidewalk Turndown	LF	40	\$20.00	\$800.00
68	6" Concrete Driveway w/Class 7 Base	SY	940	\$56.00	\$52,640.00
69	Cast-in-Place Detectable Warning Devices (Truncated Domes)	SF	266	\$20.00	\$5,320.00

70	Refuge Island (Township Intersection)	LS	1	\$6,250.00	\$6,250.00
71	Modular Block Retaining Wall	SF	4450	\$48.00	\$213,600.00
72	Brown Washed River Rock with Fabric	SY	345	\$35.00	\$12,075.00
73	Furnish and Install Mailbox	EA	19	\$200.00	\$3,800.00
74	Solid Sod	SY	10200	\$4.00	\$40,800.00
75	6' Wood Privacy Fence	LF	940	\$30.00	\$28,200.00
76	2 Rail Wood Fence	LF	70	\$25.00	\$1,750.00

0400-Bid Form - Addendum #2

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DOCUMENT 0400-BID FORM (continued)

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
77	Ameristar Fence	LF	363	\$50.00	\$18,150.00
78	Temporary Chain Link Fence	LF	100	\$26.00	\$2,600.00
79	Tree Protection Fencing (Use as Directed)	LF	500	\$5.00	\$2,500.00
80	24" Solid White Pavement Markings (Thermoplastic)	LF	44	\$25.00	\$1,100.00
81	Brick Pattern Pavement Marking (Thermoplastic)	SF	192	\$35.00	\$6,720.00
82	8" Solid Yellow Pavement Marking (Paint)	LF	4250	\$5.00	\$21,250.00
83	6" Solid White Pavement Markings (Thermoplastic)	LF	940	\$1.25	\$1,175.00
84	4" Solid White Pavement Markings (Thermoplastic)	LF	20	\$1.00	\$20.00
85	4" Solid Yellow Pavement Markings (Paint)	LF	406	\$2.00	\$812.00
86	6" Solid Yellow Pavement Markings (Paint)	LF	16	\$3.00	\$48.00
87	6" Solid White Pavement Markings (Paint)	LF	16	\$3.00	\$48.00
	4" Skip Yellow Pavement Markings				

88	(Paint)	LF	1162	\$2.00	\$2,324.00
89	6" Solid Double Yellow Pavement Markings (Thermoplastic)	LF	4868	\$2.50	\$12,170.00
90	12" Solid White Stop Bar (Thermoplastic)	LF	245	\$15.00	\$3,675.00
91	72" x 24" White Crosswalk Stripe (Thermoplastic)	EA	84	\$150.00	\$12,600.00
92	20" x 20" White Elephant Feet (Thermoplastic)	EA	140	\$30.00	\$4,200.00
93	Green Bicycle Lane Coating for Intersections	SF	4458	\$25.00	\$111,450.00
94	White Pavement Symbols (Arrows - Thermoplastic)	EA	35	\$400.00	\$14,000.00
95	White Pavement Symbols ("Only" - Thermoplastic)	EA	6	\$450.00	\$2,700.00

0400-Bid Form - Addendum #2

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DOCUMENT 0400-BID FORM (continued)

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
96	Pavement Symbols (Helmeted Bicyclist Symbol - Thermo.)	EA	21	\$750.00	\$15,750.00
97	24" x 30" R2-1 Speed Limit Sign with Support	EA	7	\$400.00	\$2,800.00
98	30" x 30" R1-1 Stop Sign with Support	EA	6	\$400.00	\$2,400.00
99	D3-1 Street Name Sign with Mounting Hardware	EA	10	\$400.00	\$4,000.00
100	12" x 18" R9-7 Traffic Sign with Support	EA	1	\$400.00	\$400.00
101	24" x 18" R3-17 Bike Lane Sign with Support	EA	2	\$400.00	\$800.00
102	24" x 8" R3-17bP Ends Sign with Support	EA	2	\$400.00	\$800.00
103	24" x 24" W2-4 Traffic Sign with 18" x 9" W(Special) Look Sign w/Support	EA	20	\$400.00	\$8,000.00
104	30" x 30" R10-15 Traffic Sign with Support	EA	29	\$400.00	\$11,600.00
105	12" x 8" R-10-10b Bicycle Signal Sign	EA	2	\$275.00	\$550.00

106	9" x 15" R10-3e Traffic Sign (Signal Poles)	EA	4	\$65.00	\$260.00
107	30" x 36" R10-12M Traffic Sign (Mast Arm)	EA	4	\$310.00	\$1,240.00
108	D3-1 Intersection Guide Signs (Mast Arm)	EA	4	\$500.00	\$2,000.00
109	30" x 30" Traffic Sign - Special (Hawk Arm)	EA	2	\$275.00	\$550.00
110	Relocate Existing Utility Sign	EA	1	\$200.00	\$200.00
111	Traffic Control & Maintenance	LS	1	\$326,600.00	\$326,600.00
112	Project Signs	EA	2	\$700.00	\$1,400.00
113	Site Photographs & Video	LS	1	\$3,500.00	\$3,500.00
114	Erosion Control Sediment Log Check	EA	2	\$350.00	\$700.00
115	Erosion Control Curb Inlet Protection	EA	32	\$200.00	\$6,400.00

0400-Bid Form - Addendum #2

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DOCUMENT 0400-BID FORM (continued)

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	PRICE	TOTAL
116	Erosion Control Silt Fence	LF	5122	\$5.00	\$25,610.00
117	Erosion Control (General)	LS	1	\$8,000.00	\$8,000.00
118	Street Light Pull Box 6" x 8"	EA	58	\$275.00	\$15,950.00
119	1 1/2" Electrical Conduit	LF	4300	\$13.00	\$55,900.00
120	Street Light Fixture, Pole and Foundation	EA	56	\$3,875.00	\$217,000.00
121	Repair/Relocate Existing Irrigation Lines	LS	1	\$1,000.00	\$1,000.00
122	Remove Section and Set New Post for Existing 3-Rail Wood Fence	LS	1	\$700.00	\$700.00
123	Extend Existing 4" Drain Line and Connect to Drop Inlet	EA	1	\$700.00	\$700.00
124	Relocate Existing Sign (Sta 42+14 Rt)	LS	1	\$1,500.00	\$1,500.00
OLD WIRE RD. AND TOWNSHIP ST. SIGNAL					
125	System Local Controller , TS2-Type 2 (16-Phase) & Cabinet with Foundation	EA	1	\$23,125.00	\$23,125.00

SWEETSER CONSTRUCTION, INC.

126	Ethernet Switch, T100 Hardened (8-Port)	EA	1	\$903.00	\$903.00
127	Traffic Signal Head (3-Section)(LED)	EA	9	\$790.00	\$7,110.00
128	Traffic Signal Head (4-Section)(LED)	EA	4	\$990.00	\$3,960.00
129	Traffic Signal Head (3-Section)(LED)(Bicycle)	EA	3	\$860.00	\$2,580.00
130	Countdown Pedestrian Signal Head (LED)	EA	4	\$765.00	\$3,060.00
131	Traffic Signal Cable (7C/14 AWG)	LF	424	\$2.00	\$848.00
132	Traffic Signal Cable (20C/14 AWG)	LF	735	\$4.45	\$3,270.75
133	Lead in Cable (Feeder Wire)	LF	719	\$1.00	\$719.00
134	Non-Metallic Conduit (3")	LF	559	\$24.50	\$13,695.50
135	Galvanized Steel Conduit (1.25")	LF	10	\$13.00	\$130.00

0400-Bid Form - Addendum #2

00400-11

DOCUMENT 0400-BID FORM (continued)

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
136	Concrete Pull Box (Type 1)	EA	4	\$690.00	\$2,760.00
137	Concrete Pull Box (Type 2)	EA	1	\$735.00	\$735.00
138	Traffic Signal Mast Arm (30') & Pole (21') with Foundation	EA	1	\$12,175.00	\$12,175.00
139	Traffic Signal Mast Arm (36') & Pole (21') with Foundation	EA	1	\$12,250.00	\$12,250.00
140	Traffic Signal Mast Arm (36') & Pole (35') with Foundation	EA	1	\$14,100.00	\$14,100.00
141	Traffic Signal Mast Arm (52') & Pole (35') with Foundation	EA	1	\$20,400.00	\$20,400.00
142	Traffic Signal Pedestal Pole (15') with Foundation	EA	1	\$2,000.00	\$2,000.00
143	Video Detector (CLR)	EA	6	\$2,450.00	\$14,700.00
144	Video Monitor w/Mouse	EA	1	\$530.00	\$530.00
	Video Detection Card				

145	ITSP-V100	EA	6	\$2,840.00	\$17,040.00
146	Video Detecto Rack (16 Channel)	EA	1	\$1,305.00	\$1,305.00
147	Video Cable	LF	1402	\$2.65	\$3,715.30
148	Coax Cable (8281)	LF	1402	\$0.70	\$981.40
149	Electrical Conductors-in-Conduit (2C/6 A.W.G., EGC)	LF	20	\$4.60	\$92.00
150	Electrical Conductors-in-Conduit (1C/8 A.W.G., EGC)	LF	582	\$1.30	\$756.60
151	Electrical Conductors for Luminaires (2C/12 A.W.G.)	LF	559	\$1.15	\$642.85
152	Luminare Assembly (Full Cutoff)(LED)	EA	2	\$995.00	\$1,990.00
153	Service Point Assembly (2 Circuits)	EA	1	\$1,500.00	\$1,500.00
153.5	6 Channel Surge Suppression Panel	EA	1	\$1,920.00	\$1,920.00

0400-Bid Form - Addendum #2

00400-12

DOCUMENT 0400-BID FORM (continued)

OLD WIRE RD. PEDESTRIAN HYBRID BEACON					
154	System Local Controller , TS2-Type 2 (8-Phase) & Cabinet with Foundation	EA	1	\$15,340.00	\$15,340.00
155	Ethernet Switch, T100 Hardened (8-Port)	EA	1	\$903.00	\$903.00
156	Traffic Signal Head (3-Section)(LED)(12" Faces)	EA	4	\$1,182.00	\$4,728.00
157	Countdown Pedestrian Signal Head (LED)	EA	2	\$777.00	\$1,554.00
158	Traffic Signal Cable (7C/14 AWG)	LF	275	\$2.00	\$550.00
159	Traffic Signal Cable (20C/14 AWG)	LF	72	\$5.30	\$381.60
160	Lead in Cable (Feeder Wire)	LF	130	\$1.15	\$149.50
161	Non-Metallic Conduit (3")	LF	94	\$24.50	\$2,303.00
162	Non-Metallic Conduit (2")	LF	20	\$9.00	\$180.00

163	Galvanized Steel Conduit (1.25")	LF	8	\$12.85	\$102.80
164	Concrete Pull Box (Type 1)	EA	2	\$690.00	\$1,380.00
165	Quazite 6" x 8" Pull Box	EA	1	\$330.00	\$330.00
166	Traffic Signal Mast Arm (42') & Pole (35') with Foundation	EA	1	\$1,645.00	\$1,645.00
167	Traffic Signal Pedestal Pole (10') with Foundation	EA	1	\$2,000.00	\$2,000.00
168	Traffic Signal Pedestal Pole (5.5') with Foundation	EA	2	\$1,800.00	\$3,600.00
169	Electrical Conductors-in-Conduit (2C/6 A.W.G., EGC)	LF	8	\$4.60	\$36.80
170	Electrical Conductors-in-Conduit (1C/8 A.W.G., EGC)	LF	150	\$1.30	\$195.00
171	Electrical Conductors for Luminaires (2C/12 A.W.G.)	LF	124	\$1.15	\$142.60
172	Luminare Assembly (Full Cutoff)(LED)	EA	1	\$995.00	\$995.00

0400-Bid Form - Addendum #2

00400-13

DOCUMENT 0400-BID FORM (continued)

173	Service Point Assembly (2 Circuits)	EA	1	\$1,500.00	\$1,500.00
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TOTAL AMOUNT BID (SCHEDULE 1)

\$3,786,482.55

BID SCHEDULE 2					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
174	Act 291, 1993 Trench and Excavation Safety System for Water and Sewer Installation	LS	1	\$2,500.00	\$2,500.00
175	8" PVC, C-900, Class 200 DR-14 Water Main	LF	320	\$39.50	\$12,640.00
176	6" PVC, C-900, Class 200 DR-14 Water Main	LF	20	\$35.50	\$710.00

177	1" Copper Water Service Tubing	LF	60	\$26.00	\$1,560.00
178	8" Gate Valve with Box	EA	2	\$2,400.00	\$4,800.00
179	Three Way Fire Hydrant Assembly with Valve	EA	3	\$4,500.00	\$13,500.00
180	Remove Existing Fire Hydrant and Deliver to Owner	EA	2	\$800.00	\$1,600.00
181	6" X 6" Tapping Sleeve and Valve with Box	EA	4	\$3,800.00	\$15,200.00
182	Epoxy Coated Ductile Iron Fittings	LB	3500	\$7.00	\$24,500.00
183	Single Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Service	EA	1	\$2,500.00	\$2,500.00
184	Remove Existing Meter Setting	EA	1	\$500.00	\$500.00
185	8" Saddle, 1" Corporation Stop and Tap	EA	1	\$400.00	\$400.00
186	16" Direct Bury Steel Casing	LF	99	\$120.00	\$11,880.00

0400-Bid Form - Addendum #2

00400-14

DOCUMENT 0400-BID FORM (continued)

187	2" HDPE Casing	LF	50	\$13.00	\$650.00
188	Cut and Cap Existing 6" Water Main	EA	4	\$450.00	\$1,800.00
189	Adjust Existing Water Valve to Grade	EA	9	\$300.00	\$2,700.00
190	Abandon Existing Water Valve	EA	1	\$500.00	\$500.00
191	Relocate/Adjust to Grade Existing Water Meter	EA	11	\$150.00	\$1,650.00
192	Adjust Existing Sewer Manhole to Grade Using Riser Rings	EA	4	\$300.00	\$1,200.00
193	Concrete Anchor Collar	EA	2	\$200.00	\$400.00

194	Relocate Existing Fire Hydrant	LS	1	\$2,200.00	\$2,200.00
195	Remove Cone and Reconstruct Sewer Manhole to Grade	EA	1	\$1,500.00	\$1,500.00

TOTAL AMOUNT BID (SCHEDULE 2)

\$104,890.00

TOTAL AMOUNT BID (SCHEDULE 1 + 2)

\$3,891,372.55

The City intends to award to the lowest responsive responsible bidder based on the evaluation of the sum of Schedule 1 and Schedule 2. Bidders shall bid on both schedules. Failure to bid on both Schedule 1 and Schedule 2 shall result in bid rejection.

ARTICLE 5- CONTRACT TIMES

- 5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

0400-Bid Form - Addendum #2

00400-15

DOCUMENT 0400-BID FORM (continued)

ARTICLE 6- BID CONTENT

- 6.01 The following documents are attached to and made a condition of this Bid:
- A. Required Bid security in the form of a cashier's check from a bank located in the State of Arkansas or a Bid Bond in the amount of _____ 5% _____ Dollars ((\$ _____))
- B. A tabulation of Subcontractors and other persons and organizations required to be identified in this Bid.

ARTICLE 7- COMMUNICATIONS

7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Charlie Miller

Email charlie@sweetserconstruction.com

Phone No. 479-443-3026

Fax No. 479-442-0119

ARTICLE 8- TERMINOLOGY

8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

SUBMITTED on Feb. 15, 2018

Arkansas State Contractor License No. 0027470410 ARKANSAS CONTRACTOR LICENSE #

0400-Bid Form - Addendum #2

00400-16

DOCUMENT 0400-BID FORM (continued)

If Bidder is:

An Individual

Name (type or printed): _____

By: _____ (SEAL)
(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No. _____ Fax No. _____

Email Address: _____

A Partnership

Partnership Name : _____ (SEAL)

By: _____

(Signature of general partner-attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

Phone No: _____ Fax No. _____

Email Address: _____

0400-Bid Form - Addendum #2

00400-17

DOCUMENT 0400-BID FORM (continued)

A Corporation or LLC

Corporation Name : SWEETSER CONSTRUCTION, INC. (SEAL)

State of Incorporation: ARKANSAS

Type (General Business, Professional, Service, Limited Liability): _____

By: General Business

(Signature of general partner-attach evidence of authority to sign)

Name (type or printed): WILLIAM G SWEETSER

Title: PRESIDENT

SWEETSER CONSTRUCTION, INC.

(CORPORATE SEAL)

Attest: Sharon J Sweetser
(Signature of Corporate Secretary)

SWEETSER CONSTRUCTION, INC.

Business address: 590 W. POPLAR
FAYETTEVILLE, AR 72703

Phone No: 479-443-3026 Fax No. 479-442-0119

Email Address: _____

Tax ID Number (TIN) 71-0399789

DUNS # _____

Cage Code: _____

END OF DOCUMENT 00400

BID BOND**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**Hartford, Connecticut 06183

KNOWN ALL BY THESE PRESENTS, That we, Sweetser Construction Inc., as Principal, and Travelers Casualty and Surety Company of America, as Surety, are held and firmly bound unto City of Fayetteville, Arkansas, 113 West Mountain Street, Fayetteville, AR 72701, as Obligee, in the sum of Five Percent of Bid Dollars (\$5%) for the payment of which we bind ourselves, and our successors and assigns, jointly and severally, as provided herein.

WHEREAS, Principal has submitted or is about to submit a bid to the Obligee on a contract for furnishing all labor and materials for Bid 18-21, Construction - Old Wire Road Protected Bike Lane & Sidewalk Project (Ash St. to Gulley Park), Fayetteville, AR ("Project").

NOW, THEREFORE, the condition of this bond is that if Obligee accepts Principal's bid, and Principal enters into a contract with Obligee in conformance with the terms of the bid and provides such bond or bonds as may be specified in the bidding or contract documents, then this obligation shall be void; otherwise Principal and Surety will pay to Obligee the difference between the amount of Principal's bid and the amount for which Obligee shall in good faith contract with another person or entity to perform the work covered by Principal's bid, but in no event shall Surety's and Principal's liability exceed the penal sum of this bond.

Signed this 15th day of February, 2018.

Sweetser Construction Inc.

(Principal)

By: _____

William Sweetser

Travelers Casualty and Surety Company of America

By: _____

David Chilson, Attorney-in-Fact



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.

227800

Certificate No. 006959117

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

Cheryl Ann Pankey, Adrian Luttell, Roland Julian, and David Chilson

of the City of Fayetteville, 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 29th day of August, 2016.

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
Robert L. Raney, Senior Vice President

On this the 29th day of August, 2016, 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
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors 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, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

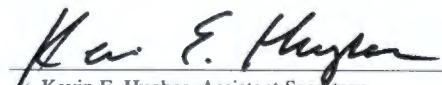
FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, 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 do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 15th day of February, 2018.


Kevin E. Hughes, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.



**CITY OF
FAYETTEVILLE
ARKANSAS**

Construction - Old Wire Rd. Protected Bike Lane & Sidewalk Project

Bid No. 18-21

Official Bid Tabulation

Bid No. 18-21

Date: 02.15.2018

Time: 2:00 PM

Lioneld Jordan, Mayor

Certification of Funds: \$3,860,000.00

Max Bid Award Limit: \$4,825,00.00

Number of Addendums: 2

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	APAC-Central, Inc.		Goodwin & Goodwin, Inc.		Sweetser Construction, Inc.	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
BID SCHEDULE 1									
1	Mobilization (Shall not exceed 5% of Total Bid)	LS	1	\$ 218,000.00	\$ 218,000.00	\$ 175,000.00	\$ 175,000.00	\$ 90,000.00	\$ 90,000.00
2	Insurance and Bonding	LS	1	\$ 12,500.00	\$ 12,500.00	\$ 175,000.00	\$ 175,000.00	\$ 56,200.00	\$ 56,200.00
3	Roadway Construction Control (Staking)	LS	1	\$ 49,000.00	\$ 49,000.00	\$ 60,000.00	\$ 60,000.00	\$ 46,500.00	\$ 46,500.00
4	Trench & Excavation Safety Systems	LS	1	\$ 10,500.00	\$ 10,500.00	\$ 15,000.00	\$ 15,000.00	\$ 2,000.00	\$ 2,000.00
5	Clearing, Grubbing, & Demolition	LS	1	\$ 85,000.00	\$ 85,000.00	\$ 85,000.00	\$ 85,000.00	\$ 40,000.00	\$ 40,000.00
6	R&D Existing Storm Sewer	LS	726	\$ 10.64	\$ 7,724.64	\$ 15.00	\$ 10,890.00	\$ 10.00	\$ 7,260.00
7	R&D Existing Curb & Gutter	LF	1,805	\$ 9.46	\$ 17,075.30	\$ 12.00	\$ 21,660.00	\$ 10.00	\$ 18,050.00
8	R&D Existing Asphalt Pavement	SY	1,156	\$ 10.55	\$ 12,195.80	\$ 12.00	\$ 13,872.00	\$ 10.00	\$ 11,560.00
9	R&D Existing Concrete Driveway	SY	1,600	\$ 14.47	\$ 23,152.00	\$ 15.00	\$ 24,000.00	\$ 10.00	\$ 16,000.00
10	R&D Existing Concrete Driveway	SY	628	\$ 11.65	\$ 7,316.20	\$ 15.00	\$ 9,420.00	\$ 10.00	\$ 6,280.00
11	R&D Existing Bridge, Headwalls, Wingwalls and Slope Paving at Overcrest	LS	1	\$ 10,717.53	\$ 10,717.53	\$ 6,000.00	\$ 6,000.00	\$ 9,000.00	\$ 9,000.00
12	R&D Existing Storm Drain Inlet or Junction Box	EA	6	\$ 1,469.07	\$ 8,814.42	\$ 800.00	\$ 4,800.00	\$ 500.00	\$ 3,000.00
13	R&D Existing 6' Wood Privacy Fence	LF	605	\$ 5.98	\$ 3,617.90	\$ 8.00	\$ 4,840.00	\$ 5.00	\$ 3,025.00
14	Remove and Salvage Existing 3-Rail White Fence	LF	360	\$ 10.91	\$ 3,927.60	\$ 6.00	\$ 2,160.00	\$ 10.00	\$ 3,600.00
15	R&D Existing Traffic Signal Poles, Mast Arms, Heads and Appurtenances & Return	LS	1	\$ 5,400.00	\$ 5,400.00	\$ 3,000.00	\$ 3,000.00	\$ 5,000.00	\$ 5,000.00
16	R&D Existing Street Sign and Return to Owner	EA	19	\$ 229.45	\$ 4,359.55	\$ 100.00	\$ 1,900.00	\$ 100.00	\$ 1,900.00
17	R&D Existing Guardrail	EA	3	\$ 1,309.39	\$ 3,928.17	\$ 800.00	\$ 2,400.00	\$ 900.00	\$ 2,700.00
18	R&D Existing Retaining Walls	LS	1	\$ 7,691.41	\$ 7,691.41	\$ 6,000.00	\$ 6,000.00	\$ 9,100.00	\$ 9,100.00
19	R&D Existing Concrete Sidewalk	SY	645	\$ 11.35	\$ 7,320.75	\$ 15.00	\$ 9,675.00	\$ 10.00	\$ 6,450.00
20	R&D Existing Mailbox	EA	19	\$ 349.08	\$ 6,632.52	\$ 100.00	\$ 1,900.00	\$ 100.00	\$ 1,900.00
21	Unclassified Excavation (Plan Quantity)	CY	3,890	\$ 27.50	\$ 106,975.00	\$ 8.00	\$ 31,120.00	\$ 16.50	\$ 64,185.00
22	Select Embankment (Plan Quantity)	CY	9,645	\$ 29.75	\$ 286,938.75	\$ 17.00	\$ 163,965.00	\$ 22.00	\$ 212,190.00
23	Embankment (Plan Quantity)	CY	2,764	\$ 27.00	\$ 74,628.00	\$ 14.00	\$ 38,696.00	\$ 22.00	\$ 60,808.00
24	Rock Excavation	CY	100	\$ 165.86	\$ 16,586.00	\$ 125.00	\$ 12,500.00	\$ 225.00	\$ 22,500.00
25	Subgrade Preparation (Plan Quantity)	SY	13,877	\$ 3.43	\$ 47,598.11	\$ 4.00	\$ 55,508.00	\$ 4.00	\$ 55,508.00
26	4" Topsoil Placement	SY	10,200	\$ 11.34	\$ 115,668.00	\$ 3.00	\$ 30,600.00	\$ 4.50	\$ 45,900.00
27	*Undercut and Stone Backfill	CY	100	\$ 66.92	\$ 6,692.00	\$ 35.00	\$ 3,500.00	\$ 38.00	\$ 3,800.00
28	18" RCP, Class III, Under Pavement	LF	398	\$ 55.51	\$ 22,092.98	\$ 85.00	\$ 33,830.00	\$ 50.00	\$ 19,900.00
29	18" RCP, Class III	LF	1,613	\$ 41.10	\$ 66,294.30	\$ 45.00	\$ 72,585.00	\$ 43.00	\$ 69,359.00
30	24" RCP, Class III, Under Pavement	LF	302	\$ 72.38	\$ 21,858.76	\$ 105.00	\$ 31,710.00	\$ 77.00	\$ 23,254.00
31	24" RCP, Class III	LF	920	\$ 57.53	\$ 52,927.60	\$ 65.00	\$ 59,800.00	\$ 66.00	\$ 60,720.00
32	30" RCP, Class III	LF	11	\$ 128.80	\$ 1,416.80	\$ 150.00	\$ 1,650.00	\$ 90.00	\$ 990.00
33	36" RCP, Class III, Under Pavement	LF	42	\$ 146.05	\$ 6,134.10	\$ 175.00	\$ 7,350.00	\$ 175.00	\$ 7,350.00
34	36" RCP, Class III	LF	114	\$ 101.53	\$ 11,574.42	\$ 115.00	\$ 13,110.00	\$ 151.50	\$ 17,271.00
35	42" RCP, Class III	LF	19	\$ 149.11	\$ 2,833.09	\$ 200.00	\$ 3,800.00	\$ 172.50	\$ 3,277.50
36	48" RCP, Class III, Under Pavement	LF	168	\$ 148.33	\$ 24,919.44	\$ 225.00	\$ 37,800.00	\$ 213.00	\$ 35,784.00
37	48" RCP, Class III	LF	547	\$ 122.99	\$ 67,275.53	\$ 175.00	\$ 95,725.00	\$ 177.50	\$ 97,092.50
38	18" RCP FES w/ Curtain Wall	EA	8	\$ 852.45	\$ 6,819.60	\$ 1,200.00	\$ 9,600.00	\$ 850.00	\$ 6,800.00
39	Concrete Collar (Connection to Existing Storm Sewer)	EA	3	\$ 1,631.58	\$ 4,894.74	\$ 1,000.00	\$ 3,000.00	\$ 200.00	\$ 600.00
40	4' DIA. Drop Inlet	EA	21	\$ 4,308.50	\$ 90,478.50	\$ 3,800.00	\$ 79,800.00	\$ 2,800.00	\$ 58,800.00
41	5' DIA. Drop Inlet	EA	2	\$ 4,082.21	\$ 8,164.42	\$ 4,300.00	\$ 8,600.00	\$ 3,800.00	\$ 7,600.00
42	6' DIA. Drop Inlet	EA	8	\$ 6,751.23	\$ 54,009.84	\$ 5,000.00	\$ 40,000.00	\$ 4,600.00	\$ 36,800.00
43	4' x 8' Drop Inlet (DI 26)	EA	1	\$ 7,944.55	\$ 7,944.55	\$ 17,000.00	\$ 17,000.00	\$ 5,200.00	\$ 5,200.00
44	6' x 8' Drop Inlet (E. Elmwood Dr.)	EA	1	\$ 8,719.80	\$ 8,719.80	\$ 14,000.00	\$ 14,000.00	\$ 5,500.00	\$ 5,500.00
45	6' x 15.5' Double Inlet (DI 14 and DI 15)	LS	1	\$ 15,946.81	\$ 15,946.81	\$ 24,000.00	\$ 24,000.00	\$ 9,800.00	\$ 9,800.00
46	4' Drop Inlet Extension	EA	18	\$ 772.32	\$ 13,901.76	\$ 1,000.00	\$ 18,000.00	\$ 800.00	\$ 14,400.00
47	12' Drop Inlet Extension	EA	1	\$ 2,638.66	\$ 2,638.66	\$ 3,000.00	\$ 3,000.00	\$ 2,400.00	\$ 2,400.00
48	Trench Drain (W. Overcrest)	EA	2	\$ 14,514.22	\$ 29,028.44	\$ 11,000.00	\$ 22,000.00	\$ 9,000.00	\$ 18,000.00
49	Remove Existing Inlet Top and Adjust to Grade Incl. Back Opening (E. Overcrest)	LS	1	\$ 4,483.71	\$ 4,483.71	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00
50	12" Nyloplast Drain Basin with Grate	EA	2	\$ 2,393.89	\$ 4,787.78	\$ 1,400.00	\$ 2,800.00	\$ 1,800.00	\$ 3,600.00
51	12" ADS N12 Storm Sewer Pipe	LF	112	\$ 24.60	\$ 2,755.20	\$ 40.00	\$ 4,480.00	\$ 34.00	\$ 3,808.00
52	12' x 4' Reinforced Concrete Box Culvert with Headwalls and Wingwalls	LS	1	\$ 127,040.70	\$ 127,040.70	\$ 82,000.00	\$ 82,000.00	\$ 99,000.00	\$ 99,000.00
53	Rip Rap w/ Filter Blanket	SY	25	\$ 137.63	\$ 3,440.75	\$ 80.00	\$ 2,000.00	\$ 75.00	\$ 1,875.00
54	Pavement Milling	SY	7,821	\$ 6.25	\$ 48,881.25	\$ 8.00	\$ 62,568.00	\$ 2.90	\$ 22,680.90
55	Class 7 Aggregate Base Course	TON	1,269	\$ 30.69	\$ 38,945.61	\$ 38.00	\$ 48,222.00	\$ 28.00	\$ 35,532.00

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	APAC-Central, Inc.		Goodwin & Goodwin, Inc.		Sweetser Construction, Inc.	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
56	HMAC Surface Course (PG70-22)	TON	1,255	\$ 96.00	\$ 120,480.00	\$ 100.00	\$ 125,500.00	\$ 77.30	\$ 97,011.50
57	HMAC Binder Course (PG70-22)	TON	261	\$ 96.00	\$ 25,056.00	\$ 125.00	\$ 32,625.00	\$ 73.85	\$ 19,274.85
58	Asphalt Concrete Patching for Maintenance of Traffic	TON	75	\$ 450.00	\$ 33,750.00	\$ 200.00	\$ 15,000.00	\$ 125.00	\$ 9,375.00
59	Aggregate Base for Roadway Maintenance	TON	50	\$ 253.59	\$ 12,679.50	\$ 65.00	\$ 3,250.00	\$ 28.00	\$ 1,400.00
60	Asphalt Street T-Patch	SY	250	\$ 67.05	\$ 16,762.50	\$ 115.00	\$ 28,750.00	\$ 75.00	\$ 18,750.00
61	4" Class B 4000 PSI Concrete Pavement (For Road Widening)	SY	545	\$ 29.51	\$ 16,082.95	\$ 65.00	\$ 35,425.00	\$ 52.00	\$ 28,340.00
62	18" Concrete Curb & Gutter	LF	5,880	\$ 17.88	\$ 105,134.40	\$ 18.00	\$ 105,840.00	\$ 14.00	\$ 82,320.00
63	24" Concrete Curb & Gutter	LF	428	\$ 38.13	\$ 16,319.64	\$ 25.00	\$ 10,700.00	\$ 14.00	\$ 5,992.00
64	Stamped Concrete Buffer	SY	1,620	\$ 160.13	\$ 259,410.60	\$ 90.00	\$ 145,800.00	\$ 136.18	\$ 220,611.60
65	4" Concrete Cycle Track w/ Class & Base	SY	4,900	\$ 41.93	\$ 205,457.00	\$ 65.00	\$ 318,500.00	\$ 45.00	\$ 220,500.00
66	4" Concrete Sidewalk w/ Class 7 Base	SY	2,300	\$ 48.90	\$ 112,470.00	\$ 48.00	\$ 110,400.00	\$ 45.00	\$ 103,500.00
67	6" Wide Concrete Sidewalk Turndown	LF	40	\$ 239.79	\$ 9,591.60	\$ 50.00	\$ 2,000.00	\$ 20.00	\$ 800.00
68	6" Concrete Driveway w/ Class 7 Base	SY	940	\$ 72.33	\$ 67,990.20	\$ 68.00	\$ 63,920.00	\$ 56.00	\$ 52,640.00
69	Cast-in-Place Detectable Warning Devices (Truncated Domes)	SF	266	\$ 12.60	\$ 3,351.60	\$ 35.00	\$ 9,310.00	\$ 20.00	\$ 5,320.00
70	Refuge Island (Township Intersection)	LS	1	\$ 14,078.76	\$ 14,078.76	\$ 12,000.00	\$ 12,000.00	\$ 6,250.00	\$ 6,250.00
71	Modular Block Retaining Wall	SF	4,450	\$ 28.57	\$ 127,136.50	\$ 65.00	\$ 289,250.00	\$ 48.00	\$ 213,600.00
72	Brown Washed River Rock with Fabric	SY	345	\$ 33.97	\$ 11,719.65	\$ 22.00	\$ 7,590.00	\$ 35.00	\$ 12,075.00
73	Furnish and Install Mailbox	EA	19	\$ 208.72	\$ 3,965.68	\$ 200.00	\$ 3,800.00	\$ 200.00	\$ 3,800.00
74	Solid Sod	SY	10,200	\$ 4.16	\$ 42,432.00	\$ 4.00	\$ 40,800.00	\$ 4.00	\$ 40,800.00
75	6' Wood Privacy Fence	LF	940	\$ 32.40	\$ 30,456.00	\$ 35.00	\$ 32,900.00	\$ 30.00	\$ 28,200.00
76	2 Rail Wood Fence	LF	70	\$ 27.00	\$ 1,890.00	\$ 30.00	\$ 2,100.00	\$ 25.00	\$ 1,750.00
77	Ameristar Fence	LF	363	\$ 54.00	\$ 19,602.00	\$ 40.00	\$ 14,520.00	\$ 50.00	\$ 18,150.00
78	Temporary Chain Link Fence	LF	100	\$ 28.08	\$ 2,808.00	\$ 15.00	\$ 1,500.00	\$ 26.00	\$ 2,600.00
79	Tree Protection Fencing (Use as Directed)	LF	500	\$ 11.32	\$ 5,660.00	\$ 8.00	\$ 4,000.00	\$ 5.00	\$ 2,500.00
80	24" Solid White Pavement Markings (Thermoplastic)	LF	44	\$ 27.00	\$ 1,188.00	\$ 30.00	\$ 1,320.00	\$ 25.00	\$ 1,100.00
81	Brick Pattern Pavement Marking (Thermoplastic)	SF	192	\$ 37.80	\$ 7,257.60	\$ 45.00	\$ 8,640.00	\$ 35.00	\$ 6,720.00
82	8" Solid Yellow Pavement Marking (Paint)	LF	4,250	\$ 5.40	\$ 22,950.00	\$ 6.00	\$ 25,500.00	\$ 5.00	\$ 21,250.00
83	6" Solid White Pavement Markings (Thermoplastic)	LF	940	\$ 1.35	\$ 1,269.00	\$ 1.50	\$ 1,410.00	\$ 1.25	\$ 1,175.00
84	4" Solid White Pavement Markings (Thermoplastic)	LF	20	\$ 1.08	\$ 21.60	\$ 1.50	\$ 30.00	\$ 1.00	\$ 20.00
85	4" Solid Yellow Pavement Markings (Paint)	LF	406	\$ 2.16	\$ 876.96	\$ 3.00	\$ 1,218.00	\$ 2.00	\$ 812.00
86	6" Solid Yellow Pavement Markings (Paint)	LF	16	\$ 3.24	\$ 51.84	\$ 4.00	\$ 64.00	\$ 3.00	\$ 48.00
87	6" Solid White Pavement Markings (Paint)	LF	16	\$ 3.24	\$ 51.84	\$ 4.00	\$ 64.00	\$ 3.00	\$ 48.00
88	4" Skip Yellow Pavement Markings (Paint)	LF	1,162	\$ 2.16	\$ 2,509.92	\$ 3.00	\$ 3,486.00	\$ 2.00	\$ 2,324.00
89	6" Solid Double Yellow Pavement Markings (Thermoplastic)	LF	4,868	\$ 2.70	\$ 13,143.60	\$ 3.00	\$ 14,604.00	\$ 2.50	\$ 12,170.00
90	12" Solid White Stop Bar (Thermoplastic)	LF	245	\$ 16.20	\$ 3,969.00	\$ 18.00	\$ 4,410.00	\$ 15.00	\$ 3,675.00
91	72" x 24" White Crosswalk Stripe (Thermoplastic)	EA	84	\$ 162.00	\$ 13,608.00	\$ 175.00	\$ 14,700.00	\$ 150.00	\$ 12,600.00
92	20" x 20" White Elephant Feet (Thermoplastic)	EA	140	\$ 32.40	\$ 4,536.00	\$ 32.00	\$ 4,480.00	\$ 30.00	\$ 4,200.00
93	Green Bicycle Lane Coating for Intersections	SF	4,458	\$ 27.00	\$ 120,366.00	\$ 30.00	\$ 133,740.00	\$ 25.00	\$ 111,450.00
94	White Pavement Symbols (Arrows - Thermoplastic)	EA	35	\$ 432.00	\$ 15,120.00	\$ 425.00	\$ 14,875.00	\$ 400.00	\$ 14,000.00
95	White Pavement Symbols ("Only" - Thermoplastic)	EA	6	\$ 486.00	\$ 2,916.00	\$ 475.00	\$ 2,850.00	\$ 450.00	\$ 2,700.00
96	Pavement Symbols (Helmeted Bicyclist Symbol - Thermo.)	EA	21	\$ 810.00	\$ 17,010.00	\$ 825.00	\$ 17,325.00	\$ 750.00	\$ 15,750.00
97	24" x 30" R2-1 Speed Limit Sign with Support	EA	7	\$ 432.00	\$ 3,024.00	\$ 450.00	\$ 3,150.00	\$ 400.00	\$ 2,800.00
98	30" x 30" R1-1 Stop Sign with Support	EA	6	\$ 432.00	\$ 2,592.00	\$ 450.00	\$ 2,700.00	\$ 400.00	\$ 2,400.00
99	D3-1 Street Name Sign with Mounting Hardware	EA	10	\$ 432.00	\$ 4,320.00	\$ 450.00	\$ 4,500.00	\$ 400.00	\$ 4,000.00
100	12" x 18" R9-7 Traffic Sign with Support	EA	1	\$ 432.00	\$ 432.00	\$ 475.00	\$ 475.00	\$ 400.00	\$ 400.00
101	24" x 18" R3-17 Bike Lane Sign with Support	EA	2	\$ 432.00	\$ 864.00	\$ 475.00	\$ 950.00	\$ 400.00	\$ 800.00
102	24" x 8" R3-17bP Ends Sign with Support	EA	2	\$ 432.00	\$ 864.00	\$ 475.00	\$ 950.00	\$ 400.00	\$ 800.00
103	24" x 24" W2-4 Traffic Sign with 18" x 9" W(Special) Look Sign w/Support	EA	20	\$ 432.00	\$ 8,640.00	\$ 475.00	\$ 9,500.00	\$ 400.00	\$ 8,000.00
104	30" x 30" R10-15 Traffic Sign with Support	EA	29	\$ 432.00	\$ 12,528.00	\$ 475.00	\$ 13,775.00	\$ 400.00	\$ 11,600.00
105	12" x 8" R-10-10b Bicycle Signal Sign	EA	2	\$ 432.00	\$ 864.00	\$ 475.00	\$ 950.00	\$ 275.00	\$ 550.00
106	9" x 15" R10-3e Traffic Sign (Signal Poles)	EA	4	\$ 70.20	\$ 280.80	\$ 850.00	\$ 3,400.00	\$ 65.00	\$ 260.00
107	30" x 36" R10-12M Traffic Sign (Mast Arm)	EA	4	\$ 334.80	\$ 1,339.20	\$ 1,200.00	\$ 4,800.00	\$ 310.00	\$ 1,240.00
108	D3-1 Intersection Guide Signs (Mast Arm)	EA	4	\$ 540.00	\$ 2,160.00	\$ 1,200.00	\$ 4,800.00	\$ 500.00	\$ 2,000.00
109	30" x 30" Traffic Sign - Special (Hawk Arm)	EA	2	\$ 297.00	\$ 594.00	\$ 1,500.00	\$ 3,000.00	\$ 275.00	\$ 550.00
110	Relocate Existing Utility Sign	EA	1	\$ 432.00	\$ 432.00	\$ 400.00	\$ 400.00	\$ 200.00	\$ 200.00
111	Traffic Control & Maintenance	LS	1	\$ 157,509.07	\$ 157,509.07	\$ 68,000.00	\$ 68,000.00	\$ 326,600.00	\$ 326,600.00
112	Project Signs	EA	2	\$ 756.00	\$ 1,512.00	\$ 1,000.00	\$ 2,000.00	\$ 700.00	\$ 1,400.00
113	Site Photographs & Video	LS	1	\$ 8,189.99	\$ 8,189.99	\$ 4,000.00	\$ 4,000.00	\$ 3,500.00	\$ 3,500.00
114	Erosion Control Sediment Log Check	EA	2	\$ 81.00	\$ 162.00	\$ 1,000.00	\$ 2,000.00	\$ 350.00	\$ 700.00
115	Erosion Control Curb Inlet Protection	EA	32	\$ 189.00	\$ 6,048.00	\$ 325.00	\$ 10,400.00	\$ 200.00	\$ 6,400.00
116	Erosion Control Silt Fence	LF	5,122	\$ 3.78	\$ 19,361.16	\$ 4.00	\$ 20,488.00	\$ 5.00	\$ 25,610.00
117	Erosion Control (General)	LS	1	\$ 9,972.49	\$ 9,972.49	\$ 25,000.00	\$ 25,000.00	\$ 8,000.00	\$ 8,000.00
118	Street Light Pull Box 6" x 8"	EA	58	\$ 297.00	\$ 17,226.00	\$ 175.00	\$ 10,150.00	\$ 275.00	\$ 15,950.00
119	1 1/2" Electrical Conduit	LF	4,300	\$ 14.04	\$ 60,372.00	\$ 9.80	\$ 42,140.00	\$ 13.00	\$ 55,900.00
120	Street Light Fixture, Pole and Foundation	EA	56	\$ 4,185.00	\$ 234,360.00	\$ 4,450.00	\$ 249,200.00	\$ 3,875.00	\$ 217,000.00
121	Repair/Relocate Existing Irrigation Lines	LS	1	\$ 4,590.00	\$ 4,590.00	\$ 8,000.00	\$ 8,000.00	\$ 1,000.00	\$ 1,000.00
122	Remove Section and Set New Post for Existing 3" Rail Wood Fence	LS	1	\$ 2,160.00	\$ 2,160.00	\$ 800.00	\$ 800.00	\$ 700.00	\$ 700.00

ITEM NO	DESCRIPTION	UNIT	ESTIMATED QUANTITY	APAC-Central, Inc.		Goodwin & Goodwin, Inc.		Sweetser Construction, Inc.	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
123	Extend Existing 4" Drain Line and Connect to Drop Inlet	EA	1	\$ 1,496.92	\$ 1,496.92	\$ 1,500.00	\$ 1,500.00	\$ 700.00	\$ 700.00
124	Relocate Existing Sign (Sta 42+14 Rt)	LS	1	\$ 1,617.15	\$ 1,617.15	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00
OLD WIRE RD. AND TOWNSHIP ST. SIGNAL									
125	System Local Controller , TS2-Type 2 (16-Phase) & Cabinet with Foundation	EA	1	\$ 24,975.00	\$ 24,975.00	\$ 24,000.00	\$ 24,000.00	\$ 23,125.00	\$ 23,125.00
126	Ethernet Switch, T100 Hardened (8-Port)	EA	1	\$ 975.24	\$ 975.24	\$ 900.00	\$ 900.00	\$ 903.00	\$ 903.00
127	Traffic Signal Head (3-Section)(LED)	EA	9	\$ 853.20	\$ 7,678.80	\$ 800.00	\$ 7,200.00	\$ 790.00	\$ 7,110.00
128	Traffic Signal Head (4-Section)(LED)	EA	4	\$ 1,069.20	\$ 4,276.80	\$ 950.00	\$ 3,800.00	\$ 990.00	\$ 3,960.00
129	Traffic Signal Head (3-Section)(LED)(Bicycle)	EA	3	\$ 928.80	\$ 2,786.40	\$ 875.00	\$ 2,625.00	\$ 860.00	\$ 2,580.00
130	Countdown Pedestrian Signal Head (LED)	EA	4	\$ 826.20	\$ 3,304.80	\$ 825.00	\$ 3,300.00	\$ 765.00	\$ 3,060.00
131	Traffic Signal Cable (7C/14 AWG)	LF	424	\$ 2.16	\$ 915.84	\$ 3.00	\$ 1,272.00	\$ 2.00	\$ 848.00
132	Traffic Signal Cable (20C/14 AWG)	LF	735	\$ 4.81	\$ 3,535.35	\$ 4.00	\$ 2,940.00	\$ 4.45	\$ 3,270.75
133	Lead in Cable (Feeder Wire)	LF	719	\$ 1.08	\$ 776.52	\$ 2.00	\$ 1,438.00	\$ 1.00	\$ 719.00
134	Non-Metallic Conduit (3")	LF	559	\$ 26.46	\$ 14,791.14	\$ 30.00	\$ 16,770.00	\$ 24.50	\$ 13,695.50
135	Galvanized Steel Conduit (1.25")	LF	10	\$ 14.04	\$ 140.40	\$ 15.00	\$ 150.00	\$ 13.00	\$ 130.00
136	Concrete Pull Box (Type 1)	EA	4	\$ 745.20	\$ 2,980.80	\$ 400.00	\$ 1,600.00	\$ 690.00	\$ 2,760.00
137	Concrete Pull Box (Type 2)	EA	1	\$ 793.80	\$ 793.80	\$ 450.00	\$ 450.00	\$ 735.00	\$ 735.00
138	Traffic Signal Mast Arm (30') & Pole (21') with Foundation	EA	1	\$ 13,149.00	\$ 13,149.00	\$ 12,800.00	\$ 12,800.00	\$ 12,175.00	\$ 12,175.00
139	Traffic Signal Mast Arm (36') & Pole (21') with Foundation	EA	1	\$ 13,230.00	\$ 13,230.00	\$ 14,000.00	\$ 14,000.00	\$ 12,250.00	\$ 12,250.00
140	Traffic Signal Mast Arm (36') & Pole (35') with Foundation	EA	1	\$ 15,228.00	\$ 15,228.00	\$ 17,000.00	\$ 17,000.00	\$ 14,100.00	\$ 14,100.00
141	Traffic Signal Mast Arm (52') & Pole (35') with Foundation	EA	1	\$ 22,032.00	\$ 22,032.00	\$ 19,500.00	\$ 19,500.00	\$ 20,400.00	\$ 20,400.00
142	Traffic Signal Pedestal Pole (15') with Foundation	EA	1	\$ 2,160.00	\$ 2,160.00	\$ 2,300.00	\$ 2,300.00	\$ 2,000.00	\$ 2,000.00
143	Video Detector (CLR)	EA	6	\$ 2,646.00	\$ 15,876.00	\$ 2,650.00	\$ 15,900.00	\$ 2,450.00	\$ 14,700.00
144	Video Monitor w/Mouse	EA	1	\$ 572.40	\$ 572.40	\$ 500.00	\$ 500.00	\$ 530.00	\$ 530.00
145	Video Detection Card ITSP-V100	EA	6	\$ 3,067.20	\$ 18,403.20	\$ 2,875.00	\$ 17,250.00	\$ 2,840.00	\$ 17,040.00
146	Video Detecto Rack (16 Channel)	EA	1	\$ 1,409.40	\$ 1,409.40	\$ 1,400.00	\$ 1,400.00	\$ 1,305.00	\$ 1,305.00
147	Video Cable	LF	1,402	\$ 2.86	\$ 4,009.72	\$ 3.00	\$ 4,206.00	\$ 2.65	\$ 3,715.30
148	Coax Cable (8281)	LF	1,402	\$ 0.76	\$ 1,065.52	\$ 3.00	\$ 4,206.00	\$ 0.70	\$ 981.40
149	Electrical Conductors-in-Conduit (2C/6 A.W.G., EGC)	LF	20	\$ 4.97	\$ 99.40	\$ 4.00	\$ 80.00	\$ 4.60	\$ 92.00
150	Electrical Conductors-in-Conduit (1C/8 A.W.G., EGC)	LF	582	\$ 1.40	\$ 814.80	\$ 1.25	\$ 727.50	\$ 1.30	\$ 756.60
151	Electrical Conductors for Luminaires (2C/12 A.W.G.)	LF	559	\$ 1.24	\$ 693.16	\$ 2.00	\$ 1,118.00	\$ 1.15	\$ 642.85
152	Luminaire Assembly (Full Cutoff)(LED)	EA	2	\$ 1,074.60	\$ 2,149.20	\$ 1,475.00	\$ 2,950.00	\$ 995.00	\$ 1,990.00
153	Service Point Assembly (2 Circuits)	EA	1	\$ 1,620.00	\$ 1,620.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
153.5	6 Channel Surge Suppression Panel	EA	1	\$ 2,073.60	\$ 2,073.60	\$ 1,800.00	\$ 1,800.00	\$ 1,920.00	\$ 1,920.00
OLD WIRE RD. PEDESTRIAN HYBRID BEACON									
154	System Local Controller , TS2-Type 2 (8-Phase) & Cabinet with Foundation	EA	1	\$ 16,567.20	\$ 16,567.20	\$ 14,200.00	\$ 14,200.00	\$ 15,340.00	\$ 15,340.00
155	Ethernet Switch, T100 Hardened (8-Port)	EA	1	\$ 975.24	\$ 975.24	\$ 1,000.00	\$ 1,000.00	\$ 903.00	\$ 903.00
156	Traffic Signal Head (3-Section)(LED)(12" Faces)	EA	4	\$ 1,276.56	\$ 5,106.24	\$ 1,350.00	\$ 5,400.00	\$ 1,182.00	\$ 4,728.00
157	Countdown Pedestrian Signal Head (LED)	EA	2	\$ 839.16	\$ 1,678.32	\$ 850.00	\$ 1,700.00	\$ 777.00	\$ 1,554.00
158	Traffic Signal Cable (7C/14 AWG)	LF	275	\$ 2.16	\$ 594.00	\$ 2.00	\$ 550.00	\$ 2.00	\$ 550.00
159	Traffic Signal Cable (20C/14 AWG)	LF	72	\$ 5.72	\$ 411.84	\$ 4.00	\$ 288.00	\$ 5.30	\$ 381.60
160	Lead in Cable (Feeder Wire)	LF	130	\$ 1.24	\$ 161.20	\$ 1.00	\$ 130.00	\$ 1.15	\$ 149.50
161	Non-Metallic Conduit (3")	LF	94	\$ 26.46	\$ 2,487.24	\$ 30.00	\$ 2,820.00	\$ 24.50	\$ 2,303.00
162	Non-Metallic Conduit (2")	LF	20	\$ 9.72	\$ 194.40	\$ 15.00	\$ 300.00	\$ 9.00	\$ 180.00
163	Galvanized Steel Conduit (1.25")	LF	8	\$ 13.88	\$ 111.04	\$ 20.00	\$ 160.00	\$ 12.85	\$ 102.80
164	Concrete Pull Box (Type 1)	EA	2	\$ 745.20	\$ 1,490.40	\$ 400.00	\$ 800.00	\$ 690.00	\$ 1,380.00
165	Quazite 6" x 8" Pull Box	EA	1	\$ 356.40	\$ 356.40	\$ 200.00	\$ 200.00	\$ 330.00	\$ 330.00
166	Traffic Signal Mast Arm (42') & Pole (35') with Foundation	EA	1	\$ 17,766.00	\$ 17,766.00	\$ 17,000.00	\$ 17,000.00	\$ 1,645.00	\$ 1,645.00
167	Traffic Signal Pedestal Pole (10') with Foundation	EA	1	\$ 2,160.00	\$ 2,160.00	\$ 2,200.00	\$ 2,200.00	\$ 2,000.00	\$ 2,000.00
168	Traffic Signal Pedestal Pole (5.5') with Foundation	EA	2	\$ 1,944.00	\$ 3,888.00	\$ 2,000.00	\$ 4,000.00	\$ 1,800.00	\$ 3,600.00
169	Electrical Conductors-in-Conduit (2C/6 A.W.G., EGC)	LF	8	\$ 4.97	\$ 39.76	\$ 4.00	\$ 32.00	\$ 4.60	\$ 36.80
170	Electrical Conductors-in-Conduit (1C/8 A.W.G., EGC)	LF	150	\$ 1.40	\$ 210.00	\$ 2.00	\$ 300.00	\$ 1.30	\$ 195.00
171	Electrical Conductors for Luminaires (2C/12 A.W.G.)	LF	124	\$ 1.24	\$ 153.76	\$ 2.00	\$ 248.00	\$ 1.15	\$ 142.60
172	Luminaire Assembly (Full Cutoff)(LED)	EA	1	\$ 1,074.60	\$ 1,074.60	\$ 1,500.00	\$ 1,500.00	\$ 995.00	\$ 995.00
173	Service Point Assembly (2 Circuits)	EA	1	\$ 1,620.00	\$ 1,620.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
TOTAL AMOUNT BID (SCHEDULEE 1)				\$ 4,204,371.44	\$ 4,170,070.50	\$ 3,786,482.55			
BID SCHEDULE 2									
174	Act 291, 1993 Trench and Excavation Safety System for Water and Sewer Installation	LS	1	\$ 2,160.00	\$ 2,160.00	\$ 8,000.00	\$ 8,000.00	\$ 2,500.00	\$ 2,500.00

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	APAC-Central, Inc.		Goodwin & Goodwin, Inc.		Sweetser Construction, Inc.	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
175	8" PVC, C-900, Class 200 DR-14 Water Main	LF	320	\$ 96.12	\$ 30,758.40	\$ 70.00	\$ 22,400.00	\$ 39.50	\$ 12,640.00
176	6" PVC, C-900, Class 200 DR-14 Water Main	LF	20	\$ 91.80	\$ 1,836.00	\$ 70.00	\$ 1,400.00	\$ 35.50	\$ 710.00
177	1" Copper Water Service Tubing	LF	60	\$ 29.16	\$ 1,749.60	\$ 30.00	\$ 1,800.00	\$ 26.00	\$ 1,560.00
178	8" Gate Valve with Box	EA	2	\$ 1,944.00	\$ 3,888.00	\$ 1,500.00	\$ 3,000.00	\$ 2,400.00	\$ 4,800.00
179	Three Way Fire Hydrant Assembly with Valve	EA	3	\$ 5,184.00	\$ 15,552.00	\$ 4,800.00	\$ 14,400.00	\$ 4,500.00	\$ 13,500.00
180	Remove Existing Fire Hydrant and Deliver to Owner	EA	2	\$ 1,188.00	\$ 2,376.00	\$ 1,250.00	\$ 2,500.00	\$ 800.00	\$ 1,600.00
181	6" X 6" Tapping Sleeve and Valve with Box	EA	4	\$ 4,320.00	\$ 17,280.00	\$ 4,000.00	\$ 16,000.00	\$ 3,800.00	\$ 15,200.00
182	Epoxy Coated Ductile Iron Fittings	LB	3,500	\$ 11.88	\$ 41,580.00	\$ 4.00	\$ 14,000.00	\$ 7.00	\$ 24,500.00
183	Single Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Service	EA	1	\$ 2,160.00	\$ 2,160.00	\$ 1,500.00	\$ 1,500.00	\$ 2,500.00	\$ 2,500.00
184	Remove Existing Meter Setting	EA	1	\$ 378.00	\$ 378.00	\$ 600.00	\$ 600.00	\$ 500.00	\$ 500.00
185	8" Saddle, 1" Corporation Stop and Tap	EA	1	\$ 324.00	\$ 324.00	\$ 275.00	\$ 275.00	\$ 400.00	\$ 400.00
186	16" Direct Bury Steel Casing	LF	99	\$ 129.60	\$ 12,830.40	\$ 200.00	\$ 19,800.00	\$ 120.00	\$ 11,880.00
187	2" HDPE Casing	LF	50	\$ 64.80	\$ 3,240.00	\$ 40.00	\$ 2,000.00	\$ 13.00	\$ 650.00
188	Cut and Cap Existing 6" Water Main	EA	4	\$ 2,592.00	\$ 10,368.00	\$ 1,800.00	\$ 7,200.00	\$ 450.00	\$ 1,800.00
189	Adjust Existing Water Valve to Grade	EA	9	\$ 459.00	\$ 4,131.00	\$ 250.00	\$ 2,250.00	\$ 300.00	\$ 2,700.00
190	Abandon Existing Water Valve	EA	1	\$ 648.00	\$ 648.00	\$ 250.00	\$ 250.00	\$ 500.00	\$ 500.00
191	Relocate/Adjust to Grade Existing Water Meter	EA	11	\$ 432.00	\$ 4,752.00	\$ 400.00	\$ 4,400.00	\$ 150.00	\$ 1,650.00
192	Adjust Existing Sewer Manhole to Grade Using Riser Rings	EA	4	\$ 432.00	\$ 1,728.00	\$ 300.00	\$ 1,200.00	\$ 300.00	\$ 1,200.00
193	Concrete Anchor Collar	EA	2	\$ 1,728.00	\$ 3,456.00	\$ 1,200.00	\$ 2,400.00	\$ 200.00	\$ 400.00
194	Relocate Existing Fire Hydrant	LS	1	\$ 1,728.00	\$ 1,728.00	\$ 4,800.00	\$ 4,800.00	\$ 2,200.00	\$ 2,200.00
195	Remove Cone and Reconstruct Sewer Manhole to Grade	EA	1	\$ 1,944.00	\$ 1,944.00	\$ 2,500.00	\$ 2,500.00	\$ 1,500.00	\$ 1,500.00
TOTAL AMOUNT BID (SCHEDULE 2)				\$	164,867.40	\$	132,675.00	\$	104,890.00
TOTAL AMOUNT BID (SCHEDULE 1 & 2)				\$	4,369,238.84	\$	4,302,745.50	\$	3,891,372.55

CERTIFIED:

Andrea Rennie, CPPO, CPPB, Purchasing Manager

Witness

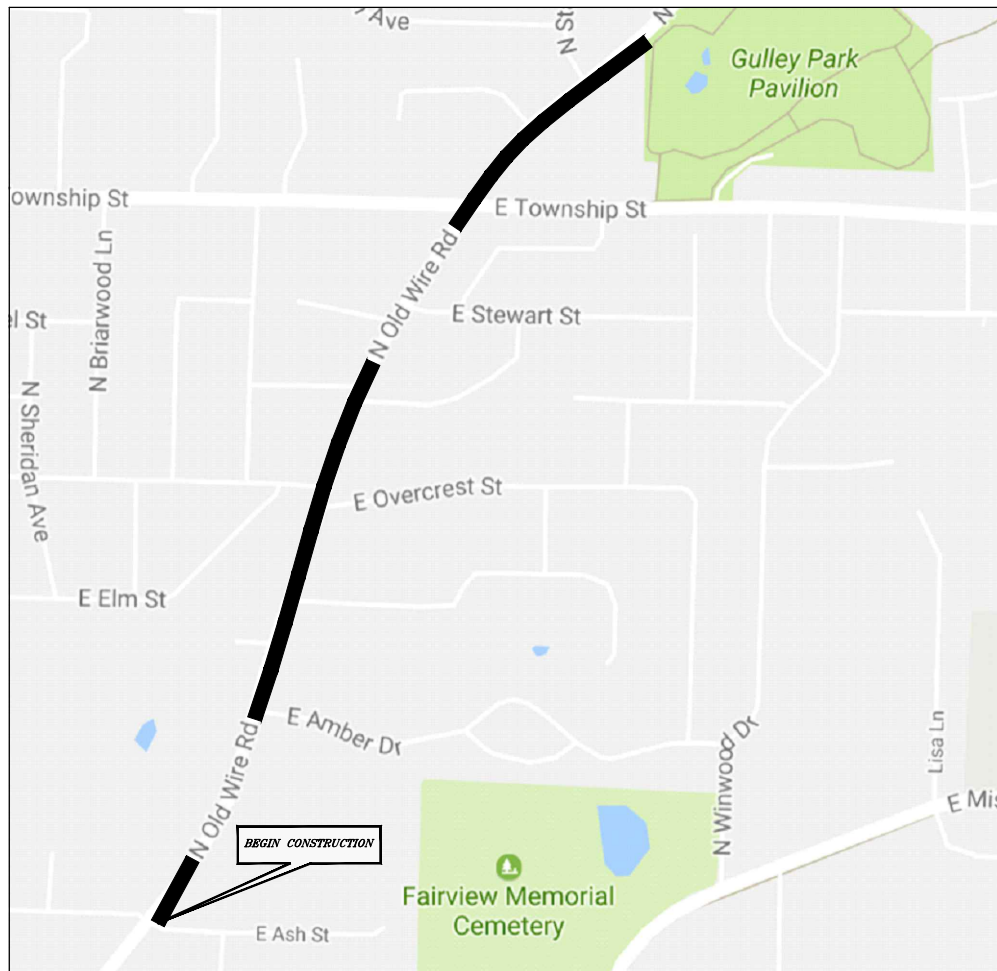
Date

2/16/18

OLD WIRE ROAD PROTECTED BIKE LANE & SIDEWALK PROJECT (ASH ST. TO GULLEY PARK)

for the
City of Fayetteville

VICINITY MAP



BID No. 18-21
JANUARY 2018



CITY OF
FAYETTEVILLE
ARKANSAS

ENGINEERING DIVISION

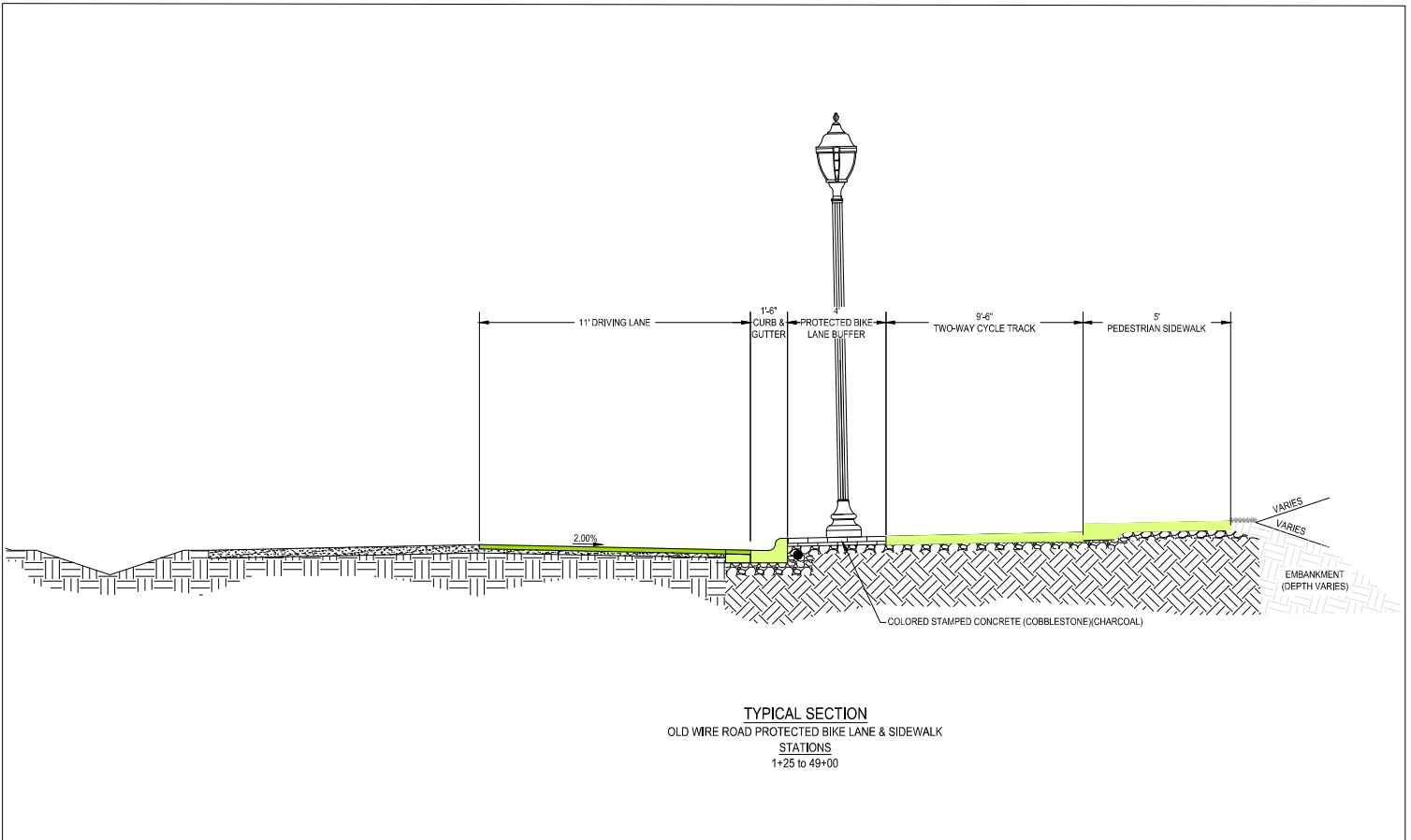
PHONE: (479) 575-8206

FAX NO: (479) 575-8202

OLD WIRE ROAD PROTECTED BIKE LANE & SIDEWALK PROJECT (ASH ST. TO GULLEY PARK)

for the
City of Fayetteville

TYPICAL CROSS SECTION



**CITY OF
FAYETTEVILLE
ARKANSAS**

ENGINEERING DIVISION

PHONE: (479) 575-8206

FAX NO: (479) 575-8202

CORPORATE RESOLUTION

OF

BOARD OF DIRECTORS

OF

SWEETSER CONSTRUCTION

I, Sharon Sweetser, certify that I am the secretary and treasurer of Sweetser Construction, a corporation legally organized and existing under and by virtue of the laws of the State of Arkansas, and that I am the custodian of the records and the seal of the corporation; that at a meeting of the board of directors of the corporation duly and legally called and held in accordance with the law and the bylaws of the corporation on the 27th day of December 2004, at which meeting a quorum of the board of directors of the corporation was present, the following resolutions were duly adopted by the board of directors of the corporation and are set forth in the minutes of the meeting, namely:

“BE IT RESOLVED, by the board of directors of this corporation that:

That Billy Sweetser as President of the Corporation and Sharon Sweetser as Secretary and Treasurer of the Corporation, are authorized to sign any and all contracts, deeds, assurances or any document which may be proper to effectuate the negotiations or transactions of the corporation.

That Billy Sweetser as President of the Corporation and Sharon Sweetser as Secretary and Treasurer of the Corporation, any one or jointly are authorized to sign any and all contracts, deeds, assurances or any document which may be proper to effectuate the negotiations or transactions of the corporation from time to time on behalf of this Corporation.

The above resolution will continue in force until express written notice of its rescission or modification has been received.

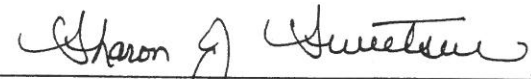
I further certify that the above resolutions have not been in any way altered, amended, or rescinded; they are not in contravention of or in conflict with any of the conditions or provisions of the bylaws or charter of the corporation; and they are now in force and effect.

I further certify that the names of all presently qualified and acting officers of the corporation are as follows, and the genuine signature of those presently authorized to sign for the corporation pursuant to the above resolutions appears below, identified by their signature:


Billy Sweetser, President


Sharon Sweetser, Secretary/Treasurer

IN WITNESS WHEREOF, I have hereunto set my hand as Secretary of said corporation and have affixed hereto the official seal of the corporation this _____ day of DEC 27, 2004.


Secretary

ATTEST:

President

STATE OF ARKANSAS

SECRETARY OF STATE

Charlie Daniels
SECRETARY OF STATE

To All to Whom These Presents Shall Come, Greetings:

I, Charlie Daniels, 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

JERRY D. SWEETSER, INC.

changing the name to

SWEETSER CONSTRUCTION, INC.

filed in this office

November 10, 2004.

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 10th day of November 2004.



Charlie Daniels

Secretary of State

Arkansas Secretary of State - Document No. 2004-000002 - Date Filed 11/15/2004 10:11:11 AM - Page 1 of 1

Certificate of Amendment

Does this Amendment include a share exchange? NO

JERRY D. SWEETSER, INC.

a corporation duly organized, created and existing under and by virtue of the laws of the State of Arkansas, by its President and its Secretary.

A. The name of the corporation is

JERRY D. SWEETSER, INC.

B. The attached amendment was adopted on

10 day of **NOVEMBER, 2004** by the shareholders.

C. That the number of shares outstanding is **246.75**,
and the number of shares entitled to vote thereon is

246.75 (100%).

The number of shares voted for is

246.75.

The number of shares which voted against is **0**

(If the shares are entitled to vote thereon as a class, the designation and number of outstanding shares entitled to vote thereon of each such class, and the number of shares of each class which voted for and against are required.)

D. If the amendment provides for an exchange, reclassification or cancellation of issued shares shall be effected as follows (If stated in attached amendment, do not restate):

NOT APPLICABLE

E. If the amendment effects a change in the amount of stated capital, then state the manner in which the same is effected and state the amount of the stated capital changed by the amendment in dollars and cents.

**THE NAME OF THE CORPORATION SHALL BE
CHANGED TO SWEETSER CONSTRUCTION, INC.**

IN WITNESS WHEREOF, the said corporation,
JERRY D. SWEETSER, INC.

has caused its corporate name to be subscribed by its President,
who hereby verifies that the statements contained in the foregoing
Certificate of Amendment are true and correct to the best of his/her
knowledge and duly attested by its Secretary, on this

10th day of November, 2004.

JERRY D. SWEETSER, INC.
Corporate Name

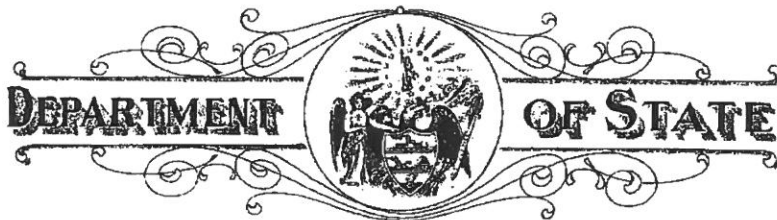
WILLIAM G. SWEETSER
President

590 W. POPLAR, FAYETTEVILLE, AR
72703
Address

ATTEST:

MICHAEL A. SWEETSER
Secretary

STATE OF ARKANSAS



KELLY BRYANT, SECRETARY OF STATE

*To All to Whom These Presents Shall Come, Greeting
I, Kelly Bryant, Secretary of State of the 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

JERRY D. SWEETSER, INC.

Original articles filed:
October 11, 1967

*In Testimony Whereof I have hereunto
set my hand and affixed my official seal
Done at office in the City of Little Rock
this* 11th *day of* October 19 67

KELLY BRYANT

By [Signature] *Secretary of State*
Deputy

ARTICLES OF
INCORPORATION

of

JERRY D. SWEETSER, INC.

Filed in the office of the Secretary of State
of the State of Arkansas on this _____
day of _____,
A. D. 19____.

Secretary of State

By _____
Deputy

ARTICLES OF INCORPORATION

of

JERRY D. SWEETSER, INC.

We, the undersigned, in order to form a corporation for the purposes hereinafter stated, under and pursuant to the provisions of the Arkansas Business Corporation Act, Acts of 1965 No. 575, do hereby certify as follows:

FIRST:

The name of the corporation is Jerry D. Sweetser, Inc.

SECOND:

The period of existence of this corporation shall be perpetual.

THIRD:

The purpose or purposes for which the corporation is organized is as follows:

- A. To engage in general contracting and cement finishing business.
- B. To manufacture, purchase, design, prepare, buy, acquire, sell, at wholesale and retail, distribute, export, import, dispose of, and generally deal in and with goods, wares, merchandise and property of every kind, nature and description, both within and without the State of Arkansas.
- C. To acquire by lease, purchase, gift, devise, contract concession, or otherwise, and to hold, own, develop, explore, exploit, improve, operate, lease, enjoy, control, manage, or otherwise turn to account, mortgage, grant, sell, exchange, convey, or otherwise dispose of, where ever situated, within or without the State of Arkansas, in real estate, lands, options, concessions, grants, and patents, franchises, rights, privileges, easements, estates, tenements, hereditaments, interest, and properties of every kind, nature and description whatsoever.
- D. To acquire and hold the common stocks, preferred stocks and certificates of indebtedness of other corporations as well as of this corporation.
- E. To enter into, make and perform contracts of every kind and description with any person, firm association or corporation, municipality, body politic, country, territory, state, government or otherwise.
- F. In general, to do any and all of the things herein set forth to the same extent as natural persons might or could do and in any part of the world, as principal, agent, contractor, trustee, or otherwise, within or without the State of Arkansas, either alone or in company with others, and to carry on any other business in connection therewith,

whether manufacturing or otherwise, and to do all things not forbidden, and with all the powers conferred upon corporations by the laws of the State of Arkansas.

FOURTH:

The total amount of the authorized capital stock of this corporation is 1,000 shares, having a par value of \$100.00 each.

FIFTH:

The corporation will not commence business until consideration of the value of at least \$300.00 has been received for the issuance of shares.

SIXTH:

The address of the corporation's initial registered office is University and W. Center Streets, Fayetteville, Arkansas. Jerry D. Sweetser is the initial registered agent at said address.

SEVENTH:

The initial board of directors of the corporation will have three (3) members.

EIGHTH:

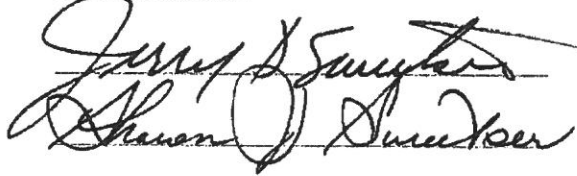
The name and address of each incorporator is as follows:

Jerry D. Sweetser, 401 Assembly Drive, Fayetteville,
Arkansas

Sharon J. Sweetser, 401 Assembly Drive, Fayetteville,
Arkansas

IN WITNESS WHEREOF, We have hereunto set our hands this 5th
day of October, 1967.

Incorporators:

The block contains two handwritten signatures in cursive. The first signature is 'Jerry D. Sweetser' and the second is 'Sharon J. Sweetser'. Both signatures are written over horizontal lines.

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this 5th day of October, A.D. 1967, personally came before me, the undersigned, a Notary Public within and for the State and County aforesaid, Jerry D. Sweetser and Sharon J. Sweetser, parties to the foregoing Articles of Incorporation, known to me personally to be such, and severally acknowledged the same to be the act and deed of the signers, respectively, and that the facts therein stated are truly set forth.

GIVEN under my hand and seal of office the day and year aforesaid.

Lucille S. Mitchell
Notary Public

My Comm. Exp.: July 15, 1969

CERTIFICATE OF CLERK

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

I, Ruth E. Roberts, Clerk of the County and Probate Courts in and for the County aforesaid, do hereby certify that the foregoing instrument of writing, being certificate of Incorporation of Jerry D. Sweetser, Inc was filed for record in my office on the 13 day of October, 1967, and the same is now duly recorded in Book 0, Page 301, of the records of my said office.

IN TESTIMONY WHEREOF, I hereunto set my hand and the seal of said Court this 19 day of October, 1967.

Ruth E. Roberts
County Clerk

D. C.

State of Arkansas
Commercial Contractors Licensing Board

SWEETSER CONSTRUCTION, INC.
590 W POPLAR
FAYETTEVILLE, AR 72703

SWEETSER CONSTRUCTION, INC.

This is to Certify That _____

is duly licensed under the provisions of Act 150 of the 1965 Acts as amended and is entitled to practice Contracting in the State of Arkansas within the following classifications/specialties:

BUILDING
- (COMMERCIAL & RESIDENTIAL)
HIGHWAY, RAILROAD, AIRPORT
CONSTRUCTION
MUNICIPAL & UTILITY CONSTRUCTION

with the following suggested bid limit Unlimited

from April 28, 2017 until April 30, 2018

when this Certificate expires.

Witness our hands of the Board, dated at North Little Rock, Arkansas:



Steve Engh

CHAIRMAN

W. Dan Wright

SECRETARY

April 28, 2017 - sh



**Arkansas Secretary of State
Mark Martin**

State Capitol Building ♦ Little Rock, Arkansas 72201-1094 ♦ 501-682-3409

Certificate of Good Standing

I, Mark Martin, Secretary of State of the State of Arkansas, and as such, keeper of the records of domestic and foreign corporations, do hereby certify that the records of this office show

SWEETSER CONSTRUCTION, INC.

authorized to transact business in the State of Arkansas as a For Profit Corporation, filed Articles of Incorporation in this office October 11, 1967.

Our records reflect that said entity, having complied with all statutory requirements in the State of Arkansas, is qualified to transact business in this State.



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 16th day of February 2018.

Mark Martin

Mark Martin
Secretary of State

Online Certificate Authorization Code: 1a4239abbc926b5

To verify the Authorization Code, visit sos.arkansas.gov

WALTON FAMILY
FOUNDATION

July 28, 2017

Mayor Lioneld Jordan
Mayor
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

RE: Grant #2016-1797

Dear Mayor Lioneld Jordan,

It is my pleasure to inform you that the Walton Family Foundation, Inc. ("Foundation") has approved a grant of up to \$1,361,428.00 to the City of Fayetteville ("Grantee"). The project term will be June 30, 2017 to June 30, 2019. This grant is subject to the following terms and conditions:

1. **Purpose:** The purpose of the grant is to construct the Old Wire Cycle Track, an initial phase of the East Fayetteville Loop. This grant is more fully described in Grantee's proposal dated October 28, 2016. Grantee agrees to use all grant funds exclusively for the grant's purposes. Any changes in these purposes must be authorized in advance by the Foundation in writing.
2. **Amount: Up To One Million, Three Hundred Sixty-One Thousand, Four Hundred Twenty-Eight Dollars (\$1,361,428.00).**

Grant payments will be made as follows:

Installment	Amount	Requirement	Date
#1	Up to \$680,714.00	See Installment One	11/30/2017
#2	Up to \$680,714.00	See Installment Two	6/30/2018

3. **Matching Grant Payable:** The Foundation will match revenue collected by Grantee according to the conditions outlined below:

Installment One (November 30, 2017): One dollar for every one dollar of revenue collected from all sources, up to \$1,361,428.00. This payment of up to \$680,714.00 shall be payable upon the receipt of this completed letter from Grantee acknowledging the terms and conditions set forth herein, as well as written documentation of matching funds collected, and evidence that all required permits and approvals have been secured, a commitment from the City to maintain all aspects of the project, a bid and construction schedule, and a copy of final completed construction plans.

Expiration: Qualifying matching contributions for Installment One must be collected and documented for the Foundation by November 30, 2017. In the event the matching contributions are not documented by this deadline, all outstanding obligations of the Foundation will terminate.

Installment Two (June 30, 2018): \$680,714.00 shall be contingent upon the Foundation's approval of Grantee's activities as evidenced by the reports described in

paragraph 5 below and other information the Foundation may gather, as well as a construction contract with a qualified and experienced contractor must be executed, documentation from a qualified third party showing that no less than 50% of the project is complete, and upon inspection and approval the Foundation will fund the remaining costs of construction not to exceed the remaining grant amount.

Funds collected and applied to other Foundation match requirements may not be used to satisfy this match requirement.

4. **Accounting:** (a) The Foundation encourages, whenever feasible, the deposit of grant funds in an interest-bearing account. For purposes of this letter, the term “grant funds” includes the grant and any income earned thereon.

(b) Grantee will maintain records of receipts and expenditures made in connection with the grant funds and will keep these records during the period covered by the Grantee’s reporting obligations specified in paragraph 5 and for at least four years thereafter (“Maintenance Period”). Grantee will make its books and records in connection with the grant funds available for inspection by the Foundation during normal business hours as the Foundation may request at any time during the Maintenance Period.

5. **Reporting and Evaluation:** Grantee will provide the Foundation with financial and narrative reports by the due dates listed in the report schedule below. Each report shall include an account of expenditures of grant funds, and a brief narrative of what was accomplished (including a description of progress made in fulfilling the purposes of the grant and a confirmation of Grantee’s compliance with the terms of the grant).

Report Date	Report Type
11/30/2017	Match
3/1/2018	Update
5/31/2018	Interim Financial and Narrative
1/31/2019	Final Financial and Narrative
6/30/2019	Update

Success will be measured against the outputs and outcomes described in Appendix A.

All reports will be sent electronically to HomeRegion@wffmail.com. Please reference Grant #2016-1797 on all reports submitted.

In addition to matching requirements, Grantee payments are always contingent upon the Foundation’s approval of Grantee’s operations based on the above reports and the Foundation’s satisfaction with such information as it chooses to obtain from other sources.

6. **Representations:** Grantee represents and warrants to the Foundation that:

(a) Grantee is an organization in good standing, is either an organization described in section 501(c) (3) of the Internal Revenue Code (“Code”) or a governmental unit, and is not a “private foundation” described in section 509(a) of the Code. Grantee will promptly notify the Foundation of any change in Grantee’s tax status under the Code.

- (b) In no event will Grantee use any grant funds:
 - (i) to carry on propaganda, or otherwise to attempt, to influence legislation;
 - (ii) to influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive; or
 - (iii) to undertake any activity other than for a charitable, educational or other exempt purpose specified in section 170(c)(2)(B) of the Code.

(c) Grantee will comply with all applicable laws and regulations.

7. **Repayment:** Grantee agrees to repay to the Foundation any portion of the grant funds not used for the grant's purposes. In addition, the Foundation may discontinue any further payments to Grantee, and may direct Grantee to repay any unexpended grant funds to the Foundation, if any of the following events occurs:

- (a) Grantee ceases to maintain its tax-exempt status as described in paragraph 6(a) above;
- (b) Grantee fails to comply with the terms of this letter; or
- (c) There is a material change in Grantee's key personnel that in the sole opinion of the Foundation adversely affects Grantee's management of the grant.

8. **Release and Indemnity:** Unless prohibited by law, Grantee shall release, indemnify, defend and hold harmless the Foundation and its directors, officers, employees and agents from and against any and all claims, actions, suits, demands, damages, losses, expenses and liabilities, arising out of or related in any way to the actions or omissions of Grantee (or its directors, officers, employees, agents or contractors) in connection with the Grant and the project funded by the Grant, except to the extent caused by the Foundation's (or its directors', officers', employees' or agents') negligent actions or omissions. Grantee further agrees to carry insurance in such forms and amounts as are commercially reasonable and appropriate to cover Grantee's operations and to enable Grantee to indemnify and defend the Foundation as provided hereunder.

9. **Grant Publicity:** Grant publicity related to this grant consistent with Grantee's normal practice is permitted, subject to the following provisions. The Foundation expects any announcements and other publicity to focus on Grantee's work and the project or issue funded by the grant. Recognition of the Foundation's role in funding the project is permitted, provided that the timing, content and strategic focus of such publicity should be approved by the Foundation contact listed in paragraph 11. Publicizing the grant and the Foundation in Grantee's publications and communications in a manner consistent with similar grants obtained by Grantee is permitted.

The Foundation may ask Grantee to provide illustrations, photographs, videos, recordings, information or other materials related to the grant (collectively "Grant Work Product") for use in Foundation communications including the Foundation's website, annual report, newsletters, board materials, presentations, communications and other publications. Grantee agrees to provide the Foundation with such items upon the Foundation's reasonable request and hereby

grants to the Foundation and anyone acting under the authority of the Foundation a fully paid-up, world-wide, right and license to use, reproduce, display and distribute the Grant Work Product in connection with the Foundation's charitable operations and activities. In connection therewith, Grantee shall be responsible for obtaining all necessary rights and permissions from third parties for the Foundation to use the Grant Work Product for these purposes. By signing this Agreement, Grantee also acknowledges and agrees to use by the Foundation of historical, programmatic and other information relating to Grantee and the grant hereunder.

10. **Gratuities:** The Foundation desires that all of Grantee's resources be dedicated to accomplishing its philanthropic purposes. Therefore, Grantee agrees that it will not furnish the Foundation or its Board of Directors, officers, staff or affiliates with any type of benefit related to this grant including tickets, tables, memberships, commemorative items, recognition items, or any other benefit or gratuity of any kind.

11. **Contact:** For all communications regarding this grant, please contact the Foundation by email at HomeRegion@wffmail.com. Please reference Grant #2016-1797 in your communication.

By electronically signing this letter the Grantee acknowledges and agrees to the terms and conditions herein. A copy of the completed document will be emailed to the Grantee through DocuSign. If the electronic signing of this letter is not completed by August 4, 2017 the Foundation will consider the Grantee to have declined the grant.

On behalf of the Foundation, I extend every good wish for the success of your organization's endeavors.

Sincerely,

DocuSigned by:



5C6949FCD8C6462...
Kyle J. Peterson
Executive Director

ACKNOWLEDGED AND AGREED

DocuSigned by:



By:

4E23C7068A02420

7/31/2017 | 8:41:00 AM CDT

Mayor Lioneld Jordan (Date)
City of Fayetteville

**Appendix A: City of Fayetteville
Old Wire Cycle Track**

Outputs And Outcomes		
Who will do what and how much?	By when?	Measured or evaluated by?
Goal: East Fayetteville Loop - Phase I		
Outputs		
The City will acquire all rights-of-way or easements and permits needed to complete the Old Wire Cycle track/East Fayetteville Loop Phase I.	11/30/17	The City of Fayetteville will provide a copy of any applicable public documents at the request of the Walton Family Foundation.
The City will enter into a construction contract with a qualified and experienced Construction company.	03/01/2018	Signed Construction Contract with a qualified General Contractor
The City will establish a baseline of bicycle usage along the Old Wire Road corridor in hourly and daily increments, using electronic counters or similar means. Measurements shall be taken over a period of time (subject to WFF input) to capture reliable data accounting for weather and time of year, and shall commence a minimum of 45 days prior to construction.	03/01/2018	Program records
The City of Fayetteville will construct approximately 4,600 linear feet, or 0.87 miles of 8.5-foot wide concrete cycle track and adjacent 6-foot wide sidewalk with buffer strip and lighting. Bicycle specific signals will be installed at Township Street and enhanced pavement markings, protected crossings and other design features shall be installed along the corridor as warranted. The cycle track will meet the uniform design and construction standards outlined in the "Trails Design Resource notebook" developed by ALTA Planning and utilized for the Razorback Regional Greenway as evidenced by inspection of a Walton Family	12/31/18	A third party consultant will provide verification to the foundation.

Foundation consultant.		
Outcomes		
The City of Fayetteville will commit to manage and maintain this section of the East Fayetteville Loop – Phase I (Old Wire Cycle Track) to the same standards as the Razorback Regional Greenway.	09/08/17	A letter from the Mayor expressing the City's commitment to maintenance
The City of Fayetteville will commit match funding in the amount of up to \$1,361,428 for this project.	09/08/17	A signed letter from the Mayor
General and commuting usage of the cycle track along Old Wire Road will increase in the six months following completion of construction at 100% of the baseline established by the initial measurement.	06/30/2019	Program records

Budget Year	Division	Adjustment Number
2018	ENGINEERING (621)	
	/Org2	
	Requestor: Matt Casey	

Old Wire Rd. Project Phase 2 to move funds for next phase of Old Wire (Mission to 265) project #2600.

	COUNCIL DATE:	3/6/2018
	LEGISTAR FILE ID#:	2018-0136
	<i>Liz Hutchens</i> 2/20/2018 11:27 AM	
	Budget Director	Date
	TYPE:	
DESCRIPTION:		
GLDATE:		
POSTED:	/	
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0053

Agenda Date: 3/6/2018

Version: 1

Status: Second Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

RZN 17-6034 (2468 N. CROSSOVER RD./JONES):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-6034 FOR APPROXIMATELY 4.40 ACRES LOCATED AT 2468 NORTH CROSSOVER ROAD FROM RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE TO NS-L, NEIGHBORHOOD SERVICES-LIMITED

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-2, Residential Single Family, 2 Units per Acre to NS-L, Neighborhood Services-Limited.

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

2018-0053

Legistar File ID

2/6/2018

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

Garner Stoll

1/19/2018

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-6034: Rezone (2468 N. CROSSOVER RD./JONES, 294): Submitted by JERRY JONES for properties at 2468 N. CROSSOVER RD. The properties are zoned RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE and contain approximately 4.40 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 6, 2018

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Harry Davis, Current Planner

DATE: January 19, 2018

SUBJECT: **RZN 17-6034: Rezone (2468 N. CROSSOVER RD./JONES, 294):** Submitted by JERRY JONES for properties at 2468 N. CROSSOVER RD. The properties are zoned RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE and contain approximately 4.40 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

RECOMMENDATION:

Planning Commission recommend approval of an ordinance to rezone the subject property to NS-G, Neighborhood Services-General, as shown in the attached Exhibits 'A' and 'B'. City Planning staff recommend approval of the original request of NS-L, Neighborhood Services-Limited.

BACKGROUND:

The subject property totaling approximately 4.40 acres is located near the intersection of Crossover Road and Township Street. The parcel is zoned RSF-2, Residential Single-family, 2 Units per Acre and is mostly undeveloped, except for one existing home.

Request: The request is to rezone the parcel from RSF-2, Residential Single-family, 2 Units per Acre to NS-G, Neighborhood Services-General. The applicant stated the rezoning is needed to allow small offices to be developed on the property after unsuccessfully marketing the property for 11 years as residential. The original request before Planning Commission was for NS-L, Neighborhood Services-Limited. The request was proposed to be modified to NS-G, Neighborhood Services-General, by the Planning Commission and the applicant agreed.

Land Use Compatibility: The originally proposed zoning of NS-L is compatible with the surrounding properties along a busy state highway. Neighborhood Services-Limited contains a number of different residential and non-residential uses that are intended to be low in impact on nearby residential properties. Commercial uses will have a maximum amount of 3,000 square feet, measured as gross-floor area, allowed in one building. This maintains a bulk and area pattern language compatible with single-family detached dwellings. NS-G would move away from typologies and building footprints that could become incompatible with nearby properties by allowing commercial buildings up to 8,000 square feet in size.

Land Use Plan Analysis: Staff believes that the NS-L proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Area, is intended to be residential in nature, but does encourage some commercial uses at major intersections and along connecting corridors. Furthermore, NS-L promotes traditional neighborhood development by providing services within walking distance of residents in the area and requiring new buildings be located closer to the street. NS-G would be out of context with the surrounding building scale and mass. This is in contrast to City Plan Goal #1 “We will make appropriate infill and revitalization our highest priority”.

DISCUSSION:

On January 8, 2018, the Planning Commission forwarded the proposal to City Council with a recommendation for approval of NS-G (not the applicant’s initial request for NS-L) by a vote of 7-1-0. Commissioner Brown dissented to the motion and the applicant stated agreement with the Commission’s recommendation. Significant public comment was made against the proposal citing safety, traffic, and general incompatibility. Public comment sent to the Planning Division after the Planning Commission meeting has been attached to this report.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

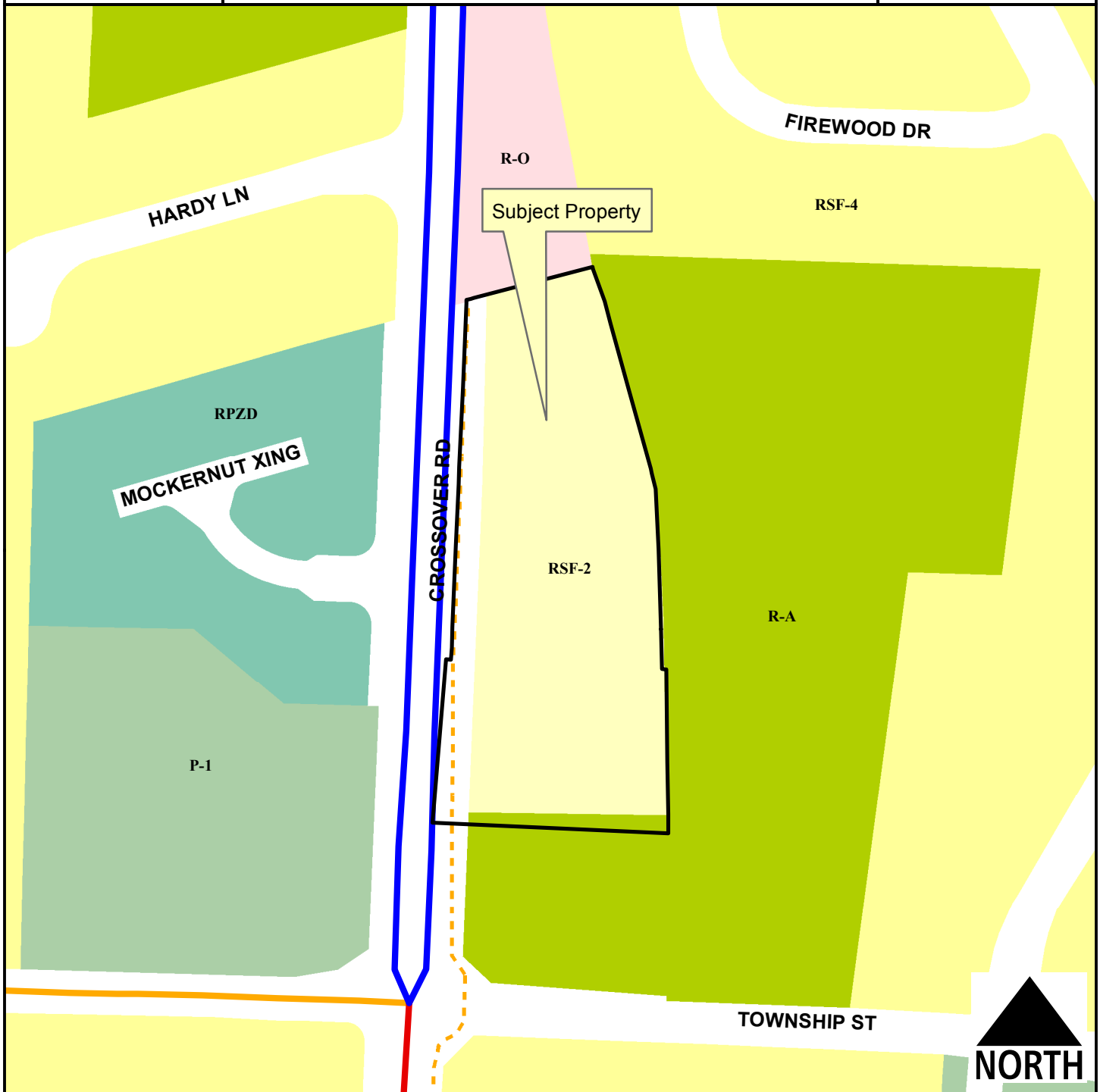
RZN17-6034

JERRY JONES

17-6034

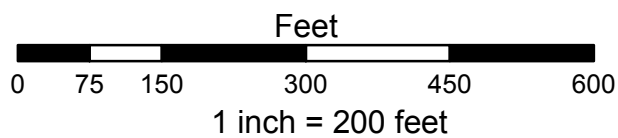
Close Up View

EXHIBIT 'A'



Legend

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



- Residential-Agricultural
- RSF-2
- RSF-4
- Residential-Office
- Commercial, Industrial, Residential
- P-1

17-6034
EXHIBIT 'B'

REZONING APPLICATION PARCEL INFORMATION

Legal Description:

PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 29 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE RIGHT-OF-WAY OF STATE HIGHWAY #265, SAID POINT BEING 555.02 FEET EAST AND 257.3 FEET NORTH OF THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT. RUNNING THENCE EAST 324.56 FEET. THENCE ALONG AN EXISTING FENCELINE NORTH 3 DEGREES 32 MINUTES 17 SECONDS WEST 225.30 FEET, THENCE WEST 303.0 FEET TO A POINT ON THE RIGHT-OF-WAY OF STATE HIGHWAY #265, THENCE SOUTH 1 DEGREE 57 MINUTES WEST 225.0 FEET TO THE POINT OF BEGINNING, CONTAINING 1.62 ACRES.

AND

LOTS 001, 002, 003, 004, 005, AND 006, LYNNWOOD ESTATES, AN ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00**Sign Fee: \$5.00**

S-T-R:

PP#:

Zone:

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

Application:Indicate one contact person for this request: ☒ Applicant ☐ Representative***Applicant (person making request):***Name: Jerry W. JonesLynn RogersAddress: 2468 N. Crossover Rd.Fayetteville, AR 72703E-mail: wdyjerry@cox.net

Phone:

(479) 841-8748(479) 841-8759

Fax:

()

Representative (engineer, surveyor, realtor, etc.):Name: Rick SheltonAddress: 3589 N. College AveFayetteville, AR 72703E-mail: rick@ricksheltonrealtor.com

Phone:

(479) 530-6989

()

Fax:

(479) 444-7546Site Address / Location: 3468 N. Crossover Rd.Fayetteville, AR 72703Current Zoning District: RSF-2Requested Zoning District: NS-LAssessor's Parcel Number(s) for subject property: 765-25915-000, 765-25916-000, 765-25917-000765-25918-000, 765-25919-000, 765-25920-000***FINANCIAL INTERESTS***

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

Property Owner (Applicant) Only

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): Jerry W. Jones; Lynn Rogers

Date: 12/1/2017

Signature: Jerry W. Jones Lynn Rogers

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): Jerry W. Jones

Address: 2468 N. Crossover Rd.
Fayetteville, AR 72703

Signature: Jerry W. Jones

Phone:
(479) 841-8748

Date: 12/1/17

Name (printed): Lynn Rogers

Address: 2468 N. Crossover Rd.
Fayetteville, AR 72703

Signature: Lynn Rogers

Phone:
(479) 841-8759

Date: 12/1/17

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.

- (5) *A written description of this request addressing the following items:*
- a. Current ownership information and any proposed or pending property sales.
 - b. Reason (need) for requesting the zoning change.
 - c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.
 - d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.
 - e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.
 - f. Whether the proposed zoning is justified and/or needed at the time of the request.
 - g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.
 - h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.
 - i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.
- (6) The applicant is responsible for meeting the public notification requirements for a Rezoning listed on the Notification Requirements pages in this application.

Notice: Resources including current zoning regulations, City Plan 2030, Future Land Use Plan, Master Street Plan and Zoning maps are available for review on our website, www.accessfayetteville.org and in the Planning Office.

All applicants should meet with a staff Planner prior to completing a Rezoning application.

From: [Planning](#)
To: [Davis, Harry](#)
Cc: [Curth, Jonathan](#); [Thompson, Quin](#)
Subject: FW: Oppose Rezoning 2468 N. Crossover to NS-L
Date: Tuesday, January 09, 2018 10:57:52 AM
Attachments: [image001.png](#)
[image002.png](#)

FYI

Andy Harrison

Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov
T 479.575.8267 | F 479.575.8202
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Klaus, Richard [mailto:klaus.ra@pg.com]
Sent: Tuesday, January 09, 2018 9:04 AM
To: Planning <planning@fayetteville-ar.gov>; Bunch, Sarah <ward3_pos2@fayetteville-ar.gov>; City_Attorney <city_attorney@fayetteville-ar.gov>; Tennant, Justin <ward3_pos1@fayetteville-ar.gov>; Garner, Andrew <agarner@fayetteville-ar.gov>
Cc: KLAUS, Andrea <klaus.am@pg.com>; Mayor <Mayor@fayetteville-ar.gov>
Subject: RE: Oppose Rezoning 2468 N. Crossover to NS-L

Dear Planning Commission, Justin, Kit, and Sarah – I am very dissapointed that the area at 2468 N. Crossover was rezoned from Residential to Neighborhood Services-General (which is even more broad then the Posted Hearing request for NS-L) at last night's Planning Commission. I strongly support maintaining the approved City Plan 2030 scope to maintain this land use as Residential.

Can you please help me to understand how this type of decision is possible when it goes against the City Plan 2030 (see Future Land Use Plan below)? If we are not going to follow the City Plan 2030, but only use it as a loose guideline, then whey was all the energy put into this by the community in 2011? This is a very slippery slope that can have much broader impacts to our community.

Kindly seeking to understand both this decision and your commitments to the City Plan 2030? Also, seeking to understand how the Planning Commission can approve a more broad rezoning when this was not even posted / communicated in advance of the Planning Commission meeting?

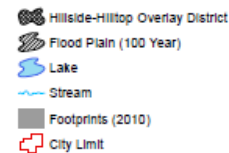
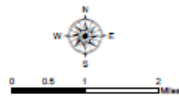
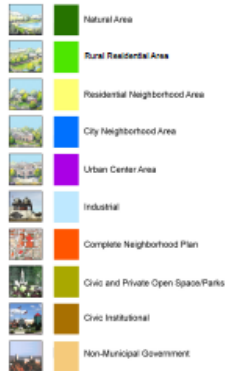
City Plan 2030

Future Land Use Plan

City of Fayetteville, AR
Adopted: July 5, 2011
Resolution No. 116-11



Future Land Use 2030 CLASS



Richard Klaus

NA Customer Supply

(513) 288-1800 Mobile | (513) 715-8058 Fax

rklaus.ra@pg.com

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From: Klaus, Richard

Sent: Monday, January 08, 2018 1:31 PM

To: planning@fayetteville-ar.gov

Cc: KLAUS, Andrea <klaus.am@pg.com>; ward3_pos2@fayetteville-ar.gov

Subject: Oppose Rezoning 2468 N. Crossover to NS-L

Planning Commission – I am writing to share my Opposition to Rezoning 2468 N. Crossover to NS-L from currently being Residential (vs. current RSF-2). I cannot attend the Planning Commission meeting today and would appreciate your inclusion of my opposition.

My opposition is based on the following:

Rezoning to NS-L is not in alignment with the City Plan 2030

1. Plan stresses an "increase in economic value" – Adding additional commercial space is not warranted based on current excess available commercial space available throughout the city (especially in the immediate area of Crossover-Joyce + Crossover-Mission). There are ~250 commercial properties available for sale or lease in Fayetteville, many in the immediate area being discussed.
2. In the 2030 Plan Residential Guiding Policies – "e. Encourage a development scale to maintain compatibility, use and proportionality between a variety of residential and nonresidential land uses." – There is sufficient non-residential space (build

and open land) available a short walking or biking distance at the Crossover intersections of Mission / Joyce with sidewalks already connecting. Adding additional commercial space between these key hubs does not meet the intent to maintain "... compatibility, use and proportionality..."

Additionally:

1. A clear plan has not been laid out for the use of this land if rezoned.
2. This topic is being revisited with the Planning Dept + Commission and has already been denied previously by the City Council.

Thank you very much for your time and consideration in this matter

Richard Klaus

NA Customer Supply

☎ (513) 288-1800 Mobile | (513) 715-8058 Fax

✉ rklaus.ra@pg.com

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PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: January 8, 2018 **UPDATED W RESULTS**

SUBJECT: **RZN 17-6034: Rezone (2468 N. CROSSOVER RD./JONES, 294):**
Submitted by JERRY JONES for properties at 2468 N. CROSSOVER RD. The properties are zoned RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE and contain approximately 3.90 acres. The request is to rezone the properties to NS-L, NEIGHBORHOOD SERVICES-LIMITED.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-6034** to City Council with a recommendation for approval based upon the findings herein.

BACKGROUND:

The subject property totaling 3.90 acres is located near the intersection of Crossover Road and Township Street. The parcel is zoned RSF-2, Residential Single-family, 2 Units per Acre and is mostly undeveloped, except for one existing home. The surrounding land use and zoning is in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Residential	R-O, Residential Office
South	Residential	R-A, Residential Agricultural
East	Residential	R-A, Residential Agricultural
West	Residential; Church	R-PZD, Residential Planned Zoning District; P-1, Institutional

Request: The request is to rezone the parcel from RSF-2, Residential Single-family, 2 Units per Acre to NS-L, Neighborhood Services - Limited. The applicant stated the rezoning is needed to allow small offices to be developed on the property after unsuccessfully marketing the property for 11 years as residential.

Public Comment: Staff has not received any public comment as of writing this report.

Public comment was received prior to PC and has been attached to this report. Public comment, both prior to and at PC, was generally in opposition to the proposal for safety, traffic, and compatibility issues.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to North Crossover Road. Crossover Road is an improved four lane asphalt street with sidewalk, curb and gutter, and storm drains. A multi-use trail is planned for the east side of Crossover Road along these parcels' frontage. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the site. There is a 24-inch transmission main and 2-inch water main along the subject parcels' frontage on Crossover Road. The 24-inch line is not available for service connections, but existing hydrants on this line may be used for main extension tie-in points.
- Sewer:** Sanitary Sewer is available to the site. There is an existing 8-inch main along the subject parcels' frontage on Crossover Road.
- Drainage:** No portion of this property is identified as FEMA regulated floodplains. No part of the parcel lies within the HHOD and there are no 15% slope areas identified onsite. There are no protected streams on this parcel. There are no hydric soils identified on this parcel. Any additional improvements or requirements for drainage will be determined at time of development.
- Fire:** The Fire Department expressed no concerns with this request.
- Police:** The Police Department expressed no concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **Residential Neighborhood Area**. These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.*

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** The proposed zoning is compatible with the surrounding properties along a busy state highway. Neighborhood Services Limited, contains a number of different residential and non-residential uses that are intended to be low in impact on nearby residential properties. Commercial uses will have a maximum amount of gross-floor area allowed in one building. This maintains a bulk and area pattern language compatible with single-family detached dwellings. Any uses in the proposed zoning district must meet Fayetteville's noise ordinances for residential properties.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential

Area, is intended to be residential in nature, but does allow for some commercial uses at major intersections and along connecting corridors. Furthermore, NS-L promotes traditional neighborhood development by providing services within walking distance of residents in the area and requiring new buildings be located closer to the street.

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

Finding: Staff does believe the applicant has given sufficient justification for rezoning the property to NS-L.

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

Finding: Rezoning the property to NS-L has the potential to increase traffic in this area as the site develops. Given the size of the property and uses allowed in NS-L districts, lower intensities of uses would not create or exacerbate dangerous traffic situations. Crossover Road (Highway 265) has been fully improved as a boulevard arterial section.

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

Finding: Rezoning this property from RSF-2 to NS-L would potentially increase the population density and use of city services at this location, but staff does not believe this would have a burdensome impact.

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: Planning staff recommends forwarding RZN 17-6034 to City Council with a recommendation for approval.

RECOMMENDED MOTION: "I motion to forward RZN 17-6034 to City Council with a recommendation for approval."

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>January 8, 2018</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Hoffman	Motion to forward to CC with a recommendation for NS-G		
Second: Quinlan			
Vote: 7-1-0	Motion passes; Commissioner Brown dissenting		

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.06, 161.18, and 162.01(L)
- Request letter
- Rezone exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map



PLANNING COMMISSION MEMO

- **161.06 - District RSF-2, Residential Single-Family - Two (2) Units Per Acre**

(A) *Purpose* . To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (1 acre and over) and areas that have developed with smaller lot sizes (8,000 square feet), and to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses*.

(C) *Permitted Uses*.

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

(D) *Conditional Uses*.

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

(E) *Density*

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

(F) *Bulk and Area Regulations*.

Lot width minimum	100 feet
Lot area minimum	17,860 square feet
Land area per dwelling unit	17,860 square feet

(G) *Setback Requirements*.

Front	Side	Rear
30 feet	15 feet	30 feet

(H) *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.

(I) *Building Area*. None.

(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16)

• **161.18 - NS-L, Neighborhood Services - Limited**

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) *Density.*

Units per acre	Ten (10) or less
----------------	------------------

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

Single-family	35 feet
Two (2) family	35 feet
Three or more	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback Regulations.*

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

(F) *Building height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

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

(Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§ 5, 6, 8, 1-17-17)



PLANNING COMMISSION MEMO

- (L) Unit 12a. Limited Business.

(1) *Description.* Unit 12a consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12 must be within a building containing 3,000 square feet or less excluding areas dedicated to residential uses.

(2) *Included Uses.*

Personal Services: (Maximum gross floor area of 1500 square feet)	• Day care
	• Dry Cleaning
	• Salon/Barber shop
	• Tailoring
Specialized Retail: (Maximum gross floor area of 2,000 square feet)	• Antique/home decor sales
	• Apparel
	• Art/architectural supplies
	• Bakery, Pastry shops
	• Bicycle Shops
	• Book store
	• Coffee shop
	• Delicatessen
	• Drugstore
	• Food specialty stores
	• Florist
	• Grocery
	• Hardware
	• Health food store
	• Hobby/Craft Stores
	• Ice cream
	• Meat Market
	• Restaurant/café
	• Small appliance repair
	• Stationary Store
	• Toy store
	• Video rental
Professional Offices: (Maximum gross floor area of 3000 square feet)	• Accountant
	• Architect
	• Attorney
	• Broker

	• Business/Mgmt Consultant
	• Doctor
	• Dentist
	• Engineer
	• Insurance Sales
	• Interior Designer
	• Optometrist
	• Realtor
	• Welfare agency
Studios for: (Maximum gross floor area of 3000 square feet)	• Art
	• Dance
	• Music
	• Photography
	• Pottery

From: [Garner, Andrew](#)
To: [Davis, Harry](#)
Subject: FW: Opposing rezoning 2468 N Crossover to NS-L
Date: Monday, January 08, 2018 2:00:48 PM

Harry,

Please save this email in the subject project file, forward it to the commissioners, and print hard copies to distribute to commissioners at tonight's meeting.

Thanks,
Andrew

Andrew Garner, AICP
City Planning Director
City of Fayetteville, Arkansas
479.575.8262
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

From: Stoll, Garner
Sent: Monday, January 8, 2018 12:48 PM
To: Garner, Andrew <agarner@fayetteville-ar.gov>
Subject: FW: Opposing rezoning 2468 N Crossover to NS-L

fyi

From: Mayor
Sent: Monday, January 8, 2018 11:27 AM
To: Jordan, Lioneld <ljordan@fayetteville-ar.gov>
Cc: Marr, Don <dmarr@fayetteville-ar.gov>; Stoll, Garner <gstoll@fayetteville-ar.gov>
Subject: FW: Opposing rezoning 2468 N Crossover to NS-L

fyi

From: KLAUS, Andrea [<mailto:klaus.am@pg.com>]
Sent: Monday, January 08, 2018 11:22 AM
To: Mayor <Mayor@fayetteville-ar.gov>
Cc: Klaus, Richard <klaus.ra@pg.com>
Subject: Opposing rezoning 2468 N Crossover to NS-L

Mayor Jordan,

I am writing you to share my concern and opposition to rezoning 2468 N Crossover to anything besides residential.

In addition to the standard concerns about impact to area value, traffic, noise, etc...; I have 2 specific data points to share.

1. There are currently 242 commercial properties for sale or lease in Fayetteville AR. Many are already on Crossover road (or very close) at Mission, Joyce, Huntsville and Zion Rd. These are in already commercial areas. There is no reason to disrupt our residential area with that much unused commercial property currently available.
2. Risk of increased crime when mixing residential and commercial. We have already seen an increase in neighborhood crime to the point I just installed security camera's this weekend. In my research, I found a 2013 study from behavioral scientist [James Anderson](#) at RAND [that find mixing commercial with residential zones increases crime.](#) They found that zoning indeed predicted the criminal activity of a neighborhood, with residential areas safest, followed by mixed-use residential and commercial zones, followed by commercial-only places. Their findings, published in the *University of Pennsylvania Law Review* [[PDF](#)], lend support to the idea that city officials can improve the safety of a neighborhood by doing something as simple as zoning part of it for residential living.

Can I have your support on in opposing this zoning change?

We opposed this same rezoning a few years ago and it was voted down. I am disappointed this keeps coming back to the agenda.

I live in the neighborhood behind, Candlewood.

Thank you,
Andrea

Andrea Klaus
WGCT Customer Service Operations Channel Leader
479-571-5553 Work | 513-288-1600 Cell | 513-277-6900 Fax
klaus.am@pg.com

"All Pricing, Promotion and Distribution decisions are at the sole discretion of the retailer. This electronic message transmission contains information which may be confidential. The information is intended for the use of the individual or entity named above. If you are not the intended recipient and have received this electronic transmission in error, please notify sender then delete immediately."

From: [Planning](#)
To: [Davis, Harry](#)
Subject: FW: Oppose Rezoning 2468 N. Crossover to NS-L
Date: Monday, January 08, 2018 2:33:05 PM
Attachments: [image001.png](#)

Just found this.

Andy Harrison

Development Coordinator

Planning Division

125 W. Mountain

City of Fayetteville, Arkansas 72701

aharrison@fayetteville-ar.gov

T 479.575.8267 | F 479.575.8202

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Klaus, Richard [mailto:klaus.ra@pg.com]

Sent: Monday, January 08, 2018 1:31 PM

To: Planning <planning@fayetteville-ar.gov>

Cc: KLAUS, Andrea <klaus.am@pg.com>; Bunch, Sarah <ward3_pos2@fayetteville-ar.gov>

Subject: Oppose Rezoning 2468 N. Crossover to NS-L

Planning Commission – I am writing to share my Opposition to Rezoning 2468 N. Crossover to NS-L from currently being Residential (vs. current RSF-2). I cannot attend the Planning Commission meeting today and would appreciate your inclusion of my opposition.

My opposition is based on the following:

Rezoning to NS-L is not in alignment with the City Plan 2030

1. Plan stresses an “increase in economic value” – Adding additional commercial space is not warranted based on current excess available commercial space available throughout the city (especially in the immediate area of Crossover-Joyce + Crossover-Mission). There are ~250 commercial properties available for sale or lease in Fayetteville, many in the immediate area being discussed.
2. In the 2030 Plan Residential Guiding Policies – “e. Encourage a development scale to maintain compatibility, use and proportionality between a variety of residential and nonresidential land uses.” – There is sufficient non-residential space (build and open land) available a short walking or biking distance at the Crossover intersections of Mission / Joyce with sidewalks already connecting. Adding additional commercial space between these key hubs does not meet the intent to maintain “...compatibility, use and proportionality...”

Additionally:

1. A clear plan has not been laid out for the use of this land if rezoned.
2. This topic is being revisited with the Planning Dept + Commission and has already been denied

previously by the City Council.

Thank you very much for your time and consideration in this matter

Richard Klaus

NA Customer Supply

☎ (513) 288-1800 Mobile | (513) 715-8058 Fax

✉ rklaus.ra@pg.com

"All Pricing, Promotion and Distribution decisions are at the sole discretion of the retailer. This electronic message transmission contains information which may be confidential.

The information is intended for the use of the individual or entity named above. If you are not the intended recipient and have received this electronic transmission in error, please notify sender then delete immediately."

To: Ron Autry
Chair, Fayetteville Planning Commission

From: Lowell Grisham, 310 N. Washington Ave.

Subject: Agenda Item 17-6034; 2468 N. Crossover Road

Dear Ron:

I would like to offer a personal word of confidence on behalf of Jerry Jones whose re-zoning proposal is coming to the Planning Commission at the upcoming meeting. (17-6034; 2468 N. Crossover Rd.) I've known Jerry for over 20 years. He is an active parishioner at St. Paul's Church, and we've become friends as well, making regular times for lunch visits.

I know Jerry to be an honest, conscientious man of integrity. I've been to his home several times, and I am familiar with the tract of land he wishes to re-zone. It seems to me appropriate for commercial development – professional office, etc. The property is on the divided 4-lane thoroughfare of Crossover. I can't imagine anyone wanting to build a house on that busy location.

My main purpose is not to argue the particular merits of his proposal, but just to say that Jerry is a good guy. I've found him to be trustworthy and good-hearted.

Thank you for your public service on the commission. It is a hard job. You've got my appreciation.

Gratefully,

A handwritten signature in dark ink, appearing to read 'L Grisham', written in a cursive style.

(The Rev.) Lowell Grisham
310 N. Washington Avenue

To: Neighbors of Lynnwood Estates Subdivision

From: Jerry Jones and Lynn Rogers, 2468 N Crossover Rd., Fayetteville, AR 72703

Date: December (TBD)

Re: New Zoning for Lynnwood Estates

Dear Neighbor,

My wife, Lynn, and I have decided to return to the City of Fayetteville to request rezoning of Lynnwood Estates from RSF-2 (Residential Single Family – 2 Dwellings per Acre) to NS-L (Neighborhood Services – Limited).

After visiting with the City of Fayetteville Planning Staff and our Realtor®, we believe that this is the highest and best use of the property. Our main purpose all along has been to sell lots and have beautiful homes built. We had no idea that the widening of Crossover Road would have such a negative effect on selling the property. We have had developers and potential buyers look at the property numerous times, but they have shown no interest. All say they don't feel people would want to live on the highway. We haven't even had anyone make an offer or commitment in the over 11 years we have been attempting to sell. Can you imagine trying to sell your home for that long with no success?

Lynn and I want this property to have something built on it that we can all be proud of, therefore we believe Neighborhood Services Limited will encourage professional weekday, daytime business services to locate here, such as dentists, attorneys, CPA's or a pleasant coffee shop. Offices that each of us can walk to for services that will have little to no impact on the traffic.

Please look at this rezoning request as an opportunity for all of us. We have the support of the City of Fayetteville staff, and we sincerely ask for you to support us, too. We believe when the land is sold and the development opportunities are implemented, under strict City of Fayetteville and Planning Services oversight, we will all have something to be proud of.

You will receive another letter from us about the time and place of the Planning Commission meeting to take comments from the general public. . Please call me with any questions or stop by. My mobile number is 479-841-8748. Thank you.

Highest Regards,

Your Neighbors,


Jerry Jones


Lynn Rogers

REZONING APPLICATION DETAILS

(5) a. Current ownership information and any proposed or pending property sales.

The property is currently owned by Jerry W. Jones and Lynn B. Rogers. There are no sales pending.

b. Reason (need) for requesting the zoning change.

After Highway 265 was widened, which lasted from 2011 to its October 2013, interest in building a home on the busy highway became non-existent. We have listed our property with different realty companies, with no results. Coldwell Banker has been very aggressive, but the main objection has always been that people don't want to build a home on a busy highway. Three different developers and multiple potential buyers have looked at the property. All say the highway is the problem. Pricing hasn't been an issue, but we haven't had a single offer. You can see our predicament.

c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance and signage.

The property adjacent to and north of Lynnwood Estates was rezoned to RO approximately four years ago. Directly across the street is a large parcel owned by St. John's Lutheran Church. We counseled with our realtor and decided to ask the city to rezone our property from RSF-2 (2 houses per acre) to Neighborhood Services Limited. We feel this zoning will encourage weekday, daytime businesses to locate here (dentist, attorney, CPA etc.) Offices that each of us can walk to for services that will have little to no impact on traffic. The appearance of the offices will be similar to residential and the signage will meet all of the City's requirements.

d. Availability of water and sewer (state size of lines) info is available from the City Engineering Division.

Water and sewer lines are already laid on the west side of the property.

e. The degree to which the proposed zoning is consistent with land use planning objectives, principles and policies and with land use and zoning plans.

There isn't any Neighborhood Services Limited zoning within a reasonable distance of the property. This site is a beautiful setting for professional office buildings.

f. Whether the proposed zoning is justified and/or needed at the time of the request.

The area needs some professional services that are in walking distance of residents.

g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

Since the widening of Crossover Road and changing it to one-way North, the NS-Limited zoning shouldn't increase the current traffic congestion or danger.

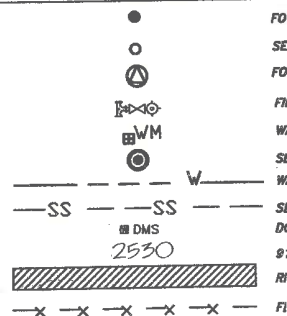
h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services, including schools, and water and sewer facilities.

Since so few buildings can be built on the limited space of 4.41 acres of Lynnwood Estates property, there should not be any load increase on public services.

i. Why would it be impractical to use the land for any of the uses permitted under its existing zoning classification?

The present zoning of RSF-2 has failed to realize a willing buyer in years of attempts, making zoning that allows for professional offices and services the only truly viable option to sell the property.

LEGEND



CERTIFICATE OF APPROVAL OF WATER & SEWER SYSTEM:

I HEREBY CERTIFY THAT THE WATER DISTRIBUTION SYSTEM AND SEWAGE C
INSTALLED IN THE SUBDIVISION FULLY MEET THE REQUIREMENTS OF THE A
BOARD OF HEALTH AND THE CITY OF FAYETTEVILLE.

9/24/06 *[Signature]*
DATE CITY ENGINEER

CERTIFICATE OF APPROVAL OF STREETS AND DRAINAGE:

I HEREBY CERTIFY THAT THE STREET AND DRAINAGE SYSTEMS INSTALLED I
FULLY MEET REQUIREMENTS OF THE CITY OF FAYETTEVILLE.

9/24/06 *[Signature]*
DATE CITY ENGINEER

CERTIFICATE OF APPROVAL OF PARK LAND DEDICATION OR MONEY IN-LIEU

I HEREBY CERTIFY THAT THIS FINAL PLAT COMPLIES WITH SECTION 159.34
OWNER(S) DEDICATION OF ACRES OR PAYING IN-LIEU \$2

WARRANTY DEED FOR PARK LAND RECORDED AS FOLLOWS:
BOOK # PAGE #

2-7-06 *[Signature]*
DATE PARKS & RECREATION REPRESENTATIVE

CERTIFICATE OF APPROVAL OF BUILDING SET-BACK DIMENSIONS:

I HEREBY CERTIFY THAT ALL BUILDING SETBACK DIMENSIONS SHOWN ON I
ACCORDANCE WITH THE CURRENT SETBACK REQUIREMENTS.

08.24.06 *[Signature]*
DATE ZONING & DEVELOPMENT ADMINISTRATOR

CERTIFICATE OF APPROVAL FOR RECORDING

THIS PLAT WAS APPROVED BY THE FAYETTEVILLE PLANNING COMMISSION
May 11, 2006.

8/23/06 *[Signature]*
DATE SECRETARY

CERTIFICATE OF SURVEY AND ACCURACY:

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A
SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEA
THE SUBDIVISION REGULATIONS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

7-31-06 *[Signature]*
DATE REGISTERED LAND SURVEYOR / PROFESSIONAL LAND

CERTIFICATE OF OWNERSHIP & DEDICATION:

WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT
THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE
OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR P
PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO THE CITY OF F
PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY
GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON
PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EX
ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID I
TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WI
AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

8-4-06 *[Signature]*
DATE OWNER

8-4-06 *[Signature]*
DATE OWNER

CERTIFICATE OF APPROVAL OF UTILITY EASEMENTS:

WE HEREBY CERTIFY THAT ALL UTILITY EASEMENTS, INCLUDING CABLE T
PLATTED IN THIS SUBDIVISION ARE SHOWN AS REQUESTED AND WERE A
UNDERSIGNED UTILITIES OF THE CITY OF FAYETTEVILLE, ARKANSAS.

8-02-06 *[Signature]*
DATE ELECTRIC

8/2/06 *[Signature]*
DATE GAS SERVICE

8-2-06 *[Signature]*
DATE TELEPHONE

8-2-06 *[Signature]*
DATE CABLE TELEVISION

9/24/06 *[Signature]*
DATE CITY OF FAYETTEVILLE

CERTIFICATE OF APPROVAL OF SIDEWALKS:

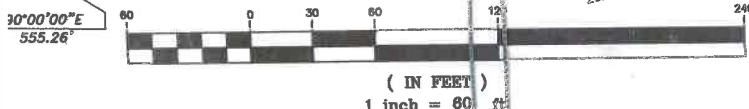
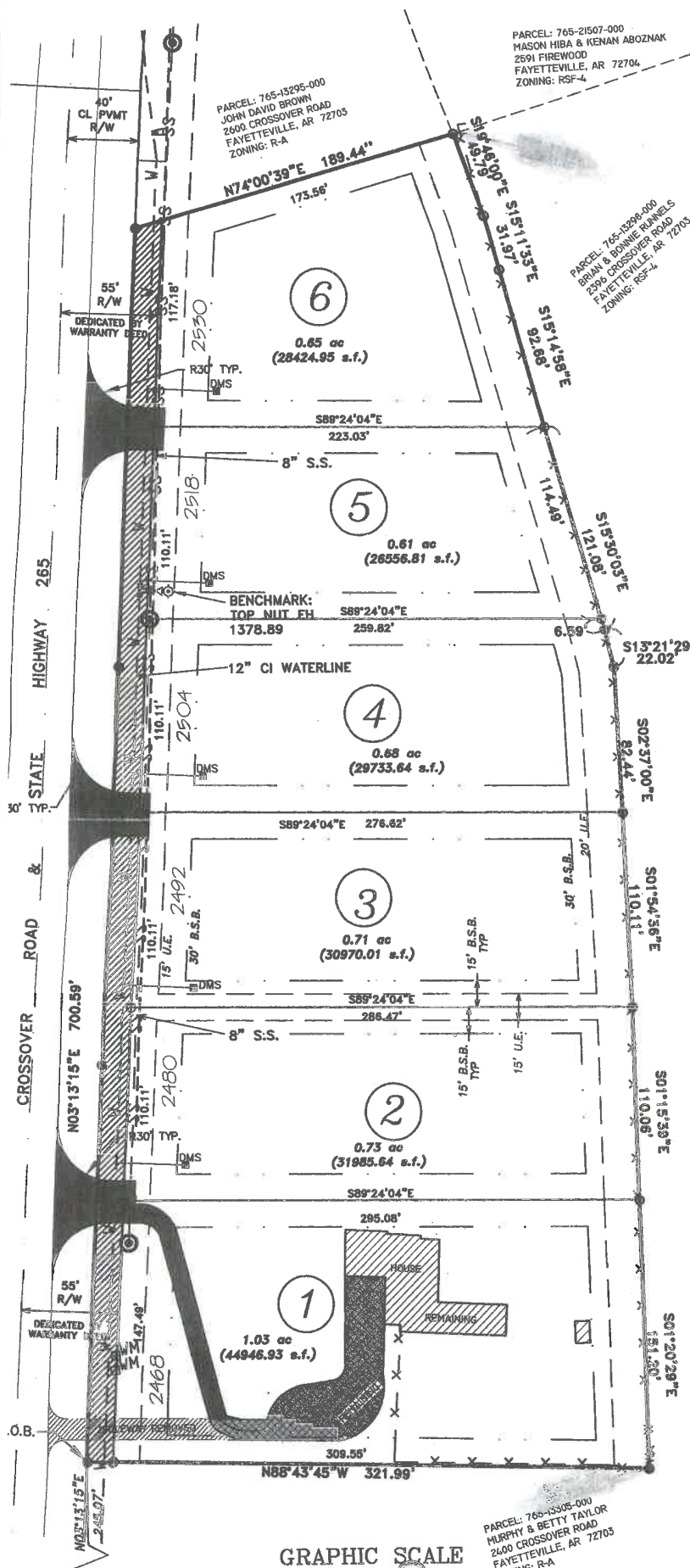
CONSTRUCTION OF ALL SIDEWALKS SHALL BE INSPECTED BY THE CITY
COORDINATOR TO COMPLY WITH THE CITY SPECIFICATIONS. THE DEVEL
RESPONSIBLE FOR THE CONSTRUCTION AND COMPLETION OF ALL SIDEW
FINAL PLAT

9/24/06 *[Signature]*
DATE CITY ENGINEER

CERTIFICATE OF APPROVAL OF TREE PROTECTION & PRESERVATION:

I HEREBY CERTIFY THAT THIS PLAT HAS COMPLIED WITH THE REQUIRE
PROTECTION AND PRESERVATION ORDINANCE OF THE CITY OF FAYETTEV

9/24/06 *[Signature]*
DATE LANDSCAPE ADMINISTRATOR

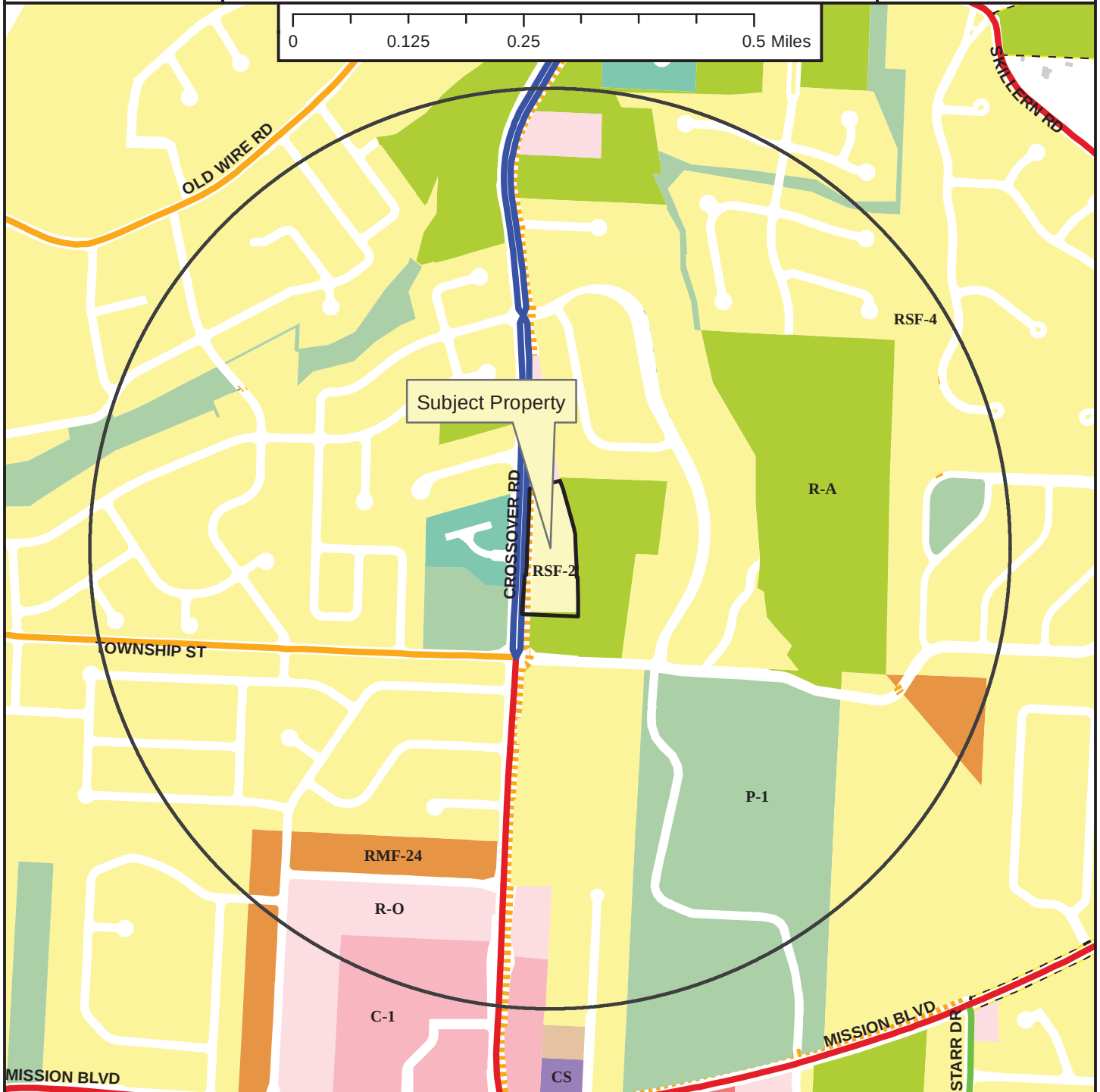


RZN17-6034

JERRY JONES

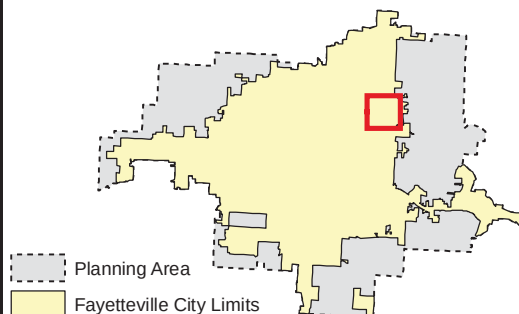


One Mile View



Legend

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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RSF-5 Residential-Agricultural
 - 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**
- Commercial-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

RZN17-6034

JERRY JONES

Close Up View



Legend

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

Feet

0 75 150 300 450 600

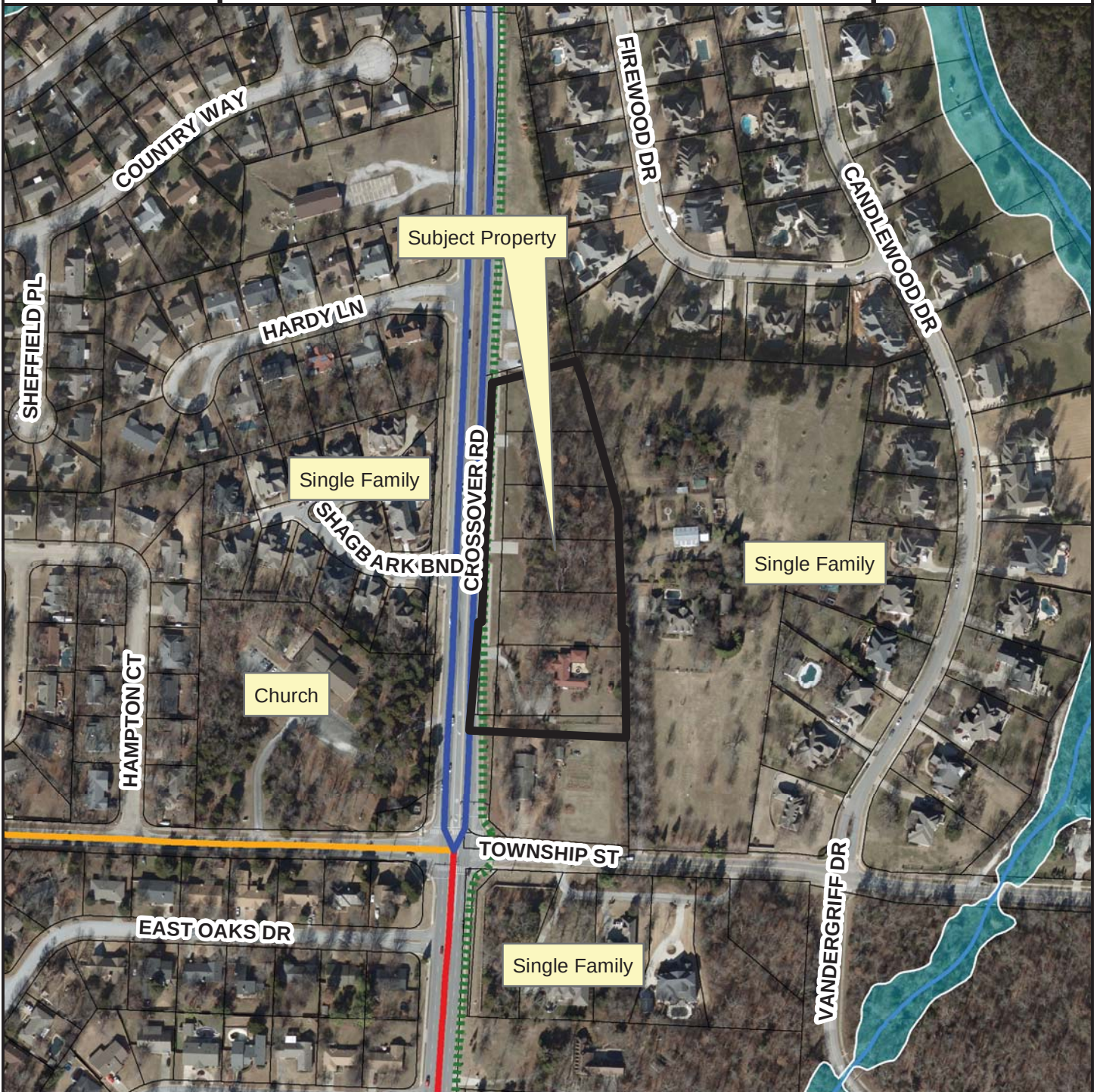
1 inch = 200 feet

- Residential-Agricultural
- RSF-2
- RSF-4
- Residential-Office
- Commercial, Industrial, Residential
- P-1

RZN17-6034

Current Land Use

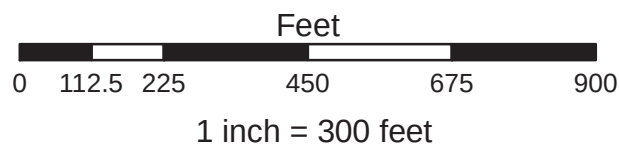
JERRY JONES



Streets Existing

MSP Class

- COLLECTOR
- PRIN ARTERIAL PKWY
- PRINCIPAL ARTERIAL
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

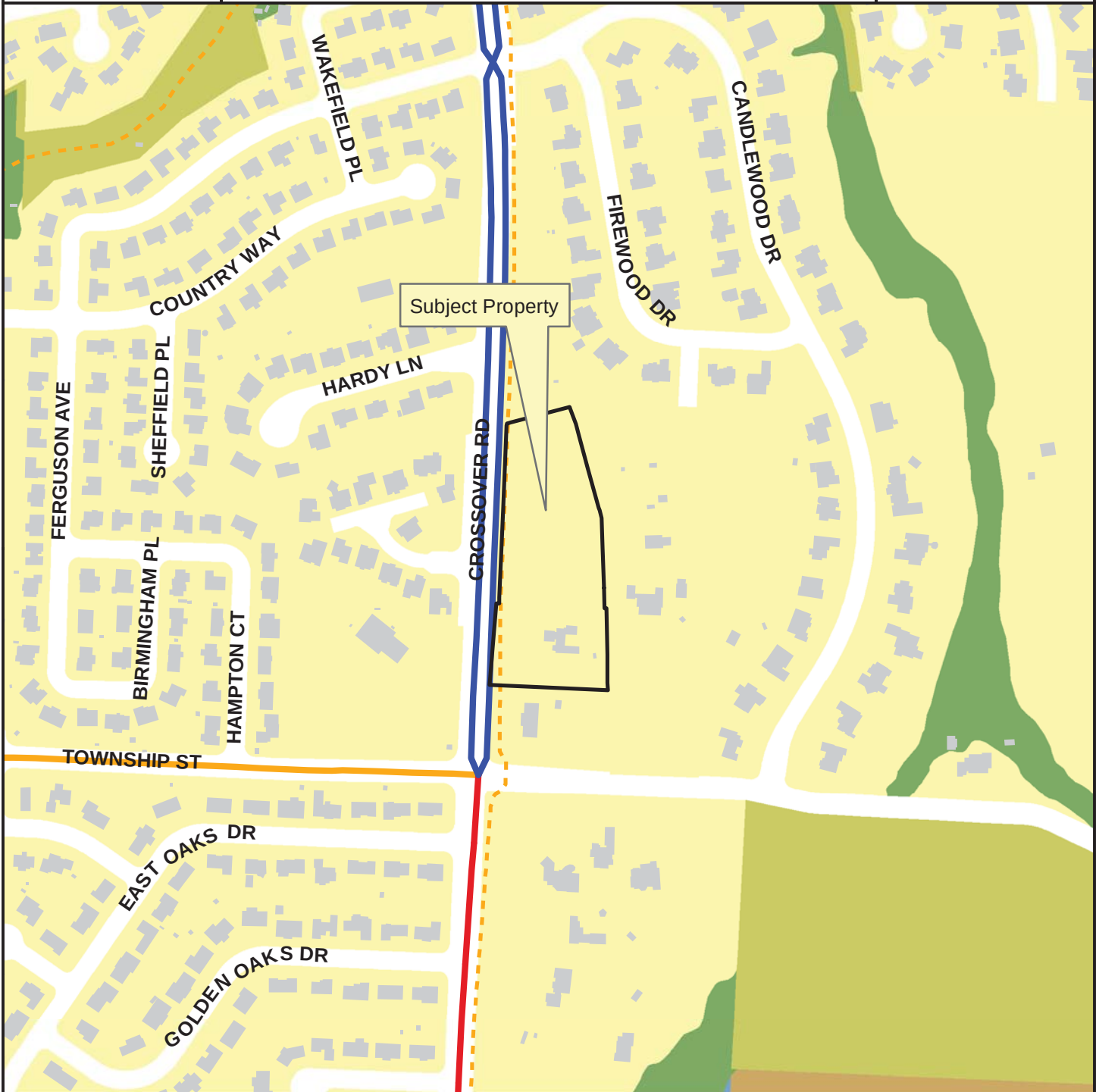
- 100-Year Floodplain
- Floodway

RZN17-6034

JERRY JONES

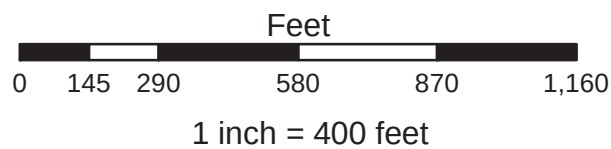


Future Land Use



Legend

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



FUTURE LAND USE 2030

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

CityClerk

From: KATE CARTER <katejcarter@hotmail.com>
Sent: Monday, February 19, 2018 9:24 PM
To: CityClerk; jcart2443@aol.com
Subject: Caution for Rezoning request for 2468 N. Crossover/Jones

Categories: Saved File, Forwarded

To Whom it May concern:

Please listen to our concerns about this school and neighborhood zone!

Points to consider when making shared decision:

Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.

Cars can only turn north in or out, into high speed traffic.

Cars traveling south will cut through Candlewood or Edenbrook's private driveway.

Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with

a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.

****School children walking to school face more traffic not paying attention to them.**

walkers are crossing Crossover on Township to go to Gulley Park.

Thank you!

Kate and Jason Carter

Neighbor

CityClerk

From: brendagullett1 . <brendagale.gullett@gmail.com>
Sent: Monday, February 19, 2018 9:27 PM
To: CityClerk
Subject: Reference Rezoning request for 2468 N. Crossover/Jones.

Sondra Smith,

Please pass this on to the city council for 2/20/2018 meeting. **We are very opposed to this rezoning.** Our concerns were overlooked by the Planning Commission. But, this would be a very unwise decision for many reasons. Thank you in advance for handling this.

Brenda Gullett--brendagale.gullett@gmail.com--2709 N Candlewood Drive, 72703

POTENTIAL USES ALLOWED UNDER NS-G (Neighborhood Services – General)

- Multifamily units (apartments) and cluster housing
- Strip Center
- 8,000 Sq. Ft. office that would hold 40 employees plus customers, clients, etc.
- Sidewalk café or restaurant or fast food, although no drive through windows are allowed.
- Work/live units with shop/office on street level and housing 2 stories above.
- Building height allowable is 45 Ft. (*4 stories, that's high!*)

TRAFFIC/SAFETY CONCERNS

- Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.
- Cars can only turn north in or out, into high speed traffic.
- Cars traveling south will cut through Candlewood or Edenbrook's private driveway.
- Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with

a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.

- School children walking to school face more traffic not paying attention to them.
- The only walkers are crossing Crossover on Township to go to Gulley Park.

2030 PLAN for CITY

- Crossover meant to be higher speed with minimal curb cuts.
- City wants to avoid spot zoning. [This looks like that.](#)
- Mission/Crossover businesses are accessible by sidewalk now.

--

Brenda B. Gullett

CityClerk

From: Lori Jones <alliancelori@aol.com>
Sent: Monday, February 19, 2018 9:36 PM
To: CityClerk
Subject: Rezoning request for 2468 N. Crossover/Jones

Sondra Smith
Re: Rezoning request for 2468 N. Crossover/Jones

We are NOT in favor of the rezoning due to the following:
TRAFFIC/SAFETY CONCERNS

Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.
Cars can only turn north in or out, into high speed traffic.
Cars traveling south will cut through Candlewood or Edenbrook's private driveway.
Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with

a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.

School children walking to school face more traffic not paying attention to them.
The only walkers are crossing Crossover on Township to go to Gulley Park.

2030 PLAN for CITY

Crossover meant to be higher speed with minimal curb cuts.
City wants to avoid spot zoning. This looks like that.
Mission/Crossover businesses are accessible by sidewalk now.

Jeff and Lori Jones
Candlewood subdivision.

CityClerk

From: alexismyrf@gmail.com
Sent: Monday, February 19, 2018 9:42 PM
To: CityClerk
Subject: Rezoning request for 2468 N. Crossover/Jones.

Mrs. Smith,

My name is Alexis Cox, my family and I live in Candlewood neighborhood. On behalf of my husband and I, we would like to ask that you please share these concerns regarding the rezoning with Mayor Jordan and City Council members.

We are unable to attend the meeting tonight but feel very strongly against the rezoning that can affect our neighborhood, our children's safety and the overall safety of our schools!

TRAFFIC/SAFETY CONCERNS

Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.

Cars can only turn north in or out, into high speed traffic.

Cars traveling south will cut through Candlewood or Edenbrook's private driveway.

Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with

a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.

School children walking to school face more traffic not paying attention to them.

The only walkers are crossing Crossover on Township to go to Gulley Park.

Thank you so much,

Alexis Cox

2607 n candlewood drive

CityClerk

From: Nan Smith-Blair <nsblair@uark.edu>
Sent: Tuesday, February 20, 2018 7:55 AM
To: CityClerk
Subject: City Council Concern

I am unable to attend the City Council's meeting tonight but wanted the Mayor and City Council members to be aware of my concerns on one of the agenda items. I am hopeful that the City Council will not approve the rezoning of 4 acres posted for Crossover next to the Candlewood Subdivision. The potential uses allowed under NS-G would allow multifamily units and cluster housing in addition to a strip center. I am concerned with the added traffic and noise that will be inflicted on the subdivision. It is difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.

Cars can only turn north in or out, into high speed traffic. Hence some cars traveling south will cut through Candlewood or Edenbrook's private driveway. Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.

School children walking to school face more traffic not paying attention to them. Additionally, there are walkers crossing Crossover on Township to go to Gulley Park. Finally, Candlewood subdivision has always been a highly desirable subdivision due to its location to schools and shopping centers. Increasing the multiuse area could impact the character of the subdivision and decrease the value of our property. Please reconsider the proposal and vote against the rezoning.

Best regards,
Nan Smith-Blair
Candlewood Subdivision Resident

CityClerk

From: Kathy Wade <kathywade5@att.net>
Sent: Tuesday, February 20, 2018 9:19 AM
To: CityClerk
Subject: rezoning request for 2468 N. Crossover/Jones

Ms. Smith, Please forward this to the Mayor and City Council Members.

My name is Kathy Wade and I live at 2863 E. Township St. and I look out my front window at Mr. Jones' property, so I have a definite interest in how this property is zoned and developed.

I will be at the Council meeting tonight. Thank you, Kathy Wade

POTENTIAL USES ALLOWED UNDER NS-G (Neighborhood Services – General)

- Multifamily units (apartments) and cluster housing
- Strip Center
- 8,000 Sq. Ft. office that would hold 40 employees plus customers, clients, etc.
- Sidewalk café or restaurant or fast food, although no drive through windows are allowed.
- Work/live units with shop/office on street level and housing 2 stories above.
- Building height allowable is 45 Ft. (4 stories)

TRAFFIC/SAFETY CONCERNS

- Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.
- Cars can only turn north in or out, into high speed traffic.
- Cars traveling south will cut through Candlewood or Edenbrook's private driveway.
- Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.
- School children walking to school face more traffic not paying attention to them.
- The only walkers are crossing Crossover on Township to go to Gulley Park.

2030 PLAN for CITY

- Crossover meant to be higher speed with minimal curb cuts
- City wants to avoid spot zoning. This looks like that.
- Mission/Crossover businesses are accessible by sidewalk now.

Last point, consider what commercial property backing up to Candlewood does to YOUR PROPERTY VALUE!

Sent from [Mail](#) for Windows 10

CityClerk

From: Morriss Henry <morrishenry@icloud.com>
Sent: Tuesday, February 20, 2018 10:17 AM
To: CityClerk
Subject: Rezoning 2468 n Crossover/Jones.

Sondra Smith,

I am opposed to a Change which would allow increased congestion at a busy crossroads near schools. When schools let out the students and autos increase traffic hazards at this corner now. This corner is one of the main exits from the schools. Sincerely. Morriss Henry

Sent from my iPhone

CityClerk

From: Mike Yates <gohogs09@att.net>
Sent: Tuesday, February 20, 2018 10:32 AM
To: CityClerk
Cc: eva.dave@cox.net; emadison@littler.com; Janette Litaker; Seth Terry; Curt Calaway; curt.calaway@tyson.com; Sandy Yates
Subject: Rezoning request 2nd Reading on Council agenda tonight - 2468 Crossover/Jones

Sondra, (Please forward this to my City Councilman, the Mayor, and others with a need to know.)

As a resident of the Candlewood Subdivision, I like to voice my opposition against the rezoning request for 2468 Crossover/Jones that will be heard tonight by the Fayetteville City Council on second reading.

I speak as a private citizen, not as an officer of the Candlewood POA.

I'm concerned about this for many reasons, but primarily the following:

1. Traffic and safety concerns. Only northbound traffic on Crossover Road would be allowed access into and out of the establishment. Drivers coming southbound on Crossover would inevitably have to cut through Candlewood and/or Edenbrook to "turn around" and turn North at the light at the intersection of Township and Crossover in order to ultimately turn into the business establishment.

We already have an after school parking problem on Candlewood Drive as for some reason parents of children who attend Vandegriff /McNair schools use Candlewood Drive as their personal parking lot to pick up their children. Let's don't compound it and make it even worse with cars cutting through Firewood and Candlewood Drive. School traffic currently park on both sides of Candlewood Drive, making it virtually impossible for cars to pass. Imagine the concerns we already have for our children's safety as even more drivers cut through our neighborhood and mostly ignore the posted speed limit on Candlewood Drive.

2. Concern over potential building heights of greater than 45 feet does not fit the adjacent area. Enough said.

3. This intersection is and has been for sometime mostly residential and has attracted citizens by the hundreds to live in neighborhoods surrounding the schools. Equally as important, these residents have invested an average of \$400-600K to live in this area. And by the way we pay on average of \$6,000 per year in property taxes. We trusted in our city/local governments to help protect our investment so that we could attend outstanding schools and support local businesses in this area.

In other words, we chose Fayetteville, and may I (we) remind you we still have a choice. If the city agrees to make some of the proposed rezoning's that have been defeated repeatedly in the past, our residents could leave Fayetteville and move to Bentonville, Rogers or Springdale and take their property tax revenue with them which could potentially mean a loss of hundreds of thousands in lost property tax revenue to our Fayetteville Public Schools. And consider also the potential drop in Real Estate values which could also negatively impact revenue to our public schools in Fayetteville. Yet here we are again with another rezoning request that WE WERE NOT NOTIFIED OF. I'm very disappointed in my Councilman about the lack of notice..

I think that the residents in Candlewood, Covington Park and in Edenbrook have given enough. In Candlewood, we lost 40 feet of our beautifully landscaped entrance on Crossover already when the State widened the highway. Additionally, our friends in Covington Park and Edenbrook that live on Township have watched Traffic levels double and triple as drivers continue to use Township Rd to cut through to Hwy 45E.

I could go on and on with multiple points, but I think you get the idea by now. I cannot attend the meeting in person this afternoon, but appreciate the opportunity to express myself and make my points above. My wife and I chose Fayetteville in 1988 because it is a beautiful city I believe has been recognized nationally for being a top-five place to live in the US.

Let's keep it that way and help citizens protect their property values and keep their children safe while somehow finding creative ways to work with landowners along Crossover Rd.

Thank you,

Mike and Sandy Yates
2431 N. Candlewood Dr
Fayetteville, AR 72703

Sent from my iPad

CityClerk

From: Bill Clark <billclarktax@aol.com>
Sent: Tuesday, February 20, 2018 10:39 AM
To: CityClerk
Subject: Rezoning request for 2468 N. Crossover/Jones

Hi Sondra,

I am writing in hopes that you will pass this email along to the mayor and city council as the above issue is slated for review this evening.

I reside at 2587 N Firewood Drive 72703 in the Candlewood subdivision. I attended the planning commission meeting in which they recommended the approval of the rezoning. Several issues of safety were raised by area residents as well as several on the commission itself. It was very evident that several of the commission members had made up their minds before the 'discussion' that night outright ignoring the safety concerns.

Some of the safety concerns were:

- Drivers traveling north on Crossover will go over a hill at the intersection of Township at 45-50 MPH and then immediately be upon the drives where the rezoning would take place. Even Mr. Jones made mention of the dangerous issue he has coming out of his driveway onto Crossover.
- The intersection of Crossover and Township was not designed for U turns as it is in other places on Crossover. The only way to get to this rezoned area if coming south on Crossover would be by U-turn at the intersection or by entering township and then making a U turn where school children are present at certain times of day.
- Residents may have the desire to walk to the rezoned area businesses. Although sidewalks are in place, its along a road that was designed to move traffic. I would not let my children walk there without supervision.

Other concerns were made by residents and several commission members as well. Crossover was designed to be a road to move traffic north and south with minimal stops and maximum flow. Thus the 45 mph speed limit. By rezoning this parcel it lays the groundwork for future small parcels to be rezoned non-residential and thus significantly hinder traffic on Crossover. At present, Crossover between Joyce and Mission has significant slow downs and backups at the 'rush' hours of the day.

There is also the historical 'domino' effect of such rezonings. Such a decision would open up other areas of Crossover to small retail/office. Not all at once but over time. Just think back to where College was at one point.

But the immediate 'domino' effect in this particular case is found in the history of Mr. Jones's attempt to sell the property. He has tried to sell the property as residential for years according to him with no success. In order to increase the possibility of sale he joined with a neighbor behind him to create enough acreage for multiple dwellings and a small new street. This attempt to sell the combined property was also unsuccessful. So now Mr. Jones wants to rezone in a hope to sell his property. The 'domino' issue here is that the property of his neighbor will shortly be before the city asking for rezoning also. That will then put an even greater amount of retail/office at this location and cut back into the residential area.

Setting a precedent of allowing retail/office rezoning to cut into neighborhoods, will most certainly make Fayetteville homeowners uncomfortable about any future subdivisions close to where rezoning could be an issue.

In conclusion, while I laud Mr. Jones for trying this to sell his property, an individuals personal gains should not change the focus of an area or impede upon the residential values of their neighbors. This rezoning, and the soon to be rezoning of Mr. Jones's neighbor's adjacent parcel for sale, will in fact place offices in close proximity to no less than 9 houses in the Candlewood subdivision. (and not just the ones touching Crossover.)

Thank you for your consideration and for your cooperation in leaving retail/office in areas where it has already been zoned for.

William R. Clark

CityClerk

From: Sandy Yates <sandy@shilohsaints.org>
Sent: Tuesday, February 20, 2018 10:56 AM
To: Mike Yates; CityClerk
Cc: eva.dave@cox.net; emadison@littler.com; Janette Litaker; Seth Terry; Curt Calaway; curt.calaway@tyson.com
Subject: RE: Rezoning request 2nd Reading on Council agenda tonight - 2468 Crossover/Jones

I agree with all the concerns as stated below also as a concerned citizen and resident of Candlewood Subdivision.
Sandy Yates

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

From: Mike Yates [mailto:gohogs09@att.net]
Sent: Tuesday, February 20, 2018 10:32 AM
To: cityclerk@fayetteville-ar.gov
Cc: eva.dave@cox.net; emadison@littler.com; Janette Litaker; Seth Terry; Curt Calaway; curt.calaway@tyson.com; Sandy Yates
Subject: Rezoning request 2nd Reading on Council agenda tonight - 2468 Crossover/Jones

Sondra, (Please forward this to my City Councilman, the Mayor, and others with a need to know.)

As a resident of the Candlewood Subdivision, I like to voice my opposition against the rezoning request for 2468 Crossover/Jones that will be heard tonight by the Fayetteville City Council on second reading.

I speak as a private citizen, not as an officer of the Candlewood POA.

I'm concerned about this for many reasons, but primarily the following:

1. Traffic and safety concerns. Only northbound traffic on Crossover Road would be allowed access into and out of the establishment. Drivers coming southbound on Crossover would inevitably have to cut through Candlewood and/or Edenbrook to "turn around" and turn North at the light at the intersection of Township and Crossover in order to ultimately turn into the business establishment.

We already have an after school parking problem on Candlewood Drive as for some reason parents of children who attend Vandegriff /McNair schools use Candlewood Drive as their personal parking lot to pick up their children. Let's don't compound it and make it even worse with cars cutting through Firewood and Candlewood Drive. School traffic currently park on both sides of Candlewood Drive, making it virtually impossible for cars to pass. Imagine the concerns we already have for our children's safety as even more drivers cut through our neighborhood and mostly ignore the posted speed limit on Candlewood Drive.

2. Concern over potential building heights of greater than 45 feet does not fit the adjacent area. Enough said.

3. This intersection is and has been for sometime mostly residential and has attracted citizens by the hundreds to live in neighborhoods surrounding the schools. Equally as important, these residents have invested an average of \$400-600K to live in this area. And by the way we pay on average of \$6,000 per year in property taxes. We trusted in our city/local governments to help protect our investment so that we could attend outstanding schools and support local businesses in this area.

In other words, we chose Fayetteville, and may I (we) remind you we still have a choice. If the city agrees to make some of the proposed rezoning's that have been defeated repeatedly in the past, our residents could leave Fayetteville and move to Bentonville, Rogers or Springdale and take their property tax revenue with them which could potentially mean a loss of hundreds of thousands in lost property tax revenue to our Fayetteville Public Schools. And consider also the potential drop in Real Estate values which could also negatively impact revenue to our public schools in Fayetteville. Yet here we are again with another rezoning request that WE WERE NOT NOTIFIED OF. I'm very disappointed in my Councilman about the lack of notice..

I think that the residents in Candlewood, Covington Park and in Edenbrook have given enough. In Candlewood, we lost 40 feet of our beautifully landscaped entrance on Crossover already when the State widened the highway. Additionally, our friends in Covington Park and Edenbrook that live on Township have watched Traffic levels double and triple as drivers continue to use Township Rd to cut through to Hwy 45E.

I could go on and on with multiple points, but I think you get the idea by now. I cannot attend the meeting in person this afternoon, but appreciate the opportunity to express myself and make my points above. My wife and I chose Fayetteville in 1988 because it is a beautiful city I believe has been recognized nationally for being a top-five place to live in the US.

Let's keep it that way and help citizens protect their property values and keep their children safe while somehow finding creative ways to work with landowners along Crossover Rd.

Thank you,

Mike and Sandy Yates
2431 N. Candlewood Dr
Fayetteville, AR 72703

Sent from my iPad

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This email was Anti Virus checked by Astaro Security Gateway. <http://www.sophos.com>

CityClerk

From: Lauren Thompson <laurenthompson125@gmail.com>
Sent: Tuesday, February 20, 2018 11:47 AM
To: CityClerk
Subject: Urgent: Rezoning request 2nd Reading on Council agenda tonight - 2468 Crossover/Jones

Sondra, (Please forward this to my City Councilman, the Mayor, and others with a need to know.)

As a resident of the Candlewood Subdivision, I like to voice my opposition against the rezoning request for 2468 Crossover/Jones that will be heard tonight by the Fayetteville City Council on second reading.

I speak as a private citizen, not as an officer of the Candlewood POA.

I'm concerned about this for many reasons, but primarily the following:

1. Traffic and safety concerns. Only northbound traffic on Crossover Road would be allowed access into and out of the establishment. Drivers coming southbound on Crossover would inevitably have to cut through Candlewood and/or Edenbrook to "turn around" and turn North at the light at the intersection of Township and Crossover in order to ultimately turn into the business establishment.

We already have an after school parking problem on Candlewood Drive as for some reason parents of children who attend Vandegriff /McNair schools use Candlewood Drive as their personal parking lot to pick up their children. Let's don't compound it and make it even worse with cars cutting through Firewood and Candlewood Drive. School traffic currently park on both sides of Candlewood Drive, making it virtually impossible for cars to pass. Imagine the concerns we already have for our children's safety as even more drivers cut through our neighborhood and mostly ignore the posted speed limit on Candlewood Drive.

2. Concern over potential building heights of greater than 45 feet does not fit the adjacent area. Enough said.

3. This intersection is and has been for sometime mostly residential and has attracted citizens by the hundreds to live in neighborhoods surrounding the schools. Equally as important, these residents have invested an average of \$400-600K to live in this area. And by the way we pay on average of \$6,000 per year in property taxes. We trusted in our city/local governments to help protect our investment so that we could attend outstanding schools and support local businesses in this area.

In other words, we chose Fayetteville, and may I (we) remind you we still have a choice. If the city agrees to make some of the proposed rezoning's that have been defeated repeatedly in the past, our residents could leave Fayetteville and move to Bentonville, Rogers or Springdale and

take their property tax revenue with them which could potentially mean a loss of hundreds of thousands in lost property tax revenue to our Fayetteville Public Schools. And consider also the potential drop in Real Estate values which could also negatively impact revenue to our public schools in Fayetteville. Yet here we are again with another rezoning request that WE WERE NOT NOTIFIED OF. I'm very disappointed in my Councilman about the lack of notice..

I think that the residents in Candlewood, Covington Park and in Edenbrook have given enough. In Candlewood, we lost 40 feet of our beautifully landscaped entrance on Crossover already when the State widened the highway. Additionally, our friends in Covington Park and Edenbrook that live on Township have watched Traffic levels double and triple as drivers continue to use Township Rd to cut through to Hwy 45E.

I could go on and on with multiple points, but I think you get the idea by now. I cannot attend the meeting in person this afternoon, but appreciate the opportunity to express myself and make my points above. My fiancé and I chose Fayetteville in May of last year because it is a beautiful city has been recognized nationally for being a top-five place to live in the US.

Let's keep it that way and help citizens protect their property values and keep their children safe while somehow finding creative ways to work with landowners along Crossover Rd.

Thank you,

Lauren Thompson and Seth Terry
2415 N Candlewood Drive

Sent from my iPhone

CityClerk

From: KLAUS, Andrea <klaus.am@pg.com>
Sent: Tuesday, February 20, 2018 1:51 PM
To: CityClerk; Tennant, Justin; Bunch, Sarah
Cc: Klaus, Richard; amklaus@gmail.com
Subject: Oppose Rezoning request for 2468 N. Crossover/Jones.

Ms. Smith, Mr. Tennant, and Ms. Bunch,

I am writing to share my opposition to the rezoning of 2468 N. Crossover/Jones to Neighborhood Services General. I did attend the City Planning commission meeting in person to oppose and spoke against, but am unable to attend tonight.

I live at 2649 N Firewood Dr, Fayetteville AR.

My key concerns are:

- Inconsistent with City 2030 plan, this area is planned for residential to minimize traffic disruption. Residential will have much less 'in and out' traffic than businesses.
- Keep area residential. This is a quiet, peaceful area where children walk to school and I live. I do not need a business in my back yard, especially not a 4 story business. This change is disruptive to the community.
- There is ample commercial space currently available in Fayetteville. Existing space that is empty or open land in areas already zoned commercial. Many already along Crossover in the planned commercial zones. Let's not build more empty stripe malls and revitalize the existing structures that need updates!

Thank you in advance for listening to my concern.

Andrea Klaus

*Andrea Klaus
WGCT Customer Service Operations Channel Leader
479-571-5553 Work | 513-288-1600 Cell | 513-277-6900 Fax
klaus.am@pg.com*

"All Pricing, Promotion and Distribution decisions are at the sole discretion of the retailer. This electronic message transmission contains information which may be confidential.
The information is intended for the use of the individual or entity named above. If you are not the intended recipient and have received this electronic transmission in error, please notify sender then delete immediately."

CityClerk

From: Klaus, Richard <klaus.ra@pg.com>
Sent: Tuesday, February 20, 2018 2:11 PM
To: CityClerk; Tennant, Justin; Bunch, Sarah
Subject: Rezoning - 2468 Crossover

Ms. Smith, Mr. Tennant, and Ms. Bunch,

I would like to share my opposition to the rezoning of 2468 N. Crossover / Jones to the Neighborhood Services General, and recommend not changing the current zoning from Residential.

I have attended the City Planning Commission meeting to oppose, along with other City Council meetings where this (similar) proposals were previously rejected by the City Council. I recommend you do the same today and going forward.

I live at 2649 N Firewood Dr, in Fayetteville. I do want to voice my additional concern that some of the people in support (land owner and developer) have previously communicated that they discussed this matter with neighbors in the area – this has not been the case with my household and we are only a few homes away – or with other neighbors we have talked to in the immediate area, so I want to ensure there is not a false perception that there is support (or lack of opposition) from this information being shared.

My key concerns are:

- Inconsistent with City 2030 plan, this area is planned for residential to minimize traffic disruption. Residential will have much less 'in and out' traffic than businesses.
- Keep area residential. This is a quiet, peaceful area where children walk to school and I live. I do not need a business or other large structure in my back yard, especially not a 4 story business. This change is disruptive to the community.
- No issues exist to develop land as residential (except that owner has the property highly overpriced) – There are many other homes all around the area of this land both north and south on Crossover Rd.
- There is ample commercial space currently available in Fayetteville. Existing space that is empty or open land in areas already zoned commercial. Many already along Crossover in the planned commercial zones. Let's not build more empty stripe malls and revitalize the existing structures that need updates! Also, if you are forward thinking you will realize that our US Retail landscape is changing rapidly with the need for Less (not more) commercial space – This is a major trend even in growing areas like ours, driven greatly by eCommerce.

Thank you in advance for listening to my concern.

Richard Klaus

NA Customer Supply

☎ (513) 288-1800 Mobile | (513) 715-8058 Fax

✉ klaus.ra@pg.com

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The information is intended for the use of the individual or entity named above. If you are not the intended recipient and have received this electronic transmission in error, please notify sender then delete immediately."

CityClerk

From: Marguerite Martinez <maggiegb@hotmail.com>
Sent: Tuesday, February 20, 2018 2:35 PM
To: CityClerk
Subject: Rezoning request for 2468 N. Crossover/Jones.

As a property owner in Covington park (3657 E. Township St.), I am firmly against this potential development. Further development (especially commercial) would create additional traffic and safety issues. More drivers would frequent the area, which would make the area much less safe for school children crossing the street. Please vote against this rezoning request.

Thanks.
Marguerite Martinez

Sent from my iPhone

From: Carl George <ceg0982@gmail.com>
Sent: Tuesday, February 20, 2018 2:52 PM
To: CityClerk
Subject: zoning concern for 2468 N. Crossover/Jones

POTENTIAL USES ALLOWED UNDER NS-G (Neighborhood Services – General)

- Multifamily units (apartments) and cluster housing
- Strip Center
- 8,000 Sq. Ft. office that would hold 40 employees plus customers, clients, etc.
- Sidewalk café or restaurant or fast food, although no drive through windows are allowed.
- Work/live units with shop/office on street level and housing 2 stories above.
- Building height allowable is 45 Ft. (*4 stories, that's high!*)

TRAFFIC/SAFETY CONCERNS

- Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.
- Cars can only turn north in or out, into high speed traffic.
- Cars traveling south will cut through Candlewood or Edenbrook's private driveway.
- Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.
- School children walking to school face more traffic not paying attention to them.
- The only walkers are crossing Crossover on Township to go to Gulley Park.

2030 PLAN for CITY

- Crossover meant to be higher speed with minimal curb cuts.
- City wants to avoid spot zoning. [This looks like that.](#)
- Mission/Crossover businesses are accessible by sidewalk now.

CityClerk

From: Melissa Kamel <memmay_ju@yahoo.com>
Sent: Tuesday, February 20, 2018 2:57 PM
To: CityClerk
Subject: NO Rezoning Request for 2468 N Crossover/Jones

Ms Smith,

My family lives in Covington Park. My Kindergarten and 2nd grader WALK home from Vandergriff Elementary and the proposed commercial business zoning would NOT be safe for any Vandergriff or McNair students. Please consider this and the following information when deciding on this issue.

We have MANY concerns that commercial rezoning at Crossover and Township is BAD for the following reasons:

TRAFFIC/SAFETY CONCERNS

- *Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.*
- *Cars can only turn north in or out, into high speed traffic.*
- *Cars traveling south will cut through Candlewood or Edenbrook's private driveway.*
- *Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.*
- *School children walking to school face more traffic not paying attention to them.*
- *The only walkers are crossing Crossover on Township to go to Gulley Park.*

Thank you for listening to your East Fayetteville residents and NOT allowing commercial buildings to be allowed close to Elementary and Middle Schools.

Sincerely,

Melissa Kamel

CityClerk

From: Jim Ragsdale <jrcubs1@cox.net>
Sent: Tuesday, February 20, 2018 3:05 PM
To: CityClerk
Subject: Rezoning for Crossover & Jones

Good afternoon.

I would like to take this opportunity and voice my opposition to a type of rezoning or construction at the area of crossover and Jones in Southeast Fayetteville.

I am a resident of Covington park subdivision but I feel like with this rezoning being proposed near our subdivision, it would only increase the traffic volume and congestion we already experience.

This area is already over congested during the morning hours and afternoon hours when school is in session. I don't understand why we would want to add more congestion to that area. Several dozen cars each day already cut through the candlewood subdivision to avoid the 265 / Township intersection. I'm concerned that any sort of business establishment that would be built on this property would just increase the traffic volume going through the Candlewood subdivision, especially on Firewood Lane.

We are fortunate that no child has been hit by wayward traffic during these high traffic school hours, whether it be in Candlewood, Covington Park or any other subdivision in that vicinity.

Please let me encourage you to vote against this rezoning and to prevent any further strip centers for being considered on this plot of land.

Thank you,

Jim Ragsdale
2504 Middleton Way
Fayetteville

Sent from my iPhone

CityClerk

From: Laura Simmons <llgwynne@yahoo.com>
Sent: Tuesday, February 20, 2018 3:09 PM
To: CityClerk
Subject: Opposition to rezoning request 2468 Crossover/Jones

Hello Ms Smith,

I am a concerned citizen writing in opposition to the rezoning request for 2468 Crossover/Jones. I am a homeowner in Covington Park neighborhood with school-aged children attending McNair and Vandergriff. My primary concern is the traffic/safety concerns for our children. Cars use our neighborhoods as a cut-through and this will continue to escalate if this property is used for commercial purposes. This is a safety issue for our children who walk or ride bikes in the neighborhood and surrounding areas. We hope you will consider not zoning this property for commercial use.

Thank you,

Laura Simmons
Covington Park neighborhood

Sent from my iPhone

From: Gerald Johnson <gdj.global@gmail.com>
Sent: Tuesday, February 20, 2018 3:25 PM
To: CityClerk
Subject: rezoning of 2468 N. Crossover/Jones

I am opposed to the rezoning of this property for NSG purposes. Below are some valid issues that have been raised by many citizens in the surrounding neighborhoods. BUT, my primary concern is for the safety of the children attending the two schools just off of the Crossover and Township intersection. Protection of children must take priority over commercialization of residential properties. Thank you. Gerald Johnson

POTENTIAL USES ALLOWED UNDER NS-G (Neighborhood Services – General)

- Multifamily units (apartments) and cluster housing
- Strip Center
- 8,000 Sq. Ft. office that would hold 40 employees plus customers, clients, etc.
- Sidewalk café or restaurant or fast food, although no drive through windows are allowed.
- Work/live units with shop/office on street level and housing 2 stories above.
- Building height allowable is 45 Ft. (*4 stories, that's high!*)

TRAFFIC/SAFETY CONCERNS

- Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.
- Cars can only turn north in or out, into high speed traffic.
- Cars traveling south will cut through Candlewood or Edenbrook's private driveway.
- Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.
- School children walking to school face more traffic not paying attention to them.
- The only walkers are crossing Crossover on Township to go to Gulley Park.

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- City wants to avoid spot zoning. [This looks like that.](#)
- Mission/Crossover businesses are accessible by sidewalk now.



Virus-free. www.avg.com

CityClerk

From: Mike Driver <MDriver@sansonegroup.com>
Sent: Tuesday, February 20, 2018 3:29 PM
To: CityClerk
Subject: Rezoning request for 2468 N. Crossover/Jones.

Dear City Clerk, I'm writing you to express my strong opposition to the Jones rezoning request near the crossover and mission intersection. I understand that the property owner's request, which has been recommended for approval by the Planning Commission, is for Neighborhood Services General, which includes commercial uses.

This intersection currently serves as a primary access to Vandergriff Elementary and McNair Middle School, and serves as a primary access for several single family residential neighborhoods. Allowing Multifamily at this intersection would cause the intersection to become unsafe, both for our children and for travelers utilizing this high speed road.

The crossover rd speed limit is 45 miles per hour, and isn't designed well for development of retail or high density residential nor is it appropriate for 45 ft tall buildings, which would be incompatible with the immediate area.

Many children walk to school here and already have to battle less than desirable traffic congestion and speed. It would be a grave mistake to allow this type of zoning at this location and would be a danger to child safety because of the added traffic, crossover median and additional density that could be developed here.

Furthermore, as I understand the 2030 plan, crossover rd is part of the "Mayor's Box" which specifically envisions a highway design that facilitates fluid and safe traffic flow around town with a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.

There are so few arterials that carry heavy traffic north and south, we can't afford to create a bottleneck of traffic at crossover and mission. Fayetteville is the most difficult city in Northwest Arkansas to traverse east to west, and this zoning would ensure the creation of similar issues with our primary and important north and south connector for east Fayetteville.

We elect our mayor and city council to protect us from this type of change in land use and implore the Mayor and Council to reject the rezoning as inappropriate for the intersection.

Additional traffic concerns.

OTHER TRAFFIC/SAFETY CONCERNS

- *Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.*

- *Cars can only turn north in or out, into high speed traffic, so cars traveling south will cut through Candlewood or Edenbrook's private driveway.*
- *School children walking to school face more traffic not paying attention to them.*
- *Cars would have to take u turns to access this development when traveling south bound making it unsafe for walkers crossing Crossover on Township to go to Gulley Park.*

2030 PLAN for CITY

- *Crossover meant to be higher speed with minimal curb cuts.*
- *City wants to avoid spot zoning. This is clearly spot zoning.*
- *Mission/Crossover businesses are accessible by sidewalk now.*

Please feel free to contact me to discuss.

Regards,

Mike Driver

3472 E Chatsworth Rd
Fayetteville, AR 72703

[479.435.0238](tel:479.435.0238)

mdriver@sansonegroup.com

CityClerk

From: Ami Cleveland <a_cleva@yahoo.com>
Sent: Tuesday, February 20, 2018 4:07 PM
To: CityClerk
Subject: Rezoning Request - Crossover

TRAFFIC/SAFETY CONCERNS

- *Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.*
- *Cars can only turn north in or out, into high speed traffic.*
- *Cars traveling south will cut through Candlewood or Edenbrook's private driveway.*
- *Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.*
- *School children walking to school face more traffic not paying attention to them.*
- *The only walkers are crossing Crossover on Township to go to Gulley Park*

[Sent from Yahoo Mail on Android](#)

CityClerk

From: Ted Runnels <ted@mockingdog.com>
Sent: Tuesday, February 20, 2018 4:28 PM
To: CityClerk
Subject: Rezoning

Dear City Clerk,

My name is Ted Runnels and I would like to inform you that our family is very much against the commercialization of property adjoining our home. We consider this a poor investment from the individuals driving the initiative. In my opinion, it is already a pretty dangerous situation as it is. Turns and the redirection of cars would accompany these new business locations and bring about a lot of havoc and injuries. I cannot tell you how many accidents have been made and we really do not want to increase it.

I will not get into the obvious commercial problems that would follow with these businesses butting up to the property we grew up in for many years. The original intent of our family was to cut off a few acres in the back. This seems logical to help the whole Neighborhood and not just the ones pushing this move.

Please do what we voted you in for and stick up for what is right for many and not just a squeaky wheel.

Feel free to call me for any additional information and possible solutions.

Sincerely,

Ted Runnels
479-225-1718

CityClerk

From: Gerald Johnson <gdj.global@gmail.com>
Sent: Tuesday, February 20, 2018 4:29 PM
To: CityClerk
Subject: Re: FW: rezoning of 2468 N. Crossover/Jones

You are very welcome. Thank you for your service to our city. I realize that I am only one voice, and I forgot to mention that I have a granddaughter in kindergarten at Vandergriff.....hence my concern for any actions that increases traffic.



Virus-free. www.avg.com

On Tue, Feb 20, 2018 at 3:56 PM, CityClerk <cityclerk@fayetteville-ar.gov> wrote:

From: Kinion, Mark
Sent: Tuesday, February 20, 2018 3:55 PM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Re: rezoning of [2468 N. Crossover](#)/Jones

Thank you for your thoughts regarding the rezoning.

Warm Regards,

Mark Kinion

Vice Mayor / City Council Member

Ward 2 Position 1

On Feb 20, 2018, at 3:28 PM, CityClerk <cityclerk@fayetteville-ar.gov> wrote:

From: Gerald Johnson [<mailto:gdj.global@gmail.com>]
Sent: Tuesday, February 20, 2018 3:25 PM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: rezoning of [2468 N. Crossover](#)/Jones

I am opposed to the rezoning of this property for NSG purposes. Below are some valid issues that have been raised by many citizens in the surrounding neighborhoods. BUT, my primary concern is for the safety of the children attending the two schools just off of the Crossover and Township intersection. Protection of children must take priority over commercialization of residential properties. Thank you. Gerald Johnson

POTENTIAL USES ALLOWED UNDER NS-G (Neighborhood Services – General)

- Multifamily units (apartments) and cluster housing
- Strip Center
- 8,000 Sq. Ft. office that would hold 40 employees plus customers, clients, etc.
- Sidewalk café or restaurant or fast food, although no drive through windows are allowed.
- Work/live units with shop/office on street level and housing 2 stories above.
- Building height allowable is 45 Ft. (*4 stories, that's high!*)

TRAFFIC/SAFETY CONCERNS

- Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.
- Cars can only turn north in or out, into high speed traffic.
- Cars traveling south will cut through Candlewood or Edenbrook's private driveway.
- Crossover Rd. is part of the Mayor's Box, planned to move traffic around town with

a minimum of stops and a maximum flow. That's why the posted speed limit is 45mph.

- School children walking to school face more traffic not paying attention to them.
- The only walkers are crossing Crossover on Township to go to Gulley Park.

2030 PLAN for CITY

- Crossover meant to be higher speed with minimal curb cuts.
- City wants to avoid spot zoning. [This looks like that.](#)
- Mission/Crossover businesses are accessible by sidewalk now.



Virus-free. www.avg.com

CityClerk

From: Ann Henry <henry.annhenry@gmail.com>
Sent: Tuesday, February 20, 2018 4:37 PM
To: CityClerk
Subject: Rezoning request on township crossover

Traffic safety concerns juxtaposed against the 2030 plan for fayetteville should cause the board to reject the rezoning. The types of neighborhood commercial are not compatible with traffic patterns and there are already long lines of traffic to get children to school in the am and afternoons.

I take and pick up grandchildren to vandegriff and McNair and can attest to the fact that residential is much more compatible than the request for rezoning. The amount of traffic generated by residential is small cf to the commercial.

Please register our comments against the rezoning

Ann and Morriss Henry
Sent from my iPhone

CityClerk

From: Leslie Donovan <leslie.s.donovan@gmail.com>
Sent: Tuesday, February 20, 2018 4:43 PM
To: CityClerk; Leslie Donovan
Subject: Rezoning - 2468 Crossover - Jones

Sondra Smith,

This email is to serve my opposed to the new zoning request by Mr. Jones.

My concerns as a newer neighbor to NWA and Fayetteville, it would seem there are still several factors or comments being shared that are in conflict and would require more discussion, review and consideration prior to a final vote being made.

There are already quite nice (and walkable) business services being offered in close proximity. There are significant businesses that offer dry cleaning, coffee shops, small office, physicians and even larger retail establishments at Mission and Crossover. I have often walked to those locations when my car is in service at Firestone. Additionally, there are even more space and offerings at Joyce and Crossover which can be accessed by walking (getting to those 10,000 steps) or bicycle as well as driving.

The zoning being requested already has open space in near proximity or with business owners who enjoy services the homes and families nearby in East Fayetteville.

Read/heard (Mayor's Box) that the intent of the traffic was to keep flow active and moving which is more disruptive with business usage.

There were also comments made that Mr. Jones had been trying to sell this for the past 11 years. I am recent to the area, yet have not seen signs of sale during my entire tenure. I have seen some for single family homes and would anticipate that residential that might be added to already in place, along Crossover between Township and Mission and Township and Old Wire would be a great addition to the school population.

There are aspect of the children walking along the Candlewood neighborhood and the other major streets with cars trying to get access in and out (higher frequency with business or high density homes) would increase the hazards. Again, the traffic and intent was to move traffic through the area.

The neighborhood being used as a cut-through adds danger for children and dogs. It would only increase with some of the proposed changes.

As to other considerations, Mr. Jones has shared:

_This has been on the market for 11+ years, again I have not see it posted during our entire tenure of almost three years.

- He has shared he would not want some of the buildings that the school, the neighborhood, the walkers and the bike path riders enjoy with the traffic flow. Yet, Mr. Jones has quickly stated that once it is sold he cannot control that.

-I have heard varied amounts listed as the appropriate value of the acreage and it seems that potentially Mr. Jones has a higher value per acre than the market average. The reality could be the reason for the inability to sell to residential property owners rather than zoning. The homeowners go in knowing the busy street and make a decision to be in and live in the area - at a price that may be a lower lot value - due to the location.

- Mr. Jones shared he has spoken to the neighborhood and neighbors many times. Personally, I learned of this a day or two before the first zoning meeting. In asking other neighbors, it would seem many are/were unaware of the request. Some have even shared some interesting solutions that would benefit the neighborhood and Mr. Jones, yet there does not seem to be time allocated to the exchange of information.

-Mr. Jones, I believe, requested a change in zone and now is immediately requesting a second change to the zoning request. It would seem this may have been the intent at the onset rather than being open in the first request to allow some time to see how the market can move his property without making further changes.

- In speaking with other neighbors, when out on dog walks at school events, they have asked if Mr Jones would be willing to speak to us again before any decisions are made. We would come together as a neighborhood, along with Mr. Jones and maybe some of the other lot or property owners, which have been identified as future possible build sites to create a more optimal plan

Thank you for your consideration in allowing the local neighbors and the land owners a bit more time, 60-90 days to understand what is already known from city planning and timing from the other land owners along with neighbors on Township, Crossover and Candlewood...to come together for a solution.

So many of the comments are personal -as are mine. It took me by surprise and it seems that it is hard to really learn what was requested, is requested, value of land, asking price of land; how are other property lots in the area going to be affected, etc. I know we all love the area and want to reach an understanding with clarity to the factors to make a solid recommendation, review and discussion and decision.

Thank you.

Leslie Donovan

CityClerk

From: Kermit Sykes <ksykes@coca-cola.com>
Sent: Tuesday, February 20, 2018 5:31 PM
To: CityClerk; Tennant, Justin; Bunch, Sarah
Subject: FW: Rezoning request 2nd Reading on Council agenda tonight - 2468 Crossover/Jones

My wife Dyanne and I concur with Mike Yate's email below...as a resident of Candlewood we are very much opposed to the proposed rezoning request for 2468 Crossover/Jones that will be heard tonight by the City Council. If any questions please let me know.

Thank you for your time and consideration on this important matter,

Kermit Sykes
2416 Candlewood Dr

Begin forwarded message:

From: Mike Yates <gohogs09@att.net>
Date: February 20, 2018 at 10:32:24 AM CST
To: cityclerk@fayetteville-ar.gov
Cc: eva.dave@cox.net, emadison@littler.com, Janette Litaker <jsl32198@msn.com>, Seth Terry <sethandrewterry@gmail.com>, Curt Calaway <ctcalaway@cox.net>, curt.calaway@tyson.com, Sandy Yates <sandy@shilohsaints.org>
Subject: Rezoning request 2nd Reading on Council agenda tonight - 2468 Crossover/Jones

Sondra, (Please forward this to my City Councilman, the Mayor, and others with a need to know.)

As a resident of the Candlewood Subdivision, I like to voice my opposition against the rezoning request for 2468 Crossover/Jones that will be heard tonight by the Fayetteville City Council on second reading.

I speak as a private citizen, not as an officer of the Candlewood POA.

I'm concerned about this for many reasons, but primarily the following:

1. Traffic and safety concerns. Only northbound traffic on Crossover Road would be allowed access into and out of the establishment. Drivers coming southbound on Crossover would inevitably have to cut through Candlewood and/or Edenbrook to "turn around" and turn North at the light at the intersection of Township and Crossover in order to ultimately turn into the business establishment.

We already have an after school parking problem on Candlewood Drive as for some reason parents of children who attend Vandegriff /McNair schools use Candlewood Drive as their personal parking lot to pick up their children. Let's don't compound it and make it even worse with cars cutting through Firewood and Candlewood Drive. School traffic currently park on both sides of Candlewood Drive, making it virtually impossible for cars to pass. Imagine the

concerns we already have for our children's safety as even more drivers cut through our neighborhood and mostly ignore the posted speed limit on Candlewood Drive.

2. Concern over potential building heights of greater than 45 feet does not fit the adjacent area. Enough said.

3. This intersection is and has been for sometime mostly residential and has attracted citizens by the hundreds to live in neighborhoods surrounding the schools. Equally as important, these residents have invested an average of \$400-600K to live in this area. And by the way we pay on average of \$6,000 per year in property taxes. We trusted in our city/local governments to help protect our investment so that we could attend outstanding schools and support local businesses in this area.

In other words, we chose Fayetteville, and may I (we) remind you we still have a choice. If the city agrees to make some of the proposed rezoning's that have been defeated repeatedly in the past, our residents could leave Fayetteville and move to Bentonville, Rogers or Springdale and take their property tax revenue with them which could potentially mean a loss of hundreds of thousands in lost property tax revenue to our Fayetteville Public Schools. And consider also the potential drop in Real Estate values which could also negatively impact revenue to our public schools in Fayetteville. Yet here we are again with another rezoning request that WE WERE NOT NOTIFIED OF. I'm very disappointed in my Councilman about the lack of notice..

I think that the residents in Candlewood, Covington Park and in Edenbrook have given enough. In Candlewood, we lost 40 feet of our beautifully landscaped entrance on Crossover already when the State widened the highway. Additionally, our friends in Covington Park and Edenbrook that live on Township have watched Traffic levels double and triple as drivers continue to use Township Rd to cut through to Hwy 45E.

I could go on and on with multiple points, but I think you get the idea by now. I cannot attend the meeting in person this afternoon, but appreciate the opportunity to express myself and make my points above. My wife and I chose Fayetteville in 1988 because it is a beautiful city I believe has been recognized nationally for being a top-five place to live in the US.

Let's keep it that way and help citizens protect their property values and keep their children safe while somehow finding creative ways to work with landowners along Crossover Rd.

Thank you,

Mike and Sandy Yates
2431 N. Candlewood Dr
Fayetteville, AR 72703

Sent from my iPad

CONFIDENTIALITY NOTICE

NOTICE: This message is intended for the use of the individual or entity to which it is addressed and may contain information that is confidential, privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any printing, copying, dissemination, distribution, disclosure or forwarding of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately and delete it from your system. Thank You.

CityClerk

From: Lydia McClinton <lydiamoemclinton@gmail.com>
Sent: Tuesday, February 20, 2018 5:56 PM
To: CityClerk
Subject: Rezoning township/ crossover

Categories: Forwarded, Saved File

Hello,

I'm a resident in Covington park subdivision and have become aware of the rezoning of the corner of township/crossover.. I'm extremely concerned about this- the traffic is already an issue in our neighborhood (and at the crossover/ township intersection), especially in the mornings and afternoons. Not a single resident I have spoken with wants this- as it puts our kids in danger, and creates more traffic for our neighborhood, which will ultimately create more noise and lower home values. It's disturbing to me that this is even a consideration- Fayetteville just finished making crossover look beautiful again, and functional, and it seems it would ruin that. I don't want this, none of us do. I hope they take this seriously and listen to the residents, we want what's best for our kids and community. I wish i could be at the meeting tonight but still getting over the flu. Thanks in advance.

Lydia McClinton

Sent from my iPhone

CityClerk

From: Lydia McClinton <lydiamoemcclinton@gmail.com>
Sent: Tuesday, February 20, 2018 6:05 PM
To: CityClerk
Subject: Crossover/township rezoning nightmare

Categories: Saved File, Forwarded

please share these points with the city council as well. Very concerned about our investment in our home, and the increase in traffic. What an upset this is.. we studied the city carefully before moving here, and felt safe with our purchase as it was surrounded by (what I thought) was already a good, well developed area. This is WHY we moved here! and why we choose our forever home in this area.

POTENTIAL USES ALLOWED UNDER NS-G (Neighborhood Services – General)

- *Multifamily units (apartments) and cluster housing*
- *Strip Center*
- *8,000 Sq. Ft. office that would hold 40 employees plus customers, clients, etc.*
- *Sidewalk café or restaurant or fast food, although no drive through windows are allowed.*
- *Work/live units with shop/office on street level and housing 2 stories above.*
- *Building height allowable is 45 Ft. (4 stories, that's high!)*

TRAFFIC/SAFETY CONCERNS

- *Difficult for drivers traveling north to see traffic coming out of curb cuts due to elevation of Township.*
- *Cars can only turn north in or out, into high speed traffic.*
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2030 PLAN for CITY

- *Crossover meant to be higher speed with minimal curb cuts.*
- *City wants to avoid spot zoning. This looks like that.*
- *Mission/Crossover businesses are accessible by sidewalk now*

Sent from my iPhone

CityClerk

From: Kim McComas <kimmccomas@hotmail.com>
Sent: Tuesday, February 20, 2018 9:33 PM
To: CityClerk
Subject: please share with council at 5:30 meeting Wednesday - Deny Rezoning request for 2468 N. Crossover/Jones.
Attachments: Deny Re-zoning on Crossover.docx

Hello Sondra!

I came to the previous meeting and had left my letter with you because I couldn't stay, but perhaps the issue never came up as it was near the end of the agenda? Anyway, I am attaching my letter again that gives our rationale for NOT rezoning 2468 N. Crossover. I would greatly appreciate it if you could circulate this again as I will be out of town! Thank you very much!

Kim and Bill McComas

To: City Council representatives

From: Kim and Bill McComas

2506 N. Worthington Way

Fayetteville, AR 72703

Home: 442-8105

RE: proposed re-zoning of residential property NE corner of Crossover/Township

We are strongly opposed to changing the zoning of the 4 acre property from residential to NS-G. Every day when I drive through Fayetteville, I am reminded of examples of past poor planning and poor decision-making that will haunt Fayetteville for years to come, from lack of connectivity in cul-de-sac-happy subdivisions to large single-family homes being built on postage stamp lots.

Up for discussion now is to re-zone property on Crossover near Township that will open it to either commercial development or high-density housing. Here are our reasons against allowing that to happen and suggested alternatives:

- The city should maintain some streets that are more 'boulevard -like', where it is pleasant just to drive along them. Don't mess this up.
- There are already commercial centers at Mission & Crossover and at Joyce & Crossover. Let those wanting to further commercialize fill in those centers, not stretch out and make Crossover an unpleasant 'strip'.
- The number of apartments that have been added to Fayetteville in the past 5 years is staggering. We don't need apartments there- there are many other nice apartment places in town.
- Adding apartments to an upscale neighborhood, as nice as they may be, still takes away from the flavor that is currently established by the surrounding single-family home neighborhoods. You start messing with that, and you start making Bentonville a better choice.
- Fayetteville has plenty of places open to develop. You need to think long and hard before you allow re-zoning in areas that should be left as residential. Calling it 'neighborhood services' is just a euphemism for 'a developer's greed.'

CityClerk

From: Tracy Carter <tlcyogaspa@yahoo.com>
Sent: Wednesday, February 21, 2018 11:43 AM
To: CityClerk
Subject: rezoning email

Sondra,

I am a resident in Covington Park and wanted to share my concerns with the rezoning close to Crossover and Township. Please see my concerns and any type of communication you share with me would be much appreciated.

POTENTIAL USES ALLOWED UNDER NS-G (Neighborhood Services – General)

- *Multifamily units (apartments) and cluster housing*
- *Strip Center*
- *8,000 Sq. Ft. office that would hold 40 employees plus customers, clients, etc.*
- *Sidewalk café or restaurant or fast food, although no drive through windows are allowed.*
- *Work/live units with shop/office on street level and housing 2 stories above.*
- *Building height allowable is 45 Ft. (4 stories, that's high!)*

TRAFFIC/SAFETY CONCERNS

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2030 PLAN for CITY

- *Crossover meant to be higher speed with minimal curb cuts.*
- *City wants to avoid spot zoning. [This looks like that.](#)*
- *Mission/Crossover businesses are accessible by sidewalk now.*

Tracy L Carter
479.790.3081

CityClerk

From: Pamela Davis <pameladavis.wm@gmail.com>
Sent: Wednesday, February 21, 2018 9:20 PM
To: CityClerk
Cc: Michael
Subject: Rezoning - Covington area

Categories: Saved File, Forwarded

Hi Ms. Sondra,

We are in disagreement with the consideration for rezoning the Covington/Jones Rezone for the following reasons:

POTENTIAL USES ALLOWED UNDER NS-G (Neighborhood Services – General)

- *Multifamily units (apartments) and cluster housing*
- *Strip Center*
- *8,000 Sq. Ft. office that would hold 40 employees plus customers, clients, etc.*
- *Sidewalk café or restaurant or fast food, although no drive through windows are allowed.*
- *Work/live units with shop/office on street level and housing 2 stories above.*
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Pam and Michael Davis
2516 Kittery Lane
Covington Park
Fayetteville, Ar



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0126

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 1

VAC 18-6075 (EAST OF DEAD HORSE MOUNTAIN ROAD/MEADOWS AT STONEBRIDGE):

AN ORDINANCE TO APPROVE VAC 18-6075 FOR PROPERTY LOCATED EAST OF 2000 BLOCK, DEAD HORSE MOUNTAIN 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 the following described portion of a utility easement is not required for corporate purposes.

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

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

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

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

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense; and
2. An easement shall be re-dedicated over the existing 8-inch sanitary sewer main to the satisfaction of the City of Fayetteville's Water and Sewer Department.

City of Fayetteville Staff Review Form

2018-0126

Legistar File ID

3/6/2018

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Garner Stoll

2/16/2018

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 18-6075: Vacation (EAST OF 2000 BLOCK, DEAD HORSE MTN. RD./MEADOWS AT STONEBRIDGE SD, 646):
Submitted by CRAFTON TULL, INC. for properties located EAST OF 2000 BLOCK, DEAD HORSE MTN. RD. The
properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, and contain approximately 53.15
acres. The request is to vacate a portion of a utility easement

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Garner Stoll, Development Services Director

FROM: Andrew Garner, Planning Director
Jonathan Curth, Senior Planner

DATE: February 16, 2018

SUBJECT: **VAC 18-6075: Vacation (EAST OF 2000 BLOCK, DEAD HORSE MTN. RD./MEADOWS AT STONEBRIDGE SD, 646):** Submitted by CRAFTON TULL, INC. for properties located EAST OF 2000 BLOCK, DEAD HORSE MTN. RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, and contain approximately 53.15 acres. The request is to vacate a portion of a utility easement

RECOMMENDATION:

Staff and the Planning Commission recommend approval of **VAC 18-6075** with the following condition of approval:

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense; and
2. An easement shall be re-dedicated over the existing 8-inch sanitary sewer main to the satisfaction of the City of Fayetteville's Water and Sewer Department.

BACKGROUND:

The subject property includes approximately 53 acres east of Dead Horse Mountain Road and the Riverwalk Subdivision. Although generally level, the property includes or abuts several ponds of varying size associated with the golf course to the east and northeast. Below grade, the property is bisected by an 8-inch sanitary sewer line that conveys sewerage through a series of lift stations from the subdivisions to the northeast to a large main across the West Fork of the White River. In late 2017, a development submittal was made for a residential subdivision of 135 single-family lots on this property. It is currently under review.

Proposal: The applicant proposes to vacate a portion of a utility easement, as shown in the attached Exhibits 'A' and 'B', in order to prepare the site for development.

DISCUSSION:

On February 12, 2018, the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

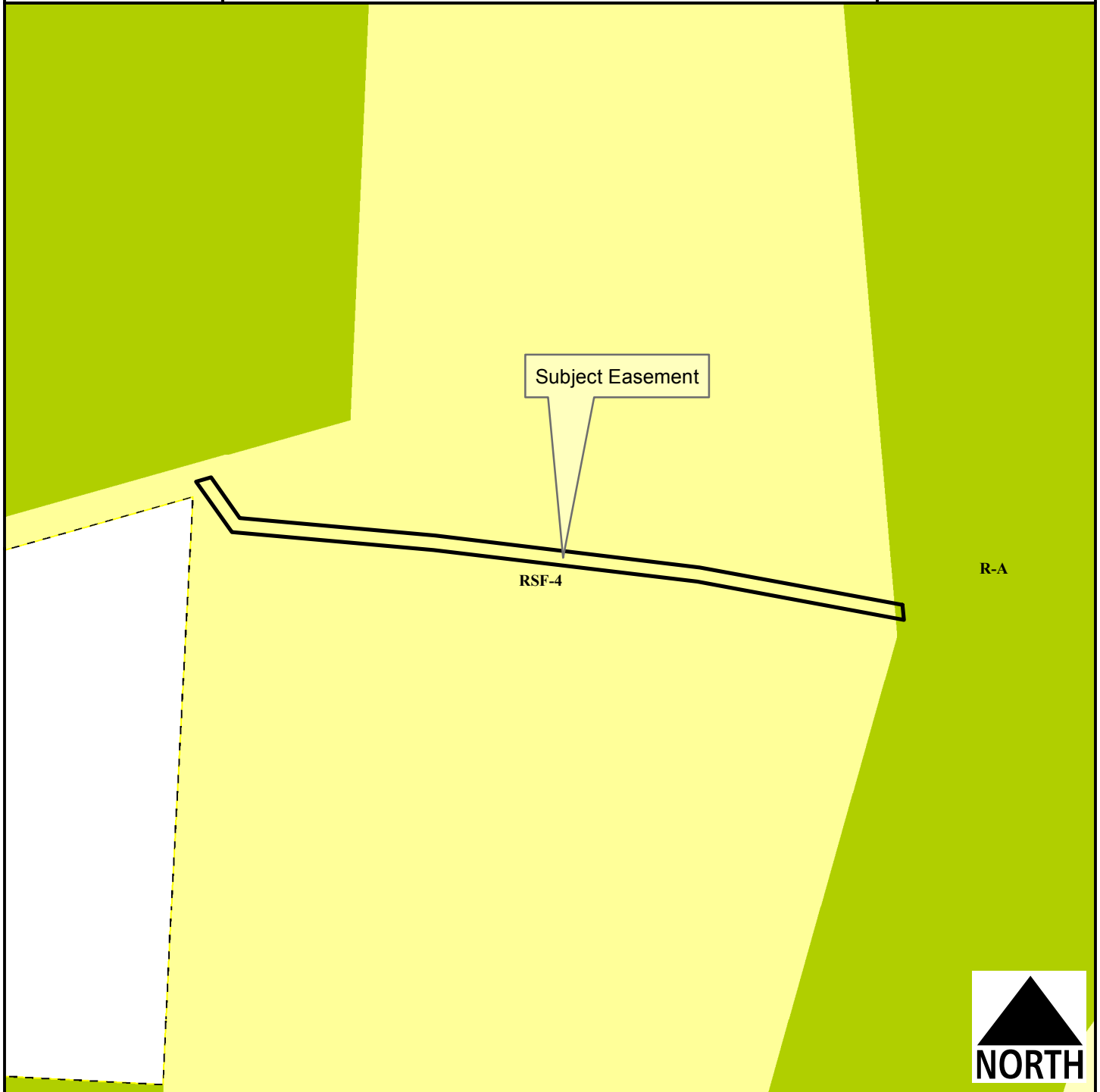
VAC18-6075

MEADOWS AT STONEBRIDGE

18-6075

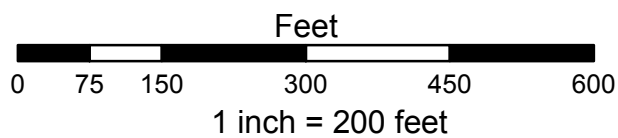
Close Up View

EXHIBIT 'A'



Legend

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



- Residential-Agricultural
- RSF-2
- RSF-4

18-6075
EXHIBIT 'B'

Portion of Easement to be vacated:

PART OF THE NE 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 25
TOWNSHIP 16 NORTH RANGE 30 WEST WASHINGTON COUNTY ARKANSAS MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25;
THENCE N90°00'00"W 2001.00 FEET;
THENCE S00°00'00"W 76.61 FEET TO THE EASTERLY LINE OF A 20 FOOT WATER AND SEWER EASEMENT
AS DESCRIBED IN DEED 2006-00040313;
THENCE ALONG SAID EASTERLY LINE S42°11'39"E 9.87 FEET;
THENCE ALONG SAID EASTERLY LINE S04°36'52"E 902.02 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID EASTERLY LINE S04°36'52"E 20.71 FEET TO THE SOUTH LINE OF SAID
20 FOOT WATER AND SEWER EASEMENT;
THENCE ALONG SAID SOUTH LINE THE FOLLOWING FOUR COURSES:
THENCE N79°30'38"W 288.57 FEET;
THENCE N83°10'38"W 365.27 FEET;
THENCE N84°55'09"W 278.65 FEET;
THENCE N35°10'38"W 85.04 FEET;
THENCE LEAVING SAID SOUTH LINE N73°50'46"E 21.15 FEET TO THE NORTH LINE OF SAID 20 FOOT
WATER AND SEWER EASEMENT;
THENCE ALONG SAID NORTH LINE THE FOLLOWING FOUR COURSES:
THENCE S35°10'38"E 68.87 FEET;
THENCE S84°55'09"E 269.69 FEET;
THENCE S83°10'38"E 366.22 FEET;
THENCE S79°30'38"E 283.80 FEET TO THE POINT OF BEGINNING, CONTAINING 0.46 ACRES MORE OR
LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR FACT.

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Project Number:

Public Hearing Date:

FEE: \$200.00**Sign Fee: \$5.00**

S-T-R:

PP#:

Zone:

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

Application:

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

Applicant (person making request):

Name: ERC Holdings, LLC

Address: 5102 S. Pinnacle Hills Pkwy

Rogers, AR 72758

Phone: () 479-478-5103

Email: nswanson@erc.com

Fax: ()

Site Address / Location: South Deadhorse Mountain Road

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

Current Zoning District: RSF-4

Assessors Parcel Number(s) for subject property: 765-15268-350,765-15268-451,765-15269-101, 765-15269-950

FINANCIAL INTERESTS

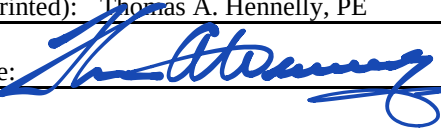
The following entities and / or people have financial interest in this project:

ERC Holdings, LLC

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

Name (printed): Thomas A. Hennelly, PE

Date: November 28, 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): Rod Coleman

Address: 5102 S. Pinnacle Hills Pkwy

Signature: 

Rogers, AR 72758

Date: November 28, 2017

Phone: () 479-478-5103

Name (printed):

Address:

Signature:

Date:

Phone: ()

Vacation Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
 - ☐ \$200.00 application fee
 - ☐ \$5.00 public notification sign fee
- (2) Metes and bounds legal description of the area to be vacated, not the entire property (this may be included on the survey plat).
- (3) Survey of the site depicting the perimeter property lines and area within the property to be vacated.
- (4) CD containing a copy of the legal description in MS Word and PDF copies of the signed application and all other items submitted with this project.
- (5) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.
- (6) A letter addressed to the Planning Commission and City Council describing the scope, nature, and intent of the request.
- na (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.

na - easement located entirely within out property.

- (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

not required

***Solid Waste & Transportation sign off is required only when a ROW, Alley, or Drainage Easement Vacation is being requested.**

PETITION TO VACATE UTILITY EASEMENT

PETITION TO VACATE A(N) (~~alley~~, easement, ~~right-of-way~~) LOCATED IN (~~lot, block, subdivision~~), 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 (~~alley~~, easement, ~~right-of-way~~) hereinafter sought to be abandoned and vacated, lying in parcel 765-15269-101), City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a(n) (~~alley~~, easement, ~~right-of-way~~) which is described as follows:

S

That the abutting real estate affected by said abandonment of the alley are (~~lot, block, subdivision of each adjoining lot to the area requested to be vacated~~) 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 (~~alley, easement, 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 28th day of November, 20 17.

ERC Holdings, LLC (Rod Coleman)

Printed Name

Signature

Printed Name

Signature

*** Note: This is a sample - each applicant is responsible for submitting a petition which accurately reflects their specific request.**

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

DATE: 27 November 2017

UTILITY COMPANY: AT&T

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right-of-way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Title

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

DATE: 27 November 2017

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (***applicant must check all that apply***):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right-of-way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Title

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

DATE: 27 November 2017

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right-of-way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Title

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

DATE: 27 November 2017

UTILITY COMPANY: Black Hills Corporation

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right-of-way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Title

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

DATE: 27 November 2017

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right-of-way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Title

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

DATE: 27 November 2017

UTILITY COMPANY: City of Fayetteville Water and Sewer

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right-of-way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Title

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

DATE: 27 November 2017

UTILITY COMPANY: City of Fayetteville Solid Waste

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right-of-way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Title

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

DATE: 27 November 2017

UTILITY COMPANY: City of Fayetteville Transportation

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right-of-way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Title

ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: _____

Address / location of vacation: _____

Adjacent property address: _____

Lot: _____ Block: _____ Subdivision: _____

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

- ☐ I have been notified of the requested vacation and decline to comment.
- ☐ I *do not object* to the vacation described above.
- ☐ I *do object* to the requested vacation because:

Project Name

Name of Adjacent Property Owner (*printed*)

Signature of Adjacent Property Owner

Applicant Name

NOTIFICATION REQUIREMENTS

Written Notification Process:

- (1) The applicant shall mail a written notice of the hearing by first-class mail to the address of each adjacent landowner as such address is shown in the records of the Washington County Assessor's Office. Adjacent landowners include those across street rights-of-way, excluding interstates.
- (2) By the revision submittal prior to the public hearing, the applicant shall provide the following to the Planning Division (**contact staff planner for submittal deadline**):
 - a. alphabetical list of the landowners receiving notification (County Assessor's Office)
 - b. map showing the landowners' relationship to the site (County Assessor's Office)
 - c. copy of the notice sent to the landowners (example attached)
 - d. certificate of mailing (**example attached**)

Sign Posting Process:

- (1) Signs shall be made available to the applicant by the Planning Division. A \$5 fee per sign shall be remitted by the applicant (**contact staff planner for date to pick up sign**).
 - a. The applicant shall post notice on the land for which the use is requested in a visibly prominent location no more than ten (10) feet from the street, and shall not impede the vision of drivers or pedestrians.
 - b. The staff planner may require an alternate location where the property is not adjacent to a street.
 - c. Additional signs may be required by the staff planner.
- (2) By the revision submittal prior to the hearing, the applicant shall post the sign and submit a certificate of sign posting to the Planning Division. The sign(s) shall be photographed by the applicant and attached to the certificate (**example attached**).
- (3) The Planning Division will be responsible for retrieval of signs after the hearing; if a hearing is postponed, the applicant will be notified when a new sign has been created. The applicant shall then be responsible for posting the new date of the hearing in accordance with the criteria herein.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this ____ day of _____, 20____, and addressed as follows:

Name: _____
Street Address _____
City, State, Zip _____

Name: _____
Street Address _____
City, State, Zip _____

Name: _____
Street Address _____
City, State, Zip _____

Name: _____
Street Address _____
City, State, Zip _____

(name of person completing the mailing)

(signature of person completing the mailing)

City File No./Name: _____

THIS IS AN EXAMPLE ONLY – DO NOT USE THIS SHEET

WRITTEN NOTIFICATION FORM

Project Description:

The applicant Name proposes a Type of Development at Project Address.

Building/land Use: _____

Zoning: _____

Size of Property: _____

Density/Intensity: _____

Public Hearings:

Planning Commission; 5:30 PM; Month/Date/Year; 113 West Mountain Street (City Administration Building Room 219) Fayetteville, AR 72701

Property Owner:

Name: _____ Phone #: _____

Developer:

Name: _____ Phone #: _____

Review Location:

The project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701 Monday-Friday 8AM-5PM; 479.575.8267.

THIS IS AN EXAMPLE ONLY – DO NOT USE THIS SHEET

CERTIFICATE OF SIGN POSTING

(attach photo here)
(sign lettering must be legible in photo)

I, _____ *(print the name of the*
applicant/representative/person posting sign), attest that the above sign was posted on
_____ *(month/day/year) adjacent to*
_____ *(name of street).*

(signature of person completing the sign posting)

City File No./Name: _____



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: February 12, 2018 (**Updated with Planning Commission Results**)

SUBJECT: **VAC 18-6075: Vacation (EAST OF 2000 BLOCK, DEAD HORSE MTN. RD./MEADOWS AT STONEBRIDGE SD, 646):** Submitted by CRAFTON TULL, INC. for properties located EAST OF 2000 BLOCK, DEAD HORSE MTN. RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 53.15 acres. The request is to vacate a portion of a utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 18-6075** to City Council with a recommendation for approval with conditions.

BACKGROUND:

The subject property includes approximately 53 acres east of Dead Horse Mountain Road and the Riverwalk Subdivision. The property was annexed in to the City in February 1997 along with almost 800 acres of additional land south of the West Fork of the White River. Prior to this, historical aerial imagery indicates that a portion of the property was utilized as a horse track before being replaced by the existing Stonebridge Meadows golf course. Today the golf course is adjacent to the subject property to the east and northeast. Although generally level, the property includes or abuts several ponds of varying size. Below grade, the property is bisected by an 8-inch sanitary sewer line that conveys sewerage through a series of lift stations from the subdivisions to the northeast to a large main across the West Fork of the White River. In late 2017, a development submittal was made for a residential subdivision of 135 single-family lots on this property. It is currently under review. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Undeveloped/Agricultural/Large Lot Residential	R-A, Residential Agricultural
South	Undeveloped/Agricultural/Large Lot Residential	R-A, Residential Agricultural
East	Stonebridge Meadows Golf Course	R-A, Residential Agricultural
West	Undeveloped/Agricultural/Large Lot Residential	R-A, Residential Agricultural; Washington County, AG.SF Res 1

Proposal: The applicant proposes to vacate an existing water and sewer easement. Portions of the associated sanitary sewer main fall outside the easement, which the applicant proposes to correct through re-dedication as a part of an associated development.

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:

<u>Utility</u>	<u>Response</u>
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
Black Hills Energy AR	No objections
AT&T	No objections
Ozarks Electric	No objections
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections
Solid Waste & Recycling	Not applicable
Transportation	Not applicable

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC 18-6075** 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. An easement shall be re-dedicated over the existing 8-inch sanitary sewer main to the satisfaction of the City of Fayetteville's Water and Sewer Department;

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>February 12, 2018</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Hoffman			
Second: Johnson			
Vote: 6-0-1, Quinlan Abstained			
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>March 6, 2018 (planned)</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None.

Attachments:

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



November 27, 2017

City of Fayetteville
Attn: Planning Department
113 West Mountain St
Fayetteville, AR 72701

VAC 18-6075
**Request
Letter**

Re: Meadows at Stonebridge Easement Vacation

To whom it may concern,

The purpose of this correspondence is to describe the scope, nature and intent of the above referenced project.

A portion of an existing sanitary sewer was installed outside of the prescribed easement. As part of the proposed Meadows at Stonebridge project, we are requesting to abandon the existing easement and rededicate an easement so that the existing sanitary sewer is encompassed completely within it.

Sincerely,

Thomas A. Hennelly, PE
Vice President
Crafton Tull

PETITION TO VACATE UTILITY EASEMENT

PETITION TO VACATE A(N) (~~alley~~, ~~easement~~, ~~right-of-way~~) LOCATED IN (~~lot~~, ~~block~~, ~~subdivision~~), 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 (~~alley~~, ~~easement~~, ~~right-of-way~~) hereinafter sought to be abandoned and vacated, lying in parcel 765-15269-101 \, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a(n) (~~alley~~, ~~easement~~, ~~right-of-way~~) which is described as follows:

SEE ATTACHED DESCRIPTION

That the abutting real estate affected by said abandonment of the alley are (~~lot~~, ~~block~~, ~~subdivision of each adjoining lot to the area requested to be vacated~~) 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 (~~alley~~, ~~easement~~, ~~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 28th day of November, 20 17.

ERC Holdings, LLC (Rod Coleman)

Printed Name



Signature

Printed Name

Signature

*** Note: This is a sample - each applicant is responsible for submitting a petition which accurately reflects their specific request.**

VAC 18-6075

Utility Approvals

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

DATE: January 8th, 2018

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right of way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

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

UTILITY COMPANY COMMENTS:

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

☒ No objections provided the following conditions are met:

Any damage to or relocation of our existing facilities will be at the owners/developers expense.



Signature of Utility Company Representative

Construction and Planning Manager

Title

May 2017

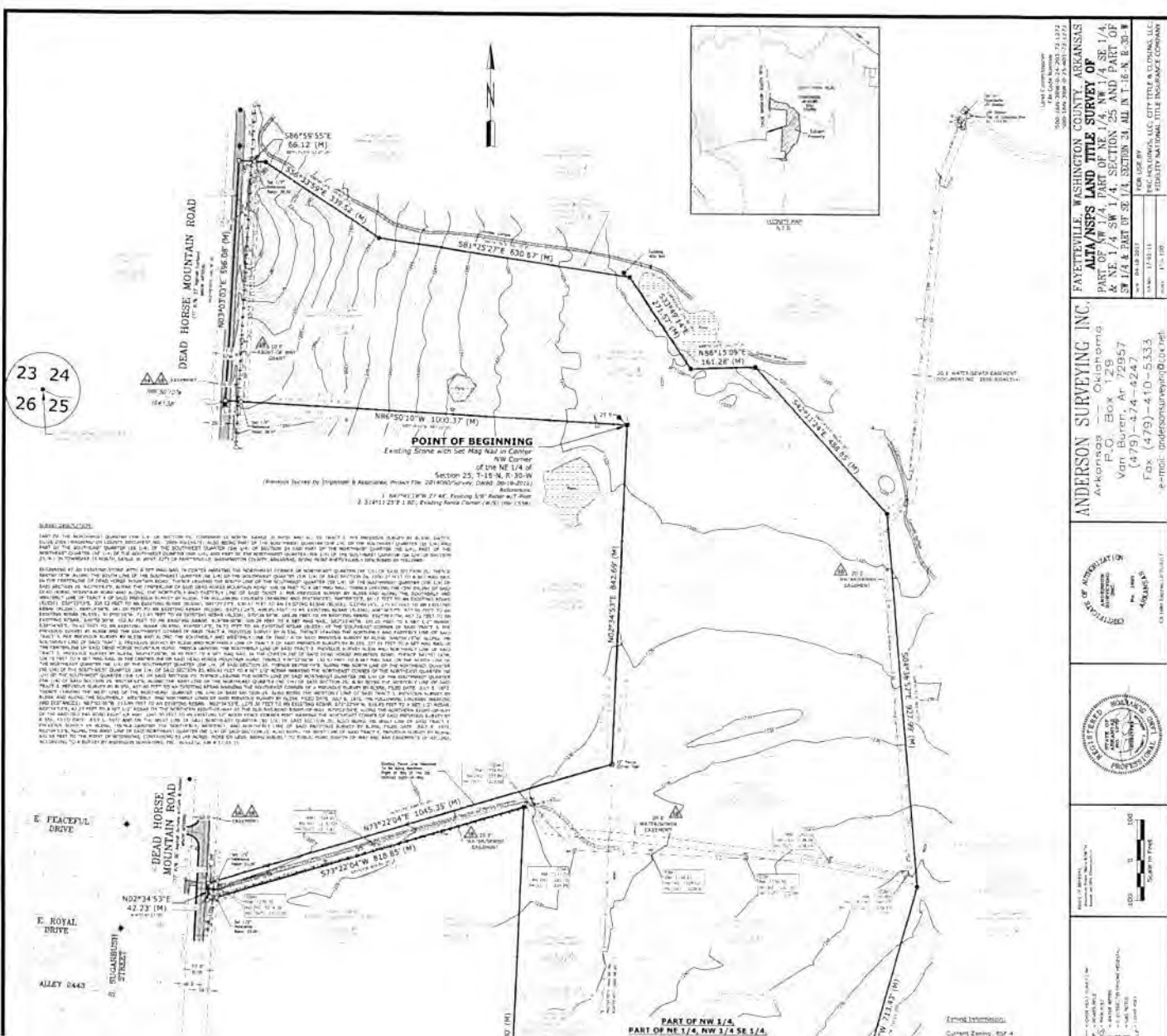
Page 8 Planning Commission

February 12, 2018

Agenda Item 3

18-6075 Meadows at Stonebridge

Page 7 of 17



Portion of Easement to be vacated:

PART OF THE NE 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 25
TOWNSHIP 16 NORTH RANGE 30 WEST WASHINGTON COUNTY ARKANSAS MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25;
THENCE N90°00'00"W 2001.00 FEET;
THENCE S00°00'00"W 76.61 FEET TO THE EASTERLY LINE OF A 20 FOOT WATER AND SEWER EASEMENT
AS DESCRIBED IN DEED 2006-00040313;
THENCE ALONG SAID EASTERLY LINE S42°11'39"E 9.87 FEET;
THENCE ALONG SAID EASTERLY LINE S04°36'52"E 902.02 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID EASTERLY LINE S04°36'52"E 20.71 FEET TO THE SOUTH LINE OF SAID
20 FOOT WATER AND SEWER EASEMENT;
THENCE ALONG SAID SOUTH LINE THE FOLLOWING FOUR COURSES:
THENCE N79°30'38"W 288.57 FEET;
THENCE N83°10'38"W 365.27 FEET;
THENCE N84°55'09"W 278.65 FEET;
THENCE N35°10'38"W 85.04 FEET;
THENCE LEAVING SAID SOUTH LINE N73°50'46"E 21.15 FEET TO THE NORTH LINE OF SAID 20 FOOT
WATER AND SEWER EASEMENT;
THENCE ALONG SAID NORTH LINE THE FOLLOWING FOUR COURSES:
THENCE S35°10'38"E 68.87 FEET;
THENCE S84°55'09"E 269.69 FEET;
THENCE S83°10'38"E 366.22 FEET;
THENCE S79°30'38"E 283.80 FEET TO THE POINT OF BEGINNING, CONTAINING 0.46 ACRES MORE OR
LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR FACT.

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

DATE: January 8th, 2018

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right-of-way~~), described as follows:

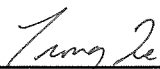
General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

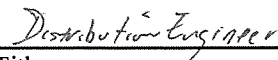
☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:


Signature of Utility Company Representative


Title

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

DATE: January 8th, 2018

UTILITY COMPANY: Black Hills Corporation

APPLICANT NAME: Crafton Tull (Joe Fifer)

APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right of way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

☒ (**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:

Brian A. Danbolt
Signature of Utility Company Representative

SUPERVISOR - GAS OPERATIONS
Title

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

DATE: January 8th, 2018

UTILITY COMPANY: AT&T

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right-of-way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

MGR OSP Plng & Design Engineering

Title

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

DATE: January 8th, 2018

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right-of-way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Mike Shippe
Signature of Utility Company Representative

SYSTEM STAKING TECH
Title

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

DATE: January 8th, 2018

UTILITY COMPANY: City of Fayetteville Water and Sewer

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (~~alley, easement, right of way~~), described as follows:

General location / Address City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

☒ (**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

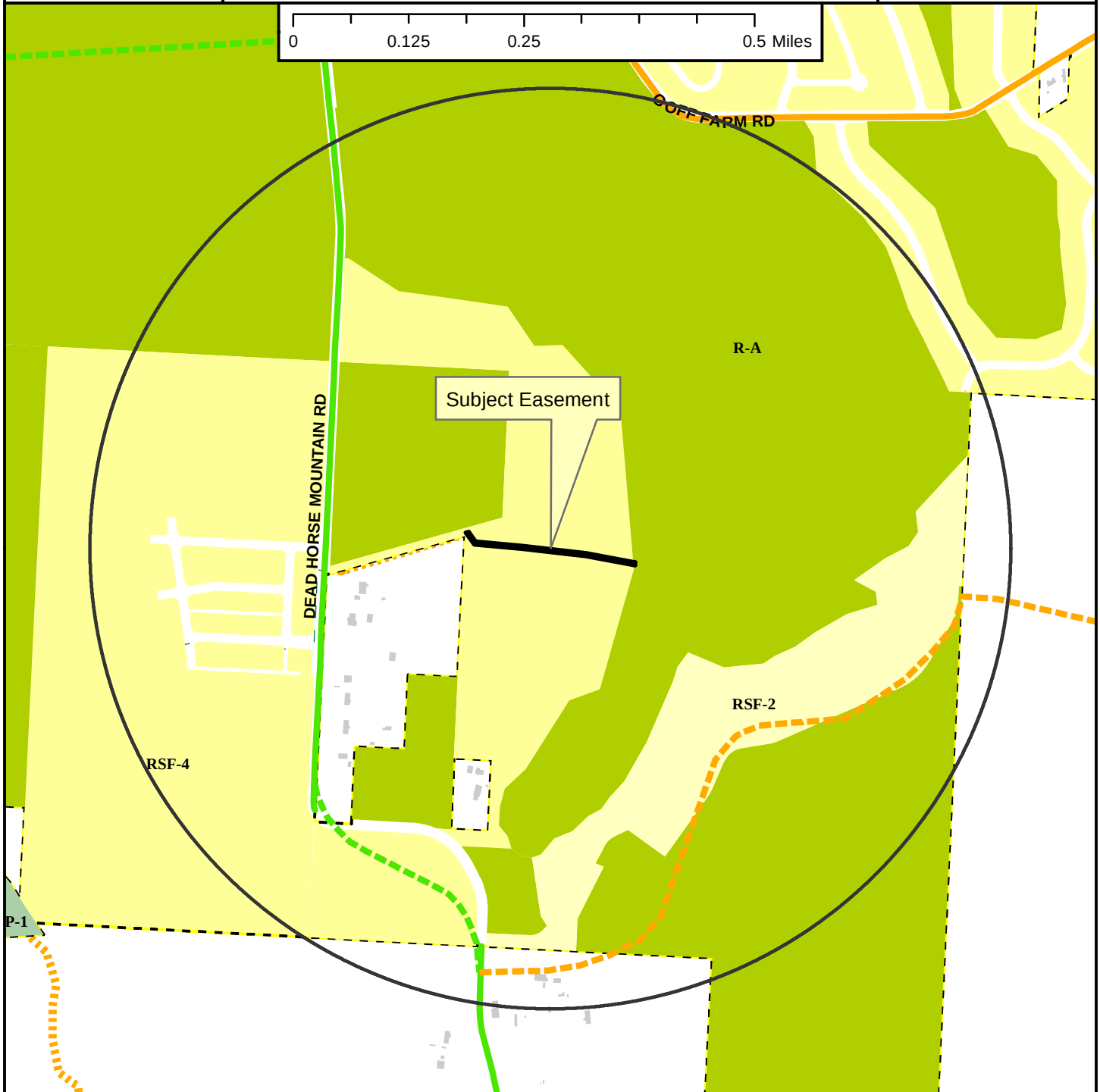
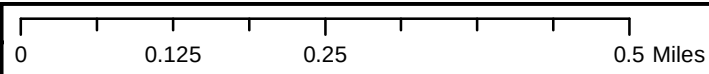
1/10/2018 WATER & SEWER OPERATIONS MANAGER
Title

VAC18-6075

MEADOWS AT STONEBRIDGE

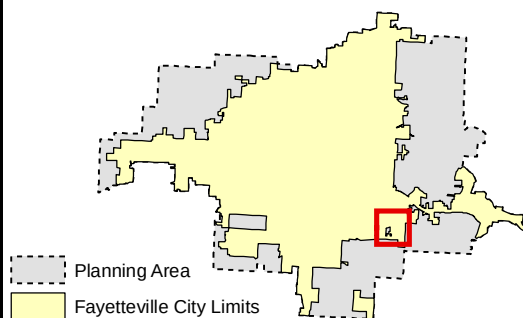


One Mile View



Legend

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



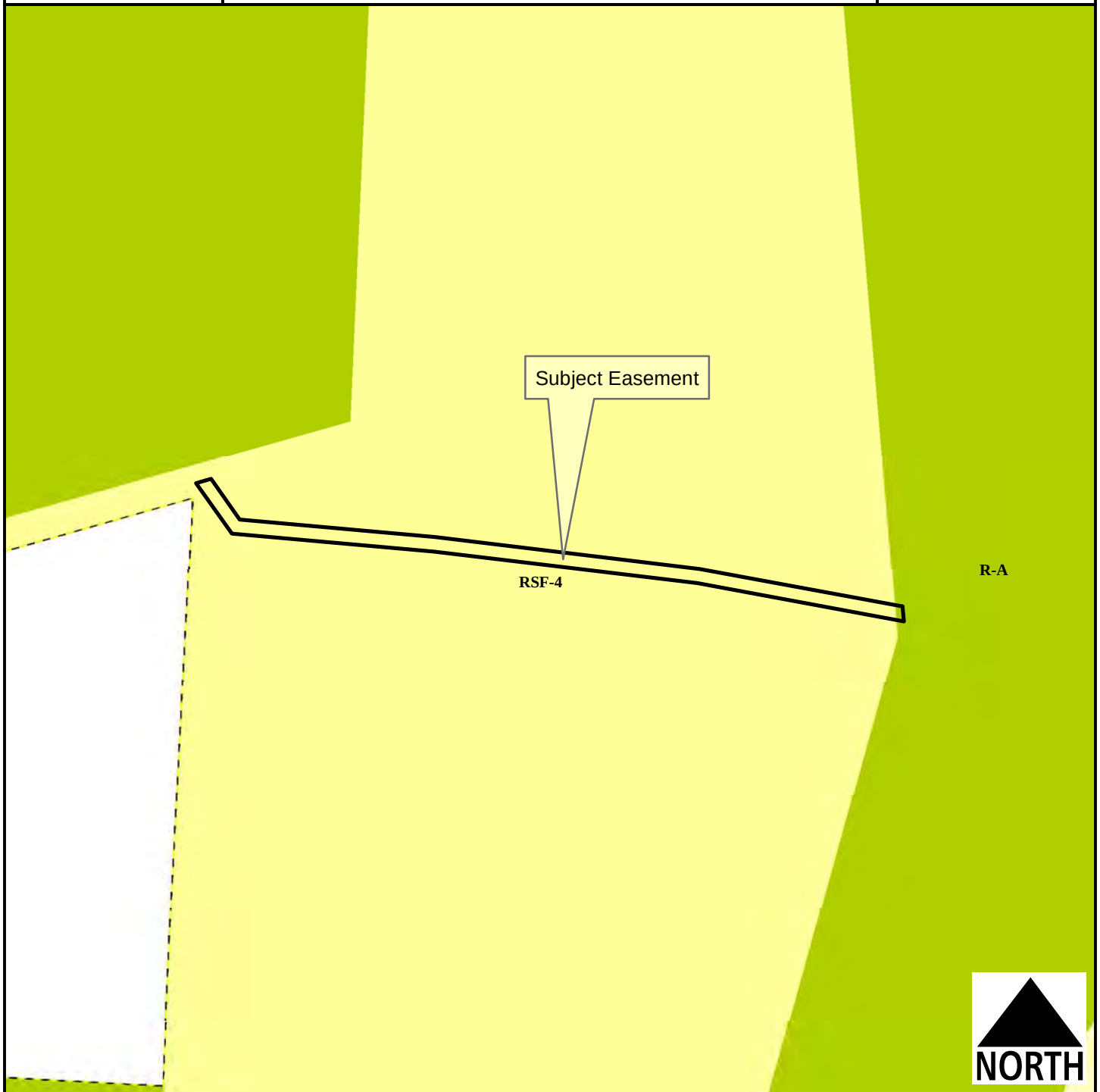
- | | |
|---|---|
| Zoning
RESIDENTIAL SINGLE-FAMILY
RSF-5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18
RESIDENTIAL MULTI-FAMILY
RT-12 Residential Two and Three-family
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40
INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial | EXTRACTION
E-1
COMMERCIAL
C-1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

Planning Commission
February 12, 2018

VAC18-6075

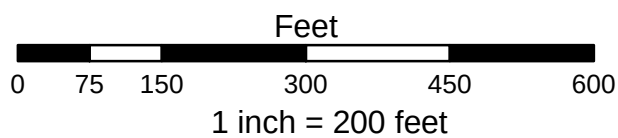
MEADOWS AT STONEBRIDGE

Close Up View



Legend

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



- Residential-Agricultural
- RSF-2
- RSF-4



VAC18-6075

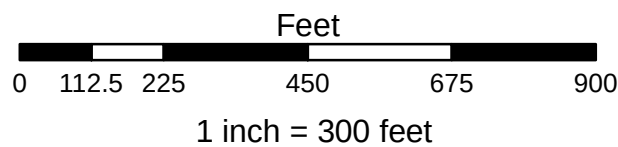
Current Land Use

MEADOWS AT STONEBRIDGE



Streets Planned MSP Class

- COLLECTOR
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0116

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

RZN 18-6062 (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 18-6062 FOR APPROXIMATELY 16.76 ACRES LOCATED SOUTH OF 2901 MOUNT COMFORT ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION FOR ABOUT 7.47 ACRES, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN FOR ABOUT 1.96 ACRES, AND TO R-A, RESIDENTIAL AGRICULTURAL FOR ABOUT 7.32 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 to NC, Neighborhood Conservation for about 7.47 acres, to RI-U, Residential Intermediate-Urban for about 1.96 acres, and to R-A, Residential Agricultural for about 7.32 acres.

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

2018-0116

Legistar File ID

3/6/2018

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

Garner Stoll

2/16/2018

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 18-6062: Rezone (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST, 363): Submitted by BLEW & ASSOCIATES, INC. for property SOUTH OF 2901 MT. COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, and contains approximately 16.76 acres. The request is to rezone approximately 7.47 acres to NC, NEIGHBORHOOD CONSERVATION, 1.93 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN, and approximately 7.32 acres to R-A, RESIDENTIAL AGRICULTURAL.

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 MARCH 6, 2018

TO: Mayor, Fayetteville City Council

THRU: Garner Stoll, Development Services Director

FROM: Harry Davis, Current Planner

DATE: February 16, 2018

SUBJECT: **RZN 18-6062: Rezone (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST, 363):** Submitted by BLEW & ASSOCIATES, INC. for property SOUTH OF 2901 MT. COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, and contains approximately 16.76 acres. The request is to rezone approximately 7.47 acres to NC, NEIGHBORHOOD CONSERVATION, 1.93 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN, and approximately 7.32 acres to R-A, RESIDENTIAL AGRICULTURAL.

RECOMMENDATION:

Staff and Planning Commission recommend approval of an ordinance to rezone property as depicted in Exhibits 'A' and 'B'.

BACKGROUND:

The subject property totaling 16.76 acres is located south and southeast of the intersection of Mount Comfort Road and Woodlark Lane. The parcel is zoned RSF-4, Residential Single-family, 4 Units per Acre and is mostly undeveloped, except for one existing accessory structure. The southern portion of the site is encompassed with the riparian corridor and floodplain of an unnamed tributary to Hamestring Creek.

Request: The request is to rezone approximately 7.47 acres to NC, Neighborhood Conservation, 1.93 acres to RI-U, Residential Intermediate-Urban, and approximately 7.32 acres to R-A, Residential Agricultural.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties at this location. Neighborhood Conservation does have a higher density of single-family homes allowed compared to surrounding properties on Mount Comfort, but staff finds no reason why the two zoning districts would be in conflict with each other. RI-U is relegated to a small part of the subject property, which ensures that the limited amount of area and access to a public street will effectively limit the number of potential dwellings and associated traffic. The small residential scale of buildings allowed in both districts would ensure an appropriate level of compatibility with surrounding properties.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Neighborhood Area, is intended to have multiple types of residential development, which the combination of surrounding zoning and the proposed zoning accomplishes different development typologies and densities. Furthermore, the area designated as Natural Area is protected best under the proposed R-A district, which requires large areas of land and street frontage per dwelling to develop. There are similar situations across Fayetteville where R-A has been used to limit development in floodplains. While the applicant could fill the floodplain and develop it under the existing RSF-4 zoning district, they propose to downzone this environmentally sensitive portion of the site and concentrate development in higher densities in the least sensitive areas.

Rezoning the property to NC and RI-U will increase traffic in this area as the site develops, but staff believes that the surrounding road network can handle the influx of potential new residents. Mount Comfort road has been recently improved as a Minor Arterial section. The attached proposal would potentially increase the population density and use of city services at this location, but staff does not believe this would have a burdensome impact given the existing infrastructure and service coverage in the area.

DISCUSSION:

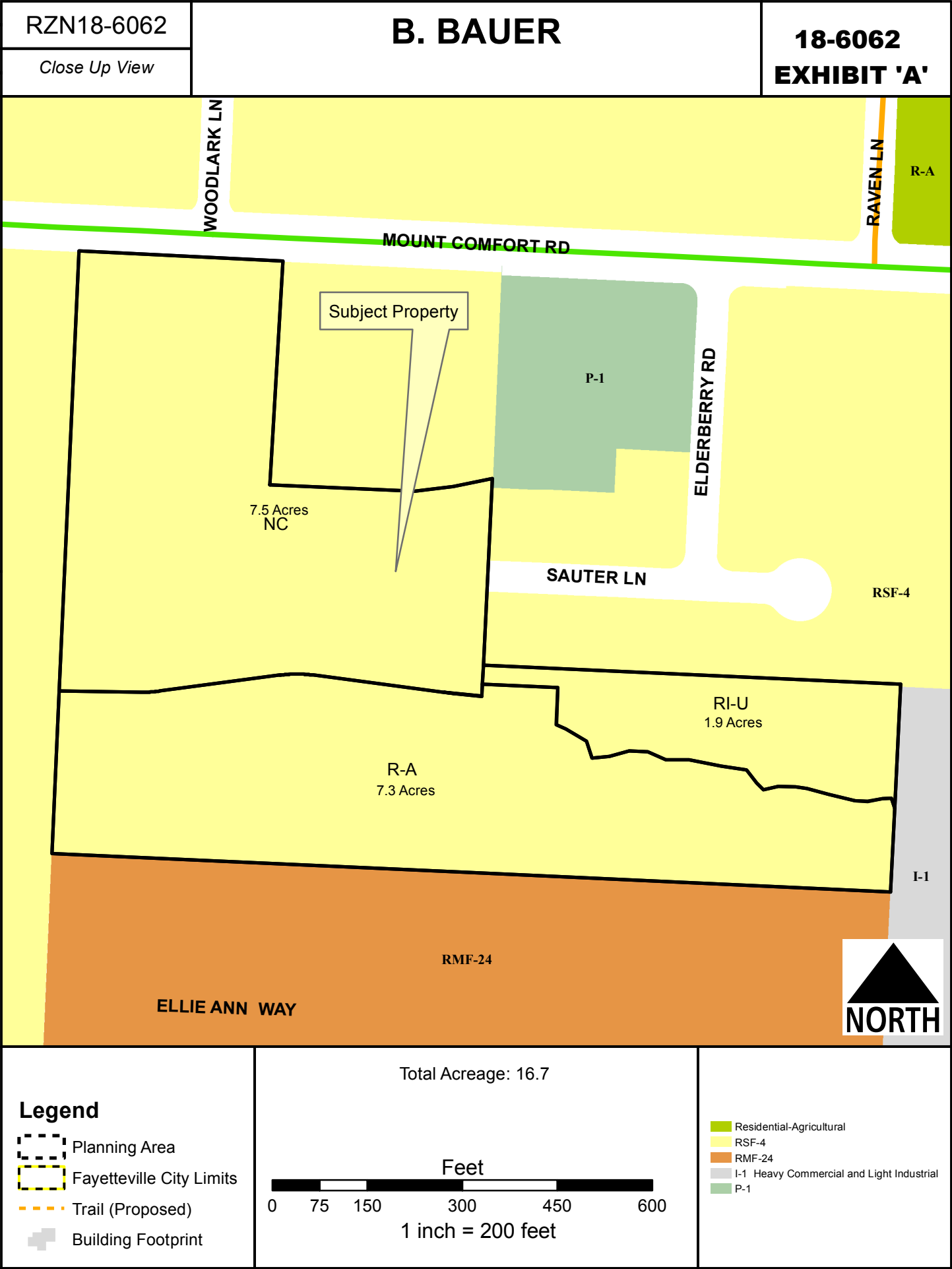
On February 12, 2018, the Planning Commission forwarded the proposal to City Council with a recommendation for approval of the applicant's request by a vote of 7-0-0. Public comment was made against the proposal during the meeting, citing safety, traffic, and density incompatibility. Additional public comment is included with the Planning Commission report.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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



18-6062

EXHIBIT 'B'

ZONE R-A DESCRIPTION

BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND 1/2 INCH REBAR BEING N02°48'40"E 329.40 FEET FROM A FOUND STONE BEING THE SOUTHEAST CORNER OF SAID FORTY AND RUNNING THENCE N87°22'28"W 661.79' TO A CAPPED 1/2 INCH REBAR, THENCE N87°22'49"W 663.70', THENCE N02°33'25"E 256.35', THENCE S89°14'07"E 129.17', THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 29.14', WITH A RADIUS OF 200.00', WITH A CHORD BEARING OF N86°35'24"E, WITH A CHORD LENGTH OF 29.12', THENCE N82°24'55"E A 192.10', THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 52.84', WITH A RADIUS OF 200.00', WITH A CHORD BEARING OF N89°59'02"E, WITH A CHORD LENGTH OF 52.68', THENCE S82°26'51"E 206.57', THENCE S84°00'45"E 15.94', THENCE S84°10'11"E 45.43', THENCE N03°12'17"E 19.26', THENCE S87°25'59"E 119.56', THENCE S02°34'01"W 58.93', THENCE S65°13'51"E 16.37', THENCE S59°58'48"E 38.07', THENCE S18°01'20"E 28.32', THENCE N84°31'33"E 26.98', THENCE N74°29'36"E 32.54', THENCE S88°21'51"E 29.42', THENCE S65°51'08"E 31.88', THENCE S89°58'52"E 36.07', THENCE S78°57'19"E 52.17', THENCE S81°20'42"E 40.41', THENCE S37°21'17"E 25.62', THENCE S46°16'48"E 15.10', THENCE N77°26'12"E 23.98', THENCE S88°12'38"E 27.39', THENCE S80°32'29"E 18.01', THENCE S75°09'43"E 35.92', THENCE S76°59'45"E 42.34', THENCE S86°16'35"E 20.03', THENCE N79°36'10"E 23.82', THENCE N86°23'18"E 14.32', THENCE S16°52'40"E 16.88', THENCE S02°49'16"W 131.94' TO THE POINT OF BEGINNING. HAVING AN AREA OF 318702.96 SQUARE FEET, 7.32 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

RI-U ZONE DESCRIPTION

BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS N02°48'40"E 461.34' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N16°53'46"W 16.89', THENCE S86°23'18"W 14.32', THENCE S79°36'10"W 23.82', THENCE N86°16'35"W 20.03', THENCE N76°59'45"W 42.34', THENCE N75°09'43"W 35.92', THENCE N80°32'29"W 18.01', THENCE N88°12'38"W 27.39', THENCE S77°26'12"W 23.98', THENCE N46°16'48"W 15.10', THENCE N37°21'17"W 25.62', THENCE N81°20'42"W 40.41', THENCE N78°57'19"W 52.17', THENCE N89°58'52"W 36.07', THENCE N65°51'08"W 31.88', THENCE N88°21'51"W 29.42', THENCE S74°29'36"W 32.54', THENCE S84°31'33"W 26.98', THENCE N18°01'20"W 28.32', THENCE N59°58'48"W 38.07', THENCE N65°13'51"W 16.37', THENCE N02°34'01"E 58.93', THENCE N87°25'55"W 119.56', THENCE N03°12'17"E 30.09', THENCE S87°23'51"E 659.59' TO A FOUND IRON PIN, THENCE S02°49'16"W 196.47' TO THE POINT OF BEGINNING. HAVING AN AREA OF 84645.45 SQUARE FEET, 1.94 ACRES. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NC ZONE DESCRIPTION

BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS N02°48'40"E 329.40', N87°22'28"W 661.79' AND N03°12'17"E 278.84' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N84°09'14"W 61.37', THENCE N82°26'51"W 206.57', THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 52.84', WITH A RADIUS OF 200.00', WITH A CHORD BEARING OF S89°59'02"W, WITH A CHORD LENGTH OF 52.68', THENCE S82°24'55"W 192.10', THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 29.14', WITH A RADIUS OF 200.00', WITH A CHORD BEARING OF S86°35'24"W, WITH A CHORD LENGTH OF 29.12', THENCE N89°14'07"W 129.17', THENCE N02°33'25"E 695.38', THENCE S87°14'04"E 322.92', THENCE S03°21'17"W 354.35', THENCE S87°36'16"E 228.96', THENCE N83°22'40"E 60.80', THENCE N78°08'07"E 63.59', THENCE S02°46'44"W 295.00' TO A FOUND IRON PIN, THENCE S03°12'17"W 49.35' TO THE POINT OF BEGINNING. HAVING AN AREA OF 326499.99 SQUARE FEET, 7.50 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: February 12, 2018 **UPDATED W PC RESULTS**

SUBJECT: **RZN 18-6062: Rezone (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST, 363):** Submitted by BLEW & ASSOCIATES, INC. for property SOUTH OF 2901 MT. COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 16.76 acres. The request is to rezone approximately 7.47 acres to NC, NEIGHBORHOOD CONSERVATION, 1.93 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN, and approximately 7.32 acres to R-A, RESIDENTIAL AGRICULTURAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 18-6062** to City Council with a recommendation for approval based upon the findings herein.

BACKGROUND:

The subject property totaling 16.76 acres is located south and southeast of the intersection of Mount Comfort Road and Woodlark Lane. The parcel is zoned RSF-4, Residential Single-family, 4 Units per Acre and is mostly undeveloped, except for one existing accessory structure. The southern portion of the site is encompassed with the riparian corridor and floodplain of an unnamed tributary to Hamestrung Creek. The surrounding land use and zoning is in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Residential; Floodplain; Undeveloped	RMF-24, Residential Multi-family, 24 Units per Acre
East	Industrial	I-1, Heavy Commercial and Light Industrial
West	Residential; Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone approximately 7.47 acres to NC, Neighborhood Conservation, 1.93 acres to RI-U, Residential Intermediate-Urban, and approximately 7.32 acres to R-A, Residential Agricultural. The applicant stated the rezoning is needed for a future preliminary plat at this location.

Public Comment: Staff has received public comment generally opposed to the request. Concerns noted are an increase in traffic on Mount Comfort Road and the density allowed by-right in NC and RI-U.

INFRASTRUCTURE:

Streets: The subject parcel has access to West Mount Comfort Road. West Mount Comfort Road is an improved four lane asphalt street with sidewalk, curb and gutter, and storm drains. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the site. There is an existing 12-inch main along West Mount Comfort Road

Sewer: Sanitary Sewer is available to the site. There is an existing 8-inch main along West Mount Comfort Road

Drainage: A portion of this property is identified as FEMA regulated floodplains. No part of the parcel lies within the HHOD. There are protected streams on this parcel. There are hydric soils identified on this parcel. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: The Fire Department has reviewed the rezoning request and has no comments.

The site will be protected by Ladder 7, located at 835 N. Ruppel Road. The property is located approximately 2 miles from the fire station with an anticipated response time of approximately 5 minutes to the beginning of the development. The Fayetteville Fire Department has a 6-minute response time goal for all development. Since the response time for this property is less than 6 minutes, the Fire Department does not feel this development will negatively impact response time averages for this area.

Police: The Police Department expressed no concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **Residential Neighborhood Area**.* These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

The southern portion of this site is classified as **Natural Area**. These areas consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, as identified in the FNHA study, many of which make up the backbone of the enduring green network. A **Natural Area** designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development for all construction.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** The proposed zoning is compatible with the surrounding properties at this location. Neighborhood Conservation does have a higher density of single-family homes allowed compared to surrounding properties on Mount Comfort, but staff finds no reason why the two zoning districts would be in conflict with each other. RI-U is relegated to a small part of the subject property, which ensures that the limited amount of area and access to a public street will effectively limit the number of potential dwellings and associated traffic. The small residential scale of buildings allowed in both districts would ensure an appropriate level of compatibility with surrounding properties.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Neighborhood Area, is intended to have multiple types of residential development, which the combination of surrounding zoning and the proposed zoning accomplishes different development typologies and densities. Furthermore, the area designated as Natural Area is protected best under the proposed R-A district, which requires large areas of land and street frontage per dwelling to develop. There are similar situations across Fayetteville where R-A has been used to limit development in floodplains. While the applicant could fill the floodplain and develop it under the existing RSF-4 zoning district, they propose to downzone this environmentally sensitive portion of the site and concentrate development in higher densities in the least sensitive areas.

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

Finding: Staff does believe the applicant has given sufficient justification for rezoning the property. The proposed zoning districts are necessary to achieve the flexibility and variety of lot sizes and building types not afforded by the existing zoning.

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

Finding: Rezoning the property to NC and RI-U will increase traffic in this area as the site develops, but staff believes that the surrounding road network can handle the influx of potential new residents. Mount Comfort road has been recently improved as a Minor Arterial section.

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

Finding: Rezoning this property from RSF-4 to NC and RI-U would potentially increase the population density and use of city services at this location, but staff does not believe this would have a burdensome impact given the existing infrastructure in the area.

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: Planning staff recommends forwarding RZN 18-6062 to City Council with a recommendation for approval.

RECOMMENDED MOTION: "I motion to forward RZN 18-6062 to City Council with a recommendation for approval."

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>February 12, 2018</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Quinlan	Motion to forward to CC with recommendation of approval		
Second: Brown	Motion passes		
Vote: 7-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.03, 161.07, 161.12, and 161.29
- Request letter
- Rezone exhibit
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.03 - District R-A, Residential-Agricultural

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

(B) *Uses* .

(1) *Permitted Uses*.

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

(2) *Conditional Uses* .

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

Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density*.

Units per acre	One-half (½)
----------------	--------------

(D) *Bulk and Area Regulations*.

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

(E) *Setback Requirements*.

Front	Side	Rear
35 feet	20 feet	35 feet

(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.

(G) *Building area*. None.

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
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(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations .*

Building Height Maximum	45 feet
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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.

161.12 - District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	30/45 feet
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

(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.

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
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BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

January 2, 2018

City of Fayetteville
Planning Commission

SUBJECT: Parcel 765-13625-001, 765-13626-000 and 765-13627-000
W. Mount Comfort Road

To Whom It May Concern:

- a. Current ownership information and any proposed or pending property sales.

Henbest, Jack & Juanita Rev Trust
C/O Debbie Cawood
4124 Front Porch View
Fayetteville, Ar 72704-6520

Pending Property Sale to:

Mr. Bart Bauer
1417 N. Addington Avenue
Fayetteville, AR 72703

- b. Reason (need) for requesting the zoning change.

Mr. Bauer is planning on submitting a preliminary plat that requires a zoning change to Neighborhood Conservation that allows for structures and lot sizes that the current zoning (RSF-4) does not allow for including but not limited to 40' minimum width lots.

The property in the flood plain will be rezoned to R-A to allow for Agricultural Uses in a difficult area to develop.

- c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The surrounding zoning contains properties that have an Industrial Zoning (I-1), Residential Single Family Zoning (RSF-4), Residential Multi Family Zoning (RMF-24) and Institutional Zoning (P-1). The Future Land Use Plan denotes the area that is being requested zoned to NC as "Residential Neighborhood Area". The Area in the Flood Plain is listed as "Natural Area". Accordingly, the requested zoning classification appear to conform with the surrounding zoning as well as the Future Land Use Plan.

Mt Comfort Road will be used as the primary entrance into the subdivision. Mt. Comfort Road is a Minor Arterial 4 Lane Street Section. The additional traffic generated by the property should not negatively impact Mr. Comfort Road.

Signage conforming to City of Fayetteville's ordinances will be requested along Mount Comfort Road.

- d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

There is a 12" Water Line on the south side of W. Mount Comfort Road and a 8" Sewer Line that runs on the west side of the property.

- e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The proposed zoning is consistent with planning objectives, principles, and policies and with land use and zoning plans.

- f. Whether the proposed zoning is justified and/or needed at the time of the request.

The proposed zonings will encourage appropriate development of the property to be in further conformance with the City of Fayetteville's Future Land Use Plan.

- g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The proposed zoning is not expected to increase traffic danger or congestion to a significant degree over the existing zoning. The subject property is adjacent to a fully developed Minor Arterial (W. Mount Comfort Road)

- h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

The development should not undesirably increase the load on public services.

- i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The lot width of the current zoning would not work for the proposed development.

Sincerely,

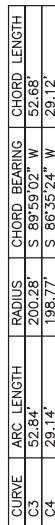
Jorge Du Quesne
Blew & Associates, PA

[illegible][illegible]

Miscellaneous Notes

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

ALL DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WERE INDICATED.



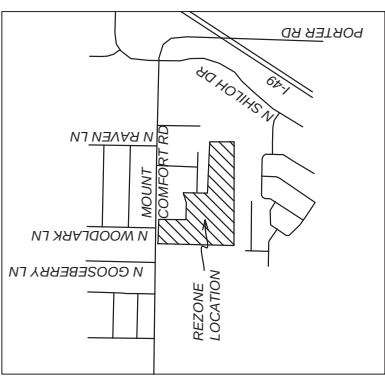
CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C3	52.84'	200.28'	S 89°59'02" W	52.68'
C4	29.14'	198.77'	S 86°35'24" W	29.12'

1 INCH = 200 FEET

Legend of Symbols & Abbreviations

- BOUNDARY LINE
FORTY LINE
CENTERLINE OF ROAD
REZONE BOUNDARY
FLOOD PLAIN
RIGHT-OF-WAY
FENCE
FOUND MONUMENT
COMPUTED POINT

L31	8 62'53.16" W	16.89
L32	8 62'53.16" W	14.32
L33	7 59'36.10" W	23.82
L34	8 61'16.35" W	20.03
L35	7 56'59.45" W	42.34
L36	8 75'09.43" W	35.92
L37	8 02'32.78" W	18.01
L38	8 02'32.78" W	27.39
L39	7 57'26.12" W	21.98
L40	8 44'16.18" W	15.10
L41	8 32'21.17" W	25.82
L42	8 31'20.42" W	40.41
L43	8 58'27.19" W	32.17
L44	8 59'58.52" W	36.07
L45	8 53'51.08" W	31.88
L46	8 52'51.51" W	29.42
L47	8 74'29.36" W	32.54
L48	8 54'31.33" W	26.98
L49	8 19'01.20" W	28.32
L50	8 59'58.48" W	38.07
L51	8 56'13.51" W	16.37
L52	8 52'34.01" E	58.93
L53	8 07'25.55" W	19.56
L54	8 35'12.17" E	30.09
L55	8 02'49.16" W	196.47
L56	8 54'07.44" W	61.37
L57	8 52'24.55" W	192.10
L58	8 59'17.40" W	129.17
L59	8 53'22.40" E	60.80
L60	8 58'08.07" E	63.59
L61	8 03'12.17" W	49.35



FIRM

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

Certificate of Authorization № 1534

DRAWING & DATE	TKS	REVIEWED BY	JD	SURVEYED BY	DDA
COUNTY & STATE	JOH NUMBER				
WASHINGTON COUNTY, ARKANSAS		17-2720			
LOCATION PART OF NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST FOR THE USE AND BENEFIT OF					

BART BAUER

Davis, Harry

From: Janet Selby <janet@ibfnwa.com>
Sent: Tuesday, January 23, 2018 3:50 PM
To: Thompson, Quin
Cc: Davis, Harry
Subject: RE: bauer rezone

Hi Quin. Thank you for sending this information.

Harry. Do you have any idea how backed up the traffic is NOW on Mt. Comfort road? You must be in the left lane to turn north onto I49 from Mt. Comfort. At this time, during morning traffic, this lane is backed up well west of Rupple Road. I cannot imagine putting 500 more cars in that mix. It takes me a good 10-12 minutes to pull out of my driveway in the mornings, and I make a point not to have to leave until 9 a.m. Do you really think this is a good idea? NC?? 10 single family lots per acre? Aren't there 20 acres there? Please consider this. It would create havoc and would cause dangerous traffic situations.

I oppose this rezoning request.

Thank you,

Janet Johnston Selby
Innovative Business Furniture, Inc.
479-872-2100 ext. 225 office
479-872-2101 fax
479-466-9666

We sell solutions, we just happen to leave furniture behind!

From: Thompson, Quin [mailto:qthompson@fayetteville-ar.gov]
Sent: Tuesday, January 23, 2018 3:41 PM
To: Janet Selby <janet@ibfnwa.com>
Cc: Davis, Harry <hdavis@fayetteville-ar.gov>
Subject: bauer rezone

Janet,

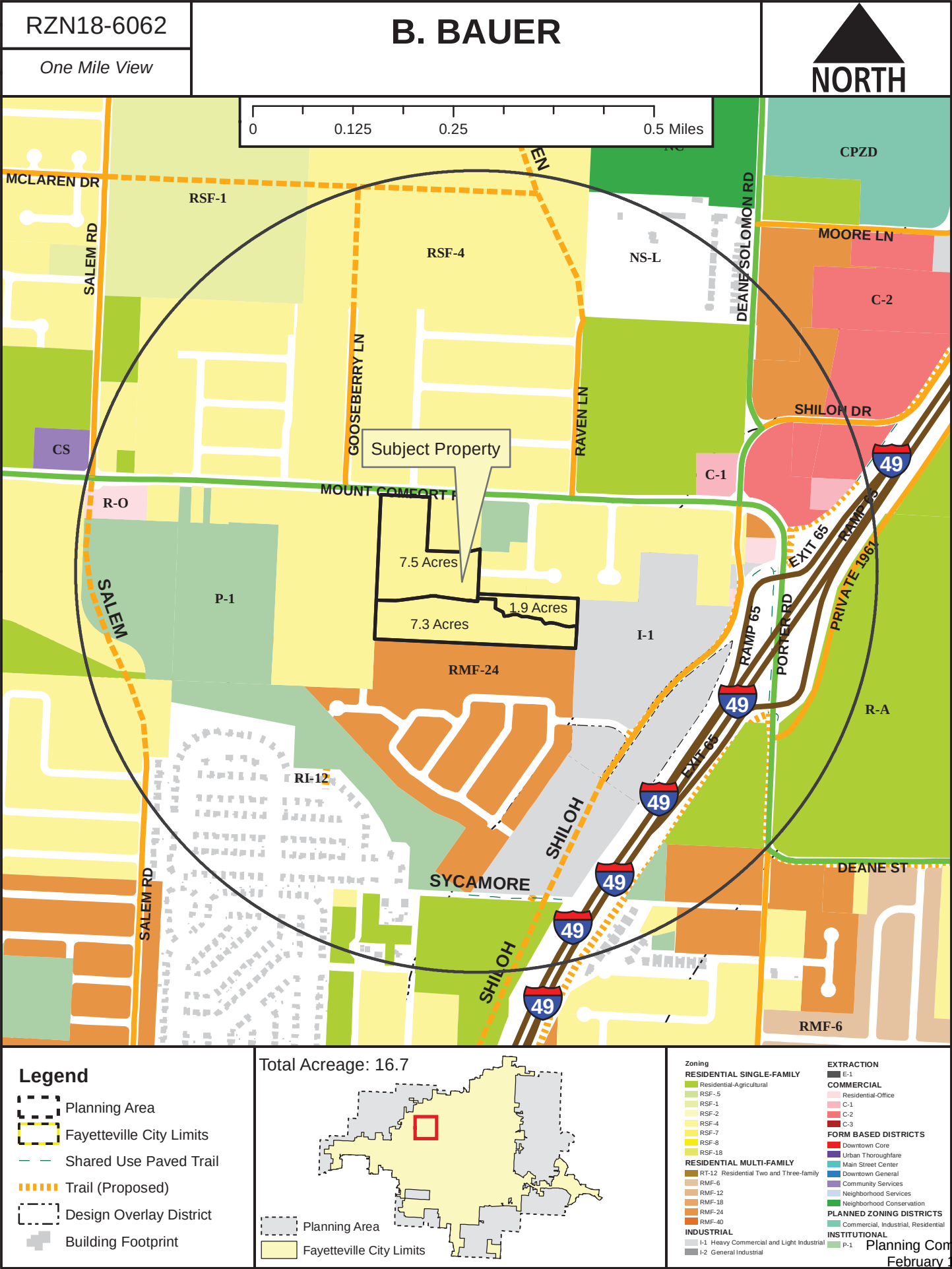
Re: attached submittal material for the rezone request on Mt. Comfort. Harry Davis is assigned to this item, any comments should be made to him.

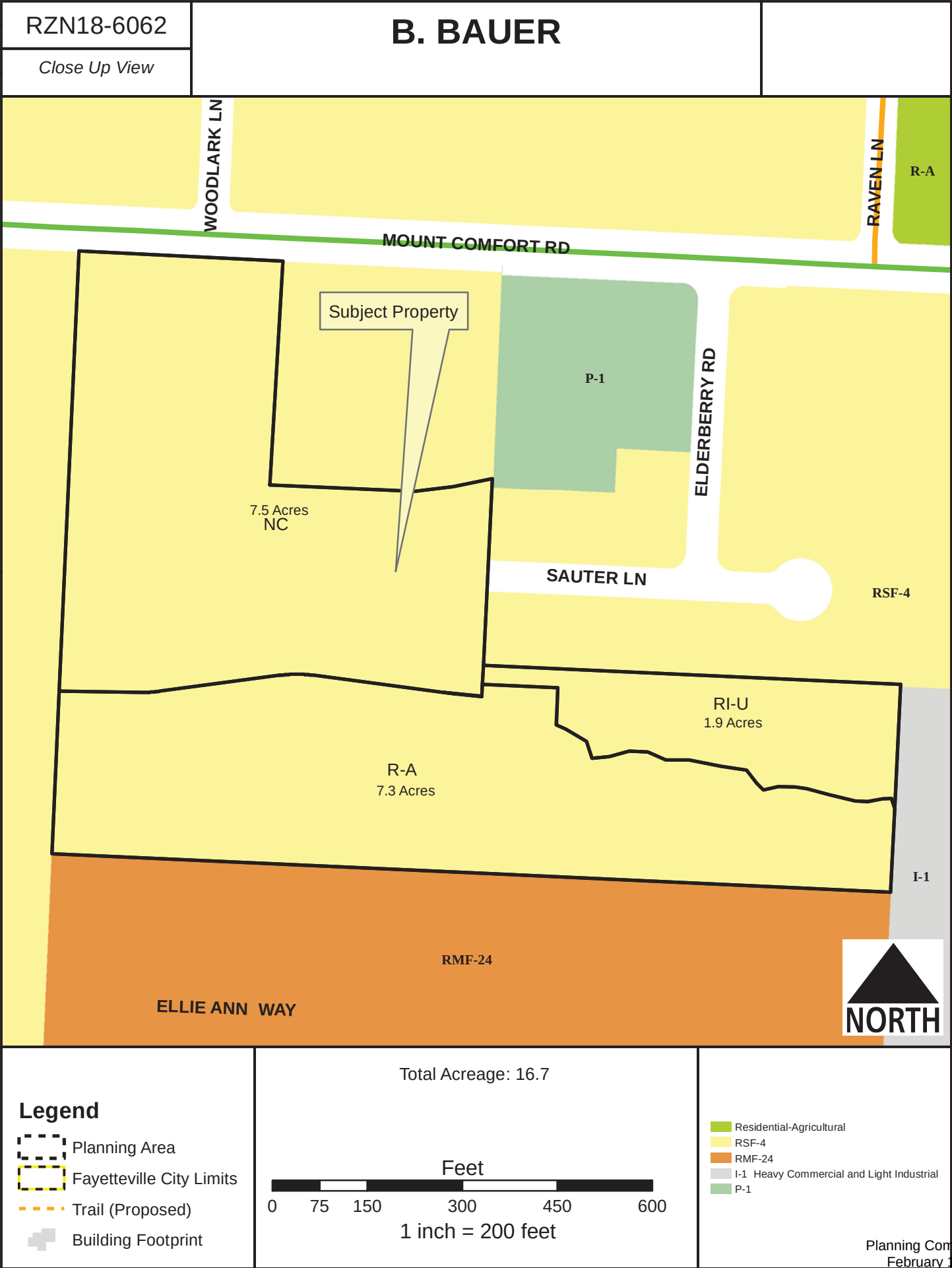
Vicky (Bradshaw?) - 1/25/18 Thursday 9:30 AM - (479) 445-8238

- Lives in Salem Heights off Mt. Comfort
- Opposed to more traffic on Mt. Comfort
- Opposed to ~200 homes on 20 acres

Jeffrey Seidensticker - In-Person
Jeffrey Seidensticker - In-Person @ 2:00 PM, 1/29/18

- Opposes rezone
- Proposal is too high in density
- Concerned about increased traffic on Mt. Comfort





RZN18-6062

Current Land Use

B. BAUER



Streets Existing

MSP Class

-  COLLECTOR
-  MINOR ARTERIAL
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits
-  Design Overlay District

Total Acreage: 16.7

Feet



1 inch = 300 feet

FEMA Flood Hazard Data

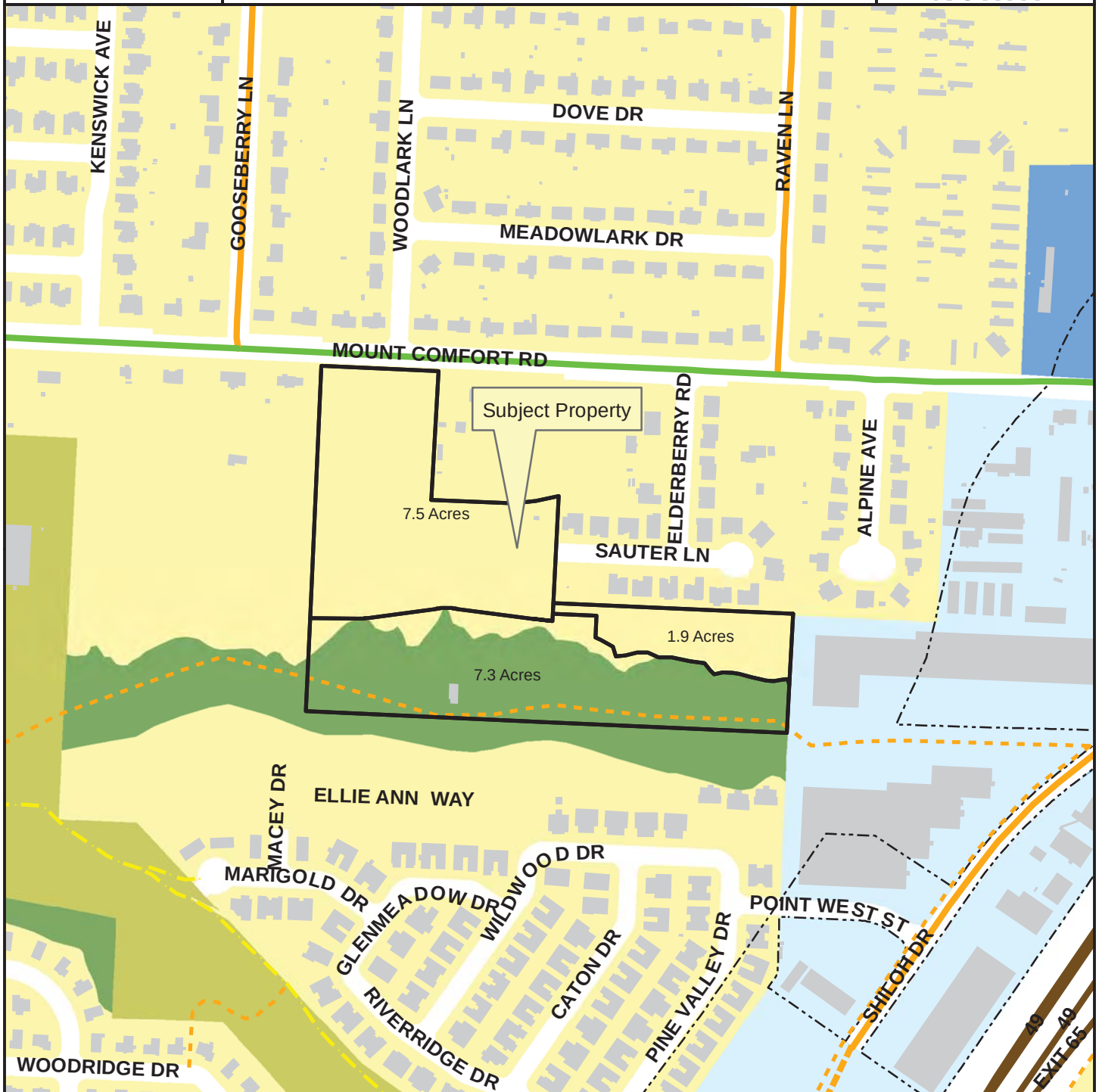
-  100-Year Floodplain
-  Floodway

RZN18-6062

B. BAUER



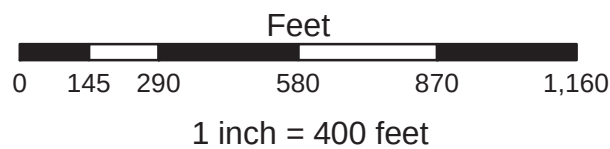
Future Land Use



Legend

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

Total Acreage: 16.7



FUTURE LAND USE 2030

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0085

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

RZN 17-6052 (EAST OF ROLLING HILLS DR./KEENAN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-6052 FOR APPROXIMATELY 22.59 ACRES LOCATED AT EAST OF ROLLING HILLS DRIVE AND OLD MISSOURI ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

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 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

2018-0085

Legistar File ID

2/20/2018

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Garner Stoll

2/2/2018

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-6052: Rezone (EAST OF ROLLING HILLS DR. & OLD MISSOURI RD./KEENAN, 253-254): Submitted by JORGENSEN & ASSOCIATE, INC. for property EAST OF ROLLING HILLS DR. & OLD MISSOURI RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 22.59 acres. The request is to rezone the property 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 FEBRUARY 20, 2018

TO: Mayor, Fayetteville City Council

THRU: Garner Stoll, Development Services Director

FROM: Jonathan Curth, Senior Planner
Andrew Garner, Planning Director

DATE: February 2, 2018

SUBJECT: **RZN 17-6052: Rezone (EAST OF ROLLING HILLS DR. & OLD MISSOURI RD./KEENAN, 253-254):** Submitted by JORGENSEN & ASSOCIATE, INC. for property EAST OF ROLLING HILLS DR. & OLD MISSOURI RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 22.59 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to NC, Neighborhood Conservation, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The proposed rezoning request is an approximately 22.59-acre portion of a larger 50-acre parcel to the east of Old Missouri Road, between Farr Lane to the north and portions of the Strawberry Hill subdivision to the south. The property is currently undeveloped and zoned RSF-4, Residential Single-family, 4 Units per Acre. Along the southern extent of the proposed rezoning, the City's Master Street Plan indicates a Planned Principal Arterial link connecting Rolling Hills Drive in the west with Old Wire and Crossover Roads to the east. Although not identified as being within Hillside-Hilltop Overlay District, the property is heavily-vegetated with a significant downward grade from southeast to northwest.

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, to NC, Neighborhood Conservation, in order prepare the parcel for development.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use patterns in this area, which includes a mixture of residential and non-residential development of generally low-intensity. Despite the greater density allowed under the proposed zoning district, staff finds that the single-family character of NC will complement the overwhelmingly detached dwelling development pattern of the area. Further bolstering staff's support of the request is the existing NS-G, Neighborhood Services, General, property to the west and the extension of Rolling Hills through the site. Although currently undeveloped, the property zoned NS-G allows low-intensity,

non-residential uses along with some attached residential building types. If developed, a logical transition would result from greater densities along Old Missouri Road in the west to the lower-density single-family to the north, south, and east.

Another consideration is the terrain of the area proposed for rezoning as it relates to surrounding land uses. As noted, the subject property slopes downward significantly from southeast to northwest. This gradient creates a natural transition of elevation just as the zoning transitions from the greater density of the proposed NC zoning district to the lower densities of the adjacent RSF-4 zoning districts.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. Along with the recently-rezoned NS-G land to the west, development under the NC zoning on the subject property will encourage traditional neighborhood development in a compact form that is both complemented by nonresidential development to the west and complimentary of existing, low-density single-family developments to the east.

Among the goals in City Plan 2030, the proposed rezoning represents the potential for appropriate infill development, development in a traditional town form pattern, and a means of discouraging suburban sprawl. Although extensions of infrastructure are likely needed to facilitate development, adjacent City facilities and amenities are already in place and available for access, thereby reducing the strain on City infrastructure and amenities that would result from similar development in a sprawl location. Similarly, the requested NC zoning district and its associated build-to zone encourage patterns of development that result in realizing the City's goal of making traditional town form the standard. This includes the expectation that buildings be located at the street and on corners, thereby creating an environment appealing to pedestrians.

DISCUSSION:

On January 22, 2018, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 7-0-0. Several members of the public spoke in opposition to the request, citing concerns about the Master Street Plan extension of Rolling Hills from Old Missouri to Crossover and Old Wire, and how the site would be developed appropriately given the terrain. Additionally, opposition was expressed regarding the potential that development under the proposed zoning district may cause traffic congestion, unsafe traffic conditions, adverse stormwater runoff, and dangers to pedestrians and school children at the adjacent Butterfield Elementary.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

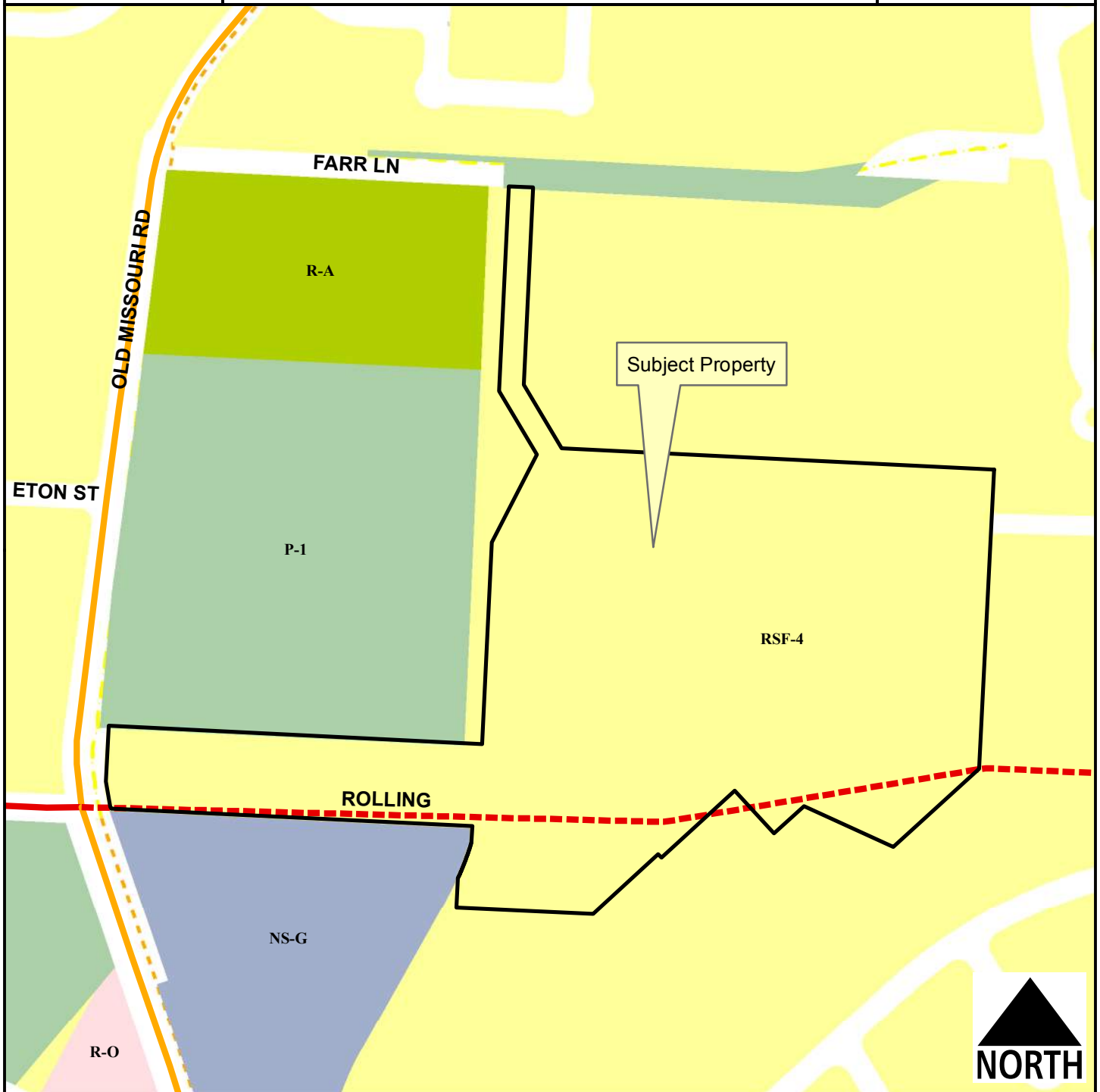
RZN17-6052

KEENAN

EXHIBIT 'A'

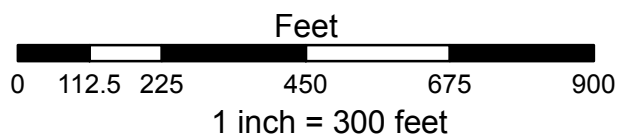
Close Up View

17-6052



Legend

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



- Residential-Agricultural
- RSF-4
- Residential-Office
- Neighborhood Services - Gen.
- P-1

EXHIBIT 'B'
17-6052

LEGAL DESCRIPTION - TO BE REZONED TO NC:

A part of the NW1/4 of the NE1/4, a part of the SW1/4 of the NE1/4, and a part of the SE1/4 of the NW1/4, of Section 36, T17N, R30W in Washington County, Arkansas and being described as follows: Beginning at the SE Corner of said NW1/4, NE1/4, said point being the POINT OF BEGINNING, thence S47°39'53"W 239.26 feet, thence N65°30'44"W 202.53 feet, thence S47°30'13"W 83.43 feet, thence N42°29'47"W 120.00 feet, thence S47°30'13"W 205.00 feet, thence N42°29'47"W 10.00 feet, thence S47°30'13"W 182.29 feet, thence N87°14'50"W 282.64 feet, thence N02°45'10"E 59.37 feet, thence along a non tangent curve to the left 82.00 feet, said curve having a radius of 538.69 feet and chord bearing and distance of N20°31'18"E 81.92 feet, thence N02°45'10"E 32.12 feet, thence N87°14'50"W 745.99 feet, thence N19°07'21"W 4.42 feet, thence N09°45'53"W 52.11 feet, thence N02°47'04"E 115.12 feet, thence S87°11'51"E 770.82 feet, thence N02°45'46"E 416.18 feet, thence N27°12'39"E 204.31 feet, thence N30°53'35"W 152.48 feet, thence N02°45'58"E 422.44 feet, thence S86°58'37"E 50.00 feet, thence S02°45'58"W 407.09 feet, thence S30°53'35"E 153.08 feet, thence S87°10'56"E 892.40 feet, thence S02°50'27"W 617.45 feet to the POINT OF BEGINNING, Containing 22.59 acres, more or less, subject to easements and right of ways of record.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00
Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

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

Application:

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

Applicant (person making request):

Name: James Keenan

Address: PO Box 9600
FAYETTEVILLE, AR 72703

E-mail: _____

Phone: _____
() _____
() _____

Fax: _____
() _____

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

Name: Jorgensen & Assoc

Address: 124 W. Sunbridge
FAYETTEVILLE, AR 72703

E-mail: dave@jorgensenassoc.com

Phone: _____
() 442-9127
() _____

Fax: _____
() _____

Site Address / Location: FARR LN / OLD MISSOURI RD

Current Zoning District: _____ Requested Zoning District: NC

Assessor's Parcel Number(s) for subject property: 765-16065-012

FINANCIAL INTERESTS

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

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

Name (printed): James Keenan 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.)

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

Name (printed): James Keenan Address: PO Box 9600
FAYETTEVILLE, AR 72703
Signature: _____ Phone: _____
Date: _____ ()

Name (printed): _____ Address: _____
Signature: _____ Phone: _____
Date: _____ ()

Rezoning Checklist:

Attach the following items to this application:

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



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: January 8, 2018 **(Updated with Planning Commission Results)**

SUBJECT: **RZN 17-6052: Rezone (EAST OF ROLLING HILLS DR. & OLD MISSOURI RD./KEENAN, 253-254):** Submitted by JORGENSEN & ASSOCIATE, INC. for property EAST OF ROLLING HILLS DR. & OLD MISSOURI RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 49.60 acres. The request is to rezone approximately 22.59 acres to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-6052** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

The proposed rezoning request is an approximately 22.59-acre portion of a larger 50-acre parcel to the east of Old Missouri Road, between Farr Lane to the north and portions of the Strawberry Hill subdivision to the south. The property is currently undeveloped and zoned RSF-4, Residential Single-family, 4 Units per Acre. Along with 11,000 acres of other property on the periphery of the City's boundaries, the subject property was annexed in to Fayetteville in 1967. Along the southern extent of the proposed rezoning, the City's Master Street Plan indicates a Planned Principal Arterial link connecting Rolling Hills Drive in the west with Old Wire and Crossover Roads to the east. Although not identified as being within Hillside-Hilltop Overlay District, the property is heavily-vegetated with a significant downward grade from southeast to northwest. Surrounding land use and zoning is provided on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Butterfield Trail Elementary School; Large Lot Single-family Residential	P-1, Institutional; RSF-4, Residential Single-family, 4 Units per Acre
South	Undeveloped; Single-family Residential	NS-G, Neighborhood Services, General; RSF-4, Residential Single-family, 4 Units per Acre
East	Large Lot Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Butterfield Trail Elementary School; Single-family Residential	P-1, Institutional RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre to NC, Neighborhood Conservation, in order prepare the parcel for development.

Public Comment: Staff has been contacted by two individuals. One is considering buying a home in the area, but is concerned about prospective development and the planned extension of Rolling Hills Drive. The second individual inquired about the differences between the proposed and existing zoning districts, and expressed concerns that the NC zoning district will have a greater impact on the natural resources of the property.

Additionally, the Development Services Department has held one neighborhood meeting to gain input on a potential downgrade of Rolling Hills from an Arterial to a Collector Street and to discuss the potential street alignment. This neighborhood meeting was not directly related to the zoning.

INFRASTRUCTURE:

Streets: The subject portion of this parcel has access to Farr Lane to the north and Old Missouri Road to the west, an improved Collector-classified street with full right-of-way, curb, and gutter. Sidewalk however, is not present along any portion of the subject property's frontage. Although any street improvements required in this area will be determined at the time of development proposal, the existing, un-built right-of-way for future Farr Lane extension will likely be included.

Water: Public water is available to the site. A 36-inch water main and associated easement bi-sects the property from north-to-south, and 6-inch water mains are present on both the Farr Lane and Old Missouri Road frontages. The 36-inch main is not available for service connections, but existing hydrants on this line may be used for main extension tie-in points.

Sewer: Sanitary Sewer availability is limited for this property. There is an existing 6-inch sanitary sewer main near the northwest corner of the intersection between Rolling Hills Boulevard, and Old Missouri Road. However, this connection would require a main extension, and given that it is only a 6-inch diameter line, it may have limited capacity available. There is also an existing 8-inch main to the north along the Farr Lane right-of-way. This would also require a main extension however, including relocation of service lines that connect to the manhole in this area.

Drainage: No portion of this property is identified as containing FEMA regulated floodplain, nor are there any protected streams on site. Per the City's GIS Division data, Hydric Soils are likely present on site, therefore further wetlands evaluation may be required. The property lies outside the Hilltop-Hillside Overlay District (HHOD), but portions of the site include areas of 15% slope or greater, which may indicate further development restrictions. Any additional improvements, assessments, or requirements for drainage, slope, or other related issues will be determined at time of development.

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 properties within the proposed rezone as **Residential 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.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** The proposed zoning is compatible with surrounding land use patterns in this area, which includes a mixture of residential and non-residential development of generally low-intensity. Despite the greater density allowed under the proposed zoning district, staff finds that the single-family character of NC will complement the overwhelmingly detached dwelling development pattern of the area. Further bolstering staff's support of the request is the existing NS-G, Neighborhood Services, General, property to the west and the extension of Rolling Hills through the site. Although currently undeveloped, the property zoned NS-G allows low-intensity, non-residential uses along with some attached residential building types. If developed, a logical transition would result from greater densities along Old Missouri Road in the west to the lower-density single-family to the north, south, and east.

Another consideration is the terrain of the area proposed for rezoning as it relates to surrounding land uses. As noted, the subject property slopes downward significantly from southeast to northwest. This gradient creates a natural transition of elevation just as the zoning transitions from the greater density of the proposed NC zoning district to the lower densities of the adjacent RSF-4 zoning districts.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. Along with the recently-rezoned NS-G land to the west, development under the NC zoning on the subject property will encourage traditional neighborhood development in a compact form that is both complemented by nonresidential development to the west and complimentary of existing, low-density single-family developments to the east.

Among the goals in City Plan 2030, the proposed rezoning represents the potential for appropriate infill development, development in a traditional town form pattern, and a means of discouraging suburban sprawl. Although

a extensions of infrastructure are likely needed to facilitate development, adjacent City facilities and amenities are already in place and available for access, thereby reducing the strain on City infrastructure and amenities that would result from similar development in a sprawl location. Similarly, the requested NC zoning district and its associated build-to zone encourage patterns of development that result in realizing the City's goal of making traditional town form the standard. This includes the expectation that buildings be located at the street and on corners, thereby creating an environment appealing to pedestrians.

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 development at a greater density than that allowed under the existing RSF-4 zoning district. The proposed NC zoning will encourage appropriate density on a parcel with access to major connecting corridors.

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

Finding: The NC zoning district allows a residential density that is greater than that allowed under the current RSF-4 zoning district: 10 units per acre versus 4. Given the property's undeveloped state, any development would invariably create the potential for increased traffic in the area. That said, and as previously noted, the property is located with access to Old Missouri Road, a Collector-classified street, and in close proximity to Rolling Hills Drive and Old Wire Road, Arterial and Collector streets respectively. There are not currently any signalized intersections in the immediate vicinity of the subject property, but this may change and be required in association with a proposed development submittal. While there will be an appreciable increase in traffic with any development, direct access to Old Missouri Road will likely limit the intrusion of through traffic into adjacent neighborhoods.

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: Due to the property being currently undeveloped, development under the current zoning or the proposed zoning will result in an increase in the load on public services. That said, this increase has the potential to be greater under NC than the existing RSF-4 zoning. NC allows for 10 units per acre, while RSF-4 allows 4 units per acre. Despite the potential for greater density, the subject property has access to existing infrastructure, and is an area where staff does not feel a development would have significant 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 17-6052 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

RECOMMENDED MOTION: "I move to forward RZN 17-6052 to the City Council with a recommendation of approval."

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 22, 2018</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Quinlan			
Second: Scroggin			
Vote: 7-0-0			
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: <u>February 20, 2018 (planned)</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.07, RSF-4, Residential Single-family, 4 Units per Acre
 - o §161.29, NC, Neighborhood Conservation
- Request letter
- Rezone Exhibit
- 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
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(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.

161.29 - 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.
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Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------



**JORGENSEN
+ASSOCIATES**
Civil Engineering + Surveying

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

RZN 17-6052

Request Letter

12/11/17

City of Fayetteville
113 W Mountain
Fayetteville, AR. 72701

Att: Planning Dept.
Re: Rezoning part of Keenan Property

Attached please find information pertaining to a rezoning request. This property extends from Farr Lane on the North to Old Missouri Rd to the West. The current zoning is RSF-4 and the request is to rezone to NC neighborhood conservation. Butterfield Elementary School is to the North, RSF-4 to the West, NSG to the South and RSF-4 to the East. Access to this property will be from Old Missouri Rd to the West, Farr Lane to the North and eventually Rolling Hills Drive will connect to the East.

City water and sewer service will be off of Farr Lane and Old Missouri Rd.

Please review and let me know of any questions you may have.

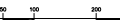
Thank you.

Sincerely;

David L. Jorgensen, P.E.

Rezone Exhibit

RSF-4 SETBACK TABLE		
FRONT	SIDE	REAR
15'	5'	15'



(IN FEET)
1 inch = 100 ft.



NOTES:

PROJECT DETAILS	
	68

KANE

TABLE 1

DRUGS

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PR RE JAI	PR FA
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1000

DATE: 4-12-17

SHEET SIZE: 22" x 34"
SCALE: 1" = 100'

11/15/81

AR KANSAS
NO. 1118

REZONING PLATC1,00

NORTHING • 051804294
EASTING • 082130077

ROLLING MECHANISM

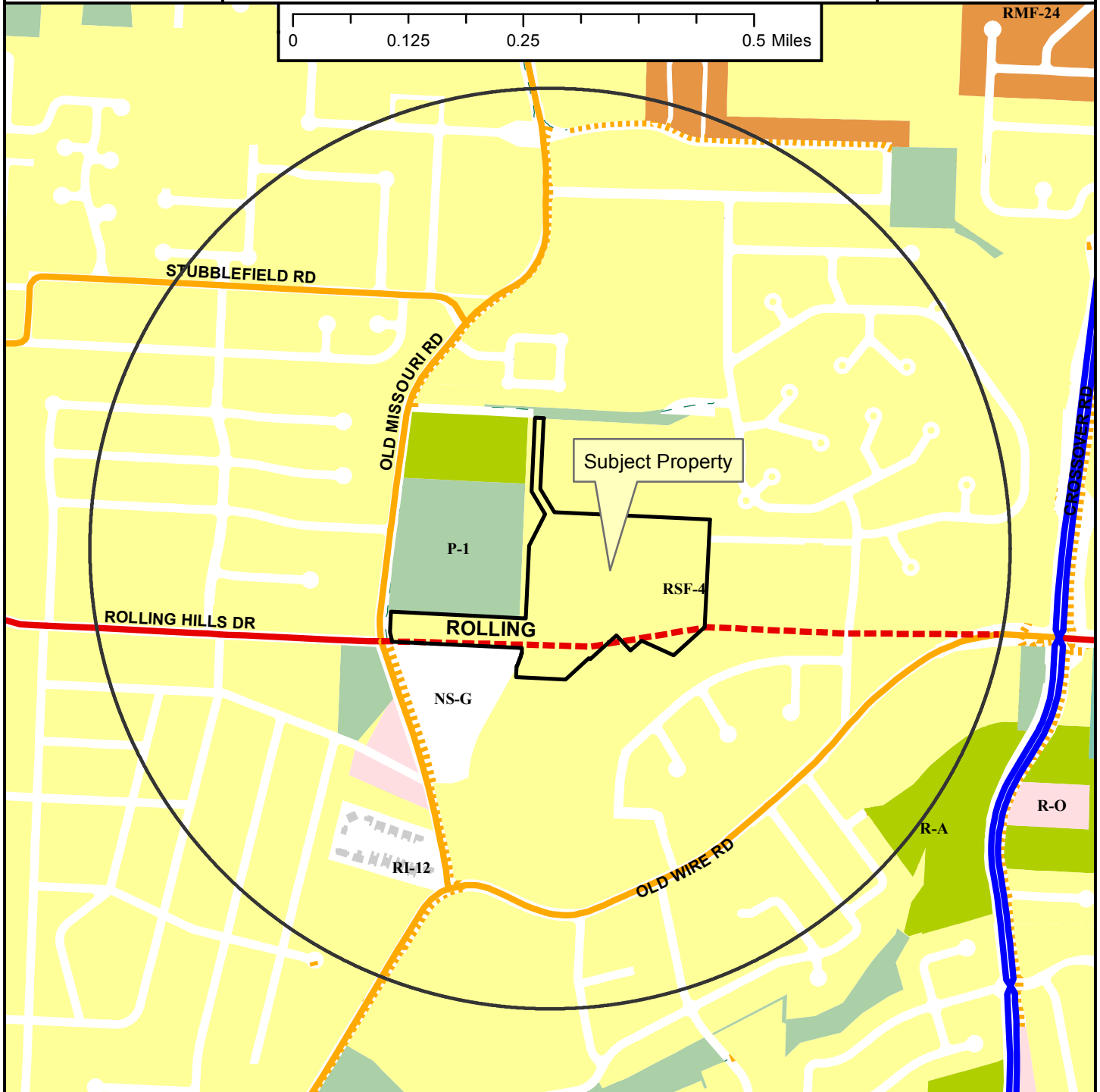
RZN17-6052

One Mile View

KEENAN

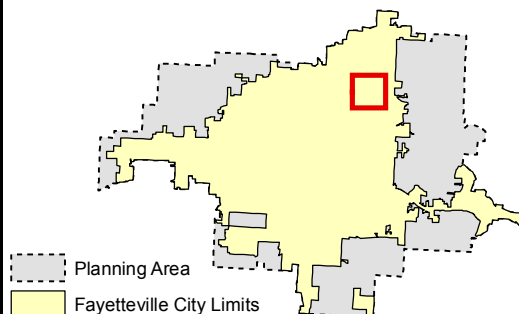


0 0.125 0.25 0.5 Miles



Legend

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

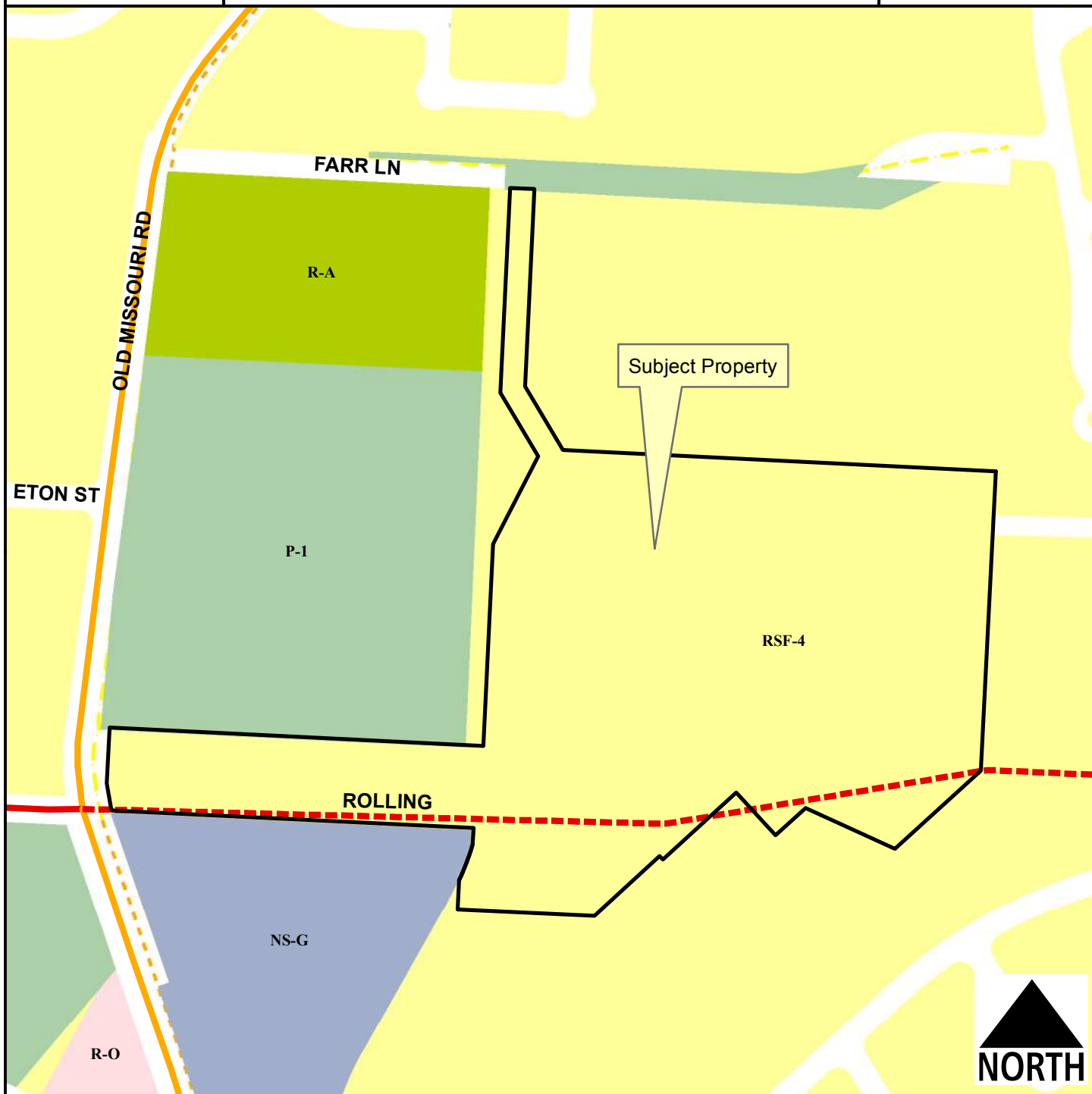


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RT-12 Residential Two and Three-family
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General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

RZN17-6052

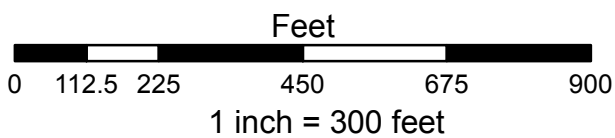
KEENAN

Close Up View



Legend

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



- Residential-Agricultural
- RSF-4
- Residential-Office
- Neighborhood Services - Gen.
- P-1

RZN17-6052

Current Land Use

KEENAN



Streets Planned

MSP Class

PRINCIPAL ARTERIAL

Streets Existing

MSP Class

COLLECTOR

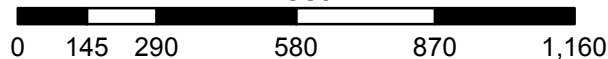
PRINCIPAL ARTERIAL

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet



1 inch = 400 feet

FEMA Flood Hazard Data

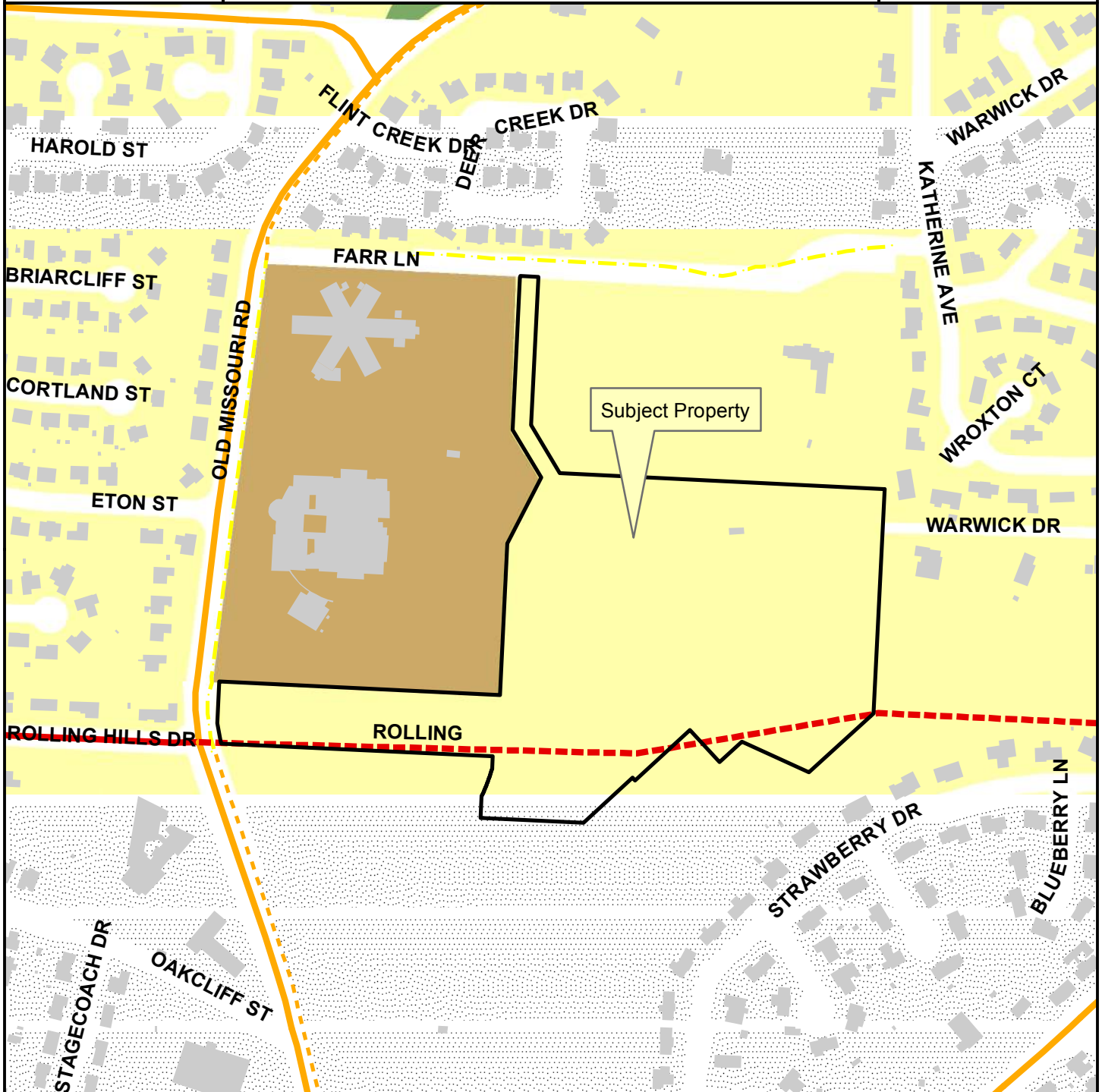
100-Year Floodplain

Floodway

RZN17-6052

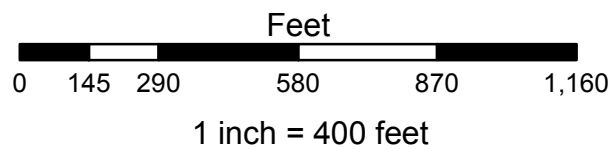
Future Land Use

KEENAN



Legend

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



FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- Civic Institutional

CityClerk

From: Mayor
Sent: Tuesday, February 20, 2018 8:18 AM
To: City_Clerk-old
Cc: Jordan, Lioneld; Marr, Don
Subject: FW: RZN 17-6052 Application to Rezone Property East of Rolling Hills Drive and Old Missouri Road
Attachments: image2018-02-19-115709.pdf

fyi

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

From: Leigh Anne Yeargan [mailto:leighanneyeargan@yahoo.com]
Sent: Monday, February 19, 2018 12:58 PM
To: Mayor <Mayor@fayetteville-ar.gov>; Gray, Adella <ward1_pos1@fayetteville-ar.gov>; Marsh, Sarah <ward1_pos2@fayetteville-ar.gov>; Petty, Matthew <ward2_pos2@fayetteville-ar.gov>; Tennant, Justin <ward3_pos1@fayetteville-ar.gov>; Bunch, Sarah <ward3_pos2@fayetteville-ar.gov>; ward4_pos1@fauetteville-ar.gov; Smith, Kyle <ward4_pos2@fayetteville-ar.gov>; Kinion, Mark <ward2_pos1@fayetteville-ar.gov>
Cc: Williams, Kit <kwilliams@fayetteville-ar.gov>; Garner, Andrew <agarner@fayetteville-ar.gov>
Subject: RZN 17-6052 Application to Rezone Property East of Rolling Hills Drive and Old Missouri Road

Dear Mayor and Council Members -

Please see the attached letter regarding the above-referenced zoning application. I would appreciate it if this letter is included as part of the record.

Thank you for your consideration.

Leigh Anne Yeargan

Leigh Anne Yeargan
3349 Picadilly Lane
Fayetteville, AR 72703

February 19, 2018

Mayor Lionel Jordan (mayor@fayetteville-ar.gov)
Ms. Adella Grey (ward1_pos1@fayetteville-ar.gov)
Ms. Sarah Marsh (ward1_pos2@fayetteville-ar.gov)
Mr. Mark Kinion (ward2_pos1@fayetteville-ar.gov)
Mr. Matthew Petty (ward2_pos2@fayetteville-ar.gov)
Mr. Justin Tenant (ward3_pos1@fayetteville-ar.gov)
Ms. Sarah Bunch (ward3_pos2@fayetteville-ar.gov)
Mr. John LaTour (ward4_pos1@fayetteville-ar.gov)
Mr. Kyle Smith (ward4_pos2@fayetteville-ar.gov)

Re: RZN 17-6052 - Application to Rezone Property East of Rolling Hills Road Drive and Old Missouri Road

Dear Mayor and Esteemed Council Members:

I am writing to request that the City Council vote against the application to rezone approximately 23 acres of land located East of Rolling Hills Drive and Old Missouri Road from RSF-4 - Residential Single Family - 4 - to NC - Neighborhood Conservation.

My parents built the first house on Stanton Avenue in 1970. Both my brother and I attended Butterfield Elementary School, and we rode our bikes to and from school. Even then, there was a crossing guard at the intersection of Rolling Hills Drive and Old Missouri Road to ensure that students traveling to and from school were safe when crossing that intersection because of the heavy traffic.

When I had the opportunity to move back to Fayetteville in 2009, I bought a house on Tartan Way in Huntingdon because I love this area so much. I moved two years ago to another house in the neighborhood, again because of my love for this area. Many of the people who I grew up with have also bought houses in the same neighborhoods where they lived.

I recently discovered that the City Council voted on July 18, 2017 to rezone approximately 11 acres adjacent to Butterfield Elementary School from RSF-4 to NS-G - Neighborhood Services - General. According to the July 18, 2017 City Council minutes, the City Council voted to do so because of the belief that the rezoning would benefit the neighborhood and make it more "walkable." Had I been aware of the application to rezone this area at the time, I would have requested that the City Council deny the application. Fortunately, I was made aware of the most recent petition prior to it being approved by the City Council.

To my knowledge, the area in question has been zoned residential for at least fifty years. The area mainly consists of single family homes built on a quarter of an acre of land. If the proposed NC zoning is approved, as many as 230 single family residents or 230 four family dwellings (with a conditional use) could be built. This would allow for 920 families as opposed to 92 which is what is allowed under the current RSF-4 zoning.

The land in question is owned by one landowner, who also lives in a house adjacent to the property. The land owner recently placed his personal residence for sale in addition to the recently rezoned 11 acres. The landowner has also listed 43 acres of land for sale which includes the 11 NS-G acres and the proposed NC acres. Both the personal residence and other land are listed with the same realtor.

A City Council vote to approve RZN 17-6052 would be arbitrary and capricious because the applicant has failed to provide the information required for rezoning approval. An applicant seeking rezoning must fill out the application provided by the Planning Commission. The application states, “[y]our application will not be placed on the Planning Commission agenda until this information is furnished.” (emphasis in the original). Section five of the application requires the following:

A written description of this request addressing the following issues:

- a. Current ownership information and any proposed or pending property sales.
- b. Reason (need) for requesting the rezoning change.
- c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.
- d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.
- e. The degree to which the proposed zoning is consistent with land use, planning objectives, principles, and policies and with land use and zoning plans.
- f. Whether the proposed zoning is justified and/or needed at the time of the request.
- g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.
- h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.
- i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The applicant in question provided *none* of the information required above.

When questioned about why the staff submitted for approval the proposed rezoning without the above information, the staff replied that the “written description portion of the rezoning application are [sic] not a requirement enshrined in code; those are points the applicant can make to support their

request before staff, the Planning Commission, and City Council.” February 9, 2018 email from Jonathan Curth to Nicole Claesen. After additional inquiry, the staff explained that the staff does not have “backing in the city code” to require those items. However, the staff has the authority to recommend whether a rezoning application should be approved and, as part of that authority, has the authority to require the information necessary to make that decision.

Even if the applicant is not required to provide this information, the staff and Planning Commission are required to analyze whether proposed rezoning is needed or justified. Instead of doing so, the staff indicates that “the applicant has requested the zoning changes to allow for development ...” See January 8, 2018 Planning Commission Memo, p. 4, no. 2. A landowner’s request for rezoning alone is not a basis for rezoning. There must be some evidence that the change is justified or needed.

Rezoning is not appropriate based on the staff and Planning Commission’s own findings regarding increased danger and congestion and alterations in population density. The staff and Planning Commission concede that there will be an appreciable increase in traffic due to this development. They justify the rezoning, however, by stating that any development would result in increased traffic. This is not a basis for rezoning property. Furthermore, the staff did no analysis of how much traffic would increase with RSF-4 development as opposed to NC development.

Similarly, the staff’s own statements regarding the increase of population density and its effects further support a denial of rezoning. The staff recognizes that the increase in the load on public services has the potential to be greater under NC zoning rather than RSF-4, but falls back on the position that since any development will increase the load, rezoning should be approved. Again, there is no analysis of what impact development under RSF-4 versus NC zoning will have on public services.

The staff recognizes that sewer availability for the property is limited regardless of the type of development allowed. The staff notes that the two existing sewer connections would have to be extended including “relocation of service lines that connect to the manhole in this area.”

I can speak from personal experiences that there are significant drainage and soil issues in the proposed rezoning area. When I first moved to Tartan Way – which is on the same terrain as the proposed development - I had to put in a French drain. When I placed my house on the market, I had to install 13 piers due to foundation shifting in order to sell the house. I can only assume that more housing units per property will increase the drainage and soil issues.

The staff avoids having to determine whether it would be impractical to use the land as currently zoned by concluding that there are no considerations which would warrant such an analysis. But, as stated previously, the staff failed to determine that the rezoning was justified or needed. Therefore, the staff must analyze whether the land can be used under the current RSF-4 zoning which it failed to do.

Additionally, the staff did absolutely no analysis on how the proposed zoning would impact Butterfield Elementary School. The impact on a school that is close to the proposed zoning is reason enough to deny rezoning. See *Little Rock v. Parker*, 241 Ark. 381 (1966). The staff concedes there will be increased traffic which necessarily imposes additional risks to children traveling to and from school and playing outside at recess. It is my understanding that during the Council’s site visit this past summer,

the Mayor had to stop traffic in order to allow children on bikes to cross the intersection – and this was when school was not in session. “Walkability” for both students and residents will severely be impacted by increased traffic.

There is also no analysis on how the proposed zoning would impact adjacent land owners and property values. Many residents bought their homes based on the current zoning and make-up of the neighborhood. The staff’s findings are merely conclusory and not supported by any substantial evidence.

The proposed rezoning is inconsistent with the purpose of the Neighborhood Conservation zoning district and the City’s goals for growth and development. The zoning district Neighborhood Conservation was first proposed in the Fayetteville Downtown Master Plan adopted in 2004. It was adopted as part of the zoning code in 2006. It is also mentioned in the Walker Park Neighborhood Plan adopted in 2008. Both plans were adopted after significant public input.

One of the fundamental goals of the Downtown Master Plan was Inclusionary Zoning. As defined by the Downtown Master Plan, Inclusionary Zoning “will set forth a minimum percentage of units to be provided in a specific development affordable to households at a particular income level, generally defined as a percentage of the median household income.” The Downtown Master Plan recognizes that more residents are needed in the Downtown area, and that it is “important to encourage and provide more opportunities for people to live Downtown” and to revitalize Downtown Fayetteville so that it becomes “a primary, first-choice residential option.”

The Walker Park Neighborhood Plan recognizes that “[c]hanges over time have shaped the neighborhood’s development plan as the area shifted from a predominantly rural area to a modest extension of downtown neighborhoods to an area zoned for multi-family housing.” One of the guiding principles of the Walker Park Neighborhood Plan is to retain a balance of uses and housing emphasizing connectivity and walkability. In order to accomplish these goals, the City proposed rezoning a substantial portion of the Walker Park neighborhood as NC. It is clear from both the Downtown Master Plan and the Walker Park Neighborhood Plan that the NC zoning district is designed for the purpose of revitalizing areas in which residential options have declined or become unfavorable by providing additional housing options.

The 2030 City Master Plan – also adopted after significant public input – while acknowledging the adoption of form based zoning districts, contemplates the future use of the Rolling Hills area solely as residential. No neighborhood plan has been developed for the Rolling Hills area because it is not an area similar to Downtown or the Walker Park neighborhood in need of revitalization to attract more residents. The housing in the area is in high demand because of the reasonable housing prices and proximity to Butterfield Elementary School. In fact, I recently received a blind letter from a realtor at Lindsey & Associates, Inc. representing a client looking for a homeowner in the Butterfield school district willing to sell her property.

The staff and Planning Commission’s recommendation to now approve NC zoning in the Rolling Hills area is inconsistent with the purpose of that zoning district as exemplified by the Downtown Master Plan and Walker Park Neighborhood Plan. It also circumvents public input regarding what is desired by the community as expressed in the 2030 City Master Plan.

One of the goals expressed by the City Council for development is to allow for infill to prevent sprawl and increase walkability. These goals can readily be accomplished by the current zoning – RSF-4. There is no evidence that they cannot be accomplished by the current zoning, or that NC zoning will better accomplish these goals.

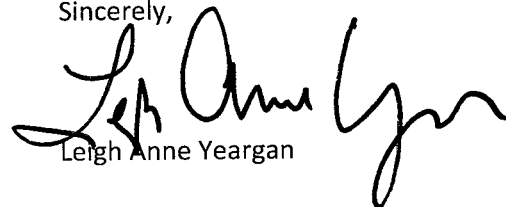
Significantly, the proposed NC rezoning as well as the previously approved NS-G zoning are spot zoning which is clearly impermissible. Spot zoning “departs from the comprehensive treatment or privileges not in harmony with the other use classifications in the area and *without any apparent circumstances which call for different treatment.*” *PH, LLC v. City of Conway*, 344 S.W.3d 660, 668 (Ark 2009) (citation omitted) (emphasis in the original). There is absolutely no evidence that circumstances have changed which would warrant changing the current RSF-4 zoning to NC. The 2030 Master Plan contemplates that the property shall remain zoned solely as residential.

Finally, the circumstances surrounding the applications for rezoning of this land are extremely curious. Although there are 43 acres of undeveloped land for sale, the owner first sought to rezone only 11 acres as NS-G (shortly after the NS-G zoning district was adopted by the City Council). Once that was approved, the owner sought to rezone 23 acres as NC. The prior NS-G rezoning was a substantial reason cited by the staff in support of its finding that an NC zoning was compatible with the neighboring land. The staff is bootstrapping the NC zoning recommendation on the prior NS-G zoning approval. If both are compatible with the neighborhood, then why were two separate rezoning applications submitted at different times? Why was the applicant not required to provide the information in the application which must be provided before the staff will place the matter on the Planning Commission agenda? And, if the proposed rezoning is beneficial, why is the land owner selling his personal residence which is adjacent to the proposed rezoning?

I am not opposed to development. Fayetteville’s population has doubled since I grew up here, and I recognize the need for additional housing. I just do not want new development at the expense of existing neighborhoods that are the reason people move to Fayetteville to live. The current RSF-4 zoning is appropriate for future development.

Thank you for your consideration.

Sincerely,



Leigh Anne Yeargan



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0130

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

AUTOMATED MERCHANT SYSTEMS, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT WITH AUTOMATED MERCHANT SYSTEMS, INC. FOR CREDIT CARD PROCESSING SERVICES

WHEREAS, the City currently uses Authorize.net to process credit card payments through a custom website that interfaces with the City's financial software system; and

WHEREAS, the City is in the process of implementing the Tyler New Worlds eSuite online payment system that will be fully integrated with the financial software system; and

WHEREAS, Tyler has partnered with Automated Merchant Systems, Inc. as its preferred vendor to provide credit card processing services for the eSuite online payment system; and

WHEREAS, while the initial cost to the City will be less than \$20,000.00, City staff anticipates expanding the use of Automated Merchant Systems, Inc. for other payment processes that would increase the annual cost to more than \$20,000.00.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that the facts shown above establish that an exceptional situation exists in which competitive bidding is not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a contract with Automated Merchant Systems, Inc. for credit card processing services through the Tyler New World eSuite online payment system.

City of Fayetteville Staff Review Form

2018-0130

Legistar File ID

3/6/2018

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

Marsha Hertweck

2/15/2018

ACCOUNTING & AUDIT (131)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of an agreement with Automated Merchant Services, Inc. (AMS) for credit card processing for the City's miscellaneous accounts receivable online system.

Budget Impact:

various funds

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$

Does item have a cost? Yes

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget

\$

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Paul Becker, Chief Financial Officer

FROM: Marsha Hertweck, Accounting Director

DATE: February 14, 2018

SUBJECT: Automated Merchant Systems, Inc. contract

RECOMMENDATION:

Approval of an agreement with Automated Merchant Services, Inc (AMS) for credit card processing for the City's miscellaneous accounts receivable online system.

BACKGROUND:

The City has the ability to bill external customers for services rendered by the City through the City's financial software system. The customer has the option to pay these bills online and the payments are processed through a third-party merchant that complies with the laws and security requirements governing credit card processing. The City receives miscellaneous accounts receivable online payments of approximately \$133,000 annually. AMS will charge a fee on each transaction to process these online payments to the City.

DISCUSSION:

The City has been using Authorize.net to process these payments through a custom website that interfaces with the Tyler New World ERP financial system via batch processes. The City is in the process of implementing Tyler New Worlds eSuite online payment system that will be fully integrated with the City's ERP system. Tyler has partnered with AMS as a preferred vendor to provide credit card processing services for their eSuite online payment system. Due to the tight integration with eSuites, we are recommending AMS as a sole source vendor.

BUDGET/STAFF IMPACT:

The total annual processing fees under the existing Authorize.net agreement is under \$20,000. Staff has compared the existing credit card fees with AMS proposed fees and found AMS fees to be competitive. The City currently utilizes multiple credit processing vendors but would like to move all credit card processing to a single vendor to streamline reconciliation, standardize fees, and improve staff efficiency. Staff is requesting approval of this contract with the intent of expanding the use of AMS to other payment processes which would eventually increase our annual fees to exceed \$20,000. Staff recommends AMS to leverage the tight integration with Tyler New World ERP and the future consolidation of credit card processing into a single vendor. The total impact to the budget is minimal since the fees are competitive with other credit card processing companies and are budgeted within the current year.

Attachments: Staff Review form, Staff Review memo, Sole source, Contract

SOLE SOURCE JUSTIFICATION

PURPOSE:

This form, with one or more categories completed, must accompany purchase requisitions for the sole source procurement of equipment, services or supplies exceeding \$1000 (purchased from State Contract vendors excepted). The purpose of sole source justification is to show that competitive bidding is impractical because only one product or service provider can meet a specific need. Therefore, an equitable evaluation of comparable products or services must be made and documented by the requester who shows that rejection of other products or services is based solely on their failure to meet that need. In cases where no other comparable source can be identified, a technical description of the product requested and a listing of those companies which were considered as alternative sources must be provided. Quality can be a subjective evaluation based upon opinion. Municipal (public) procurement law requires price considerations be evaluated via competitive quoting or bidding.

While all sole source justifications are subject to review, sole source justified purchases of \$20,000.00 or more must be publicly bid or a bid waiver approved by Council. Justifications must contain clear, in-depth, and accurate information in order to avoid protests and the possibility of delaying the procurement.

INSTRUCTIONS:

1. Please type or print legible in ink.
2. Complete all categories and sections that apply.
3. Provide full explanation, complete descriptions, and/or list all relevant reasons where space has been provided. Sole Source Justification forms lacking sufficient detail cannot be approved.
4. Sign and date the form in the space provided for "signature".
5. Improperly completed, and/or unsigned forms will be returned to the sender.

TO:	Purchasing Division	Date: 2-15-2018
FROM:	Keith Macedo	Dept: Information Technology
SUBJECT:	Names of Requisitioner and Dept. Head	
	Sole Source Justification	
	Purchase Requisition _____ (attached)	
	Proposed Vendor Automated Merchant Systems	
	Product Description Credit card payment processor and credit card payment gateway for	
	Tyler New World ERP eSuite online payments. ERP eSuite initially process miscellaneous billing	
	invoices and replace existing custom website that utilizes Authorze.net as CC processor	

STATEMENT

I am aware that Fayetteville Code of Ordinances, Title III Administration, Chapter 34, Article II mandates that the procurement of services, materials, equipment and supplies be via competitive quotes whenever the amount is over \$1,000.00. However, I am requesting sole source procurement based on the following criteria. (Attach additional sheets as necessary):

1. The requested product is an integral repair part or accessory compatible with existing equipment. (please state the manufacturer and model number of existing equipment):

Automated Merchant Systems is a preferred credit card processor and payment gateway provider for Tyler New World's

2. The requested product has special design/performance features which are essential to my needs.

Both A and B portions of this category must be completed.

- A. These features are:

Tyler has a working relationship with Automated Merchant Systems (AMS) and recommends that clients utilize AMS for credit card processing. They have tested their eSuite applications with AMS and work with AMS to ensure their products on interoperable.

- B. In addition to the product requested, I have contacted other suppliers and considered their product of similar capabilities. I find their product unacceptable for the following reasons (identify companies contacted, individuals contacted, model number and specific technical deficiency).

Due to the critical nature of processing online credit card payments we did not reach out to other vendors.

We are recommending that we select AMS due to their close working relationship with Tyler New World ERP. Staff did compare AMS credit card processing fees with our existing credit card processing vendors, i3 vertical and Authorize.net, and determined that AMS fees were extremely close to existing fees.

Due to this analysis, the Accounting and IT divisions believes AMS provides the same value as existing vendors and is the best vendor due to working relationship with Tyler New World.

3. I have standardized the requested product/service; the use of another would require considerable time and money to evaluate.

Explain:

approving the sole source justification to utilize AMS for Tyler New World ERP eSuite online payment processing for our miscellaneous billing and future eSuite online payment needs.

4. The requested product is one which I (or my staff) have specialized training and/or extensive experience. Retraining would incur substantial cost in money and/or time.

Explain:

5. Please consider sole source approval for this reason(s) (e.g. trade-in allowance; availability of services, parts and maintenance; product is a prototype; inventory of parts are maintained, etc.):

Authorization:

Full Name and Title of Requisitioner Keith Macedo

(typed or printed in ink)

Signature



Date 2-15-2018

Full Name of Division Head

(typed or printed in ink)

Signature

Date



**MERCHANT PROCESSING AGREEMENT
APPLICATION AND FEE SCHEDULE**

A Registered Service Provider of Merrick Bank Corporation ("Merrick")

PRINT CLEARLY

ASSOCIATE:		ACCOUNT REP: Nancy Murphy 1030		DATE:	
Corporate/ Legal Name: City of Fayetteville AR			Corporate/ Legal Name: City of Fayetteville AR		
Address (Physical Location): 113 W Mountain St			Mailing Address: 113 W Mountain St		
City: Fayetteville	State: AR	Zip: 72701	City: Fayetteville	State: AR	Zip: 72701
Email Address: mhertweck@fayetteville-ar.gov			Website Address: www.fayetteville-ar.gov		
Contact Name: Marsha Hertweck		Title: Accounting Director		Contact Name: (Corporate Office, If Applicable) Cheryl Partain	
Business Phone #: (479) 575-8287		Fax #: (479) 575-8273		Title: Utility Financial Services Mgr	
Business Phone #: (479) 575-8287		Fax #: (479) 575-8273		Business Phone #: (479) 575-8287	
Business Phone #: (479) 575-8287		Fax #: (479) 575-8273		Fax #: (479) 575-8273	
CHAIN MERCHANT ☐ YES ☒ NO			Federal Tax ID Number: 71-6018462		
TYPE OF BUSINESS: City Government			BUSINESS LICENSE #:		
			NUMBER OF YEARS IN BUSINESS 20+Years		
CURRENT PROCESSOR:		POS DEBIT: ☒ NO ☐ YES		NETWORK:	
				(Z) Star MAC (W) Star East (Q) Star West (G) Interlink (8) Maestro (K) EBT	
TRADE REFERENCES:					
Company:		Contact:		Account Type:	
Phone:		Fax:			
Company:		Contact:		Account Type:	
Phone:		Fax:			
Authorized Signer (First): MI: Last: Title:		Phone Number:		Email Address:	
Jordan Lioneld Mayor		(479) 575-8330		ljordan@fayetteville-ar.gov	
Alternate (First): MI: Last: Title:		Phone Number:		Email Address:	
Alternate (First): MI: Last: Title:		Phone Number:		Email Address:	

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account. What this means for you: when you open an account, we may ask you for information that will allow us to identify you, including a copy of your driver's license or other identifying documents.

☐ By checking this box, Merchant opts out of receiving future commercial marketing communications from American Express.

THE MERCHANT PROCESSING AGREEMENT IS EFFECTIVE UPON THE SIGNING BY MERCHANT AND AUTOMATED MERCHANT SYSTEMS, INC.			
Merrick Bank Corporation		Automated Merchant Systems, Inc.	
By:		By:	
135 Crossways Drive North, Suite A Woodbury, NY 11797	Date 3-6-2018	1071 S Sun Drive, Suite 2001 Lake Mary, FL 32746 407-331-5465	Date 3-6-2018

The Fee Schedule

You agree to pay all Payment Brand fees, transaction processing costs and other processing fees on debit and credit transactions as set forth herein. You authorize and direct Member Bank to charge such fees and costs to you by monthly debit through the ACH system to your designated DDA account. For a list of Merchant Interchange Rates, refer to <https://www.automatedmerchant.com/rateschedule.html>. Nothing in this Section shall be deemed to alleviate or reduce any of your other obligations under the Agreement, including, but not limited to, your responsibilities with regard to Penalties and Dispute Items and your obligation to pay early termination fees, if applicable, pursuant to Section 10 of the Payment Processing Agreement.

Non-Program Location Fees, Third Party Costs, and Dispute Item Costs

Setup Fee	Monthly Statement	Monthly Minimum	Chargebacks	ACH Rejects	Breach Assurance Program	Optional Reporting Fee
\$ _____	\$ 7.50	\$ 10.00	\$ 15.00	\$ 30.00	\$ 9.95 Per MID	\$ 8.00
Early Termination Fee See Section 10					\$100,000.00 Coverage	Per User ID

Per Transaction Fees

Visa, Mastercard, Discover, & American Express

	Auth / Decline	Capture	Interchange Markup	Non-PCI Markup	Voice Auth
Credit	\$ 0.10	\$ 0.05	0.20 %	0.00 %	\$ 0.75
Debit	\$ 0.10	\$ 0.05			
PIN	\$ 0.00	\$ 0.00	N / A	N / A	N / A

ACH Service Fees

Setup Fee	Monthly Access Fee	Transaction Fee	Transaction Return Fee	Transaction Re-deposit Fee
\$ 250.00	\$ 10.00	\$ 0.50	\$ 5.00	\$ 2.50

PCI Compliant Internet Gateway Third Party Costs

Gateway	Setup Fee	* Monthly Fee	* Per Transaction	* Threshold
USAePay	\$ 150.00	\$ 20.00	\$ 0.10	1000
BridgePay	Waived	Waived	\$ 0.10	0
Plug-N-Pay	\$ 150.00	\$ 15.00	\$ 0.075	200
Authorize.net	\$ 100.00	\$ 20.00	\$ 0.10	0
* TNSI Synapse	N / A	\$ 20.00	\$ 0.10	0

* Monthly Fee: includes standard features, adding features may increase the monthly fee.

* Per Transaction Fee only applies after transaction Threshold exceeded per month.

* TNSI Synapse allows supported wireless terminals to connect using GPRS / CDMA modems.

Merchant: <u>City of Fayetteville AR</u>	
Signature of Authorized Signer	Date
Print Name	Title

MERCHANT SIGNATURE AUTHORIZATION

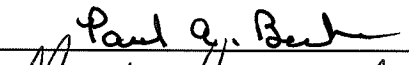
Name of Entity: City of Fayetteville AR

The undersigned certifies and agrees to as follows:

1. The undersigned and any of the persons identified below are duly authorized to sign this Merchant Processing Agreement and bind the entity indicated above to it. If any official indicated below resigns or is replaced, that official's successor(s) in office shall be deemed to have signed this certification and the Merchant Processing Agreement. These persons also have the authority to perform the duties and functions defined in 2, 3 and 4 below.

TITLE	PRINT NAME	SIGNATURE
Mayor	Lioneld Jordan	

2. The persons listed below are duly authorized to act for and on behalf of the entity indicated above in any manner relating to this Merchant Processing Agreement.
3. Both AMS and Merrick Bank may rely on the authority granted in this certification and the undersigned official represents and warrants that this certification shall remain in full force and effect until revoked upon written notice to AMS.
4. The following are the names, titles and genuine signatures of the persons authorized by this certification to perform ongoing organizational processes and updates:

TITLE	PRINT NAME	SIGNATURE
CFO	Paul Becker	
Accounting Director	Marsha Hertweck	
Accounting Manager	Shelly Turberville	
Utility Financial Serv Mgr	Cheryl Partain	

I have subscribed my name as the official indicated above as of _____, _____ (date)

Signature: _____ Print Name: _____

Title: _____

MERCHANT INQUIRY:

Has Merchant or Owners/Principals ever been terminated from accepting payment cards from any payment network for this business or any other businesses?

☐ NO ☐ YES (if yes, please explain) _____

How Many Chargebacks Last Year? _____

Total Amount: \$ _____

Please Mark all Card Types Accepted and Initial Here: _____ (initials)

*For Details on how these transactions qualify at each level, please refer to your Merchant Operating Guide.

☒ Debit Cards: V/MC (consumer signature cards/ all foreign issued cards/ PIN debit cards)

☒ Other Cards: V/MC/DISC/AMEX (business credit/debit, consumer credit, & all foreign issued cards)

This is a Payment Processing Agreement entered into as of the date accepted by ISO (defined below) and is by and among Merrick Bank, a Utah state chartered bank ("Member Bank"), Automated Merchant Systems, Inc. ("AMS") and the governmental entity ("Merchant", "you", "your", "yours" and the like) that signed the attached application included with this Agreement (the "Application"). The term "Agreement", as used herein, shall include the Application, the fee schedule included with this Agreement, as applicable, (the "Fee Schedule"), the terms and conditions set forth below, and all attachments, exhibits, schedules and the like included herewith.

BACKGROUND INFORMATION

Member Bank is a member/acquirer of Visa U.S.A. Incorporated ("Visa"), Mastercard International ("Mastercard"), DFS Services, LLC ("Discover"), is authorized to process and settle certain transactions originated on the American Express Travel Related Services Company, Inc. ("American Express") payment network and is authorized to process Card transactions for such financial institutions and various other payment brands, payment networks and Card issuers (each a "Payment Brand"). For purposes of this Agreement, "Card" means an account, or evidence of an account, authorized and established by a Payment Brand or representatives thereof that merchants accept from their customers as payment for goods or services. Cards include, but are not limited to, credit cards, debit cards, stored value cards, loyalty cards, electronic gift cards, authorized account or access numbers, paper certificates and credit accounts. Member Bank and AMS have entered into an agreement whereby AMS acts as Member Bank's service provider and provides certain services to you through various third party service providers (AMS and such third party service providers shall hereinafter collectively be referred to as "ISO"). You desire to accept one or more types of Cards issued by a Payment Brand. Member Bank and ISO agree to provide services in accordance with the terms and conditions set forth below. Accordingly, the parties to this Agreement, intending to be legally bound, agree as follows:

OPERATIVE PROVISIONS

1. Services. Member Bank and ISO agree to provide you, at your U.S. locations identified in the Application (as defined below), transaction gateway, processing and/or settlement services (the "Services") in accordance with the terms and conditions of this Agreement. You agree to use Member Bank to sponsor, clear and settle all of your Card transactions. You will be responsible for the installation, servicing and maintenance of the point-of-sale devices and related equipment at your facilities, and will likewise be responsible for the connection of those devices to the Services in compliance with ISO's requirements. ISO hereby grants to you a limited, non-exclusive, non-transferable, revocable, royalty free right, during the Term, to use the Services, subject to the restrictions herein and any other restrictions communicated by ISO to you, solely for your internal use. ISO and its suppliers shall retain title and all ownership rights to the Services and this Agreement shall not be construed in any manner as transferring any rights of ownership or license to the Services or to the features or information therein, except as specifically stated herein. ISO is providing you with information concerning the technical requirements for allowing the Services to send and receive electronic transaction data for authorization and/or settlement from and to ISO. To utilize the Services, you must: (i) provide for your own access to the internet and pay any fees associated with such access, and (ii) provide all equipment necessary for you to make such connection to the internet, including a computer, modem and web browser. If you elect to receive transaction gateway services or certain other services from ISO, you may receive a password when registering for such services. Upon approval, that password will allow you access to those Services. You are responsible for maintaining the confidentiality of the password and account, and are fully responsible for all activities that occur under your password or account. You agree to immediately notify ISO of any unauthorized use of your password or account or any other breach of security. You shall not: (A) decompile, disassemble, reverse compile, reverse assemble, reverse translate or otherwise reverse engineer the Services; (B) circumvent any technological measure that controls access to the Services; or (C) use the Services other than pursuant to the terms of this Agreement.

2. Payment Brand Regulations. All Card transactions and this Agreement are subject to, and the parties agree to be bound by, applicable Payment Brand operating rules and regulations ("Payment Brand Regulations"). The Payment Brand Regulations include the Payment Card Industry Data Security Standard, the Consortium Merchant Negative File published by Discover, Discover Information Security Compliance, Visa Cardholder Information Security Program, Mastercard's Site Data Protection Program, and the American Express Data Security Requirements, as may be amended, supplemented or replaced from time to time. A copy of the American Express Data Security Requirements ("DSR") can be obtained online at www.americanexpress.com/dsr. Merchant shall abide by and fully comply with the Payment Brand Regulations, DSS, CISP, SDP, DSR, and any other security requirements. You are responsible for demonstrating your own, your agents, and your services' compliance with Payment Brand Regulations as they may be amended from time to time. ISO is not responsible for providing copies of the Payment Brand Regulations to you, and makes no representations or warranties regarding the accuracy of any summaries of Payment Brand Regulations it may provide. Most Payment Brand Regulations are available online, and ISO will provide you with specific website information upon request. You will comply with all state and federal laws and Payment Brand Regulations, including without limitation laws, rules and regulations regarding disclosure to customers on how and why personal information and financial information is collected and used. Furthermore, you shall comply with all of ISO's policies, procedures and guidelines governing the Services provided hereunder, as may be amended from time to time. You agree not to use, disclose, sell or disseminate any cardholder or card member (as used in and defined by the applicable Payment Brand Regulations, collectively, "Cardholder") information obtained in a Card transaction to any third party other than to, or authorized by, ISO. You agree not to store any Cardholder information obtained in a Card transaction unless specifically permitted to do so under applicable Payment Brand Regulations. You agree that ISO shall not be liable for any improperly processed transaction or third party, illegal or fraudulent access to your account, your IDs and passwords, end-user data or transaction data. ISO is not liable for your non-compliance or any costs of such non-compliance with any Payment Brand Regulation. If there is a conflict between this Agreement and the Payment Brand Regulations, the Payment Brand Regulations will apply. You will pay ISO and Member Bank immediately for all Payment Brand fines, charges, penalties and all other indebtedness levied by any Payment Brand, Card issuer, regulatory authority or other third party that is assessed against, charged to, directly or indirectly incurred or otherwise paid by, ISO and/or Member Bank which are attributable, at Member Bank's discretion, to your Card transaction processing or business, and any other loss, liability, assessment or fine incurred arising out of your breach of this Section (collectively, "Penalties"). You are solely responsible for the security of data residing on the servers owned, controlled or operated by you or a third party designated by you (e.g., a web hosting company or other service provider). You warrant that your servers and electronic systems are secure from breach or intrusion by unauthorized third parties and will hold ISO harmless for a breach of your systems. If there is a security breach of your system and/or access to end-user data or transaction data by an unauthorized third party, you shall immediately notify ISO upon discovery of such breach and shall take such precautions as may be necessary to prevent such breaches from occurring in the future, as required by ISO. You agree that ISO may disclose to any Payment Brand information regarding you and your transactions, and that such Payment Brand may use such information to perform its responsibilities in connection with its duties as a Payment Brand, promote the Payment Brand, perform analytics and create reports, and for any other lawful business purposes, including commercial marketing communications purposes within the parameters of the Payment Brand Regulations. A Payment Brand may use the information about you obtained in this Agreement at the time of setup to screen and/or monitor you in connection with Payment Brand marketing and administrative purposes. You agree that you may receive messages from a Payment Brand, including important information about Payment Brand products, services, and resources available to your business. These messages may be sent to your mailing address, phone numbers, email addresses or fax number. You may be contacted at your wireless telephone number and communications sent may include autodialed short message service (SMS or "text") messages or automated or prerecorded calls.

3. Fees. The fees to be charged by Member Bank or ISO to you or your customers for the Services provided to Non-Program Locations are set forth in the Application and Fee Schedule (collectively, the "Fees"). ISO may change such Fees from time to time upon 10 days prior written notice to you. The Fees do not include, and you hereby agree to pay, all (i) Penalties, (ii) interchange fees, assessments and other third party charges charged to, directly or indirectly incurred or otherwise paid by, ISO and/or Member Bank which are attributable to your Card transactions (collectively, "Third Party Costs"), and (iii) chargebacks of Card transactions, refunds and related interchange fees and assessments (collectively, "Dispute Items"). Interchange fees and assessments charged hereunder will not be credited back to you if a transaction is subsequently reversed or otherwise processed as a credit or chargeback. Third Party Costs for a given Card transaction depends on a number of factors such as the type of Card presented, specific information contained in the Card transaction, how and when the Card transaction is processed and other factors. Payment Brands and other third parties regularly add new Third Party Costs, change the rates for existing Third Party Costs, or change the qualification criteria for existing Third Party Costs. Changes in the way you accept and process Card Transactions, the volume of your Card Transactions, the products and services you provide, and numerous other factors may affect your Third Party Costs.

4. Card Transactions. In addition to the requirements for Card transactions set forth in the Payment Brand Regulations, you agree that you will not, unless authorized to do so under the Payment Brand Regulations, (a) deposit into any bank account owned or controlled by you "Account(s)" any sales or credits for any Card transaction between a Cardholder and an entity other than you; or (b) make a cash disbursement to a Cardholder arising out of a Card transaction or any other use of a Card, or use your personal Card(s) to process transactions using your merchant account with ISO that would constitute a cash advance.

5. Your Bank Account

a. You shall establish, and at all times during the Term, maintain one or more Accounts with one or more banks in order to facilitate payment of amounts due from time to time under this Agreement, which banks and Accounts shall be identified in the Application. To secure the extension of credit and your obligations under this Agreement including, without limitation, your obligation to pay, to the extent applicable, Fees, Third Party Costs, Dispute Items and/or Penalties, you grant to Member Bank and ISO a security interest in your deposited sales and all funds maintained in the Account(s).

b. All credits, charges and debits in connection with Card transactions and other amounts owing under this Agreement shall be made to your Account. You authorize Member Bank, without further notice to you, to credit or debit the Account(s). Any Fees, Third Party Costs, Dispute Items and/or Penalties payable by you pursuant to the terms and conditions of this Agreement not collected by Member Bank or ISO through a debit to the Account, for whatever reason, shall be invoiced to you by Member Bank or ISO and are due upon your receipt of such invoice.

c. If you have more than one deposit account with your banks, any or all of such accounts may be treated as the Account and may be credited, charged or debited in connection with Card transactions and other amounts owing under this Agreement as Member Bank or ISO may determine; provided, that you may designate a particular Account with respect to certain amounts to be credited, charged or debited from time to time by Member Bank in connection with particular Card transactions. Member Bank agrees to comply with such designation so long as the designated Account(s) contain sufficient funds to satisfy such charges or debits.

d. If a debit or chargeback to the Account results in an overdraft, you agree to immediately deposit with your bank an amount sufficient to cover such overdraft and any related service charges or fees.

e. If you desire to change the Account, you shall notify ISO in writing at least ten (10) days prior to the effective date of the change and shall follow ISO's procedures for completing the change.

6. Display of Service Marks, Advertising and Promotional Materials

a. You shall prominently display any service marks, identification logos and any other promotional materials (collectively, the "Service Marks") the ISO furnishes to you to alert Cardholders that Cards will be honored by you. This requirement shall not apply to private clubs or other merchants that do not serve the general public or other class of merchants exempted by a Payment Brand. The Service Marks for each Payment Brand must be at least the dimension of and as prominent as any other card program mark or logo displayed.

b. You may use the Service Marks only to indicate that Cards are accepted by you for payment. You shall not state, imply or use the Service Marks to indicate that ISO or any Payment Brand endorses, sponsors, produces, offers, sells or is affiliated with any of your goods or services.

c. You shall not refer to ISO or any Card or Payment Brand in stating eligibility for your merchandise, services or membership.

d. Your use of the Service Marks of any Payment Brand shall be governed by the Payment Brand's Regulations.

e. Your right to use or display the Service Marks shall continue so long as this Agreement remains in effect, unless ISO directs that such use or display shall cease. You acknowledge that the Service Marks are the property of the applicable Payment Brand and you shall not infringe upon the Service Marks.

f. All point of sale displays or websites must include appropriate Service Marks to indicate acceptance of Cards or Payment Brand approved signage to indicate acceptance of the limited acceptance category you have selected.

7. Term. This Agreement will be effective as of the date it is accepted by Member Bank and ISO and will continue in effect for a term of three (3) years following such date (the "Initial Term"), unless earlier terminated as provided for below. Following the Initial Term, this Agreement will automatically renew for additional one year renewal terms (each, a "Renewal Term"), unless earlier terminated as provided for below. If either party desires not to renew the Agreement at the end of the Initial Term or any Renewal Term, such party must provide written notice to the other parties of its intent not to renew this Agreement at least ninety (90) days prior to the expiration of the Initial Term or Renewal Term, as applicable. Notwithstanding the foregoing, Member Bank may terminate this Agreement for any or no reason with 30 days' notice to you.

8. Events of Default. An "Event of Default" shall mean the occurrence or existence of one or more of the following events or conditions, whatever the reason for such Event of Default and whether voluntary, involuntary or effected by operation of law: (a) you fail to pay any obligation under this Agreement to Member Bank or ISO when due; (b) any representation or warranty made by you under this Agreement, the Application or any financial statement, certificate, report, exhibit or document required to be furnished by you to Member Bank or ISO pursuant to this Agreement shall prove false or misleading in any material respect as of the time when made, including any omission of material information necessary to make such representation, warranty or statement not misleading or the failure to provide required information; (c) you shall default in the performance or observance of any covenant, agreement or duty under this Agreement or any Payment Brand Regulation; (d) you are no longer allowed by a Payment Brand to accept such Payment Brand's Cards as payment or your name appears on a Payment Brand's terminated merchant file; (e) Member Bank or ISO reasonably conclude that any criminal, fraudulent, unauthorized or suspicious activity has occurred or is imminent with respect to your acceptance of Cards or your performance under this Agreement; (f) there is an unexplained material change in your processed volume, average ticket size or mode of sale; (g) Member Bank or ISO reasonably conclude that there exists a risk of an abnormal level of chargebacks or that you may not fund Fees, Third Party Costs, Dispute Items, or Penalties as they occur; (h) you have defaulted on any

obligation for borrowed money and the effect thereof may permit the holder of such indebtedness to accelerate the time when repayment is due; (i) there is an adverse material change in your business, operations, financial condition, properties, assets or prospects; (j) one or more judgments against you for the payment of money remain undischarged, unsatisfied or unstayed for a period of 45 consecutive days; (k) your lender takes possession of your inventory; (l) a writ or warrant of attachment, garnishment, execution, or similar process shall have been issued against you or any of your assets; (m) a proceeding shall have been instituted with respect to you (1) seeking an order for relief or a declaration entailing a finding that you are insolvent or seeking a similar declaration or finding, or seeking dissolution, winding up, charter revocation or forfeiture, liquidation, reorganization, arrangement, adjustment, composition or other similar relief with respect to you, your assets or your debts under any law relating to bankruptcy, insolvency, relief of debtors or protection of creditors, termination of legal entities or any other similar law now or hereafter in effect, or (2) seeking appointment of a receiver, trustee, custodian, liquidator, assignee, sequestrator or other similar official for you or for all or any substantial part of your assets; or (n) you shall become insolvent, shall become generally unable to pay your debts as they become due, shall voluntarily suspend transaction of your business, shall make a general assignment for the benefit of creditors, shall institute a proceeding described in subsection (m)(1) above, or shall consent to any such order for relief, declaration, finding or relief described therein, shall institute a proceeding described in subsection (m)(2) above, or shall consent to any such appointment or to the taking of possession by any such official of all or any substantial part of your assets, shall dissolve, windup, revoke or forfeit your charter (or other constituent documents) or liquidate yourself or any substantial part of your assets, or shall take any action in furtherance of any of the foregoing; (o) accept a Card for an unlawful Internet gambling transaction; or (p) you fail to become or remain "PCI compliant" (as required under applicable Payment Brand Regulations) and/or you fail to certify such compliance to ISO upon request. You shall notify Member Bank and ISO in writing immediately upon becoming aware of an Event of Default, or an event which, with the passing of time or the giving of notice, or both, would constitute an Event of Default.

9. Remedies Upon Event of Default. Upon the occurrence of any Event of Default, Member Bank and ISO may employ any or all of the following remedies it deems appropriate: (a) terminate this Agreement immediately upon notice to you; (b) without prior notice to you, refuse to accept or revoke acceptance of any sales or credit, or the electronic transmission thereof if applicable, received by Member Bank or ISO on or at any time after the occurrence of any Event of Default; (c) without prior notice to you, Member Bank may debit your Accounts in an amount equal to any amount then owed to Member Bank or ISO; (d) establish a reasonable reserve using your funds in Member Bank's possession to cover foreseeable Fees, Third Party Costs, Dispute Items, Penalties, and Cardholder credits; (e) increase the Fees commensurate with the increased risk; (f) require you to deposit, as cash collateral, such amounts as Member Bank or ISO may require to secure your obligations hereunder; (g) report to one or more credit reporting agencies any outstanding indebtedness to Member Bank or ISO; or (h) take such other action as may be permitted by law.

10. Early Termination Fee. For purposes of this Section 10, an "Early Termination" shall mean: (i) a termination of this Agreement by Member Bank or ISO following an Event of Default specified in Section 8 above (ii); a termination of this Agreement by you for any reason whatsoever, other than following written termination notice given by you pursuant to Section 7 or 12; or (iii) your deposit or submission of any of your Payment Brand branded transactions with any entity other than Member Bank. Your payment of the monthly minimum Fees shall not fulfill your obligation to ISO. The parties agree that the actual damages which will result to ISO from an Early Termination are not readily ascertainable as of the effective date of this Agreement. In addition, you acknowledge and agree that in reliance on this Agreement and other long-term agreements, ISO will incur additional long-term costs, including without limitation, computer hardware, software, and labor. Accordingly, upon the occurrence of an Early Termination, you shall pay to ISO, in addition to all amounts owed for the Services provided to you pursuant to this Agreement, an amount equal to the greater of (i) \$500.00; or (ii) thirty percent (30%) of the average total monthly Fees paid by you (or Service Fees collected by ISO, if applicable) during the preceding six (6) months (or shorter period if this Agreement has not been in effect for six (6) months), times the number of months, or portion thereof, remaining in the Term resulting from failure to provide timely termination notice as described in Section 7 of this Agreement. The parties intend that this Early Termination fee be in lieu of ISO's lost profits for the remainder of this Agreement, but not in lieu of any other damages to which ISO might otherwise be entitled arising out of your wrongful acts or omissions.

11. Change in Your Business. You shall provide Member Bank and ISO at least thirty (30) days prior written notice of your intent to change in any way the basic nature of your business, including without limitation, a change in the types of merchandise or services sold, or the method of selling such products or services. Upon its receipt of notice of such change, Member Bank and ISO shall have the right to terminate this Agreement without further obligation upon providing thirty (30) days prior written notice to you.

12. Termination by You. You may terminate this Agreement upon thirty (30) days prior written notice to Member Bank and ISO in the event of (a) your receipt of notice of any increase in Fees payable to Member Bank and ISO pursuant to Section 3 hereof (excluding Fee increases pursuant to Section 9); or (b) any material amendment or modification to this Agreement made by Member Bank or ISO pursuant to Section 18 hereof which adversely affects you in any material respect (excluding material amendments or modifications required due to changes to an Payment Brand Regulation or applicable federal, state or local law or regulation). Your right to terminate pursuant to this Section 12 shall expire thirty (30) days following your receipt of notice of any such Fee increase or material amendment or modification. If this Agreement is terminated, regardless of cause, Member Bank may withhold and discontinue the disbursement for all Card transactions in the process of being collected and deposited. If termination is due to the occurrence of an Event of Default or if you otherwise breach this Agreement, you acknowledge that Member Bank or ISO may be required to report your business name and the names and other identification of your principals to the terminated merchant file maintained by the Payment Brands. **You expressly agree and consent to such reporting if you are terminated for any reason requiring listing on the terminated merchant file.** You waive and will hold harmless Member Bank and ISO from any claims that you may raise as a result of Member Bank or ISO terminated merchant file reporting. Further, you will return all Member Bank and ISO property, forms, or equipment. All obligations for transactions prior to termination (including payment for Fees, Third Party Charges, Dispute Items, Penalties and Member Bank's expenses relating to chargebacks) survive termination. Neither Member Bank nor ISO is liable to you for damages (including prospective sales or profits) due to termination. Upon termination, any amounts due to Member Bank or ISO will accelerate and be immediately due and payable, without any notice, declaration or other act whatsoever.

13. Credit Inquiries; Reporting; Financial Statements. You authorize Member Bank and ISO to make any credit inquiries they consider necessary to accept or to renew their acceptance of this Agreement. You also authorize any person or credit reporting agency to compile information to answer such credit inquiries and to furnish such information to Member Bank and ISO. You agree to provide to ISO such financial statements or other information concerning your business or operations as may be requested by ISO from time to time, in appropriate detail, promptly upon request by ISO. Upon request by ISO, you shall furnish to ISO, within 120 days after the end of your fiscal year, an audited financial statement of profit and loss for such fiscal year and an audited balance sheet as of the end of such fiscal year. ISO may, at its discretion, accept unaudited financial statements prepared by a public accounting firm.

14. Representation and Warranties; Disclaimers. You make the following representations and warranties which shall be true and correct on the date of this Agreement and at all times thereafter: (a) all information contained in the Application or any other document delivered to Member Bank and ISO in connection therewith or with this Agreement is true and complete in all material respects; (b) you have the power to execute, deliver and perform this Agreement; (c) this Agreement is duly authorized and will not violate any provisions of law, or conflict with any other agreement to which you are subject or by which your assets are bound; (d) you have all required licenses, if any, to conduct your business and are qualified to do business in every jurisdiction where it is required to do so; and (e) there is no action, suit or proceeding at law or in equity pending, or to your knowledge, threatened, by or against or affecting you which if adversely decided to you would impair your right to carry on your business substantially as now conducted or adversely affect your financial condition or operations in any material respect. EXCEPT AS OTHERWISE SPECIFICALLY SET FORTH HEREIN, THE SERVICES ARE PROVIDED ON AN "AS IS," "AS AVAILABLE" BASIS WITHOUT ANY REPRESENTATIONS OR WARRANTIES. ISO DOES NOT REPRESENT OR WARRANT THE PRODUCTS AND SERVICES WILL BE AVAILABLE, ACCESSIBLE, UNINTERRUPTED, TIMELY, SECURE, ACCURATE, COMPLETE OR ENTIRELY ERROR-FREE. YOU MAY NOT RELY ON ANY REPRESENTATION OR WARRANTY REGARDING THE SERVICES MADE BY ANY THIRD PARTY IN CONTRAVENTION OF THE FOREGOING STATEMENTS. ISO SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS, WARRANTIES AND CONDITIONS WHETHER EXPRESS OR IMPLIED, ARISING BY STATUTE, OPERATION OF LAW, USAGE OF TRADE, COURSE OF DEALING, OR OTHERWISE, INCLUDING BUT NOT LIMITED TO, WARRANTIES OR CONDITIONS OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, NON-INFRINGEMENT, OR TITLE WITH RESPECT TO THE SERVICES. YOU UNDERSTAND AND AGREE THAT ISO SHALL BEAR NO RISK WITH RESPECT TO YOUR SALE OF YOUR PRODUCTS OR SERVICES INCLUDING, WITHOUT LIMITATION, ANY RISK ASSOCIATED WITH CARD FRAUD, PENALTIES OR CHARGEBACKS. ISO MAKES NO WARRANTY THAT THE SERVICES WILL MEET YOUR REQUIREMENTS, NOR DOES ISO MAKE ANY WARRANTY AS TO THE RESULTS THAT MAY BE OBTAINED FROM THE USE OF THE SERVICES OR AS TO THE ACCURACY OR RELIABILITY OF ANY INFORMATION OBTAINED THROUGH USE OF THE SERVICES.

15. Hold Harmless. To the extent permissible under applicable law, you agree to hold harmless Member Bank and ISO, their respective affiliates, directors, officers, employees and agents from all claims, liabilities, loss, damage, and expenses of any nature (including fees and expenses of legal counsel and costs of litigation) arising from or in connection with: (a) any dispute or claim made by a Cardholder with respect to a Card transaction, including but not limited to, any such dispute concerning the quality, fitness or delivery of merchandise or the performance or quality of services; and (b) your failure to comply with the provisions of this Agreement, Payment Brand Regulations or applicable federal, state or local laws and regulations. You acknowledge and agree that, in addition to clearing and settling Transactions, Member Bank collects fees, costs, and other charges due under this Agreement at ISO's instruction. You agree that Member Bank has no duty to verify, audit, review or otherwise oversee the fees, costs, or other charges that Member Bank collects from you and you hereby release Member Bank, hold Bank harmless from, and agree not to sue Member Bank alleging any overcharges or other billing claims under this Agreement.

16. CHOICE OF LAW; JURISDICTION; WAIVER. THIS AGREEMENT SHALL BE GOVERNED BY THE LAWS OF THE STATE OF IN WHICH YOU ARE LOCATED. YOU, MEMBER BANK AND ISO HEREBY IRREVOCABLY AND UNCONDITIONALLY: (A) AGREE THAT ANY ACTION, SUIT OR PROCEEDING BY ANY PERSON ARISING FROM OR RELATING TO THIS AGREEMENT OR ANY STATEMENT, COURSE OF CONDUCT, ACT, OMISSION OR EVENT OCCURRING IN CONNECTION WITH THIS AGREEMENT (COLLECTIVELY, "RELATED LITIGATION") MUST BE BROUGHT IN A STATE OR FEDERAL COURT OF COMPETENT JURISDICTION IN THE COUNTY AND STATE IN WHICH YOU ARE LOCATED; (B) SUBMIT TO THE JURISDICTION OF SUCH COURTS; (C) WAIVE ANY OBJECTION WHICH IT MAY HAVE AT ANY TIME TO THE LAYING OF VENUE OF ANY RELATED LITIGATION BROUGHT IN ANY SUCH COURT; (D) WAIVE ANY CLAIM THAT ANY SUCH RELATED LITIGATION HAS BEEN BROUGHT IN AN INCONVENIENT FORUM, AND WAIVE ANY RIGHT TO OBJECT, WITH RESPECT TO ANY RELATED LITIGATION BROUGHT IN ANY SUCH COURT, THAT SUCH COURT DOES NOT HAVE JURISDICTION OVER YOU OR ISO; (E) CONSENT AND AGREE TO SERVICE OF ANY SUMMONS, COMPLAINT OR OTHER LEGAL PROCESS IN ANY RELATED LITIGATION BY REGISTERED OR CERTIFIED U.S. MAIL, POSTAGE PREPAID, TO YOU AT THE ADDRESS IN THE APPLICATION AND CONSENTS AND AGREES THAT SUCH SERVICE SHALL CONSTITUTE IN EVERY RESPECT VALID AND EFFECTIVE SERVICE (BUT NOTHING HEREIN SHALL AFFECT THE VALIDITY OR EFFECTIVENESS OF PROCESS SERVED IN ANY OTHER MANNER PERMITTED BY LAW); AND (F) WAIVE THE RIGHT TO TRIAL BY JURY IN ANY RELATED LITIGATION. THE PREVAILING PARTY IN ANY RELATED LITIGATION SHALL BE ENTITLED TO RECOVER ITS REASONABLE ATTORNEY'S FEES, COST AND EXPENSES.

17. LIMITATION OF LIABILITY. TO THE FULLEST EXTENT PERMITTED BY LAW, NO CLAIM MAY BE MADE BY YOU AGAINST MEMBER BANK OR ISO OR ANY OF THEIR RESPECTIVE AFFILIATES, DIRECTORS, OFFICERS, EMPLOYEES OR AGENTS OF ANY OF THEM FOR ANY SPECIAL, INCIDENTAL, INDIRECT, CONSEQUENTIAL OR PUNITIVE DAMAGES IN RESPECT OF ANY CLAIM ARISING FROM OR RELATING TO THIS AGREEMENT OR ANY STATEMENT, COURSE OF CONDUCT, ACT, OMISSION OR EVENT OCCURRING IN CONNECTION WITH THIS AGREEMENT UNLESS SUCH CLAIM ARISES FROM THE WILLFUL MISCONDUCT OF THE MEMBER BANK OR ISO AND YOU HEREBY WAIVE, RELEASE AND AGREE NOT TO SUE UPON ANY SUCH CLAIM FOR ANY SUCH DAMAGES, WHETHER SUCH CLAIM PRESENTLY EXISTS OR ARISES HEREAFTER AND WHETHER OR NOT SUCH CLAIM IS KNOWN OR SUSPECTED TO EXIST IN ITS FAVOR.

18. CONFIDENTIAL INFORMATION. You will not use for any purpose other than contemplated by this Agreement, will not disclose to any third party, and will cause your employees, independent contractors, and agents to not use or disclose, any term of this Agreement, the Services, or any information learned about the business practices and ways in which ISO conducts business that is not generally known to others, including without limitation details about the Services, any data or information that is a trade secret or competitively sensitive such as computer software and documentation, data and data formats, and financial information (collectively, "Confidential Information"). You will inform ISO of any request by a court or government agency to disclose such Confidential Information to enable ISO to waive the provisions of this Section or defend the nondisclosure. You will not be obligated to maintain the confidentiality of Confidential Information: (i) you are required to reveal in performing your obligations under this Agreement, (ii) that is or becomes within the public domain through no act of yours in breach of this Agreement, (iii) was legitimately in your possession prior to its disclosure under this Agreement, and you can prove that, or (iv) is required to be disclosed by state or federal law, provided that you provide ISO with notice and an opportunity to oppose the disclosure. In the event of a breach of this section, the parties agree that ISO will suffer irreparable harm, and that the amount of monetary damages would be impossible to calculate. Thus, ISO will be entitled to injunctive relief in addition to any other rights to which it may be entitled, without the necessity of proof of actual damages or the requirement of a bond. This Section will survive termination of this Agreement.

Terms in Section 19 Below Are Additional Terms Applicable Specifically to American Express Card Acceptance (capitalized terms below not defined elsewhere in the Agreement shall have the meanings assigned in the American Express Network Rules). With respect to participation in an American Express acceptance program, in the event of a conflict between the terms below and other terms of this Agreement, the terms below shall control with respect to American Express transactions only. Merchant shall be bound by American Express Network Rules, including the Merchant Operating Guide, as it may be updated from time to time by American Express: www.americanexpress.com/merchanttopguide. In the event of conflict or inconsistency between the Operating Guide and any other relevant document, the Operating Guide will prevail.

19. AMERICAN EXPRESS OPTBLUE® TERMS AND CONDITIONS.

- a. Transaction Data. Merchant authorizes ISO and/or its affiliates to submit American Express Transactions to, and receive settlement on such Transactions from, American Express or Bank on behalf of Merchant.
- b. Marketing Message Opt-Out. Merchant may opt-out of receiving future commercial marketing communications from American Express by contacting ISO. Note that Merchant may continue to receive marketing communications while American Express updates its records to reflect this choice. Opting out of commercial marketing communications will not preclude Merchant from receiving important transactional or relationship messages from American Express.
- c. Conversion to American Express Direct Merchant. Merchant acknowledges that it may be converted from American Express Card OptBlue program to a direct relationship with American Express if and when its Transaction volumes exceed the eligibility thresholds for the OptBlue program. If this occurs, upon such conversion, (i) Merchant will be bound by American Express' then-current Card Acceptance Agreement; and (ii) American Express will set pricing and other fees payable by Merchant.
- d. American Express as Third Party Beneficiary. Notwithstanding anything in the Agreement to the contrary, American Express shall have third-party beneficiary rights, but not obligations, to the terms of this Agreement applicable to American Express Card acceptance to enforce such terms against Merchant.
- e. American Express Opt-Out. Merchant may opt out of accepting American Express at any time without directly or indirectly affecting its rights to accept Cards bearing Marks of other Payment Brands.
- f. Refund Policies. Merchant's refund policies for American Express purchases must be at least as favorable as its refund policy for purchase on any other Card Network, and the refund policy must be disclosed to Cardholders at the time of purchase and in compliance with Law. Merchant may not bill or attempt to collect from any Cardholder for any American Express Transaction unless a Chargeback has been exercised, Merchant has fully paid for such Chargeback, and it otherwise has the right to do so.
- g. Establishment Closing. If Merchant closes any of its Establishments, Merchant must follow these guidelines: (i) notify ISO immediately; (ii) policies must be conveyed to the Cardholder prior to completion of the Transaction and printed on the copy of a receipt or Transaction record the Cardholder signs; (iii) if not providing refunds or exchanges, post notices indicating that all sales are final (e.g., at the front doors, by the cash registers, on the Transaction record and on websites and catalogs); (iv) return and cancellation policies must be clearly disclosed at the time of sale; and (v) for Advance Payment Charges or Delayed Delivery Charges, Merchant must either deliver the goods or services for which Merchant has already charged the Cardholder or issue Credit for any portion of the Transaction for which Merchant has not delivered the goods or services.
- h. Merchant shall not assign to any third party any payments due to it under American Express Card Acceptance, and all indebtedness arising from Transactions will be for bona fide sales of goods and services (or both) at Merchant's business locations and free of liens, claims, and encumbrances other than ordinary sales taxes; provided, however, that the Merchant may sell and assign future Transaction receivables to Member Bank/ISO, its affiliated entities and/or any other cash advance funding source that partners with Member Bank/ISO or its affiliated entities, without consent of American Express. Notwithstanding the foregoing, Member Bank/ISO prohibits Merchant from selling or assigning future Transaction receivables to any third party.
- i. Member Bank/ISO shall have the right to terminate Merchant's participation in American Express Card Acceptance immediately upon written notice to Merchant (i) if Merchant breaches any of the provisions of this Agreement, or (ii) for cause or fraudulent or other activity, or upon American Express' request. In the event Merchant's participation in American Express Card Acceptance is terminated for any reason, Merchant must immediately remove all American Express branding and marks from Merchant's website and wherever else they are displayed.
- j. Merchant must accept American Express as payment for goods and services (other than those goods and services prohibited by these provisions, the Agreement, or the Payment Brand Regulations) sold, or (if applicable) for charitable contributions made at all of its business locations and websites, except as expressly permitted by state statute. Merchant is jointly and severally liable for the obligations of Merchant's business locations and websites under the Agreement.
- k. In the event that Merchant or Member Bank/ISO is not able to resolve a claim against American Express, or a claim against Member Bank/ISO or any other entity that American Express has a right to join in resolving a claim, the Merchant Operating Guide explains how claims can be resolved through arbitration. Merchant or American Express may elect to resolve any claim by individual, binding arbitration. Claims are decided by a neutral arbitrator.
- l. Any and all Cardholder information is confidential and the sole property of the applicable issuer, American Express or its affiliates. Except as otherwise specified, Merchant must not disclose Cardholder information, nor use nor store it, other than to facilitate Transactions at Merchant's business locations and websites in accordance with the Agreement.
- m. Merchant must ensure that it and any third parties it enlists to facilitate Transactions processing complies with the American Express Technical Specifications (available at www.americanexpress.com/merchanttopguide) (valid and accurate data must be provided for all data elements in accordance with the American Express Technical Specifications). Failure to comply with the American Express Technical Specifications may impact Merchant's ability to successfully process Transactions. Merchant may be assessed non-compliance fees if Merchant fails to comply with the Technical Specifications. To ensure compliance with the Technical Specifications, Merchant should work with Member Bank/ISO.
- n. American Express Right to Modify or Terminate Agreement. American Express has the right to modify the Agreement with respect to American Express Card transactions or to terminate Merchant's acceptance of American Express Card transactions and to require ISO to investigate Merchant's activities with respect to American Express Card transactions.

Terms in Section 20 Below Are Additional Terms Applicable Specifically to Merchant's Acceptance of ACH Transactions and Check 21 Transactions. If Merchant elects to accept ACH Transactions and Check 21 Transactions, in the event of a conflict between the terms below and other terms of this Agreement, the terms below shall control with respect to ACH Transactions and Check 21 Transactions only.

20. ACH AND CHECK 21 TERMS AND CONDITIONS.

- a. Services. With respect to ACH Transactions, ISO shall be the ACH processor through which debit and credit transactions are submitted to the ACH Network in conjunction with ACH check processing origination and settlement services. With respect to transactions involving substitute check Images permitted under Check 21, ISO provides capture services which facilitates the processing of the substitute check Images with financial institutions in the Federal Reserve System.
- b. Definitions. The following terms used in this Section 20 shall have the meaning specified below:
 - "ACH Transaction": An electronic payment transaction originated by Merchant and processed through the ACH Network in the Federal Reserve System.
 - "Administrator": The Merchant's employee who has been designated as Merchant's primary contact with ISO for the Services and has been appointed by Merchant to manage the administration of Services access, including passwords, and communicate authorizations to ISO.
 - "Bank of First Deposit": In a Check 21 Transaction, the financial institution which receives the Entry from ISO and transmits the Entry through the Federal Reserve Bank system for transmittal to the Customer's financial institution for debit or credit to the Customer's account.
 - "Check 21": The Check for the 21st Century (Check 21) Act and all regulations pertaining to the Check 21 Act.
 - "Check 21 Transaction": An electronic payment transaction utilizing a Substitute Check Image permitted by Check 21.
 - "Customer": Merchant's customer who submits a payment to Merchant by means of a paper check or ACH transfer.
 - "Entry": A transaction submitted by Merchant for processing by the Services and further defined in the NACHA Rules.
 - "Image": The image that results from an electronic scan of a paper check by Merchant.
 - "NACHA Rules": The then-current rules, regulations and procedural guidelines published by the National Automated Clearing House Association ("NACHA") and/or all regional payment alliances associated with NACHA.
 - "Originating Depository Financial Institution" or "ODFI": In an ACH Transaction, the financial institution which receives the Entry from ISO and transmits the Entry to its ACH Operator for transmittal to a Receiving Depository Financial Institution for debit or credit to the Customer's account, as these terms are further defined in the NACHA Rules.
 - "Services": The ACH processing services and/or the Check 21 processing services provided to Merchant under this Agreement.
 - "Settlement Account": A commercial demand deposit bank account which Merchant has established for ISO's access and use to settle financial payment transactions processed by ISO on behalf of Merchant.
 - "Substitute Check": The electronic Image of a paper check, as defined in Check 21.

c. Set-Up of Services. ISO shall provide the Services selected by Merchant in its application. Merchant shall utilize and access the Services in accordance with the terms of this Agreement and the practices and procedures established by ISO for the Services which have been communicated in writing to Merchant. As part of the Merchant set-up and boarding process, ISO will provide Merchant with an administrative and gateway user name and password to access the Services. Merchant will designate an Administrator who shall be the sole individual vested with the authority to determine who will be authorized to use the Services; establish separate passwords for each user; and establish limits on each user's authority to access information and conduct transactions. Merchant is responsible for the actions of its Administrator, the authority the Administrator gives others to act on Merchant's behalf, and the actions of the persons designated by the Administrator to use the Services. Merchant shall take reasonable security procedures and practices to safeguard the confidentiality of the passwords; limit access to its passwords solely to persons who have a need to know such information; closely and regularly monitor the activities of employees who access the Services; and prohibit its employees and agents from initiating entries in the Services without proper authorization and supervision and adequate security controls.

d. Delivery of Services. ISO will provide Services for the Entry types indicated in the Merchant set-up and boarding documentation. ISO reserves the right to withdraw the Services provided generally to its customers including Merchant for individual Entry types from general market availability and coverage under this Agreement upon ninety (90) days prior written notice to Merchant. To the extent reasonably possible, ISO will first attempt to process an Entry in the Services as an ACH Transaction, unless the Entry has clearly been designated to be processed as a Check 21 Transaction, provided the Entry fully qualifies to be processed as an ACH Transaction according to applicable NACHA Rules and ISO has received all of the required information from the Image or paper check necessary to process the transaction as an ACH Transaction. If the Entry cannot be processed as an ACH Transaction for any reason, then ISO will process the Entry in the Services as a Check 21 Transaction. Prior to submitting an Entry to ISO for processing, Merchant shall secure all authorizations and approvals from its Customer and deliver any notifications pertaining to that Entry which are required by the NACHA Rules and/or applicable laws and regulations. Merchant shall be responsible for the accuracy and propriety of all Entries submitted to ISO for processing. If Merchant utilizes a scanner to create Images which are delivered to ISO for processing, Merchant shall be solely responsible to ensure the accuracy and completeness of the Image transmitted to ISO for processing. Merchant acknowledges that ISO has specific processing deadlines imposed by its ODFI and the ACH Operator for ACH Transactions and by the Bank of First Deposit for Check 21 Transactions. Files received by the deadline will be transmitted that day to the Federal Reserve Bank for settlement on the effective entry day. Files received after the deadline will be processed the next Banking Day as defined in the NACHA Rules. For Check 21 Transactions, ISO will not be responsible for printing any Substitute Checks which may be required by a financial institution in order to receive and process the Entry. In the event of any conflicts in the instructions received by ISO regarding Merchant or any Entries relating to them, ISO may at its option and with or without notice, hold or interplead, comply with the legal process or other order, or otherwise limit access by Merchant or by ISO to the funds, Entries or proceeds thereof.

e. Recoupment and Set-Off. Merchant shall immediately reimburse ISO for any returns or shortfalls that occur in Merchant's Settlement Account. ISO reserves the right to delay the availability of funds for deposit without prior written notices to Merchant if, in its sole discretion, ISO deems itself at financial or relative risk for any and all Services performed under this Agreement. Merchant hereby acknowledges and agrees that ISO shall have a right of setoff against any amounts ISO would otherwise be obligated to deposit into Merchant's account, and any other amounts ISO may owe Merchant under this Agreement.

f. **Additional Merchant Responsibilities.** All checks deposited electronically by Merchant through use of the Services shall be subject to the following requirements: (i) The original paper check will not be deposited through the Services more than once; (ii) All checks will conform to the requirements of Merchant's deposit agreement with its financial institution; (iii) All checks will conform to the requirements of the applicable NACHA Rules and Check 21; and (iv) Merchant shall review and validate the accuracy and completeness of the check data being captured including but not limited to the amount of the check and the legibility of the check image generated from use of the Services. Merchant shall be solely responsible for the selection, use and operation of the scanner equipment used to capture the image using the Services, including the quality of the image results generated from the scanner. Any scanner used by Merchant with the Services must meet the technical specifications for scanners published by ISO in order to be deemed compatible with the Services. Any purchase or lease of scanners by Customer from ISO or a Reseller for its use shall be transacted between Merchant and ISO or a Reseller in a separate equipment purchase/lease agreement. Merchant shall be solely liable and responsible for all damages, losses, expenses and claims arising from any of the following: (i) Duplication of Images transmitted by Merchant to ISO through the Services; (ii) Alteration of scanned Images not caused by ISO's Services; (iii) Deposit of checks on accounts with insufficient funds, counterfeit checks, fraudulent checks, or checks bearing unauthorized or forged endorsements; (iv) Acts of fraud, negligence or willful misconduct committed by employees of Merchant in depositing checks using the Services; (v) Hardware failure not caused by ISO's Services; or (vi) Merchant's failure to properly store or destroy original checks once the scanned image has been captured. Merchant shall hold ISO harmless from any damages, losses, expenses and claims which arise from the foregoing events not caused by ISO.

g. **Pricing and Payment.** Merchant shall pay ISO the fees, penalties and charges for the Services set forth in the Application and Fee Schedule and such fees, penalties and charges shall be considered Fees for all purposes of this Agreement.

h. **NACHA Rules and ISO Guidelines.** Each party shall comply with the then-current NACHA Rules which apply to ACH Transactions processed under this Agreement. In addition, ISO may publish to Merchant and other merchants its own standard operating and implementation guidelines for the Services with respect to specific NACHA Rules which will govern and apply to this Agreement as if set forth herein.

i. **Selection and Use of Hardware.** Merchant is solely responsible for the selection, use and operation of the hardware used to capture Images of paper checks using the Service, including the quality of the scanned image results generated from the hardware. Hardware utilized must be certified for use with the Services in order to be deemed compatible with the Services.

j. **Third Party Processing Services.** AMS' third party processing services partners are providing some of the Services, and as a result, these third party services partners shall be an intended third party beneficiary of this Agreement. Each third party services partner shall have the right to enforce directly against Merchant, the terms of this Agreement which relate to the provision of the third party services partner's processing services to Merchant and the ownership and protection of the intellectual property rights of the third party services partner and its licensors in and to its processing services. Merchant acknowledges that the third party services partner shall have no responsibility or liability with regard to AMS' obligations to Merchant under this Agreement.

21. MISCELLANEOUS PROVISIONS.

a. You shall not subcontract, assign or transfer any interest, obligation or right under this Agreement without the prior written consent of Member Bank and ISO. Subject to the foregoing, this Agreement shall be binding upon and inure to the benefit of the parties and their successors or assigns. ISO and Member Bank may transfer their respective rights and responsibilities hereunder to another institution authorized by the Payment Brand Regulations to hold such rights without your consent.

b. This Agreement may be modified by Member Bank to comply with any amendments or additions to the Payment Brand Regulations or as required by applicable law or regulation upon 30 days prior written notice to you.

c. No party shall, by the mere lapse of time, without giving notice or taking other action, be deemed to have waived any of their rights under this Agreement. No waiver of a breach of this Agreement shall constitute a waiver of any prior or subsequent breach of this Agreement.

d. In order to maintain quality service, Member Bank or ISO may monitor or record your telephone communications.

e. No party shall be liable for any loss or damage due to causes beyond its control, including earthquake, war, fire, flood, power failure, acts of God or other catastrophes.

f. Each party and each person signing on behalf of a party represents and warrants that it has the full legal capacity and authority to enter into and perform the obligations of this Agreement without any further approval. Nothing in this Agreement shall be deemed to create a partnership, joint venture or any agency relationship between the parties.

g. This Agreement and the documents referenced herein constitute the entire understanding of the parties with respect to the subject matter of this Agreement, and all prior agreements, understandings and representations are terminated and canceled in their entirety.

h. If there is any conflict between a part of this Agreement and any present or future Payment Brand Regulation or applicable federal, state or local law or regulation, only the part of this Agreement that is affected shall be modified and that modification shall be limited to the minimum necessary to bring this Agreement within the requirements of the Payment Brand Regulation, law or regulation.

i. All notices, including invoices, given in connection with this Agreement, shall be in writing and shall be effective upon actual receipt. Notices shall be delivered to the appropriate party at its address set forth on the attached Disclosure Page.

j. You shall be liable for all taxes, except Member Bank and ISO's income taxes, required to be paid or collected as a result of this Agreement.

k. All of your obligations, warranties and liabilities incurred or existing as of the date of termination of this Agreement, including without limitation, your obligations with respect to subsequent Fees, Third Party Costs, Penalties or Dispute Items based upon Card transactions incurred prior to termination, shall survive termination and shall continue in full force and effect as if the termination had not occurred. The right to revoke credit as well as hold, retain or set off against amounts due to you, or to debit any of your Account(s), shall survive the termination of this Agreement and shall continue in full force and effect as if termination had not occurred.

l. No other person or entity may be deemed a third party beneficiary of this Agreement.

Disclosure Page

(Processor Copy)

Member Bank Information

Name: Merrick Bank, a Utah state chartered bank
Address: 135 Crossways Park Drive North, Suite A,
Woodbury, NY 11797
Phone: (800)267-2256

Important Member Bank Responsibilities

1. Member Bank is the **only party** to the Merchant Processing Agreement approved to accept Visa products directly from a Merchant.
2. Member Bank must be a principal (signer) to the Merchant Processing Agreement.
3. Member Bank is responsible for educating the Merchant on pertinent Visa U.S.A. Inc. Operating Regulations with which the merchant must comply.
4. Member Bank is responsible for and must provide settlement funds to the Merchant.
5. Member Bank is responsible for all funds held in reserve that are derived from settlement.

Merchant Information

Merchant Name: City of Fayetteville AR
Merchant Address: 113 W Mountain St
Fayetteville, AR 72701
Merchant Phone: (479) 575-8287

Important Merchant Responsibilities

1. Ensure compliance with cardholder data security and storage requirements.
2. Maintain fraud and chargebacks below thresholds.
3. Review and understand the terms of the Merchant Processing Agreement.
4. Comply with Visa Operating Regulations.

The responsibilities listed above do not supersede terms of the Merchant Processing Agreement and are provided to ensure Merchant understands some important obligations of each party.

Merchant's Signature

Date

Merchant's Printed Name & Title

Disclosure Page (Merchant Copy)

Member Bank Information

Name: Merrick Bank, a Utah state chartered bank
Address: 135 Crossways Park Drive North, Suite A,
Woodbury, NY 11797
Phone: (800)267-2256

Important Member Bank Responsibilities

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The responsibilities listed above do not supersede terms of the Merchant Processing Agreement and are provided to ensure Merchant understands some important obligations of each party.

Merchant's Signature

Date

Merchant's Printed Name & Title

AMS - MERRICK LOCATION ADDENDUM

PRIMARY MERCHANT INFORMATION:		Location No: 1	Date:
Legal Name:	City of Fayetteville AR		Bank Chain: 202561
Main Contact:	Marsha Hertweck	Title: Accounting Director	Merchant Number: 317730292829 (Assigned Upon Approval)

LOCATION INFORMATION:			
DBA: City of Fay-Invoice		Statement DBA (23 Chr. Max): City of Fay-Invoice	
Main Contact: Marsha Hertweck		Email: mhertweck@fayetteville-ar.gov	
Title: Accounting Director	Phone #: (479) 575-8287	Fax #: (479) 575-8273	
Location Address: 113 W Mountain St	City: Fayetteville	ST: AR	Zip: 72701
Mailing Address: 113 W Mountain St	City: Fayetteville	ST: AR	Zip: 72701
Customer Service Phone Number: (479) 575-8287	SIC: 9399	Sales Rep: Nancy Murphy 1030	
Avg Ticket: \$260.00	Max: _____	Monthly Vol: \$11,083.00	Swipe % 0 Keyed % 0 MOTO % 0 Internet % 100
Merchant Products or Services Offered (be specific): Airport hanger leases, parking space lease, trash dumpster rental, misc local government invoices.			
Terminal / Payment Application: New World ERP		Version: 2017.1	
Does Merchant Use Independent Servicer (store, maintain, or transmits cardholder data)? _____ (if yes, provide the following)			
Servicer / Payment App. Manufacturer: BridgePay Network Solutions / Tyler Technologies		Phone: _____	
American Express (10 Digits): _____		American Express Annual Volume: _____	

SITE INFORMATION:			
Merchant Internet Website			
Building Type: Separate Building	Area Zoned: Commercial	Square Footage: More Than 10000	Merchant: Owns
Landlord: _____	Contact: _____	Phone: _____	
Fulfillment Co. _____	Contact: _____	Phone: _____	
This Location is Open for Business: ☒ Yes ☐ No		Inspected By: _____	Date: _____

MOTO – ECOMMERCE QUESTIONNAIRE Complete if Processing Less Than 70 % Card Present			
Sell To: Business: 80 % Public: 20 % Locally _____		Does the Merchant Own Product/Inventory? YES	
Marketing: _____		Are Products Stored at the Business Location? YES	
		If No, Where? _____	
Orders Processed by: Merchant		If Processing Internet Transactions (Please Complete The Following)	
Cards Processed by: Merchant		Internet transactions encrypted by SSL or Better? YES	
When is the cardholder Charged? Time of Order		Digital Certificate Utilized? YES Exp Date: _____	
How many days to fulfill orders? 1 - 7 Days		Certificate Number: _____	
Shipped by: Merchant		Certificate Issuer: _____ Individual	
Products Shipped by: Services Only (No Shipping)		URL: _____	
Delivery Receipt Requested? NO			

DDA BANK ACCOUNT INFORMATION:			
This area should be completed for Added/Subsequent locations with DDA other than main location. Please Include a Voided Check. If this is a "Deposit Only" account then a letter from the Financial Institution verifying Transit and Routing Number and DDA# is required.			
Account Type: C K	ACH Deposit Routing/Transit # 082900872	ACH Deposit Account Number 19617280	Bank Name: Arvest
Account Type: C K	ACH Fees Routing/Transit # 082900872	ACH Fees Account Number 19617280	Contact: Sarah Sanders Phone: (479) 575-1000
Merchant hereby authorizes Merrick and Automated Merchant Systems, Inc. to initiate credit and/or debit entries for amounts originating under the Merchant Processing Agreement (via ACH or otherwise) including any reversals or adjustments on original entries to the Merchant's Bank Account (as defined in the Merchant Processing Agreement). NOTE: Attach Voided Check			

The Merchant agrees to abide by the terms & conditions contained in the Merchant Processing Agreement signed on _____, provided, however, that the term of the Merchant Processing Agreement relating to the above-referenced Additional Location shall be for the same length of time as the initial Term (defined in the Merchant Processing Agreement), and such Initial Term for the Additional Location shall commence on the date signed by Officer/Owner, indicated below.			
Printed Officer/Owner Name	Signature	Title	Date



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0097

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

AMEND CHAPTER 98 & CHAPTER 50:

AN ORDINANCE TO AMEND § 98.02 DUTY OF PROPERTY OWNER AND OCCUPANT TO KEEP SIDEWALKS FREE FROM OBSTRUCTIONS, §98.04 GROWING TREES AND OTHER VEGETATION NEAR INTERSECTIONS; RIGHT-OF-WAY TO BE KEPT FREE FROM GRASS AND WEEDS, § 98.08 SPILLING OR TRACKING DEBRIS ONTO PUBLIC STREETS AND § 50.01 DEFINITIONS OF THE FAYETTEVILLE CODE, AND TO ENACT §98.09 ABATEMENT BY CITY; COSTS RESPONSIBILITY OF OWNER

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 § 98.02 **Duty of Property Owner and Occupant to Keep Sidewalks Free From Obstructions** and enacts a new § 98.02 as follows:

“(A) The owner, occupant or agent of every house or parcel of land in the city shall keep the sidewalk and gutter in front or alongside the same free from all obstructions of grass, leaves, weeds or other growths, substances or things.

(B) The owner, occupant or agent of every house or parcel of land in the city may not place, maintain, or permit a tree or plant to obstruct a sidewalk. Vegetation growing over a sidewalk shall be trimmed by the property owner, occupant or agent at a minimum clearance of 8 feet above the sidewalk for the full width of the sidewalk. Where adequate right of way exists, clearance shall be 2 feet back from the edge of sidewalk or edge of pavement if no sidewalk exists. In no event shall this require clearance outside of the existing public right-of-way. Newly planted street trees are exempt from the 8-foot clearance requirement until they are large enough to be trimmed to compliance.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 98.04 **Growing Trees and Other Vegetation Near Intersections; Right-Of-Way To Be Kept Free From Grass And Weeds** by adding “tall” in front of “grass.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 98.08 **Spilling or Tracking Debris Onto Public Streets** by repealing it in its entirety, renaming it and enacting the replacement § 98.08 as follows:

“Spilling or Tracking Debris Onto Public Streets, Sidewalks or Trails

(A) Any person who spills dirt, gravel, sand, offal, or any other similar material, or who tracks mud, dirt or other debris onto any public street, sidewalk or trail of the City of Fayetteville shall be responsible for the prompt and thorough clearance and cleaning thereof. The Mayor or duly authorized representative is hereby authorized to order the responsible party to clear and clean any affected street, sidewalk or trail within three business days of notice. The City shall promptly give the responsible party written notice (which can be by hand delivery, mail, or posting the property) of the Mayor’s Order to clean or clear the street, sidewalk or trail.

(B) If the responsible party fails to clear and clean the affected street, sidewalk or trail within three (3) business days of receipt of notice, the City may undertake the street, sidewalk or trail cleaning, and bill the responsible party for the costs thereof, at the overtime rate for said staff.

(C) The responsible party may request that the Mayor or duly authorized representative conduct an administrative review of such an order, or the appropriateness of the amount assessed for the cleaning. The decision of the Mayor or duly authorized representative shall constitute final administrative action in the matter.”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby enacts a new § 98.09 **Abatement By City; Costs Responsibility of Owner** as follows:

“If the conditions described in a notice given pursuant to §98.02 and §98.04 are not removed or corrected within ten (10) days after such notice is given, the Mayor, or his duly authorized representative, is hereby authorized to do whatever is necessary to correct or remove the conditions described, in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 50.01 **Definitions** of Chapter 50 **Recycling and Trash Collection** by enacting the following as an additional and final sentence to the definition of “*Curbside*”.

“If a street has a sidewalk adjacent to the curb, the recycling, trash and yard waste bins, carts and containers shall be placed at the back of the sidewalk to avoid impeding access on the sidewalk.”

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 50.20 **Service Requirements** by amending the location allowed for garbage carts to be within “6” feet rather than “3” feet of the curb, street or alley.

City of Fayetteville Staff Review Form

2018-0097

Legistar File ID

3/6/2018

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

Matt Mihalevich

2/15/2018

DEVELOPMENT SERVICES (620)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of an ordinance to amend chapter 98 – Streets and Sidewalks and chapter 50 – Recycling and Trash Collection of the Fayetteville Code to better define the responsibilities of property owners to keep sidewalks clear of obstructions.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6TH, 2018

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Garner Stoll, Development Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: February 15th, 2018

SUBJECT: 2018-0097 Sidewalk Ordinance Amendments

RECOMMENDATION:

Staff recommends approval of an ordinance to amend chapter 98 – Streets and Sidewalks and chapter 50 – Recycling and Trash Collection of the Fayetteville Code to better define the responsibilities of property owners to keep sidewalks clear of obstructions.

BACKGROUND:

During a walking tour on August 29th, 2017 with the Active Transportation Advisory Committee (ATAC) and the Transportation Committee many sidewalks were observed to be obstructed by vegetation and/or trash and recycling carts in the vicinity southeast of the Square. Since that time, the ATAC and staff have worked to evaluate the existing ordinances relating to sidewalks and determine amendments to better define the responsibility of property owners to keep sidewalks clear and accessible to the public. On January 3rd, the ATAC unanimously supported the amended language and forwarded the recommendations to the Transportation Committee during their January 30th meeting. The Transportation Committee recommended adding language to include an exemption to the 8-foot clearance requirement for newly planted street trees to give them time to grow large enough to be trimmed to compliance. With this language included, the Transportation Committee unanimously approved the proposed amendments and forward to the City Council.

DISCUSSION:

The current language under chapter 98.02 – “duty of property owner and occupant to keep sidewalks free from obstructions” stipulates that it is the responsibility of the property owner to keep the sidewalk in front or alongside their property free from obstructions. The proposed language builds upon the existing requirements by specifying a minimum clear space of 8 feet above the sidewalk and 2 feet back from the edge of sidewalk to insure a safe and accessible route. In addition, a new section is proposed in chapter 98 to provide city staff with the tools necessary to charge a property owner for the costs incurred to clear vegetation and/or obstructions from the sidewalk in the case the property owner is unwilling or unable to do so themselves. The intent is to first educate the property owners of their responsibility to keep the sidewalk clear and only use the financial recourse as a last resort.

The current language under chapter 50 – “recycling and trash collection” stipulates that trash carts placed at curbside must not impede the flow of traffic on the roadway or public sidewalk. The proposed language expands upon the existing ordinance to address areas where a sidewalk is adjacent to the curb and requires the recycling, trash and yard waste containers to be placed at the back of the sidewalk so the sidewalk is not blocked. Staff has verified with the Recycling and Trash Collection Division and the existing articulating arm on the trucks can reach to the back of the sidewalk.

The ATAC recommended that emphasis is placed on educating property owners about the proper placement of trash and recycling and keeping the sidewalks clear of vegetation as outlined in the proposed ordinance changes. Communications staff have been working on pamphlets and website content to help illustrate the responsibility of keeping the sidewalks clear. An example pamphlet has been included in this packet. The pamphlet will be included with code compliance correspondence regarding sidewalks and available on-line for residents to use if they see an obstruction issue.

BUDGET/STAFFIMPACT:

No direct cost for this item. The existing code compliance officers will continue to respond to citizen complaints for sidewalk obstructions. The proposed changes will give the code compliance officers more leverage to enforce the unobstructed sidewalk requirements. Through the education campaign and code compliance efforts, it is anticipated that more property owners will begin taking care of keeping their sidewalks clear. This will result in a reduction of the Transportation Services Department staff time dedicated to sidewalks and will provide more time for them to work on other maintenance and capital projects.

Attachments:

Fayetteville City Code Sidewalk Obstruction Amendments – Chapter 50 & 98 (with mark-up)
(Draft forwarded by Active Transportation Advisory Committee on January 3rd, 2018)
(Draft forwarded by the Transportation Committee on January 30th, 2018)



CITY OF
FAYETTEVILLE
ARKANSAS

Fayetteville City Code Sidewalk Obstruction Amendments

CHAPTER 98: - STREETS AND SIDEWALKS

• **98.02 - Duty Of Property Owner And Occupant To Keep Sidewalks Free From Obstructions**

(A) The owner, occupant or agent of every house or parcel of land in the city shall keep the sidewalk and gutter in front or alongside the same free from all obstructions of grass, ~~leaves,~~ weeds or other growths, substances or things.

(B) The owner, occupant or agent of every house or parcel of land in the city may not place, maintain, or permit a tree or plant to obstruct a sidewalk. Vegetation growing over a sidewalk shall be trimmed by the property owner, occupant or agent at a minimum clearance of 8 feet above the sidewalk for the full width of the sidewalk. Where adequate right of way exists, clearance shall be 2 feet back from the edge of sidewalk or edge of pavement if no sidewalk exists. In no event shall this require clearance outside of the existing public right -of-way. Newly planted street trees are exempt from the 8-foot clearance requirement until they are large enough to be trimmed to compliance.

(Code 1965, §18-4; Ord. No. 155, 8-8-1905; Code 1991, §98.04)

• **98.04 - Growing Trees And Other Vegetation Near Intersections; Right-Of-Way To Be Kept Free From Grass And Weeds**

(A) No person shall permit any tree, shrub, hedge, flower or other form of vegetation to grow within 25 feet of the intersection of the curb lines of two (2) intersecting streets to a height in excess of 3 feet above the lowest grade of two intersecting streets; provided, however, that trees now growing in such places may grow above said height if the limbs are trimmed to the minimum height of 8 feet.

(B) The owner (or in the case of leased property, the lessee) of private property abutting a public street or alley right-of-way shall keep that portion of said right-of-way from the center line thereof to the private property line free from ~~tall~~ grass, weeds, debris and other growths, articles, and things.

(Code 1965, §§18-16, 19-22; Ord. No. 1447, 6-7-65; Ord. No. 2076, 1-7-75)

• **98.08 - Spilling Or Tracking Debris Onto Public Streets**

(A) Any person who spills dirt, gravel, sand, offal, or any other similar material, or who tracks mud, dirt or other debris onto the public streets, ~~sidewalks and trails~~ of the City of Fayetteville shall be responsible for the prompt and thorough clearance and cleaning thereof. The ~~Transportation~~

~~Division Manager~~ Mayor or duly authorized representative is hereby authorized to order the responsible party to clear and clean the any affected street(s), sidewalk or trail with in three (3) business days of notice. The ~~Transportation Division Manager~~ City shall give the responsible party written notice (which can be by hand delivery, mail, or posting the property) of the Mayor's Order to clean or clear the street sidewalk or trail., via certified mail, to perform such acts within three (3) business days of receipt of notice.

(B) If the responsible party fails to clear and clean the affected street, sidewalk or trail(s) within three (3) business days of receipt of notice, ~~Transportation Division~~ the City staff may undertake the street, sidewalk or trail cleaning, and bill the responsible party for the costs thereof, at the overtime rate for said staff.

(C) The responsible party may request that the ~~Director of Operations~~ Mayor or duly authorized representative conduct an administrative review of such an order, or the appropriateness of the amount assessed for the cleaning. The decision of the ~~Director of Operations~~ Mayor or duly authorized representative shall constitute final administrative action in the matter.

(Ord. No. 4615, 8-17-04)

- **98.XX - Abatement By City; Costs Responsibility Of Owner**

If the conditions described in a notice given pursuant to §98.02 and §98.04 are not removed or corrected within ten (10) days after such notice is given, the Mayor, or his duly authorized representative, is hereby authorized to enter upon the property and do whatever is necessary to correct or remove the conditions described, in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property.

CHAPTER 50: - RECYCLING AND TRASH COLLECTION

- **50.01 - Definitions**

Curbside. The edge of the public roadway directly in front of a residence. On corner lots curbside may be construed as the edge of the roadway directly alongside of the residence. In areas where garbage and trash collection is provided along alleys, curbside shall refer to the edge of the pavement of said alley. In either case, placement shall be no more than 6 feet from the public roadway. Garbage and trash placed at curbside ~~must shall~~ not impede the flow of traffic on the roadway or public sidewalk in any way. If a street has a sidewalk adjacent to the curb the recycling, trash and yard waste carts shall be placed at the back of the sidewalk to avoid impeding access on the sidewalk.

- **50.20 – Service Requirements**

(B) (2) *Location of Residential Garbage Carts.* Residential garbage carts shall be placed at a single collection point within 63 feet of the curb, street, or alley line, where applicable, by 6:00 a.m. on mornings regularly scheduled for garbage and trash collection, provided however, that garbage carts shall not be placed at the curb, street, or alley more than twelve (12) hours before regular pickup, and shall be removed within twelve (12) hours thereafter. Alternate collection points may be specified at the discretion of the city.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 98.02 **DUTY OF PROPERTY OWNER AND OCCUPANT TO KEEP SIDEWALKS FREE FROM OBSTRUCTIONS**, §98.04 **GROWING TREES AND OTHER VEGETATION NEAR INTERSECTIONS; RIGHT-OF-WAY TO BE KEPT FREE FROM GRASS AND WEEDS**, § 98.08 **SPILLING OR TRACKING DEBRIS ONTO PUBLIC STREETS** AND § 50.01 **DEFINITIONS** OF THE FAYETTEVILLE CODE, AND TO ENACT §98.09 **ABATEMENT BY CITY; COSTS RESPONSIBILITY OF OWNER**

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 § 98.02 **Duty of Property Owner and Occupant to Keep Sidewalks Free From Obstructions** and enacts a new § 98.02 as follows:

“(A) The owner, occupant or agent of every house or parcel of land in the city shall keep the sidewalk and gutter in front or alongside the same free from all obstructions of grass, leaves, weeds or other growths, substances or things.

(B) The owner, occupant or agent of every house or parcel of land in the city may not place, maintain, or permit a tree or plant to obstruct a sidewalk. Vegetation growing over a sidewalk shall be trimmed by the property owner, occupant or agent at a minimum clearance of 8 feet above the sidewalk for the full width of the sidewalk. Where adequate right of way exists, clearance shall be 2 feet back from the edge of sidewalk or edge of pavement if no sidewalk exists. In no event shall this require clearance outside of the existing public right-of-way. Newly planted street trees are exempt from the 8-foot clearance requirement until they are large enough to be trimmed to compliance.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 98.04 **Growing Trees and Other Vegetation Near Intersections; Right-Of-Way To Be Kept Free From Grass And Weeds** by adding “tall” in front of “grass.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 98.08 **Spilling or Tracking Debris Onto Public Streets** by repealing it in its entirety, renaming it and enacting the replacement § 98.08 as follows:

“Spilling or Tracking Debris Onto Public Streets, Sidewalks or Trails

(A) Any person who spills dirt, gravel, sand, offal, or any other similar material, or who tracks mud, dirt or other debris onto any public street, sidewalk or trail of the City of Fayetteville shall be responsible for the prompt and thorough clearance and cleaning thereof. The Mayor or duly authorized representative is hereby authorized to order the responsible party to clear and clean any affected street, sidewalk or trail within three business days of notice. The City shall promptly give

the responsible party written notice (which can be by hand delivery, mail, or posting the property) of the Mayor's Order to clean or clear the street, sidewalk or trail.

(B) If the responsible party fails to clear and clean the affected street, sidewalk or trail within three (3) business days of receipt of notice, the City may undertake the street, sidewalk or trail cleaning, and bill the responsible party for the costs thereof, at the overtime rate for said staff.

(C) The responsible party may request that the Mayor or duly authorized representative conduct an administrative review of such an order, or the appropriateness of the amount assessed for the cleaning. The decision of the Mayor or duly authorized representative shall constitute final administrative action in the matter."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby enacts a new § 98.09 **Abatement By City; Costs Responsibility of Owner** as follows:

"If the conditions described in a notice given pursuant to §98.02 and §98.04 are not removed or corrected within ten (10) days after such notice is given, the Mayor, or his duly authorized representative, is hereby authorized to do whatever is necessary to correct or remove the conditions described, in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 50.01 **Definitions** of Chapter 50 **Recycling and Trash Collection** by enacting the following as an additional and final sentence to the definition of "Curbside".

"If a street has a sidewalk adjacent to the curb, the recycling, trash and yard waste bins, carts and containers shall be placed at the back of the sidewalk to avoid impeding access on the sidewalk."

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 50.20 **Service Requirements** by amending the location allowed for garbage carts to be within "6" feet rather than "3" feet of the curb, street or alley.

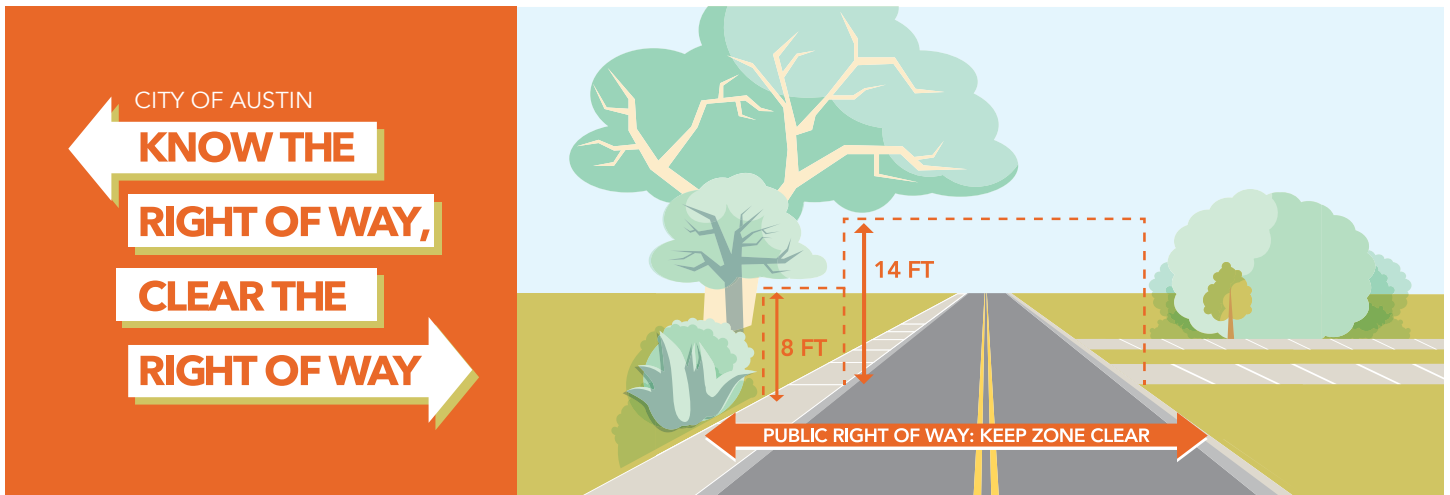
PASSED and **APPROVED** this 6th day of March, 2018.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer



ENHANCING NEIGHBORHOOD SAFETY BY CREATING A SAFE PATHWAY

KNOW THE RIGHT OF WAY, CLEAR THE RIGHT OF WAY

To protect public health and safety, it is important to keep streets, sidewalks, bicycle lanes and other public areas free of overgrown vegetation. Green spaces transform the city and provide many benefits that influence the health and well-being of our community. Property owners, both public and private, need to be conscious about managing vegetation on their property to address visibility and safety concerns.

It is important to meet the standards below and keep the following areas free of obstructions:

Sidewalks

For a clear pathway, keep tree limbs and vegetation trimmed back from the edge of the sidewalk and at least **8 feet above sidewalks.**

Streets/Alleys

Keep tree limbs and vegetation trimmed back from the edge of the street or alley and at least **14 feet above streets, bicycle lanes and alleys.**

Effective ways to enhance neighborhood safety:

- Trim trees and vegetation to increase safety for pedestrians, cyclists and vehicles.
- Maintain care and health of the trees on your property. Well-maintained trees provide shade, improve air quality and keep Austin looking beautiful!
- Dial 3-1-1 to request care for trees in the public right of way.

KNOW THE RULES

Property Owner Responsibility

Property owners are responsible for the care and maintenance of trees, plants and grass on private property. Overgrown trees and plants can pose a threat when they block the path or view of traffic signs, signals, fire hydrants, vehicles and people. Prune trees and trim or remove any vegetation that blocks the pathway of sidewalks, streets, alleys, bicycle lanes and trails. Keep in mind, the strip of land between the street and sidewalk is public property but the maintenance of vegetation (*with the exception of trees*) is the property owners' responsibility. Trees in the public right of way are maintained by the City of Austin.

City Responsibility

The public right of way includes streets, sidewalks and alleys. This land is public property and is owned by the City of Austin. It typically extends 10 feet back from the edge of a street, but can vary across the City. While property owners are responsible for mowing the grass and maintaining vegetation that grows in the public right of way, the trees that grow in this area belong to the City and are maintained by trained crews. If a tree growing in the public right of way is in need of maintenance, dial 3-1-1 to report the tree.

Promoting a safe, clean, visible, walkable, rideable and healthy community.



CONNECTING PEOPLE TO PLACES

Whether by foot or by wheels, let's keep public pathways clear of obstructions and available for everyone's use.



KNOW THE RULES

- Keep pathway cleared to at least **8 feet above sidewalks** and **14 feet above streets, bicycle lanes and alleys**. Trim vegetation back from the edge of the sidewalk and street.
- It is a **violation of City Code** to allow trees and other vegetation to overgrow or obstruct the public right of way. The City of Austin identifies overgrown vegetation and trees as an accessibility barrier for people with disabilities, making it noncompliant with the *Americans with Disabilities Act*.
- **In accordance with City Code**, do not prune or remove trees growing in the public right of way. Dial 3-1-1 to notify the City about right of way trees.



BIG PICTURE

- **Did you know?** We could **double the amount of usable sidewalks** if residents trimmed the low-hanging branches and overgrown vegetation blocking sidewalks, streets and bicycle lanes.
- **Keep in mind**, if the path is blocked, people will often go around and into the street, making for an unsafe environment.
- **Trees provide many benefits to our community**. Be sure you care for them properly! Visit treesaregood.org on how to keep your trees healthy and happy.



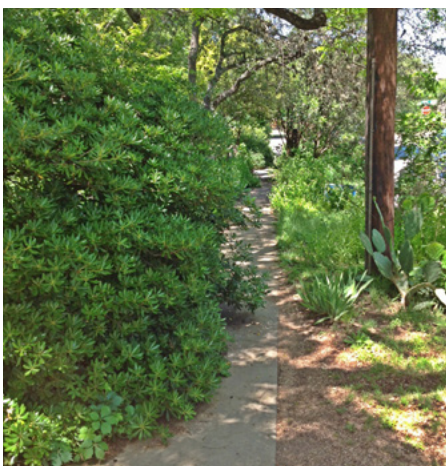
QUESTIONS?

- Visit austintexas.gov/trees to learn more about Austin's tree preservation code. Some trees require an approved **Tree Ordinance Review Application** prior to pruning or removal.
- **Questions about Oak Wilt?** Visit texasoakwilt.org for tips on how to prevent this infectious tree disease from happening in Austin neighborhoods.

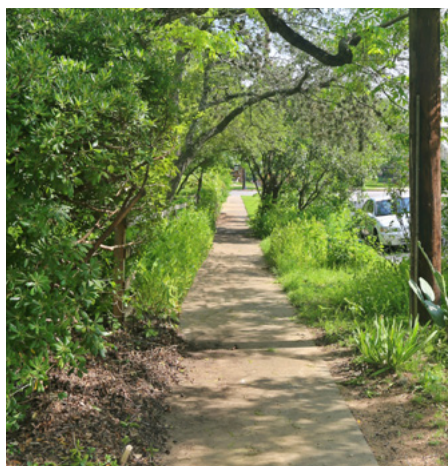
REPORT AN ISSUE

Dial 3-1-1 to report concerns about trees, tall grass and weeds more than 12 inches in height and all other vegetation blocking the public right-of-way.

BEFORE | Overgrown Vegetation



AFTER | Cleared Pathway



MORE QUESTIONS?

Go to austintexas.gov/cleartherow

Learn about tree care, pruning guidelines, oak wilt prevention, code enforcement, urban forestry, and the public right-of-way.



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City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0135

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 6

ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS:

AN ORDINANCE TO ENACT § 97.083 **SMOKING AND USE OF TOBACCO PRODUCTS** INTO CHAPTER 97: **PARKS AND RECREATION** TO PROHIBIT SMOKING AND TOBACCO USE IN ALL CITY PARKS AND TRAILS

WHEREAS, according to the Center for Disease Control and Prevention (“CDC”), each year approximately 480,000 people die of diseases caused by smoking, accounting for one out of every five deaths in the United States, and that the use of cigarettes, smokeless tobacco, cigars, pipes, and other tobacco products leads to disease and death; and

WHEREAS, studies by the Surgeon General of the United States, by the National Academy of Sciences, and by other health organizations have linked passive exposure to tobacco smoke (second-hand smoke) to a variety of negative health conditions in non-smokers; and

WHEREAS, health hazards induced by breathing second-hand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

WHEREAS, non-smokers who suffer allergies, respiratory diseases and other ill effects of breathing second-hand smoke may experience a loss of job productivity and may be forced to take periodic sick leave because of such adverse reactions; and

WHEREAS, smoking is a potential cause of fires, and cigarette and cigar burns and ash stains on fixtures cause losses and other damage to property including unsightly litter; and

WHEREAS, the CDC reports that smokeless tobacco use is hazardous to health and can lead to nicotine addiction, that smokeless tobacco contains at least 28 known carcinogens and causes oral, pancreatic and esophageal cancer as well as other serious health problems such as gum disease, tooth decay and mouth lesions; and

WHEREAS, the purpose of this ordinance is to protect the public health, safety and welfare by prohibiting smoke and other tobacco use in City owned and operated recreational facilities and parks; and

WHEREAS, the use of tobacco products is counterproductive to citizens and visitors utilizing parks and

recreation facilities for enriching their lives, including the proven mental and physical health benefits that parks provide; and

WHEREAS, the City expends considerable resources to clean cigarette butt litter and the presence of such litter contributes to the decline of the appeal of public spaces such as parks, trails, picnic areas and ball fields; and

WHEREAS, the City has the authority as the owner of the Fayetteville park and trail systems to prohibit smoking and use of tobacco products on its own property.

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 § 97.083 **Smoking and Tobacco Use** in Chapter 97: **Parks and Recreation** of the **Fayetteville City Code** as follows:

“97.083 - Smoking and Use of Tobacco Products

(A) Smoking and use of tobacco products includes holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind. It also includes the use of all smokeless tobacco and nicotine-containing products (including, but not limited to, chewing tobacco, snuff, dip, and snus), electronic cigarettes, vapor devices, or heated devices.

(B) It shall be prohibited for any person to smoke or use tobacco products in any City owned or operated recreational facilities, parks, and trails.

(C) Exemption: Cessation products approved by the United States Food and Drug Administration such as nicotine gum, nicotine lozenges, nicotine patches, pharmaceutical nicotine inhalers (not including any form of electronic products), and nicotine nasal sprays are specifically exempted from this section and can be used in City owned or operated recreational facilities, parks, and trails.

(D) The City shall post signs in City owned or operated parks, trails, and recreational facilities at the discretion of the Director of Parks and Recreation notifying the public that smoking and tobacco use of any kind are prohibited.

(E) Any person who smokes or uses tobacco products in an area where it is prohibited by this section shall be guilty of a violation punishable by a fine not exceeding \$50.00 per occurrence.”

City of Fayetteville Staff Review Form

2018-0135

Legistar File ID

3/6/2018

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

Connie Edmonston

2/15/2018

PARKS & RECREATION (520)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

An Ordinance to amend the City Code by enacting §97.083 Smoking and use of Tobacco Products into Chapter 97: Parks and Recreation to Prohibit Smoking and Tobacco use in all City Parks and Trails.

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 \$ -

Previous Ordinance or Resolution # Chapter 97

V20180209

Original Contract Number: _____

Approval Date: _____

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Connie Edmonston, Parks and Recreation Director
DATE: February 15, 2018

SUBJECT: An Ordinance to amend the City Code by enacting §97.083 Smoking and use of Tobacco Products into Chapter 97: Parks and Recreation to Prohibit Smoking and Tobacco use in all City Parks and Trails

RECOMMENDATION:

An Ordinance to amend the City Code by enacting §97.083 Smoking and use of Tobacco Products into Chapter 97: Parks and Recreation to Prohibit Smoking and Tobacco use in all City Parks and Trails.

BACKGROUND:

Parks and Recreation has received numerous requests from citizens to have smoke free parks. Currently there are at least 30 Arkansas municipalities that enacted a smoke free parks law. There are several reasons why it is important to have smoke free parks including the right to clean air, children's safety, provide a model of healthy behavior, fire prevention, groundwater pollution prevention, and prevention of litter caused by cigarette-butt disposal in parks. The National Recreation and Parks Association endorsed municipalities to have tobacco free park laws as of July 1, 2016. We believe smoke free parks will provide a positive impact to our citizens utilizing parks and trails from a physical, environmental and social nature.

Staff have been working with the NW Tobacco and Drug Free Coalition and the City Attorney's office on amending City Code by enacting an ordinance to prohibit smoking and the use of tobacco in any City owned or operated recreational facility, park and trail. This ordinance would prohibit smoking and the use of tobacco products including lighted pipe, cigar, or cigarettes of any kind, as well as the use of all smokeless tobacco and nicotine-containing cigarettes, vapor devices, or heated devices. Cessation products approved by the United States Food and Drug Administration would be exempt. Examples of exemption would be nicotine gum, lozenges, patches, inhalers or nasal sprays. Signs will be posted in parks and trails to notify the public of this ordinance. Any person who smokes or uses tobacco products in a park or trail will be guilty of a violation of the ordinance and punishable by a fine not to exceed \$50 per occurrence.

DISCUSSION:

Education and signage will be important to implement this change of ordinance within our city. The NW Arkansas Tobacco and Drug Free Coalition endorses this ordinance and will assist in helping to fund signage. See attached letter.

The Parks and Recreation Advisory Board unanimously recommended approval of the Smoke Free Park ordinance at the February 5, 2018 monthly meeting. See attached minutes.

BUDGET/STAFF IMPACT:

Public education and signage in parks and trails about this ordinance change will be important to enforce the ordinance. Funding will be available from the existing operation budget as well as funding assistance pledged from the NW Arkansas Tobacco and Drug Free Coalition.

Attachments:

Endorsement Letter from the NW Arkansas Tobacco and Drug Free Coalition
February 5, 2018 Parks and Recreation Advisory Board Meeting Minutes
An Ordinance to amend the City Code by enacting §97.083 Smoking and use of Tobacco Products

December 5th, 2018

RE: ENACT 97.083 PROHIBITING SMOKING AND TOBACCO USE IN CITY PARKS

To Whom It May Concern,

The Northwest Arkansas Tobacco and Drug Free Coalition believes that parks and trail systems should: provide citizens with the right to breathe clean air, increase child safety by reducing exposure to second-hand smoke, as well as, third-hand smoke, reduce groundwater pollution by greatly reducing cigarette-butt pollution, and promote healthy behavior to our youth. The ordinance proposed by Fayetteville Parks and Recreation can implement positive change and improve the public health of our rapidly growing community.

The Northwest Arkansas Tobacco and Drug Free Coalition is committed to improving the quality of life for Arkansans by mitigating the health and economic impact of tobacco through education, prevention, cessation, and public policy. Historically local efforts are key to reducing the burdens of tobacco in Arkansas. It is our goal to provide the latest tobacco education and prevention information to help create positive change in our community.

Sincerely,

The Northwest Arkansas Tobacco and Drug Free Coalition.

NWA TOBACCO & DRUG FREE COALITION

614 E. Emma Avenue, Suite 300 • Springdale, AR 72764
479-751-7417 x 6011 • www.nwatdfc.org



Parks and Recreation Advisory Board

February 5, 2018
5:30 PM Board Meeting
City Administration Building Room 326
113 West Mountain Street
Fayetteville, AR

Members: Richie Lamb, Wade Colwell, Joel Freund, JL Jennings, Chuck Maxwell, Jennifer Neill, David Profitt, Bill Putman, Dana Smith

City Staff: Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; John Crow, Recreation Superintendent; Ted Jack, Park Planning Superintendent; Ken Eastin, Park Planner; Chanel Pennington, Operations Assistant

1. Call to Order

Lamb called the meeting to order at 5:32 pm.

2. Roll Call

Members Present: Colwell, Jennings, Maxwell, Freund, Lamb, Neill, Putman, and Smith.

Members Absent: Profitt

City Staff: Humphry, Crow, Eastin, Jack, and Pennington.

5. Smoke Free Parks Ordinance Proposal: Byron Humphry, Parks & Recreation Maintenance Superintendent

Parks and Recreation Staff have been working with the NW Tobacco and Drug Free Coalition and the City Attorney's office on an ordinance to prohibit the use of smoking and tobacco in any City owned or operated recreational facilities, parks and trails. See proposed ordinance. If approved by PRAB, the ordinance will go before City Council for final approval and it would go into effect in 30 days.

Layla Lopez-gave a presentation for the Community Clinic of NWAR - NW AR Tobacco and Drug Free Coalition.

Lopez-love discussed the following:

1. Mission, history, and achievements of the NW AR Tobacco and Drug Free Coalition.
2. Research and findings of smoke free park laws.
3. Fort Smith Ordinance
4. Reasons to go smoke free
 - a. Right to clean air
 - b. Children's safety
 - c. Fire prevention
 - d. Environmental effects

- e. Tourism
- f. Grant Incentives & NRPA Endorsement
- 5. Enforcement, NW AR Coalition will help with signage in the parks and staff education.

Colwell said he is in favor of the ordinance.

Lamb read the proposed ordinance to the Board.

Putman asked if the proposed ordinance was modeled after other municipalities.

Crow said many of the 'WHEREAS' were modeled after the City of Fort Smith's ordinance. Parks staff also worked with the City Attorney.

Smith asked if someone was smoking in their car, in a park, if they would be fined. She had concerns about the enforcement of the proposed ordinance.

Freund said it may help empower people to say something.

Lamb said he was in support as well.

Staff Recommendation: PRAB to approve the proposed Smoke Free Parks Ordinance.

PRAB Recommendation: Colwell made a motion to accept the recommendation, Maxwell seconded the motion. Motion passed, 8-0-0.

10. Adjourn

Lamb adjourned the meeting at 7:05 pm.

PRAB minutes provides the basic discussions and motions of the PRAB meeting. For more information, please refer to the PRAB meeting video provided on the city's website, www.fayetteville-ar.gov.



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0117

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 7

DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN:

A RESOLUTION TO APPROVE AND AUTHORIZE MAYOR JORDAN TO PROCEED WITH PHASE ONE OF THE IMPLEMENTATION SCHEDULE FOR THE DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN DEVELOPED BY NELSON/NYGAARD CONSULTING ASSOCIATES, INC.

WHEREAS, Resolution No. 68-16, which was passed on March 15, 2016, authorized a contract with Nelson/Nygaard Consulting Associates, Inc. for the development of a Transportation Master Plan; and

WHEREAS, a portion of the Transportation Master Plan included the development of a Downtown/Entertainment District Parking and Mobility Plan (the "Parking Master Plan"); and

WHEREAS, the Parking Master Plan was developed with community input through mobile workshops, stakeholder roundtables, and online surveys; and

WHEREAS, the Parking Management Division has prepared the Fayetteville Parking Master Plan Implementation Schedule based on the recommendations of the Parking Master Plan and recommends that the City Council approve Phase One which has the goals of customer service through consistent information, enhanced technology, and increased parking supply to lay the foundation for future parking improvements.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves and authorizes the Mayor to proceed with Phase One of the Implementation Schedule for the Downtown/Entertainment District Parking and Mobility Plan developed by Nelson/Nygaard Consulting Associates, Inc., copies of which are attached to this Resolution and made a part hereof.

City of Fayetteville Staff Review Form

2018-0117

Legistar File ID

3/6/2018

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

Justin Clay

2/14/2018

PARKING MANAGEMENT (430)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve a resolution to implement Phase 1 of the Downtown/Entertainment District Parking and Mobility Plan developed by Nelson/Nygaard Consulting Associates, Inc.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20180209

Previous Ordinance or Resolution # 68-16

Original Contract Number: RFQ #15-08

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

CC: Peter Nierengarten, Sustainability Director
Chris Brown, City Engineer

FROM: Justin Clay, Parking Manager

DATE: February 14, 2018

SUBJECT: **Approve a resolution to implement Phase 1 of the Downtown/Entertainment District Parking and Mobility Plan developed by Nelson/Nygaard Consulting Associates, Inc.**

RECOMMENDATION:

Staff recommends approving a resolution to move forward with implementing Phase 1 of the Parking Master Plan developed by Nelson/Nygaard Consulting Associates, Inc. Additional recommendations as documented in the Implementation Schedule will be brought back to the City Council for discussion during the timeline indicated in the attached.

BACKGROUND:

The City Council passed Resolution Number 68-16 on March 15, 2016 to award RFQ #15-08 and authorize a contract with Nelson/Nygaard Consulting Associates, Inc. in the amount of \$584,978 for the development of a Transportation Master Plan, \$95,000 of which was allocated for the development of a Downtown/Entertainment District Parking and Mobility report (Parking Master Plan). As part of developing the Parking Master Plan – which is designed to both stand alone as well as support the Transportation/Mobility Plan – characteristics and utilization of the existing parking system were inventoried, analyzed, and forecasted to develop recommendations for parking system design and system management strategies. Project goals that were developed include:

- 1) Understand parking in the context of a multimodal system/downtown,
- 2) Plan for responsible economic development,
- 3) Establish coordinated parking management,
- 4) Explore regulations that are customer-friendly and easily understood, and
- 5) Explore new technologies.

Community input and feedback was solicited at various points throughout the project in the form of mobile workshops, stakeholder roundtables, and online surveys. The Downtown and Entertainment Districts were evaluated as separate districts however the strategies developed will either apply to both or be modified appropriately for each context.

DISCUSSION:

The Parking Master Plan has been created and includes ten (10) primary recommendations to improve how the parking system functions and the experience of those who park, with a goal of increasing availability throughout the downtown. Detailed recommendations along with a proposed implementation schedule are attached. The primary recommendations include:

- 1) Treat parking as a customer service,
- 2) Streamline signage for user clarity,
- 3) Make multimodal improvements,
- 4) Increase publicly accessible parking supply,
- 5) Implement current parking technology,
- 6) Improve event parking management,
- 7) Prepare for future development,
- 8) Further research demand-responsive pricing,
- 9) Streamline permit program, and
- 10) Create a residential parking benefit district.

BUDGET/STAFF IMPACT:

Adoption of the plan does not have a budget impact. Action items of the plan will be brought forward in the future as outlined in the implementation schedule attachment (see link below). Budget and staff impacts will be developed and outlined accordingly as items are considered for implementation.

Attachments:

[Parking Master Plan Strategies](#)

[Parking Master Plan Appendix](#)

[Parking Master Plan Implementation Schedule](#)

Resolution 68-16



PARKING MANAGEMENT

PARKING STRATEGIES

FAYETTEVILLE MOBILITY PLAN



FAYETTEVILLE MOBILITY

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INTRODUCTION

Fayetteville's parking system is an integral piece of the overall mobility network.

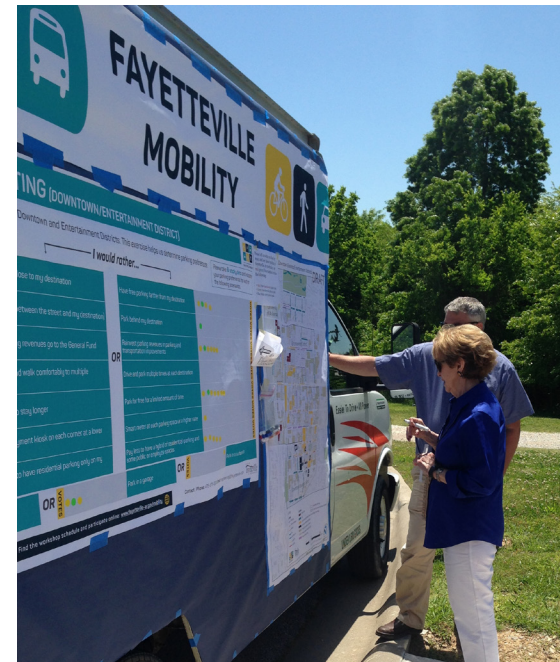
As part of the Fayetteville Mobility Plan process, the parking system, both on- and off-street, was examined in depth to understand how drivers utilize the current distribution of spaces and what strategies could be implemented to improve how the system functions and the experience of those who park.

INTRODUCTION

The Fayetteville Mobility Plan process examined the city's parking system in depth including the existing supply, regulation, and utilization.

The Fayetteville Mobility Plan is a long-term effort that identifies transportation network needs, recommends and prioritizes improvements, develops performance metrics and measurement tools, and helps the City and the community achieve their goals of improving transportation.

In tandem with this effort, the City has also commissioned a Parking Study for the Downtown Business and Entertainment Districts. This effort – which is designed to both stand alone as well as support the Mobility Plan – inventories, analyzes, and forecasts characteristics of the parking system to develop recommendations for parking system design and system management strategies.



WHY PARKING?

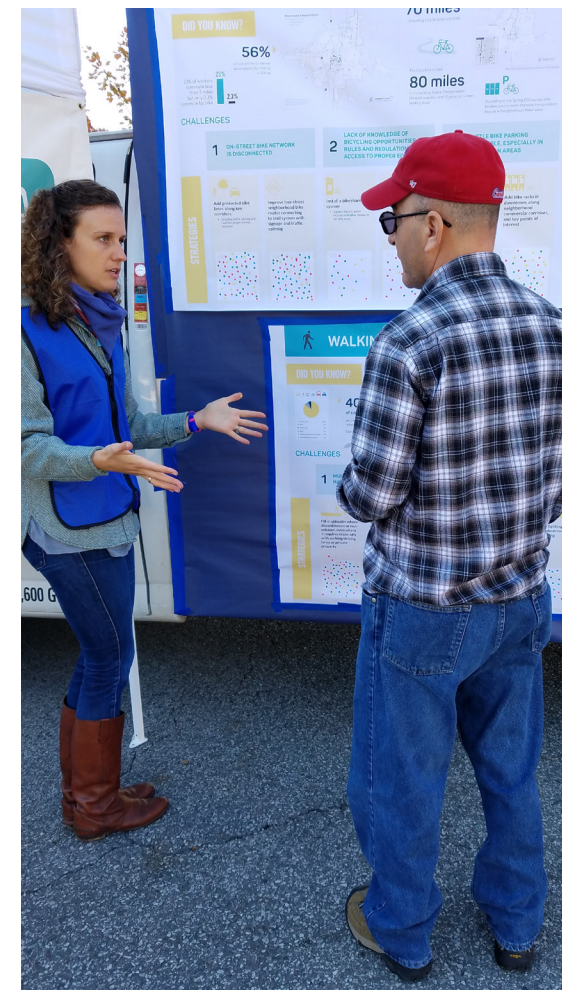
Parking is a key element of a multimodal transportation system. As Fayetteville evolves, an effective parking management plan that helps to strategically maximize existing parking assets while planning for the future will help to support the City's long-term success.

Parking, like other forms of access, is a key component of a downtown's health and success and not an end to itself. People do not visit the Entertainment District and the Downtown Business District to park; they come to eat, do business, and run into friends and neighbors.

Parking access means something different depending on the driver. Business owners and developers know that parking availability is a key component to business success and that the availability of easily accessible parking is of utmost importance. Employees who seek to minimize their costs hope for long-term, safely accessible, and cost-effective parking. Those with limited mobility need to be able to get as close as possible to their destination without worrying about having a safe path of travel on Fayetteville's sometimes challenging topography. Residents need to be able to do regular errands. And visitors to Fayetteville should be able to easily

understand the parking options available and which makes the most sense for their needs.

Fayetteville is evolving, and parking needs to serve a diverse array of constituents within the context of established City goals. Mobility is changing nationwide; with the rise of the smartphone, transportation network companies like Uber and Lyft, and overall trends towards more urban lifestyles, traditional auto-oriented development is being disrupted. Downtown Fayetteville's density is appealing to a new group of urban dwellers who want to walk between destinations and may even choose to live "car light" or car free. Undeniably, a tension exists between these folks and those who actively chose Fayetteville for its more rural, friendly character in comparison to a large city. The Parking Study seeks to alleviate some of that tension through recommendations that work toward goals established early in the process.



PROJECT GOALS

Early in the study development process, the City and stakeholders identified several goals that guided the study. These are:

**Understand parking
in the context of a
multimodal system/
downtown**

**Plan for responsible
economic development**

**Establish coordinated
parking management**

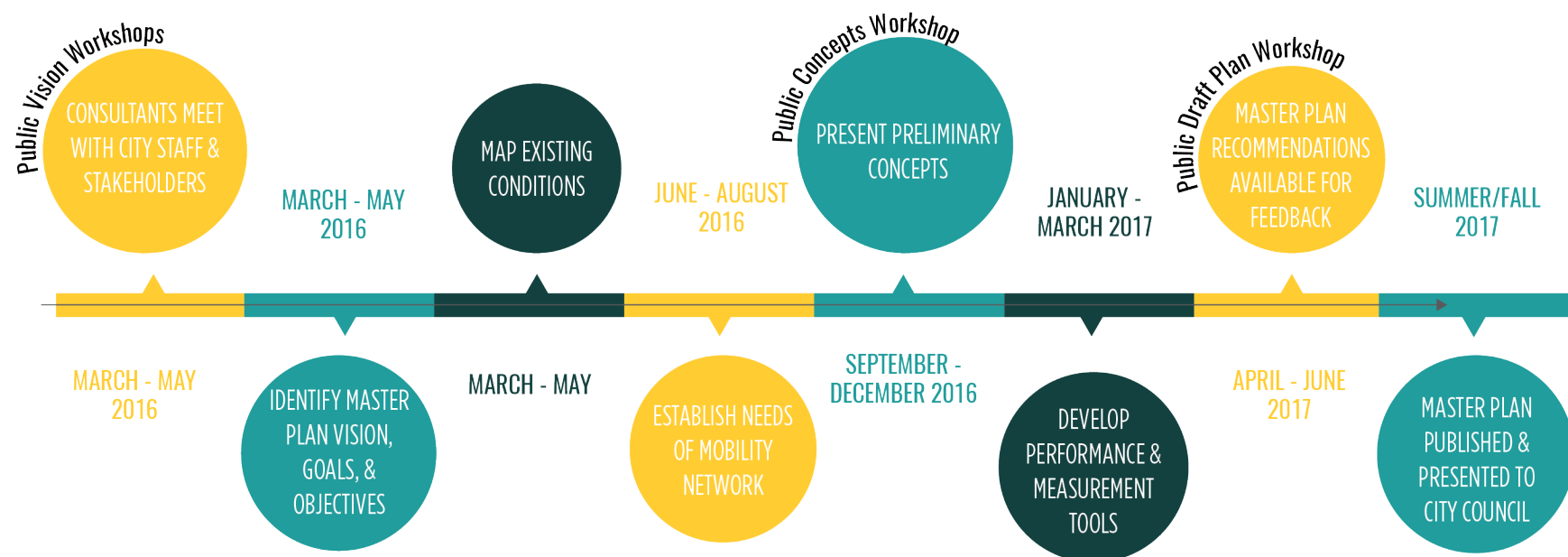
**Explore regulations that
are customer-friendly
and easily understood**

**Explore new
technologies**

PROJECT APPROACH AND METHODOLOGY

The Parking Study linked data and analysis with public engagement to be sure to get the “story behind the story” of parking patterns. At key points in the study, the public provided input in the form of mobile workshops and targeted stakeholder interviews.

Mobility Plan and Parking Management Study schedule and process







EXISTING CONDITIONS HIGHLIGHTS

Fayetteville's Downtown and Entertainment Districts have varied parking distribution and regulation.

A variety of pricing structures and regulations guide users when parking at on-street spaces and in off-street lots and structures. Ranging from free parking spaces to residential permit parking only spaces, many combinations of regulations, rates, time limits, and time spans govern spaces during the weekday and separately during the weekend. The following provides a summary of inventory, regulation, and the resulting parking patterns.

For more detail, see the technical appendix..

OVERALL FINDINGS

The study area contains more than 9,000 parking spaces, with approximately 40% open to the general public.

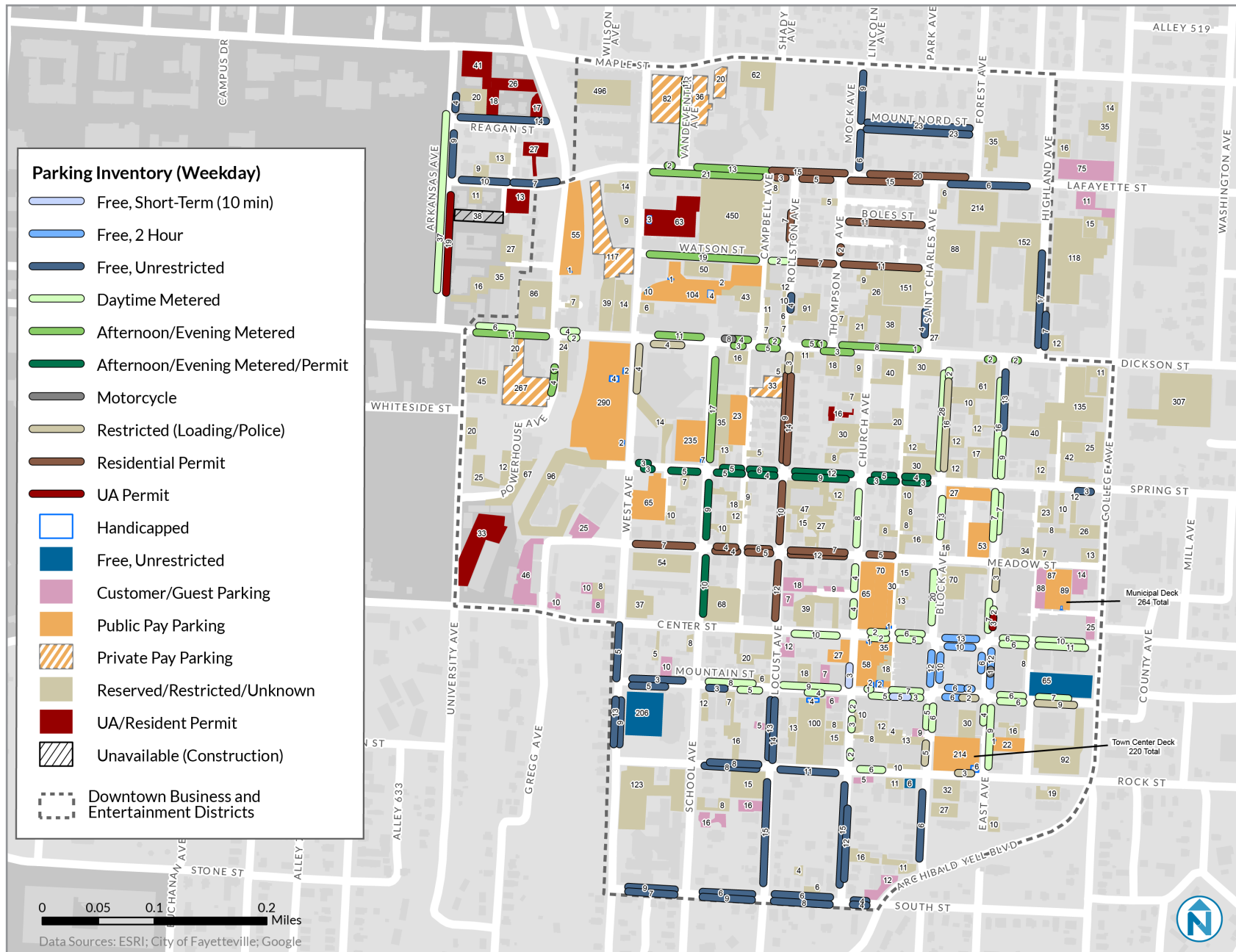
- The study area contains approximately 9,000 on- and off-street, public and private parking spaces
- Approximately 40% of these are publicly owned
- 86% of spaces are located off-street, occupying approximately 25% of the land in the study area
- There are more than 20 lots and garages open to the public, both privately and publicly owned
- Parking regulations vary throughout the study area
- Many regulations shift by time of day and weekday to weekend

INVENTORY OVERVIEW

Parking Location	Entire Study Area	Downtown District	Entertainment District	Other Study Area Spaces
Off-Street	7,796	2,671	4,249	876
On-Street	1,274	579	602	93
Total	9,070	3,250	4,851	969

ON-STREET REGULATIONS

On-Street Weekday Regulation/Rate, Time Limit, and Time Span(s)	Total	%
Unrestricted	408	32%
\$0.25/Hour, 2 Hour Limit until 6PM	282	22%
Residential Permit Only	191	15%
\$0.50/Hour (2-5PM), \$1/Hour (5PM-2AM), \$5/Day Option	146	11%
Residential Permit or Metered (\$0.50/Hour (2-5PM), \$1/Hour (5PM-2AM))	86	7%
Free, 2 Hour Limit (in 4 Hour Period)	77	6%
Loading Zone	35	3%
\$0.15/Hour, Long Term until 6PM	15	1%
Police Parking Only	14	1%
Motorcycle	9	<1%
Free, 10 Minute Limit from 8AM to 6PM	8	<1%
University Parking Only	3	<1%
Total	1,274	

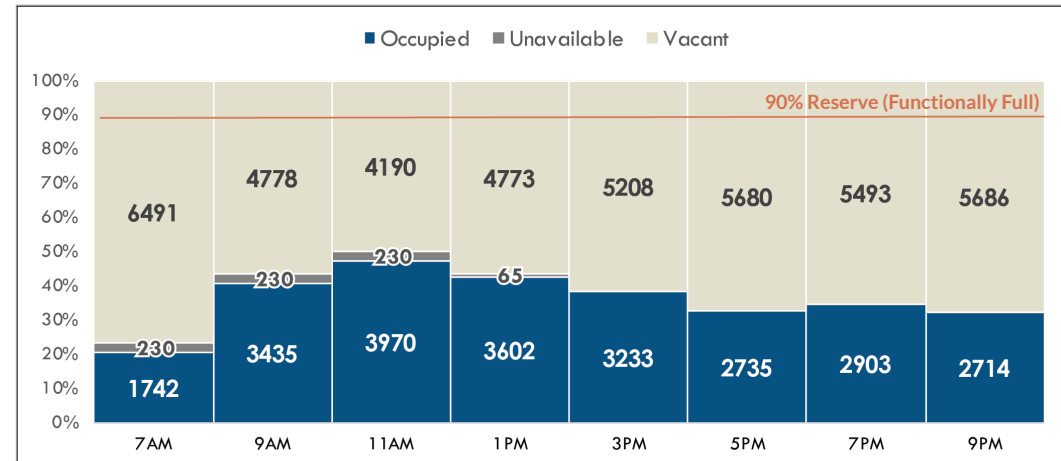


WEEKDAY FINDINGS

On weekdays, parking is busiest around lunchtime, but demand is hyper-concentrated in the evening.

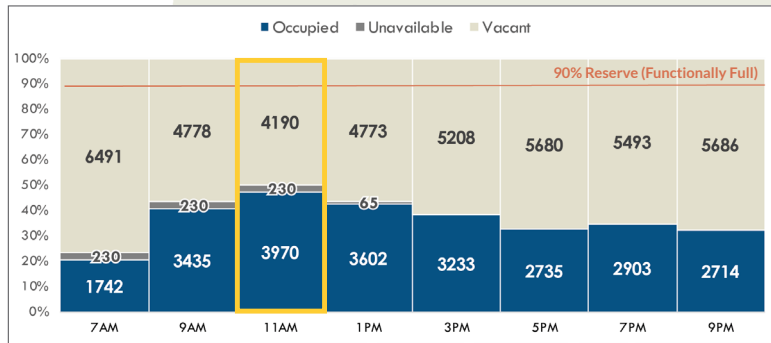
- In the evening, the East Lot and Lot 55 are functionally full (~90-100%)
- Other publicly owned facilities have availability farther from key destinations
- Overall, public and private parking combined is never more than 50% full
- On-street is busy during the day at the Farmers' Market and close to the Walton Arts Center
- Some paid spaces such as those on West Mountain Street are unoccupied
- Many unoccupied spaces are not open to the public, which means that they cannot be used efficiently.

Overall Weekday Utilization



Normal fluctuations in the data collection process occasionally lead to missed counts on some facilities throughout the course of the collection span. Therefore, the total number of observed spaces may vary by time period. Some spaces were unavailable depending on the time of day due to lot and/or street parking closures.

WEEKDAY MIDDAY PEAK All Parking



Parking Utilization

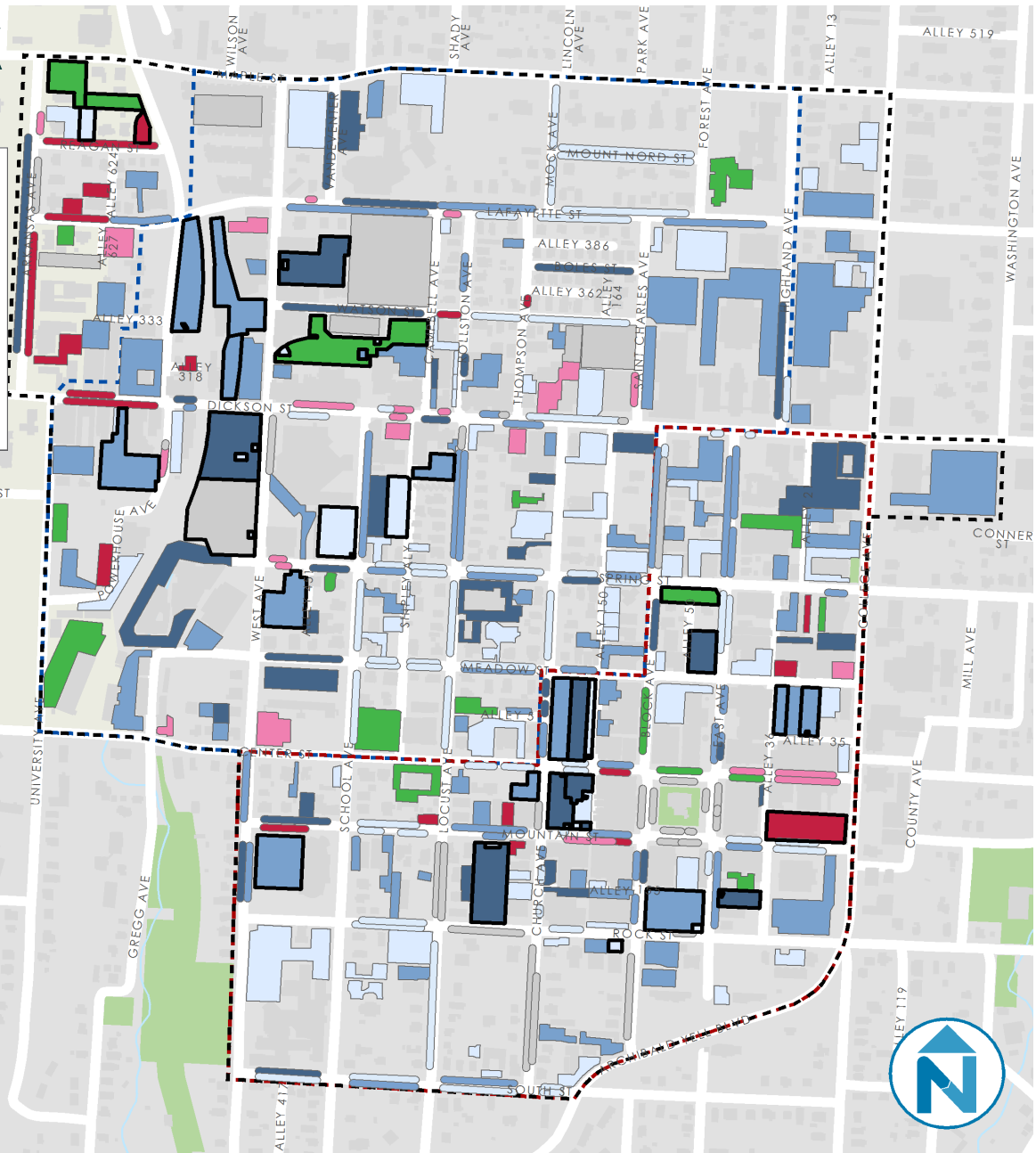
- Study Area
- Downtown Business District
- Entertainment District

Thursday 11a-1p

- 0% to 30%
- 30% to 60%
- 60% to 80%
- 80% to 90%
- 90% to 100%
- Greater than 100%
- Restricted/No Data
- Publicly Available Facilities

0 0.05 0.1 0.2 Miles

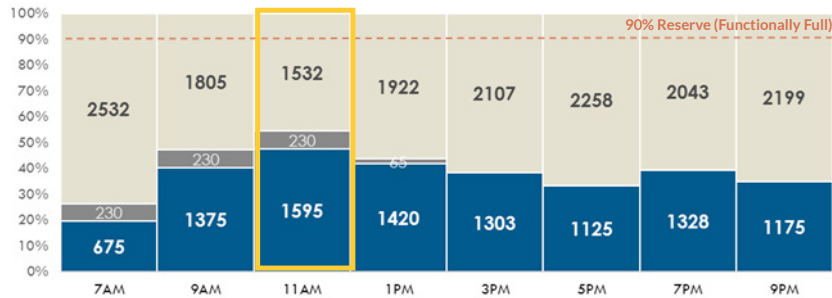
Data Sources: ESRI, City of Fayetteville



EXISTING CONDITIONS HIGHLIGHTS

WEEKDAY MIDDAY PEAK Publicly Accessible Parking

■ Occupied ■ Unavailable ■ Vacant



Parking Utilization

★ Bars and Restaurants**

Study Area

Downtown Business District

Entertainment District

Thursday 11a-1p - Publicly Available

0% to 30%

30% to 60%

60% to 80%

80% to 90%

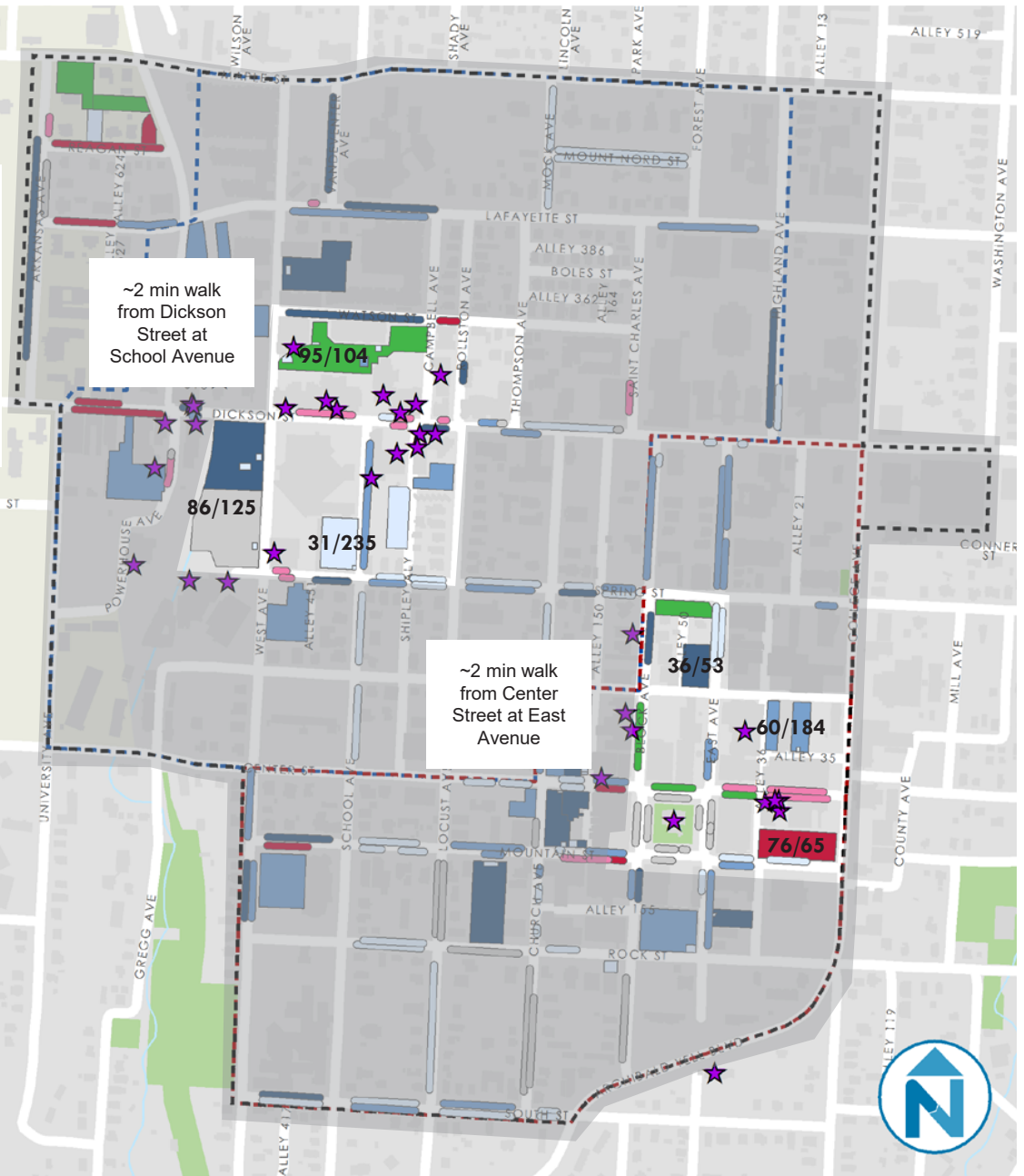
90% to 100%

Greater than 100%

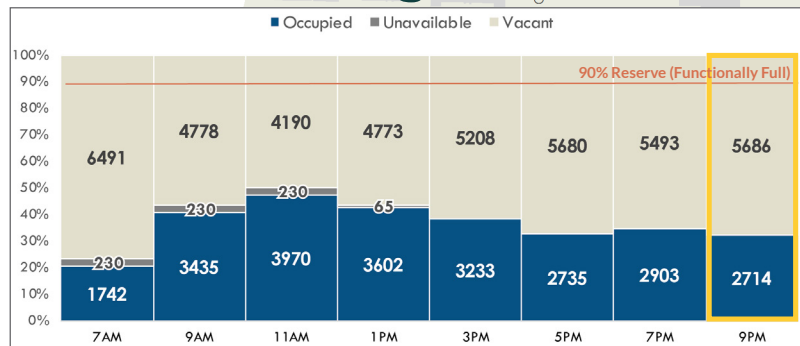
Restricted/No Data

0 0.05 0.1 0.2 Miles

Data Sources: ESRI, City of Fayetteville



WEEKDAY EVENING PEAK All Parking

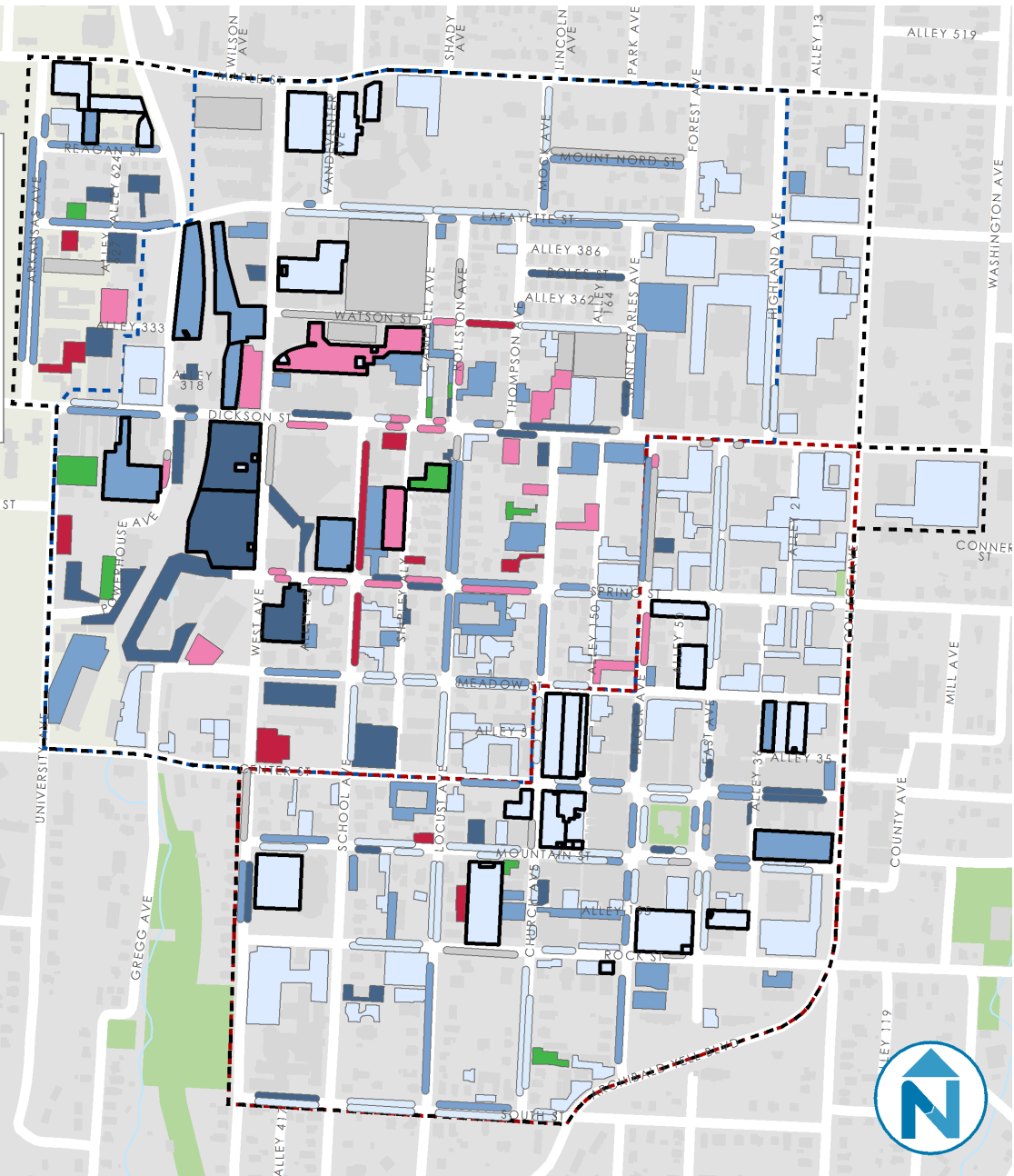


Parking Utilization

- Study Area
- Downtown Business District
- Entertainment District
- Thursday 9p-11p**
- 0% to 30%
- 30% to 60%
- 60% to 80%
- 80% to 90%
- 90% to 100%
- Greater than 100%
- Restricted/No Data
- Publicly Available Facilities

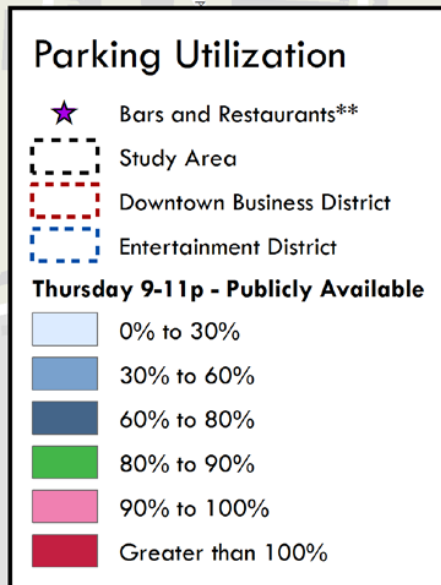
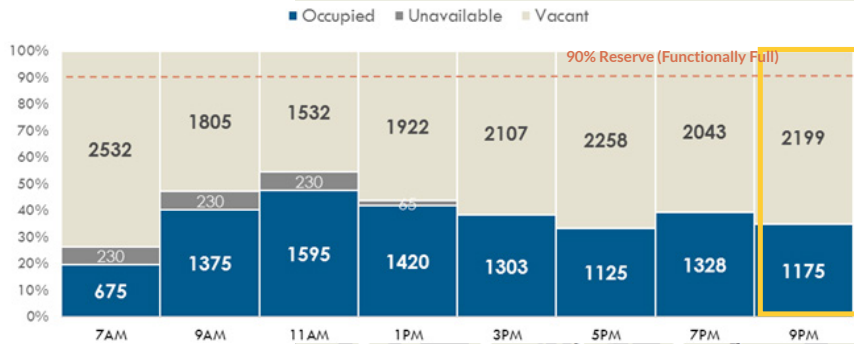
0 0.05 0.1 0.2 Miles

Data Sources: ESRI, City of Fayetteville



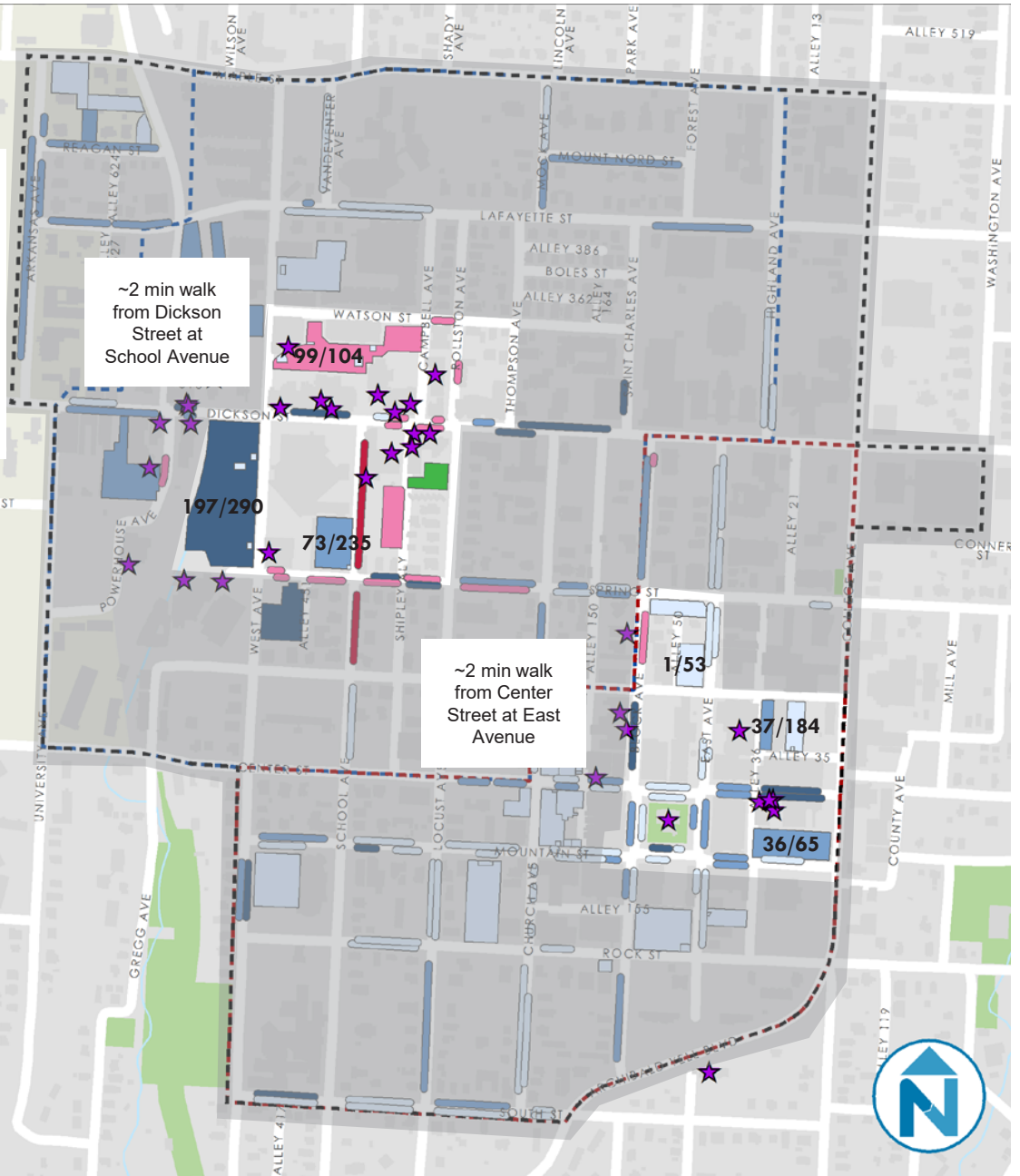
EXISTING CONDITIONS HIGHLIGHTS

WEEKDAY EVENING PEAK Publicly Accessible Parking



0 0.05 0.1 0.2 Miles

Data Sources: ESRI, City of Fayetteville

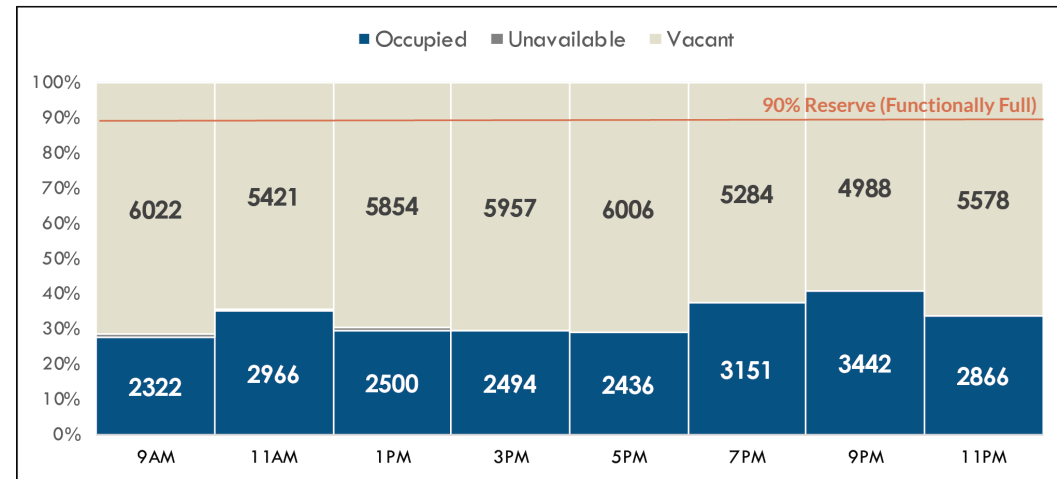


WEEKEND FINDINGS

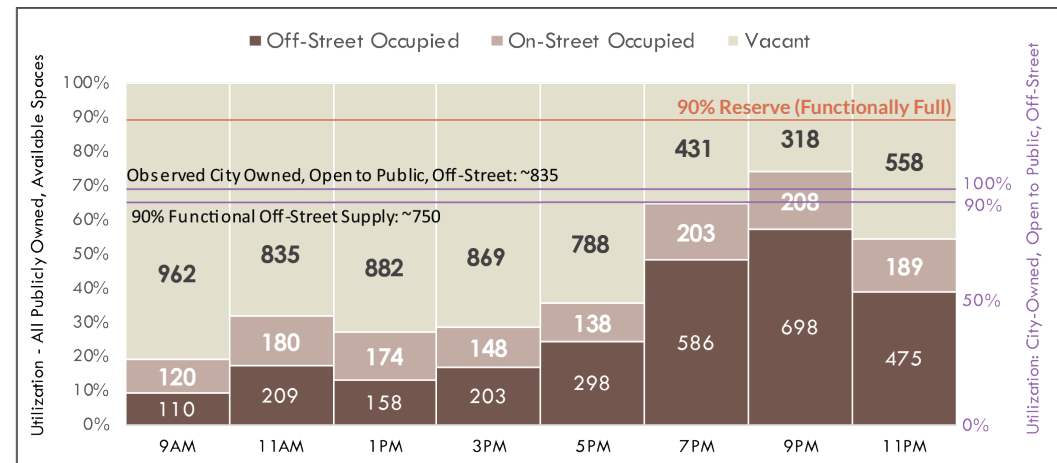
On weekends, there is a parking crunch in the spaces right around the Walton Arts Center in the evenings.

- Demand concentrates in the heart of the Entertainment District and Downtown Business District
- City-owned, publicly accessible spaces in the Entertainment District are approaching functionally full at peak
- In particular, the West Lot, East Lot, Spring Street Parking Deck, and Lot 55 are functionally full in the evening peak
- Overall, study-area wide utilization on weekends peaks at 9 p.m. at 40% occupied
- On Sundays, some church lots are over capacity and people park in unmarked spaces on Dickson Street. In contrast, surrounding lots have significant amounts of unoccupied spaces that are not accessible to the public.

Overall Weekend Utilization

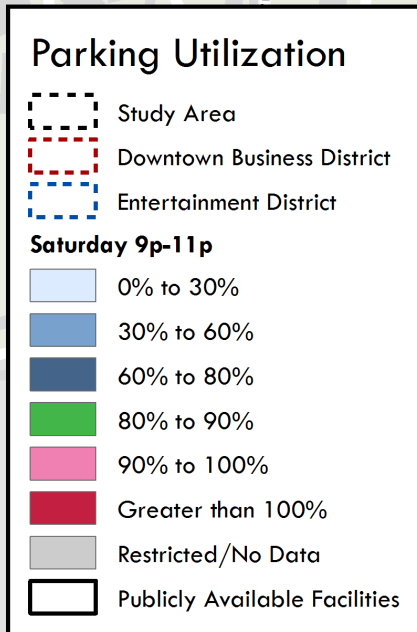
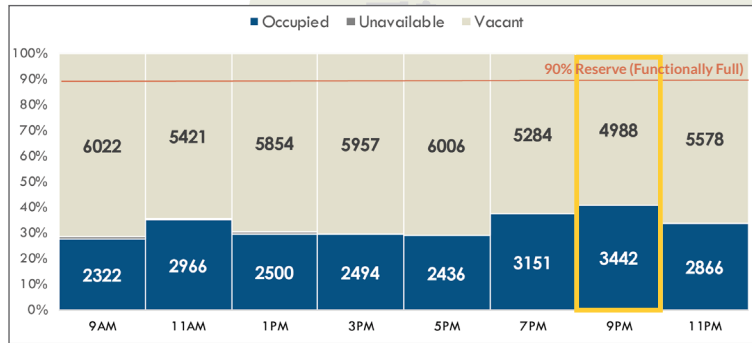


City-Owned, Open to Public Spaces - Entertainment District Weekend Utilization



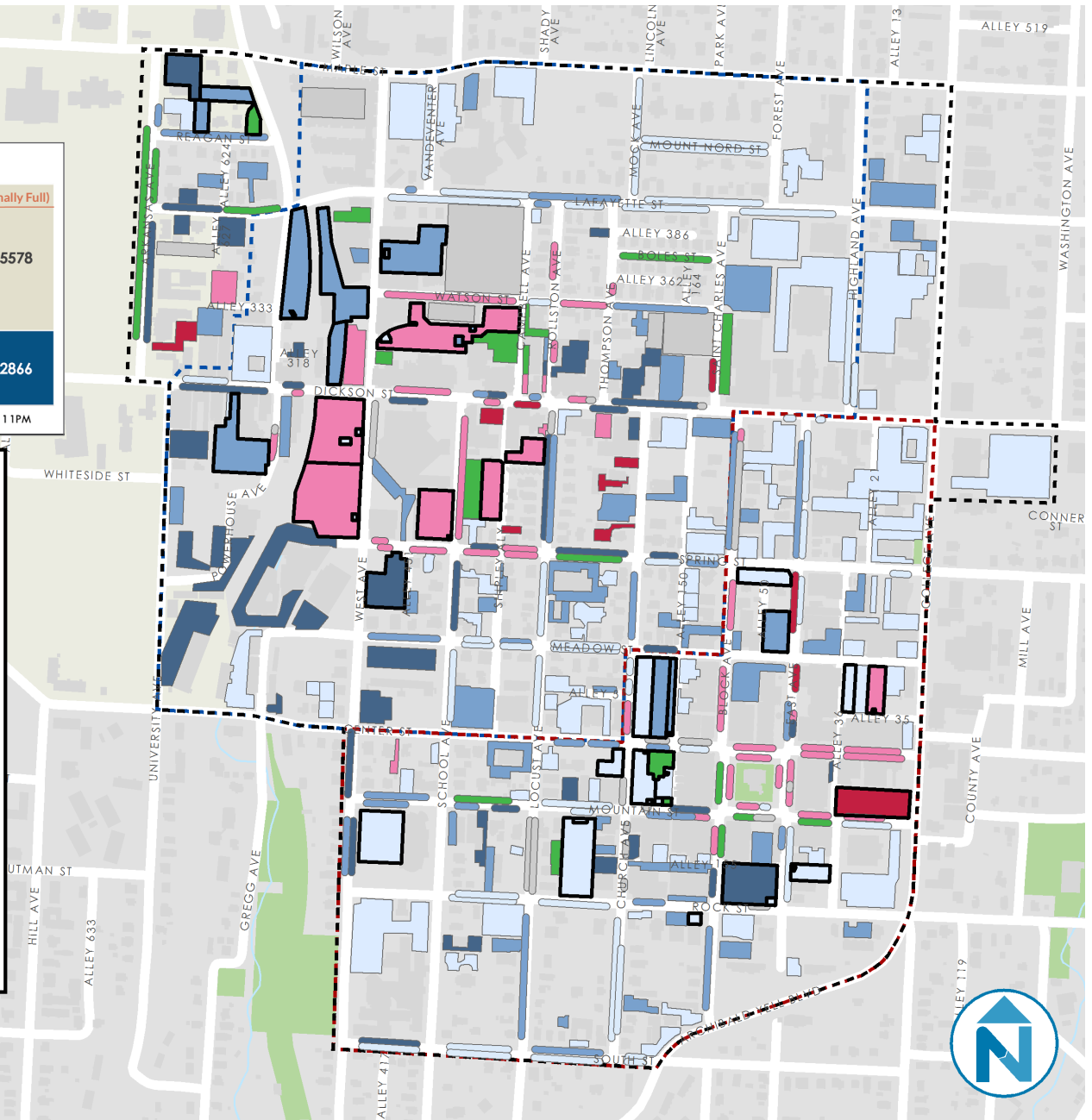
EXISTING CONDITIONS HIGHLIGHTS

WEEKEND PEAK All Parking

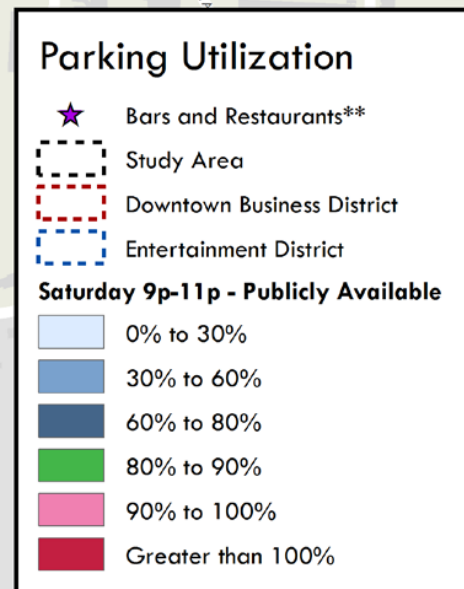
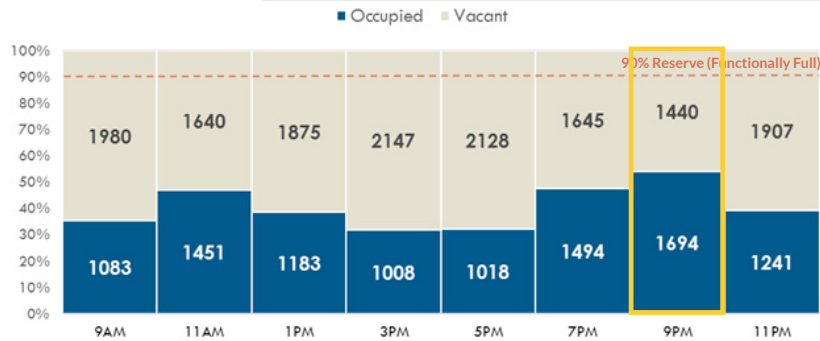


0 0.05 0.1 0.2 Miles

Data Sources: ESRI, City of Fayetteville

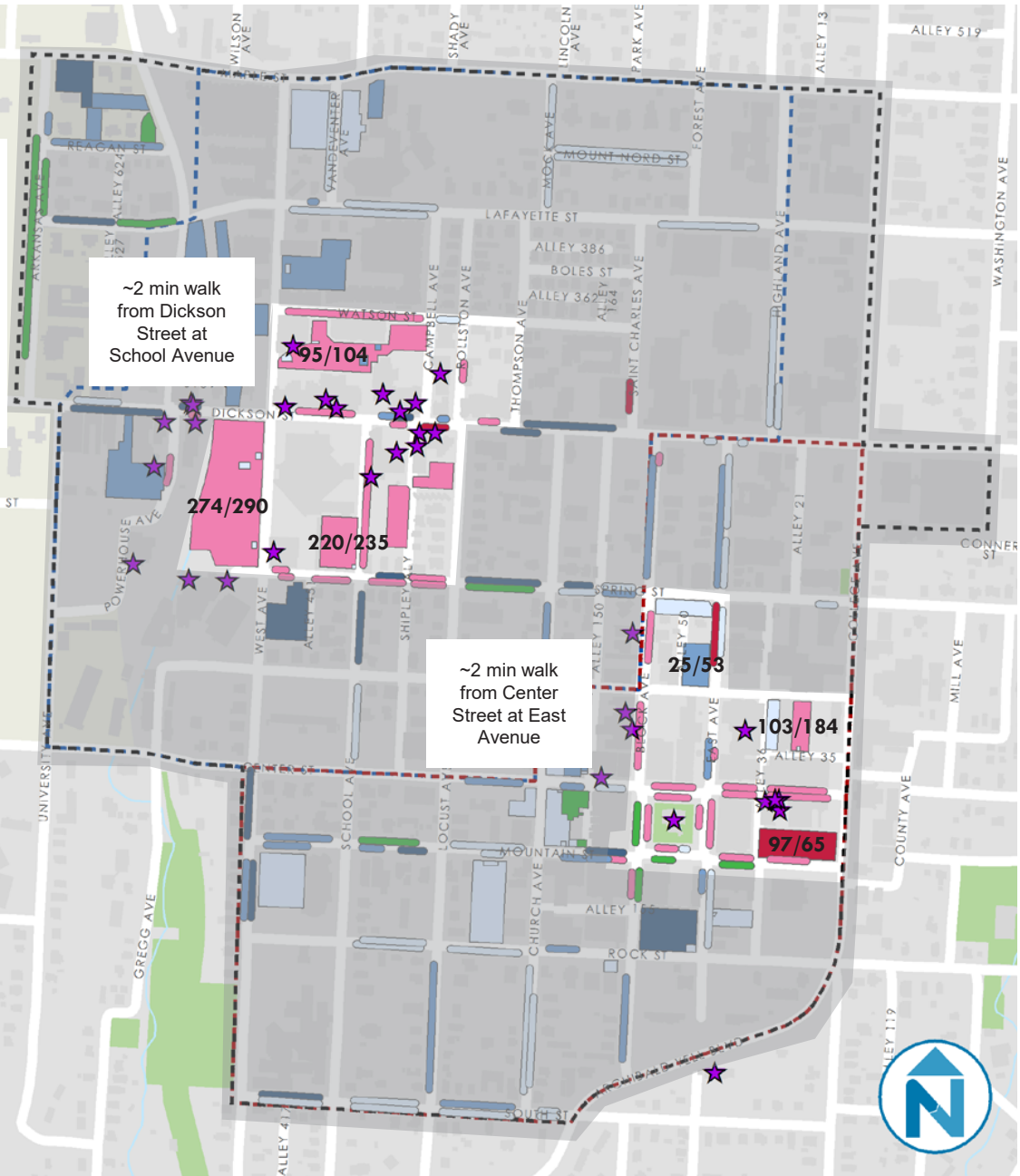


WEEKEND EVENING PEAK Publicly Accessible Parking



0 0.05 0.1 0.2 Miles

Data Sources: ESRI, City of Fayetteville



PARKING ENTRANCE





STRATEGIES

A combination of new ideas and strategies can tackle some of Fayetteville's parking issues today and in the future.

Optimizing Fayetteville's parking system will require a variety of strategies to improve the information, operation, and regulation of parking resources in the City. These strategies are interconnected and will work best as a package of management approaches. The strategies section outlines proposed strategies to address identified challenges related to parking, both on- and off-street.



HOW WERE THE STRATEGIES DEVELOPED?

A comprehensive and detailed planning process developed strategies based on both quantitative data and public input. The public input was key to the study to provide the “story behind the story” of the data - for example the lot on Gregg Ave close to the Walton Arts Center that is nearly empty at peak is also in a location where many members of the public identified walking issues.

The recommendations are intended to support the goals identified at the start of the study as well as to respond to public feedback provided along the way. Specifically, the study included:

- A review of **parking related planning documents**
- A detailed **parking inventory**, led by City staff, of both public and private lots
- Parking **occupancy counts** to determine how efficiently parking resources are utilized
- **Community input and feedback** at key points throughout the study via mobile workshops and stakeholder roundtables
- An assessment and review of **parking management practices**, such as regulations, enforcement, and technology
- A land use analysis to determine **how the built environment relates to parking demand** in Fayetteville

Detailed information on these study elements can be found in the technical appendix of this document.

Study Goals

1. Understand parking in the context of a multimodal system/downtown.
2. Plan for responsible economic development.
3. Establish coordinated parking management.
4. Explore regulations that are customer-friendly and easily understood.
5. Explore new technologies.

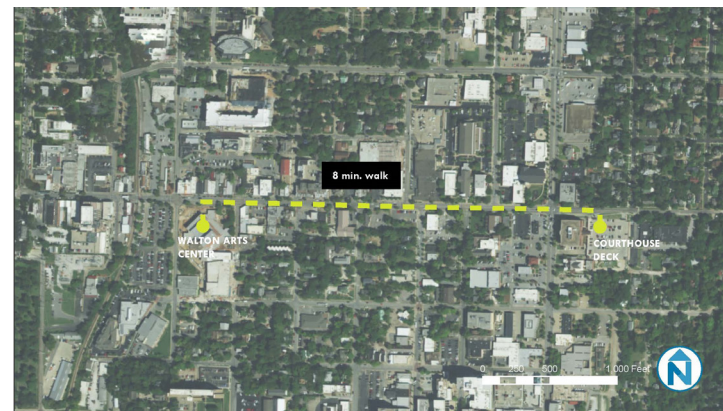
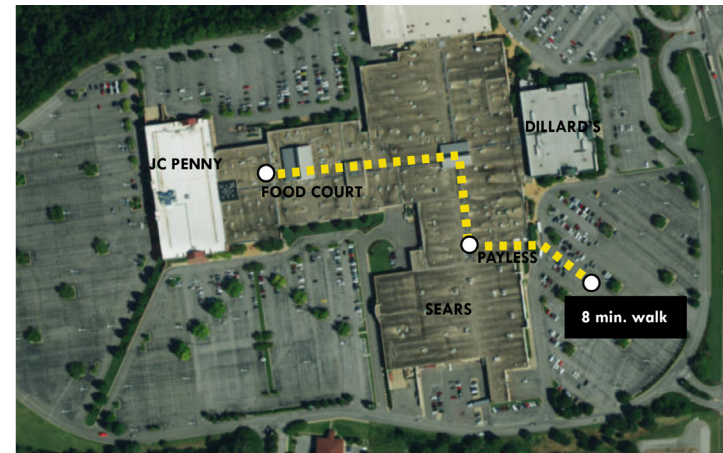
TREAT PARKING AS A CUSTOMER SERVICE

Challenge

Downtown Fayetteville is a key part of Northwest Arkansas's (NWA) cultural life and attracts a wide array of people who want convenient parking, including arts patrons, diners, employees, and business owners. In particular, the restaurants on and around Block Avenue and Dickson Street, the theater offerings, and the farmers' market draw people from throughout NWA and Fayetteville itself. In contrast to other more suburban destinations, Fayetteville's compact downtown necessitates a unique parking system. However, many who drive may not understand how the system works. They may input a destination such as the Walton Arts Center into a GPS and drive straight there, then hunt for parking right out front rather than being directed to available parking nearby. The system should cater to all users, but it often results in confusion and frustration.

It is not always clear where to look for parking beyond the obvious, visible spaces. Nearby parking on streets like Spring or Meadow is often available but unknown to visitors. Informal parking is also available—for example at churches—to those who are in the know, but it is not part of the formal system. Despite the City of Fayetteville's Parking Management Department efforts to market alternatives, available parking seems “far away” because people do not understand how it fits into the system. Although survey results revealed a stated preference for free or discount parking, many drivers park in prime or more expensive parking spaces because they do not know that an inexpensive space is available nearby.

Visitors to the Northwest Arkansas Mall regularly walk more than 8 minutes to a destination. This is comparable to users parking at the Washington County Courthouse Parking Deck at the end of Dickson Street (which is almost vacant but not used in the evenings) and walking to the Walton Arts Center. The difference is that people understand how parking at the mall works.



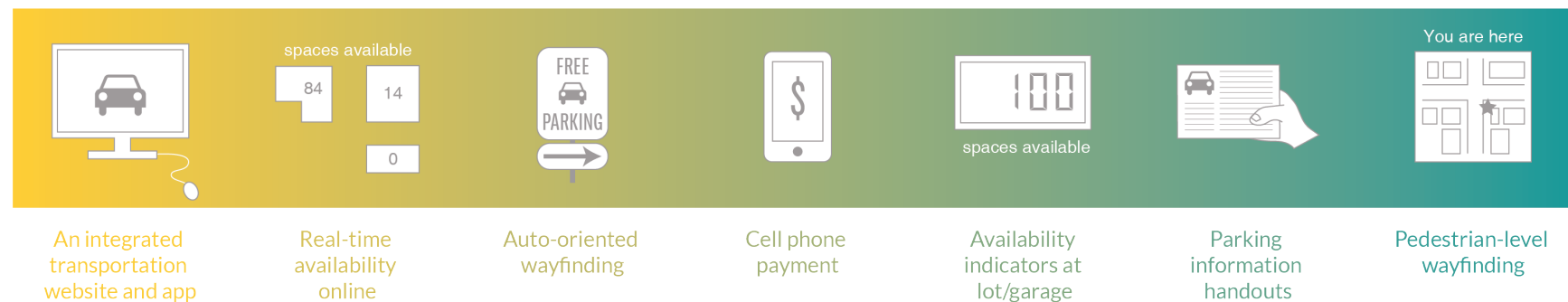
RECOMMENDATIONS

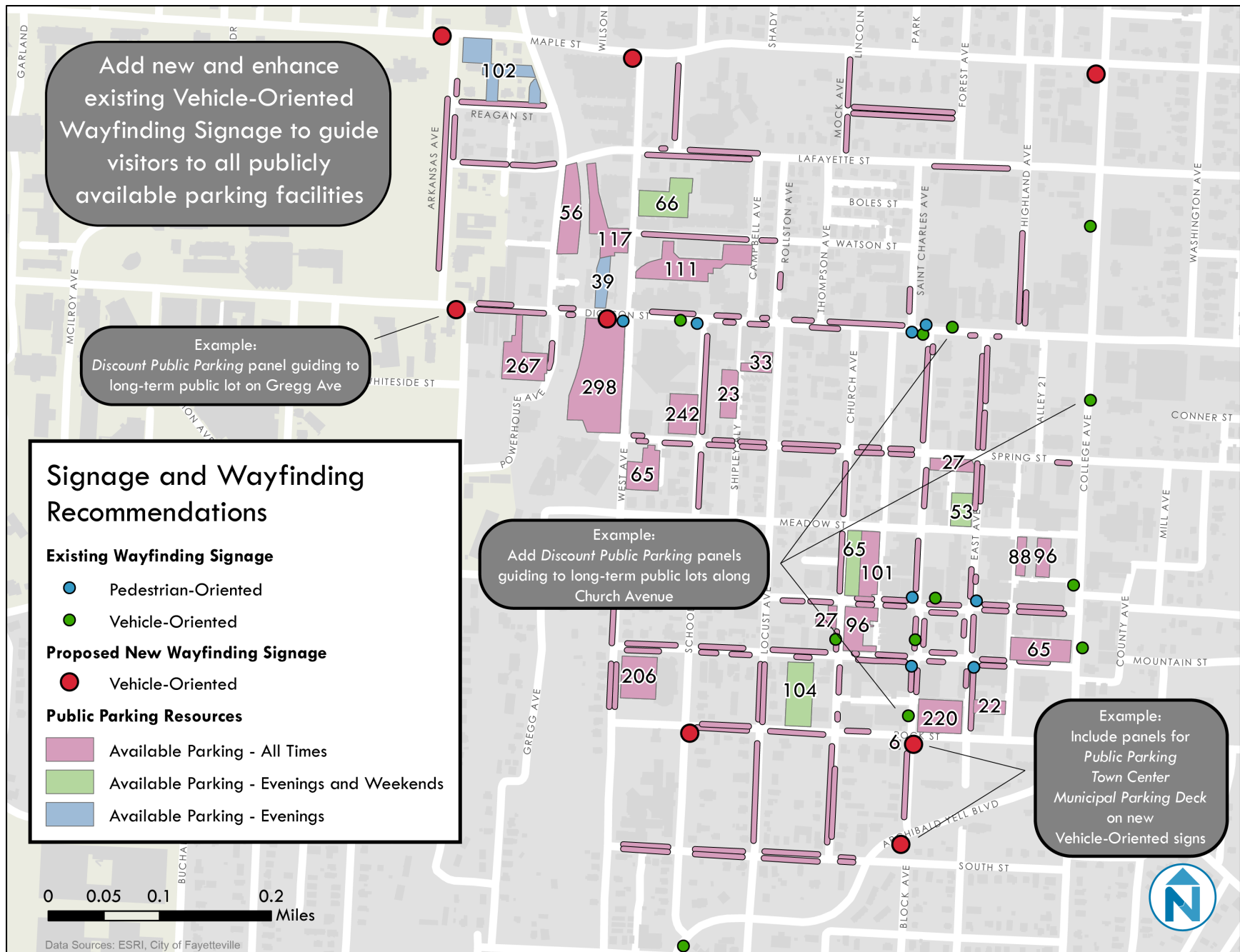
The goal of a well-managed parking system should be to serve its customers, not to make money or inconvenience its users. To clarify this sentiment, the City can make some key changes that will improve overall perception.

Primary

- Provide information that considers all aspects of a trip. This includes: (1) before you arrive; (2) at your arrival; and (3) during your stay. This will help visitors and regular travelers alike understand how the system works.
- Update wayfinding signage for both pedestrians and motorists to include directions to premium and discounted parking areas.
- Institute formal “first ticket free” policy, to reflect a friendly, welcoming system that wants to help travelers get around.
 - Incorporate parking information on the ticket itself, or in addition to the ticket, to ensure that the customer is informed of additional parking options.
- Update municipal code to have an availability goal for on-street spaces by block and lots rather than set prices. Code should allow Parking Management Division to change the prices directly without requiring a legislative amendment each time. In return Parking Management would regularly report on the achievement of the occupancy goal and have a clear trigger for returning authority to the Council if not met. The code should also describe that parking pricing is tied to availability, and that the goal of adjusting price is to create availability for all users.

BEFORE YOU ARRIVE



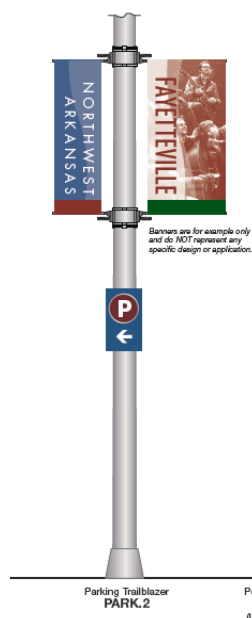


Supportive

- Train parking enforcement officers to serve as “Mobility Ambassadors” who actively provide parking, transportation, and other downtown information. Consider updating uniforms to reflect this role.
- Continue to distribute parking information in the form of coasters, table-toppers, and other materials.
- Improve parking information that is available online and encourage local businesses to link to it so that the public sees consistent information.

Fayetteville’s new wayfinding system (see sample at right) is an excellent opportunity to integrate both auto- and pedestrian-oriented parking wayfinding.

Signage should help drivers find the option that best suits their needs, and help pedestrians get back to their parked vehicles.



Case Study

Meter Rates

Eliminating meter rates from the municipal code is an important step in creating a parking system that is focused on managing for availability. When rates are listed in the municipal code, it is challenging for parking management to appropriately respond to demand patterns without going through the process of legislative approval, which is a significant administrative burden.

Four of Fayetteville’s peer cities do not list rates in their municipal code:

- Boulder, CO
- Ft. Collins, CO
- Asheville, NC
- Ann Arbor, MI

An additional best practice that holds parking management accountable to the public is to set an availability goal in the municipal code. For example, Redwood City, CA has adopted text in its municipal code that gives the City Manager authority to change meter rates based on an adopted “target occupancy.” Text of the code includes:

“To accomplish the goal of managing the supply of parking... a target occupancy rate of eighty-five percent (85%) is hereby established as the goal sought to be achieved with the rate structure for parking meters.”¹

This text provides clear and transparent reasoning behind the goal, and ties parking pricing to availability rather than city profit. The code goes on to require occupancy surveys at least twice per year.

¹ Redwood City Municipal Code, section 20.133

TREAT PARKING AS A CUSTOMER SERVICE

Implementation Timeline

Primary Strategy

- ▶ Improve information system for customers
 - (1) before they arrive
 - (2) at arrival and
 - (3) during their stay

Immediate Steps

- ▶ Integrate parking into Fayetteville's new signage and wayfinding program. Include pricing information ("premium," "discount," etc.).
- ▶ Collaborate with private lots to install the same parking technology platforms.
- ▶ Determine key locations for additional signage.

Short Term Steps

- ▶ Install new signage
(see also: Streamline Signage)

Long Term Steps

- ▶ Adjusting signage and technology as needed

Key Partners

COF Parking Management, COF Engineering, Private lot owners

Primary Strategy

- ▶ Adopt a policy that allows Parking Management Division some control over pricing, including an availability target for on- and off-street parking.

Immediate Steps

- ▶ Coordinate with Administration and City Council and draft ordinance language to update code to set a parking space availability target (and/or max price, if necessary)

Short Term Steps

- ▶ Work with City Council to adopt code
- ▶ Monitor and adjust if necessary

Long Term Steps

- ▶ Monitor and adjust if necessary

Key Partners

COF Parking Management, COF Administration, City Council

Supportive Strategy

- ▶ Rebrand parking enforcement to be mobility ambassadors
- ▶ Enhance parking information

Immediate Steps

- ▶ Review parking enforcement officer handbook and training needs
- ▶ Expand distribution of parking information
- ▶ Improve central website of parking information, including prices and time spans, for all publicly-accessible parking (including that which is privately owned)

Short Term Steps

- ▶ Update parking enforcement officer handbook and training
- ▶ New uniforms for Parking Enforcement officers as “ambassadors”
- ▶ Work with local businesses to link to centralized parking database

Long Term Steps

- ▶ Create integrated transportation materials, such as showing remote parking on Razorback and/or Ozark Regional Transit maps. This could include both online and printed materials.

Key Partners

COF Parking Management, Dickson Street Merchants Association, Block Street Business Association, Walton Arts Center

STREAMLINE SIGNAGE FOR USER CLARITY

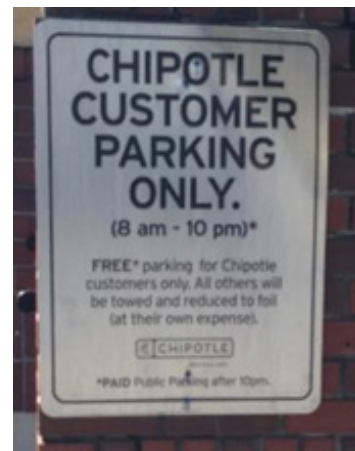
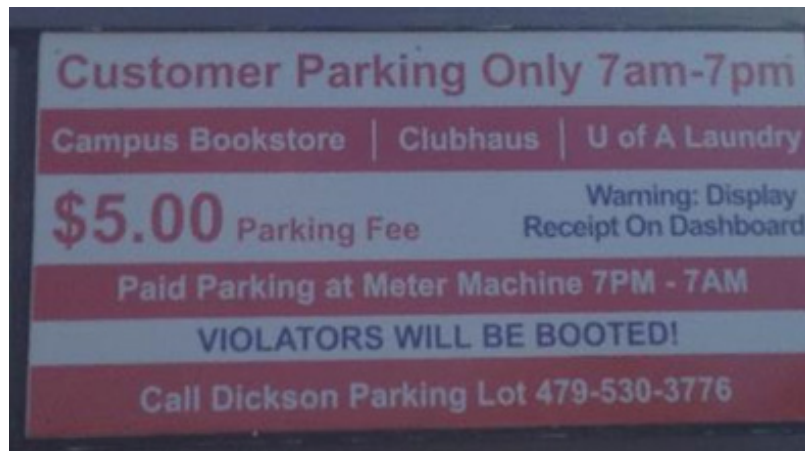
Challenge

Inconsistent and unclear signage plays a major role in the effectiveness of a parking management program. Easy to read and understand parking and wayfinding signage is critical to a user's ability to decipher the parking system. Signs should effectively guide motorists to parking resources to reduce congestion from circling and limit frustration amongst drivers, providing clear information about where parking is allowed and available.

From the customer perspective, Fayetteville does not have a consistent signage program in the Downtown Business and Entertainment Districts. Privately owned and operated parking has a different signage system than public parking, and signage is not always clear. Furthermore, there is no wayfinding system to inform drivers of underutilized parking spaces that are nearby but not visible from the main street in core business areas.

Mixed regulations at privately owned facilities that are open to the public are confusing for users.

Washington, DC is using these user-friendly signs.



RECOMMENDATIONS

Primary

- Install consistent wayfinding to lower-price/remote parking options.
- Pursue City-sponsored and standardized signage at privately-owned and publicly-accessible lots.
 - City could provide in-kind services in exchange for the adoption of consistent signage and pricing, including sign installation, lot striping, maintenance, and/or enforcement.
- Pursue signage for informal shared parking at churches and other establishments to encourage use by visitors at times when the establishments have low demand (See Increase Publicly Available Parking Supply).
- Clarify availability of late-day parking in Downtown Business District loading zones by removing on-street striping and improving signage.

Supportive

- Simplify signage to have fewer words and more intuitive displays so regulations are easier to read and understand
- Lease additional parking for permit holders or hourly visitors (See Increase Publicly Accessible Parking Supply)

Case Study

Ann Arbor, MI



Image Source: Ann Arbor DDA

In Ann Arbor, MI, the Downtown Development Authority (DDA) oversees management of public parking. This includes City-owned parking assets as well as some privately owned parking through leases or revenue sharing agreements.

For example, the City leases and operates a privately owned parking lot at First and Huron Streets, and has installed wayfinding and signage consistent with the rest of Ann Arbor (see image above). The lot is priced consistently with the rest of the system. Thus, to a member of the public, this lot is easily understood as part of the public supply.

STREAMLINE SIGNAGE FOR USER CLARITY

Implementation Timeline

Primary Strategy

- Implement consistent signage and wayfinding for parking

Immediate Steps

- Install proposed wayfinding signage update

Short Term Steps

- In conjunction with programs to encourage remote parking, install signage directing drivers to this discount resource

Long Term Steps

- Adjust as needed

Key Partners

COF Parking Management

Primary Strategy

- Pursue City-sponsored and standardized signage at privately-owned and publicly-accessible lots.

Immediate Steps

- Identify existing private owners of publicly available parking, as well as potential future shared parking facilities
- Meet with individuals and/or groups to propose updated signage (and regulations)
- Consider incentives to participate, such as in-kind services

Short Term Steps

- Install signage
- Ongoing meetings, as necessary

Long Term Steps

- Maintain signage

Key Partners

COF Parking Management, Private lot owners

Primary Strategy

- ▶ Clarify availability of late-day parking in Downtown Business District loading zones by removing on-street striping and improving signage.

Immediate Steps

- ▶ Meet with Block Street Business Association to provide information on this project
- ▶ Meet with Traffic Department as necessary

Short Term Steps

- ▶ Grind out striping
- ▶ Install updated signage
- ▶ Update parking maps/information

Long Term Steps

- ▶ Consider opening more use-restricted spaces to customer parking and/or valet when primary use is complete

Key Partners Block Street Business Association, Transportation Department, COF Parking Management

Primary Strategies

- ▶ Update signage
- ▶ Lease additional parking

Immediate Steps

- ▶ Review signage best practices (see Columbus, OH and Washington, DC)
- ▶ Identify additional supply and begin lease negotiation (see Add Parking Supply)

Short Term Steps

- ▶ Consider improving signage design
- ▶ Execute new parking leases

Long Term Steps

- ▶ Update signage
- ▶ Monitor use of leased lots and consider additional lots

Key Partners COF Parking Management, Private lot owners

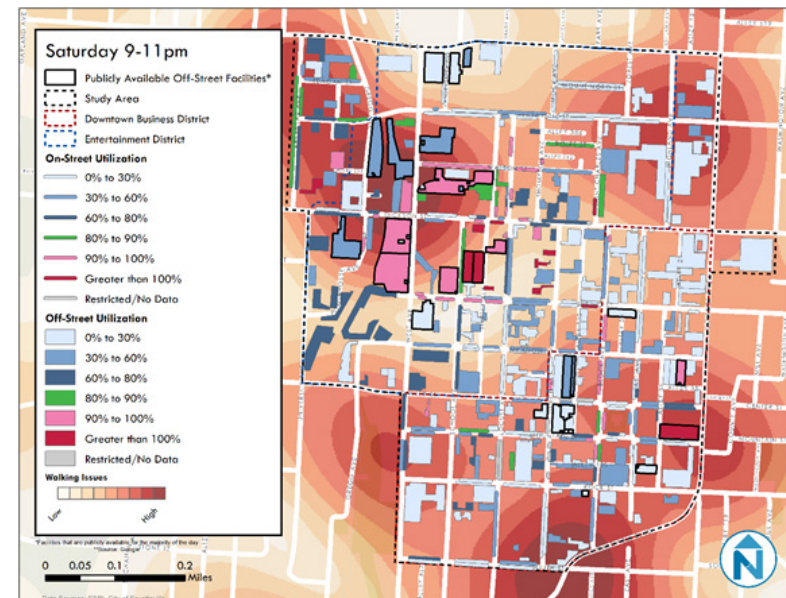
MULTIMODAL IMPROVEMENTS

Challenge

Today, the City's parking system assumes employees and customers will always seek to travel by car to access local businesses. Intersection operations prioritize vehicle movements, and some roads do not have sidewalks thus reinforcing travel by car. Meanwhile, Fayetteville's exceptional bicycle trail system is not often complimented by last-mile on-street connections to the front-doors of local businesses and residences. Similarly, Razorback Transit and Ozark Regional Transit run only limited transit services through downtown, and many people do not see them as a viable means of access. Meanwhile students come to attend UA and bring personal vehicles that they may use to frequent the Downtown and Entertainment District even though many live close by. All of these issues lead to people choosing to travel to Fayetteville's downtown via personal vehicle, which in turn leads to more parking demand.

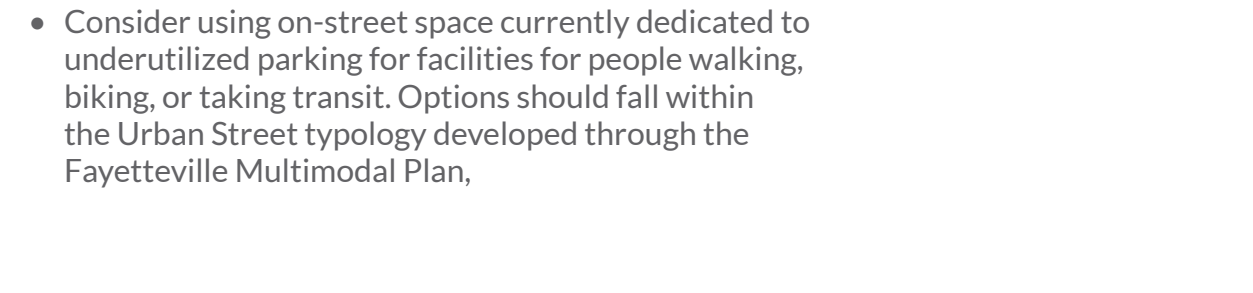
Fayetteville's multimodal network is stronger in some places than others. Every motorist must walk after parking, so incorporating other modes of transportation into a parking management program is essential for success, necessitating investments into the pedestrian, bicycle, and transit networks as well. These infrastructure investments are ultimately ways to improve parking access and offset parking demand.

Comparing parking utilization on a busy weekend night with noted walking issues from the public shows that some facilities may be underutilized due to walking connection issues.



Primary

- Create an intentional signed and lighted link between the underutilized lots behind Hugo's on Church Avenue and Dickson Street in the Entertainment District.
- Improve links between the Downtown Business District and the Entertainment District.



Supportive

- Pursue a Downtown Sidewalk Improvement Plan and/or key improvements that help link the Downtown Square to Dickson Street, and underutilized parking facilities to these cores of demand.
- Utilize on-street parking on the east end of Dickson Street as traffic calming, signaling to motorists that they have reached downtown.
- Streamline wayfinding signage between parking lots/garages, transit stops, bicycle facilities, and key local destinations (Streamline Signage)
- Market transit/remote parking shuttle options in the existing transit system (i.e. the Brown Route) to downtown employers and employees
- Review meter placement and location on public sidewalks and consider replacement with kiosks where the clear walking width is narrow, for example along Church Street.
- Consider the removal of underutilized on-street parking in some places to support changes in the roadway, such as the addition of bicycle lanes, the expansion of sidewalks, and/or other multimodal improvements.
- As uses intensify, a shuttle from remote parking for events or on a more regular basis may be appropriate and should be evaluated. For example, Bikes Blue and BBQ runs a shuttle for its event from Baum Stadium to Dickson Street. For large Dickson Street events, a similar structure could be pursued, using remote facilities such as Baum Stadium or even the County Courthouse..

MULTIMODAL IMPROVEMENTS

Implementation Timeline

Primary Strategy	Immediate Steps	Short Term Steps	Long Term Steps
 Intersection improvements	 Select key intersections	 Pursue intersection improvements such as signal timing and/or concurrent walk signals  Add crosswalk striping as possible and/or to replace worn paint	 Consider infrastructure improvements at key intersections
Key Partners	COF Parking Management, COF Engineering Division		

Primary Strategy	Immediate Steps	Short Term Steps	Long Term Steps
 Walkability Improvements	 Install sidewalk on Gregg Ave (Complete)  Coordinate walking improvements with larger Mobility Plan	 Create an intentional signed and lighted link between the underutilized lots behind Hugo's on Church Avenue and Dickson Street in the Entertainment District  Plan for additional links between the Business and Entertainment District	 Install walkability improvements between Business and Entertainment Districts
Key Partners	COF Parking Management, COF Engineering Division		

Supportive Strategies



Immediate Steps

- ▶ Consider a Downtown Sidewalk Improvement Plan
- ▶ Formalize on-street parking on the east end of Dickson Street
- ▶ Review on-street meter placement

Short Term Steps

- ▶ Remove on-street meters that block sidewalks and replace with pay-by-plate kiosks
- ▶ Link transit and parking systems in marketing materials
- ▶ Consider the removal of underutilized street parking

Long Term Steps

- ▶ Study more regular shuttle service to support remote parking

Key Partners

COF Parking Management, COF Engineering Division, Ozark Regional Transit, Razorback Transit



INCREASE PUBLICLY ACCESSIBLE PARKING SUPPLY

Challenge

Additional parking is an important component in the continued growth and development of the Fayetteville Downtown Business District and Entertainment District. Over time, new development will replace existing parking lots, and the City or developers will need to create additional parking from resources. Before new parking is built, maximizing the use of existing parking resources is far more cost-effective. However, much of the underutilized parking in Fayetteville is not yet publicly-accessible. There are also streets with sufficient width that have yet to incorporate on-street parking.

RECOMMENDATIONS

The City should pursue both on-street and off-street additional parking supply. If only 10% of the currently restricted supply became available to the public, that would be an addition of over 500 spaces to the system, or the equivalent of adding two more Spring Street Parking Decks.

Primary

- Pursue lease agreements / partnerships with underutilized private parking lots (such as churches, retail stores, or banks) that can provide additional parking during peak hours in the core areas.
 - City should provide maintenance, enforcement, and signage in exchange for utilizing the parking areas; revenue-sharing may be an option where demand is high.
- As part of the recommended comprehensive signage and wayfinding system, provide signs directing drivers to shared public / private lots when available for parking, especially on Sundays.
 - Remote parking resources that could be shared for use include the courthouse, churches, and underutilized lots on Church Street behind Hugos, as well as other underutilized privately-owned parking.

- Add on-street parking on streets where it could help with high parking demand and double as a traffic calming mechanism, signaling to drivers that they are arriving in a downtown / pedestrian area. Consider adding seven to eight-foot wide parking spaces to streets while continuing to maintain driving space. These should be reviewed by the Engineering Division:
 - West Avenue by Grub's (Implemented)
 - Dickson Street East End
 - St. Charles Avenue north of Watson Street
- Establish an overall district utilization threshold—such as more than 85% -- which would trigger the need for a shared parking garage. Investigate public, private, or public/private partnered options depending on land development opportunities.

Supportive

- Implement a permit system for shared parking lots. Some private property owners may be open to sharing parking to a designated set of users. For example, employees in the Entertainment District could access a permit to park in a church lot on the eastern end of Dickson Street. The limited pool of users may be comforting to an entity who might otherwise want to restrict general public parking, even if their lot is underutilized.



INCREASE PUBLICLY-ACCESSIBLE PARKING SUPPLY

Implementation Timeline

Primary Strategy Pursue lease agreements / partnerships with underutilized private parking lots	Immediate Steps - Identify willing private lot/garage owners, particularly in priority areas such as the Entertainment District core. - Create marketing materials and plan for education and conversation	Short Term Steps - Meet with stakeholders to develop program - Develop key elements of shared parking agreements between private operators and the City. - Work to negotiate opening of privately owned parking for public access	- Continue to meet and engage with key stakeholders. - Meet with additional private lot/garage owners - Integrate feedback as appropriate. Long Term Steps - Adjust as needed
Key Partners COF Parking Management, Private property owners			
Supportive Strategies Supportive strategies to increase publicly accessible parking	Immediate Steps Develop a permit system for shared lots. Offer entry into the permit system to property owners who may be uncomfortable with full sharing.	Short Term Steps Administer permit system	Long Term Steps - Monitor and adjust. - As owners become more comfortable, open privately-operated lots to general public
Key Partners COF Parking Management, Private property owners			

Primary Strategy

- ▶ As part of information program, provide signage for informally shared facilities

Immediate Steps

- ▶ Identify existing private owners of publicly available parking, as well as potential future shared parking facilities
- ▶ Meet with individuals and/or groups to propose updated signage (and regulations)
- ▶ Consider incentives to participate, such as in-kind services

Short Term Steps

- ▶ Install signage
- ▶ Ongoing meetings, as necessary

Long Term Steps

- ▶ Maintain signage

Key Partners

COF, Churches, Courthouse, Other non-city parking holders

Primary Strategy

- ▶ Add on-street parking where possible

Immediate Steps

- ▶ Maintain new on-street parking if possible on West Ave. If sightlines are challenging during events, use as valet stand.
- ▶ Meet with Engineering Division to propose additional parking locations.
- ▶ Integrate new parking into pricing system, including signage.

Short Term Steps

- ▶ Update any marketing materials and online information

Long Term Steps

- ▶ Monitor and adjust

Key Partners

COF Parking Management, COF Engineering Division

IMPLEMENT CURRENT PARKING TECHNOLOGY

Challenge

Parking technology is varied in the Entertainment District and Downtown Business District. In the Entertainment District, a driver might encounter City-owned kiosks, other kiosks maintained by private operators, or cash-only payment during events. Drivers can also pay for parking by phone while still in their car upon arrival and can extend a parking reservation remotely via text message. In the Downtown Business District, there are kiosks in some facilities, coin-operated meters on the street, and no option to pay by phone. To park downtown, a driver has to know how to use approximately five different payment methods. Interestingly, stakeholder interviews revealed that Fayettevillians prefer the look and access of single-head meters over kiosks, although others indicated that the clutter of these meters on the sidewalk resulted in walking issues by narrowing the sidewalk.

RECOMMENDATIONS

Since the introduction of meters nearly 100 years ago, parking management technology has advanced to create a more user-friendly customer and visitor parking experience. Upgraded parking technologies can also make operations easier by providing the City capacity to monitor and evaluate parking demand and by streamlining the efficiency of parking enforcement personnel.

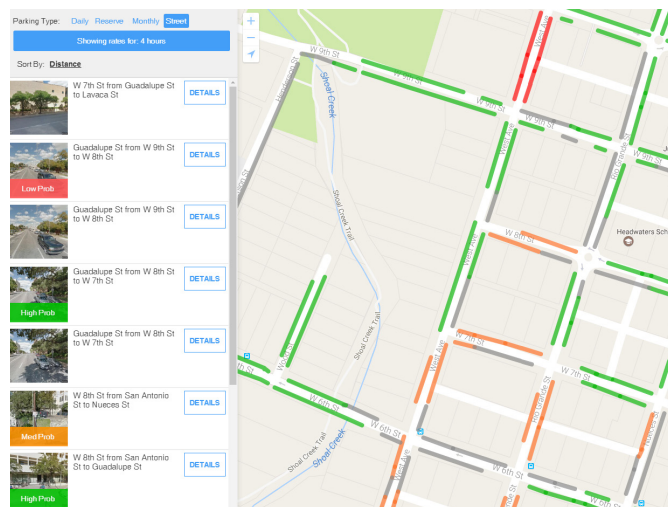
Technology improvements should seamlessly integrate payment methods and utilization information for both on- and off-street facilities to help with parking convenience for both people who drive daily and the occasional visitor. Specifically, these improvements include:

Primary

- Expand pay-by-phone to Downtown Business District. To adjust for credit card and communications fees, set a minimum parking purchase amount (i.e. \$0.75).
- Incentivize private lots/decks to use the same pay-by-phone vendor by offering in-kind services such as maintenance, signage, or other improvements
- Pursue digital meter heads for single-space meters in the Downtown Business District to allow credit card payment. To adjust for credit card and communications fees, set a minimum parking purchase amount (i.e. \$0.75).

Supportive

- Contract with a vendor to provide real-time availability based on meter or kiosk data for all facilities.
- Pursue pre-payment and/or pay-at-exit systems for event management (see Event Management section).
- Pursue pay-by-plate system for kiosks that remove the need for a user to walk back to the car after completing payment.
- Pursue LPR (license plate recognition) enforcement technologies that automate the enforcement process.

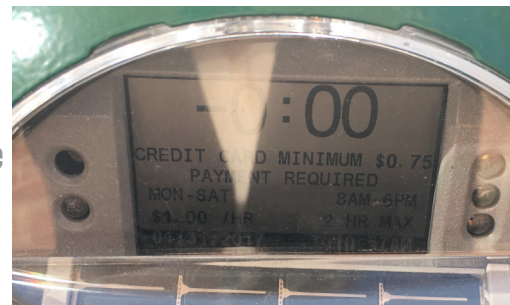


In Austin TX, many of the meters in the city are linked to vendor ParkMe which provides real-time availability data for on-street parking.

Source: <https://www.parkme.com/>

New meter technologies drop into old meter housings, providing an efficient reuse of infrastructure and keeping costs low.

Some cities, like Chattanooga TN and Portland ME, offset credit card fees by requiring a minimum purchase to use the more convenient option.



IMPLEMENT CURRENT PARKING TECHNOLOGY

Implementation Timeline

Primary Strategy

- ▶ Expand pay-by-phone to Downtown Business District

Immediate Steps

- ▶ Meet with Block Street Business Association
- ▶ Work with vendor to determine minimum revenue needed
- ▶ Determine if feasible/desirable to set a minimum parking purchase to use app

Short Term Steps

- ▶ Expand coverage to Downtown Business District (if financially viable)

Long Term Steps

- ▶ If not currently viable, implement pay-by-phone together with future price increase in Downtown Business District

Key Partners

COF Parking Management, Block Street Business District Association

Primary Strategy

- ▶ Incentivize private lots/decks to participate in pay-by-phone

Immediate Steps

- ▶ Identify existing private owners of publicly available parking / potential new shared parking facilities
- ▶ Meet with individuals and/or groups to propose updated signage (and regulations)
- ▶ Consider incentives to participate, such as in-kind services

Short Term Steps

- ▶ Install pay-by-cell system
- ▶ Ongoing meetings with stakeholders, as necessary

Long Term Steps

- ▶ Maintain system, potentially in partnership with owners/operators

Key Partners

COF Parking Management, Private lot owners

Primary Strategy

- ▶ Pursue digital meter heads for single space meters

Immediate Steps

- ▶ Meet with Block Street Business Association
- ▶ Work with vendor to determine pricing possibilities
- ▶ Determine if feasible/desirable to set a minimum parking purchase to use pay-by-phone or credit card

Short Term Steps

- ▶ Install system (if financially viable and supported by officials)

Long Term Steps

- ▶ Monitor

Key Partners

Downtown Business District Business Association, COF Parking Management

Supportive Strategies

- ▶ Real-time data
- ▶ Pay-on-foot
- ▶ Pay-by-plate
- ▶ LPR readers

Immediate Steps

- ▶ Negotiate with existing and proposed payment vendors for data stream
- ▶ Investigate pay-on-foot & pay-by-plate for pre-payment/pay-at-exit systems (see Event Management section)
- ▶ Acquire LPR (license plate recognition) enforcement readers

Short Term Steps

- ▶ Contract with vendors to provide real-time availability data
- ▶ Install pay-on-foot and/or pay-by-plate kiosks

Long Term Steps

- ▶ Integrate availability data into multiple web-based platforms
- ▶ Monitor kiosk effectiveness for events

Key Partners

COF Parking Management

IMPROVE EVENT PARKING MANAGEMENT

Challenge

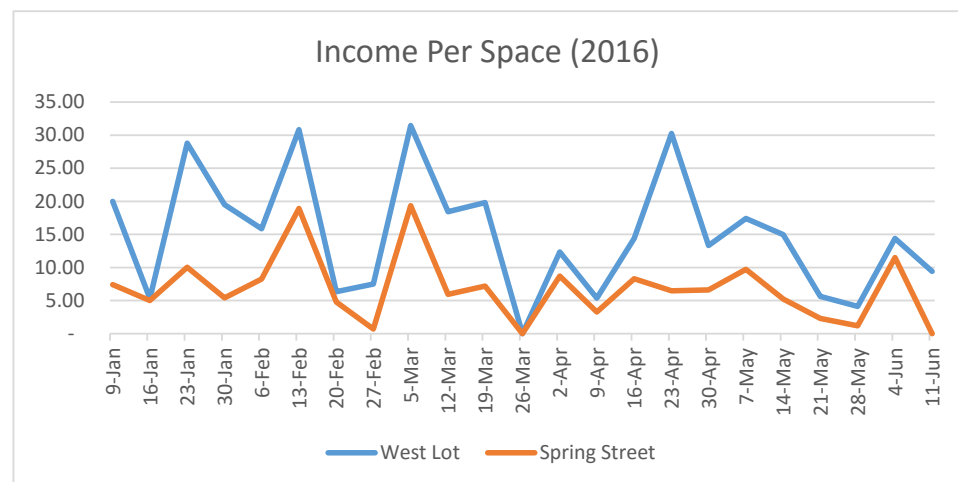
The Entertainment District and Downtown Business District are home to events year round in Fayetteville. Downtown Fayetteville is compact, and increased parking demands from special events can pose a challenge, particularly around the Walton Arts Center during large shows.

The City's current approach is to charge a flat \$5.00 cash fee to park at the West Avenue Lot and Spring Street Parking Deck and to employ extra staff to manage parking payment and assist in directing traffic to empty spaces. Although the cash-only payment system can expedite a transaction, handling the cash payments and directing cars to open parking requires a large staff. Moreover, customers who do not have cash may be frustrated by this system, and some have expressed a desire to pay by credit card.

Finally, the implementation of event parking seems inconsistent, particularly for those who are unfamiliar with the system and/or do not know it will be in place before they arrive.

A comparison of event sales per space for the West Lot and Spring Street Parking Deck shows that the West Lot makes more per space with a flat pricing structure, because people want to park in what they perceive to be more convenient spaces

Source: Revenue and Utilization Information from COF, as of June 3, 2016



RECOMMENDATIONS

Event management is a coordinated matter, involving multiple stakeholders throughout the community to ensure that parking and transportation demands are met for each unique event. Technology can play a vital role in the streamlining of event parking options and payment. Upgraded technology and the adoption of additional special event parking strategies can increase the efficiency of event parking and assist in pre-event coordination to further reduce event day congestion. These specific strategies are recommended for Fayetteville:

Primary

- Charge a higher event parking fee at facilities more conveniently located to an event and a lower event parking fee at facilities located farther away to better balance utilization (see figure on opposite page which shows imbalance between West Lot and Spring Street Parking Deck use). Setting and calibrating the rate will take time, warranting initial pilots. The price difference will create availability for those who do not wish to walk as far, and provide a discount option for others.
 - Pilot performance-based pricing in collaboration with the WAC: continue to charge \$5 to park in the West Lot, and charge \$3 to park in the Spring Street Deck; continue with ongoing data collection systems and adjust pricing if necessary at later events.
- To address the needs of customers who are not prepared to pay with cash and/or would prefer a payment alternative, pilot new payment technologies together with the lowered price in the Spring Street Deck. This system would include a pay-on-foot system linked to license plates where customers can pay at any available kiosk, or pre-pay online or by phone.
 - Create a flexible system such that drivers could enter their plate or space number and pay within a reasonable arrival time, such as anytime before the end of a show. The City should accept payment at any kiosk and on mobile devices.
 - Use LPR for enforcement .
 - This system could require as little as one enforcement sweep after intermission or a set amount of time after an event begins. All who are parked at that time should have paid the flat event parking fee.
 - To facilitate payment, work with the WAC and/or other event venues such as Theatre Squared to remind people who have parked in the Spring Street deck to pay, either via signage or announcements.
 - Work with theater and/or other venues to sell parking in advance with tickets and link to LPR system.
 - Use signage for the West Lot as “cash-only”, and others to the Spring Street Parking Deck as “discount parking accepting all forms of payment.”
 - Monitor and adjust, expanding this flexible payment system to West Lot if pilot yields high use of credit/cell payment without complaints about delays.

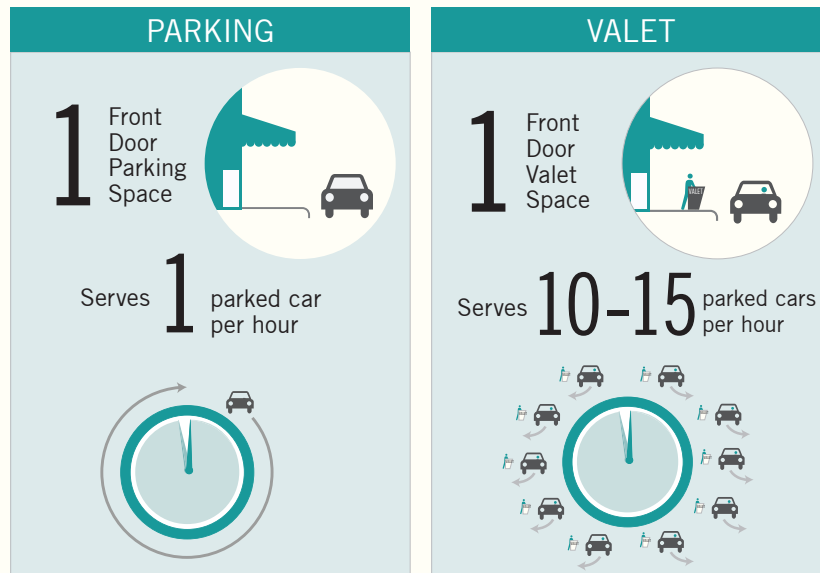


Bike valet services incentivize biking to events by providing convenient, secure bike parking in close proximity to the event.



- Implement city-wide valet parking program to facilitate remote parking and provide an excellent option for those with limited mobility. Create a consolidated, downtown-wide valet program. This should be run by a centralized entity, such as the City itself or via a renewable competitively-bid private operator contract, as means to create a comprehensive and centralized program.
 - Limit valet stand hours to when demand is high (e.g. 6 p.m. – 2 a.m.)
 - Encourage businesses in the districts to pool funds for use of the shared valet.
 - Create a clear set of operating requirements that ensure a consistent approach to designating off-street parking areas, appropriate lot owner agreements, size and location of valet stands, hours of operation, customer service standards, special event management procedures, acceptable driving routes, and maximum cycle times.
 - Require on-going coordination with city events to ensure reliable operations.
 - Valet stands should be located in visible on-street locations and can be flexibly managed. For example, an on-street space on West Avenue by the West Lot or on Dickson Street near restaurants could be valet parking during peak evening demand hours.

In a compact downtown like Fayetteville, one extremely convenient valet space serving multiple vehicles can be more useful than a parking space that only serves one vehicle.



- Off-street parking resources that could be used to support valet parking include underutilized publicly-owned facilities such as the courthouse, library, and/or Town Center Parking Deck, as well as privately-owned facilities through lease agreements.

Supportive

- Utilize online payment systems to allow event attendees to pre-purchase event parking along with a ticket purchase. Prepaid customers can select premium, more convenient parking (i.e. in the West Lot), or get a discount for reserving a remote space (i.e. in the Spring Street Parking Deck or elsewhere).
- Integrate license plate recognition (LPR) technology for “virtual gate” entries by prepaid customers at City owned and operated lots in the Entertainment District.
- Incentivize bicycling to events with free bicycle valet service.
- In-lieu of closing parking lots for event space, review the process of approval for street closures to vehicles for events and streamline any potential administrative barriers for closing streets. Street closures can help accommodate events with high volumes of pedestrians and provide excellent venues for events that need a lot of space. In addition, closing streets encourages the community to reconsider how this space is used. A program for advertising alternate routes clearly during events and in advance should be developed.
- Signage indicating discount parking options should help users who do not wish to pay event parking rates (see Streamline Signage).

Case Studies

Valet Parking

While none of Fayetteville’s peer cities have valet parking for the general public at this time, Ann Arbor is considering it.

The cities below have publicly available valet parking (i.e. not tied to a specific use) and various elements of their programs are applicable to the Fayetteville context:

	REDWOOD, CA	PLYMOUTH, MI	CHARLESTON, SC
Overview	Universal valet service for Downtown area Valet Parking on Fridays and Saturdays between 5PM and 11PM \$5.00 per car	Merchant-driven program using a bank parking lot after hours	City-sponsored valet services on-street
Service Company & Agreement	Operated by All About Parking, inc. In 2014, \$84,000 contract paid monthly	Private company \$800 / month	Multiple operators depending on location
Highlights	Businesses agree to chip in and pay for service. Service uses underutilized County parking during service hours, like Fayetteville’s courthouse.	Small program, could be a good pilot size for Fayetteville Local development authority provides insurance and marketing/promotions	Anyone can use valet Some businesses validate parking costs \$8 - \$10 / car

SOURCES: ^{*}<http://www.freep.com/story/money/business/michigan/2014/12/03/plymouth-downtown-valet-service-parking/19826893/>

^{**}http://www.postandcourier.com/business/charleston-bites-valet-parking-city-wants-it-easier-to-come/article_24ba7ec5-aa85-5d08-811e-a658ecf930a8.html

IMPROVE EVENT PARKING MANAGEMENT

Implementation Timeline

Primary Strategy

- ▶ Charge a lower fee at the Spring Street Deck than the West Avenue Lot

Immediate Steps

- ▶ Meet with WAC
- ▶ Pilot strategy for a few shows

Short Term Steps

- ▶ Monitor facility use in response to price change

Long Term Steps

- ▶ Update prices as necessary to create availability

Key Partners

COF Parking Management, Walton Arts Center, COF Administration

Primary Strategy

- ▶ Pilot alternative payment technologies at the Spring Street Deck

Immediate Steps

- ▶ Meet with WAC
- ▶ Meet with pay-by-phone vendor to determine if network overload is an issue
- ▶ Review event management plan options and select
- ▶ Pilot cashless event management with smaller events first

Short Term Steps

- ▶ Begin cashless event management
- ▶ Pursue LPR for enforcement (meet with vendors, testing, etc.)

Long Term Steps

- ▶ Implement LPR for enforcement
- ▶ Expand program if successful

Key Partners

COF Parking Management, Walton Arts Center, COF Administration

Primary Strategy

- ▶ City-wide valet parking program

Immediate Steps

- ▶ Meet with potential valet operators
- ▶ Draft key operating requirements, including desired pricing in conjunction with performance-based pricing
- ▶ Meet with business who may want to pool funds to support valet

Short Term Steps

- ▶ Select valet operator
- ▶ Select on-street spaces to use for valet
- ▶ Select off-street spaces for vehicle storage
- ▶ Ongoing coordination with City events

Long Term Steps

- ▶ Consider “universal valet,” where customers can drop-off and pick up vehicles in different locations

Key Partners

Block Street Business Association, COF Parking Management, COF Administration, Dickson Street Merchants Association

Supportive Strategies

- ▶ Additional event management strategies

Immediate Steps

- ▶ Review Spring Street Deck technology to determine if advance parking purchase is possible. Pilot, using cones/manual support if necessary.
- ▶ Incentivize bicycling to events with free bicycle valet service
- ▶ Review street closure process and consider updates

Short Term Steps

- ▶ Install technology to support advance parking purchase
- ▶ Depending on above, integrate license plate recognition (LPR) technology for “virtual gate” entries by prepaid customers
- ▶ Draft and adopt updates to street closure process for events

Long Term Steps

- ▶ Work with WAC and other major event operators (Bikes, Blues, BBQ) to bundle parking with ticket purchases
- ▶ Utilize street space rather than surface parking lots for events

Key Partners

COF Parking Management, Dickson Street Merchants Association

PREPARE FOR FUTURE DEVELOPMENT

Challenge

Parking requirements for new development are tied to the City's zoning code. Code dictates access in many forms, such as the number of parking spaces required or allowed, based on the land use type of the development. Fayetteville has a compact downtown where walkability is valued amongst its users and residents. For this reason, when compared to a more suburban setting, businesses in the Downtown Business and Entertainment Districts do not require as much parking. This is made clear in the parking spaces that sit empty during off-peak hours outside a church, in the West Lot, and on weekends in the Downtown Business District. These kinds of parking spaces represent an opportunity to accommodate future development without new parking construction.

However, after the implementation of parking maximums rather than minimums (a best practice for compact development), Fayetteville has been experiencing growing pains. Recent developments that share parking are struggling to do so without operational concerns and/or conflicting parking demands. For example, a residence sharing parking with a church works for most days of the week, but Sundays can be a challenge.

Developers and property owners often forget that parking provision is a significant benefit for tenants, and that other transportation benefits can actually be more cost-effective. Parking provision is expensive; the Spring Street Deck cost approximately \$37,000 per space to build, and that does not include maintenance and operations. TDM programs "level the playing field" by providing transportation options beyond parking to travelers to encourage them to choose to take transit, ride a bike, and/or walk.

Without policies, infrastructure, and cultural changes to support the shared use of district-wide parking resources as well as support for those who choose not to drive, new developments may put undue pressures on the parking system. In particular, this will exacerbate pinch points of higher demand while more remote parking continues to go underutilized.



The Parking Study included a land use and parking analysis for three focus areas in Fayetteville using an adapted parking model. The model is based on the concepts that parking demand for different types of land uses changes over the hours of the day and that people parking in a mixed-use downtown like Fayetteville's are regularly sharing spaces for more than one land use.

In addition, the team modeled two development scenarios for each of the three focus areas to determine the expected parking demand. This demand can be compared to existing supply to understand how parking may need to change in the future to support demand and to meet City goals.

There were three focus areas for this analysis:

- **Dickson & Block:** A focus area that contains some businesses along Dickson, the Washington County Circuit Court, and several law, accounting, and newspaper offices as well as churches.
- **Center Street:** This area represents the traditional downtown core mostly located within the Downtown Business District.
- **West Entertainment District:** This area contains the busiest portions of the Entertainment District, including both the Walton Arts Center and the significant retail and restaurant concentration along Dickson Street. It includes large municipal parking facilities such as the West Lot and the Spring Street Deck.

The detailed analysis can be found in the appendix. Key findings include:

- Demand patterns show that parking is overbuilt in the Dickson & Block focus area. Almost 1,000 parking spaces remain unused throughout a typical weekday, with much more availability in the evening.
- For each future development scenario in the Center Street focus area, modeling indicates that there is enough supply in the focus area to satisfy the projected parking demand.
- On-site parking as part of all new developments in the Center Street focus area would maintain a very healthy reserve.
- As development scenarios intensify, modeling indicates that both the reserve and total parking supply in the West Entertainment District focus area will be exhausted by the projected parking demand.
- A development scenario that expands demand at peak times will require access to almost 300 additional parking spaces

Several of the strategies in this report will help alleviate the projected West Entertainment District shortage, including:

- Access to remote facilities
- Improved event management
- Multimodal mobility improvements
- Streamlined signage

Additional zoning and land use recommendations are detailed on the following pages:

RECOMMENDATIONS

Fayetteville uses many zoning best practices for a compact, walkable downtown, including parking maximums for non-residential development, no parking minimums for residential development, and bicycle parking requirements. There are additional changes that could potentially be integrated into the City's zoning code to reflect a more progressive approach to parking provision and continue to support the Downtown's businesses and character.

Primary

- Require or incentivize Transportation Demand Management (TDM) programming for new development (residential and commercial) that provides options for people beyond driving. TDM in development should be tailored to the transportation needs and resources of the area and adopt a monitoring program to verify trip reduction goal milestones. If adding requirements to zoning is challenging, link this program to incentives such as increased density, in-kind TDM services, or even tax credits. TDM programs can include elements such as:
 - Paid parking (or a cash-out for not parking - see below), which is best if charged (or cashed-out) daily to remind users of the real cost of parking
 - Parking cash-out programs, where users are offered parking and/or its market value in cash. Employees, for example, may use some of the cash to pay for more remote parking and pocket the remainder, put the money toward a transit pass, etc. License Plate Recognition (LPR) technology has the potential to simplify/facilitate this.

- Subsidized transit passes and bike share / car share memberships
- Guaranteed ride home programs
- Carpool programs
- Bicycle facilities (bike lockers, showers, etc.)

Case Study

Shared Parking Code

Asheville, NC's shared parking code¹ does not apply to specific uses. Up to 100% of spaces may be shared between two or more uses. A written agreement between the entities is required. However, parcels must be adjacent, which in a walkable downtown is an unnecessary requirement.

Columbia, MO's shared parking code is very flexible and the approval process is relatively simple. The code requirements simply state that parking may be shared if "a sufficient number of spaces...meet the greater parking demand." In addition, this arrangement is subject to approval by the director of Community Development. While the applicant must show that the parking provided meets the need, this system limits the administrative burden of a more challenging process such as a planning board hearing.²

¹ Asheville Code of Ordinances, Ch. 7 Article XI Sec. 7-11-2-e-1.
² Columbia, MO Code of Ordinances Ch. 9 Sec. 29-30-e

- The City should take a lead role in facilitating shared parking. This includes:
 - Capitalizing on the comprehensive parking inventory provided by this study to encourage and facilitate shared parking agreements.
 - Actively facilitating conversations between users who want to share parking. Help parties consider issues such as maintenance, times of day when spaces are available, and who has access.
 - Actively seeking owners of underutilized parking and helping them open their supply to the public (see Increase Publicly-Accessible Parking Supply).
 - Keeping model agreements on file to eliminate or lower any barriers related to setting up arrangements.
 - Maintaining and promoting a database of underutilized parking to support new development.
- Improve the parking code to encourage sharing. The code should be simple to easily facilitate sharing. Elements of this could include:
 - For commercial developments, require all or a portion of spaces to be fully shared. This should apply in particular to developments with space counts that are above the listed maximum; all additional spaces should be shared. This parking can and should be integrated into the pricing system for the general public.
 - Allow shared parking to meet residential requirements within a wide radius, for example 2,000 feet.
 - Allow shared parking to fulfill any parking requirements by right rather than subject to formal review as long as monitoring data demonstrates spare capacity.

Supportive

- Adjust zoning code to clarify fee in-lieu program for developers to waive parking requirements. This program allows developers to pay a fee that will be utilized for multimodal improvements.
 - Ultimately, this program could be used to fund additional structured parking that supports a district of uses by consolidating surface parking spaces lost to development. This parking should be located at the edge of downtown to intercept people in vehicles and encourage access by bicycle, on foot, or on transit.
- Use incentives such as density bonuses and/or a reduction in parking requirements (for residential parking) to encourage that parking be “unbundled” in tenant leases or purchases. This policy increases affordability because residents/businesses are not forced to purchase parking that they do not need.
- Adopt parking design standards that address motorists’ sightlines up and down the sidewalk when exiting lots and garages across narrow sidewalks. For narrow downtown driveways, this may include mirrors and/or pedestrian warning signals that flash and beep when a car is exiting. All driveways should be designed to be at sidewalk level or be raised to meet sidewalks, ensuring maximum visibility of - and priority - to pedestrians.
- Promote car-sharing by designating downtown parking spaces for car-share services (i.e. Zipcar or Enterprise), and including car-share requirements for large developments. This provides downtown residents and employees with flexible access to a car and enables those who wish to forgo owning a personal vehicle.

PREPARE FOR FUTURE DEVELOPMENT

Implementation Timeline

Primary Strategy

- Require TDM programming for new development

Immediate Steps

- Develop “TDM toolkit” of information for developers
- Draft ordinance language

Short Term Steps

- Adopt TDM ordinance language

Long Term Steps

- Adjust TDM requirements as necessary

Key Partners

COF Parking Management, City Council, Developer community

Primary Strategy

- Actively broker shared parking agreements

Immediate Steps

- Keep Shared Parking agreements on file for potential users
- Check in on current shared agreements and mediate disagreements

Short Term Steps

- As developments are proposed, monitor Parking Utilization database for sharing opportunities

Long Term Steps

- Check in on shared parking relationships and facilitate necessary conversations

Key Partners

COF Parking Management, Developer community, Parties currently sharing parking

Catalytic Strategy

- Update shared parking code

Immediate Steps

- Review shared parking ordinances from comparable and model communities

Short Term Steps

- Draft ordinance language

Long Term Steps

- Adopt updated ordinance language

Key Partners

COF Parking Management, City Council

Supportive Strategies

- Strategies to support future development

Immediate Steps

- Review in-lieu fee program
- Meet with carshare vendors
- Review parking design guidelines

Short Term Steps

- Draft and adopt new in-lieu program language if necessary
- Draft and adopt language that requires parking to be sold separately from active uses such as office or residential ("unbundling")
- Select and implement carshare vendor in prominent downtown spaces

Long Term Steps

- Use in-lieu fees to develop additional public parking supply
- Encourage new developments to integrate carshare
- Draft and adopt new parking design guidelines if necessary

Key Partners

COF Parking Management, City Council

IMPLEMENT DEMAND-RESPONSIVE PRICING

Challenge

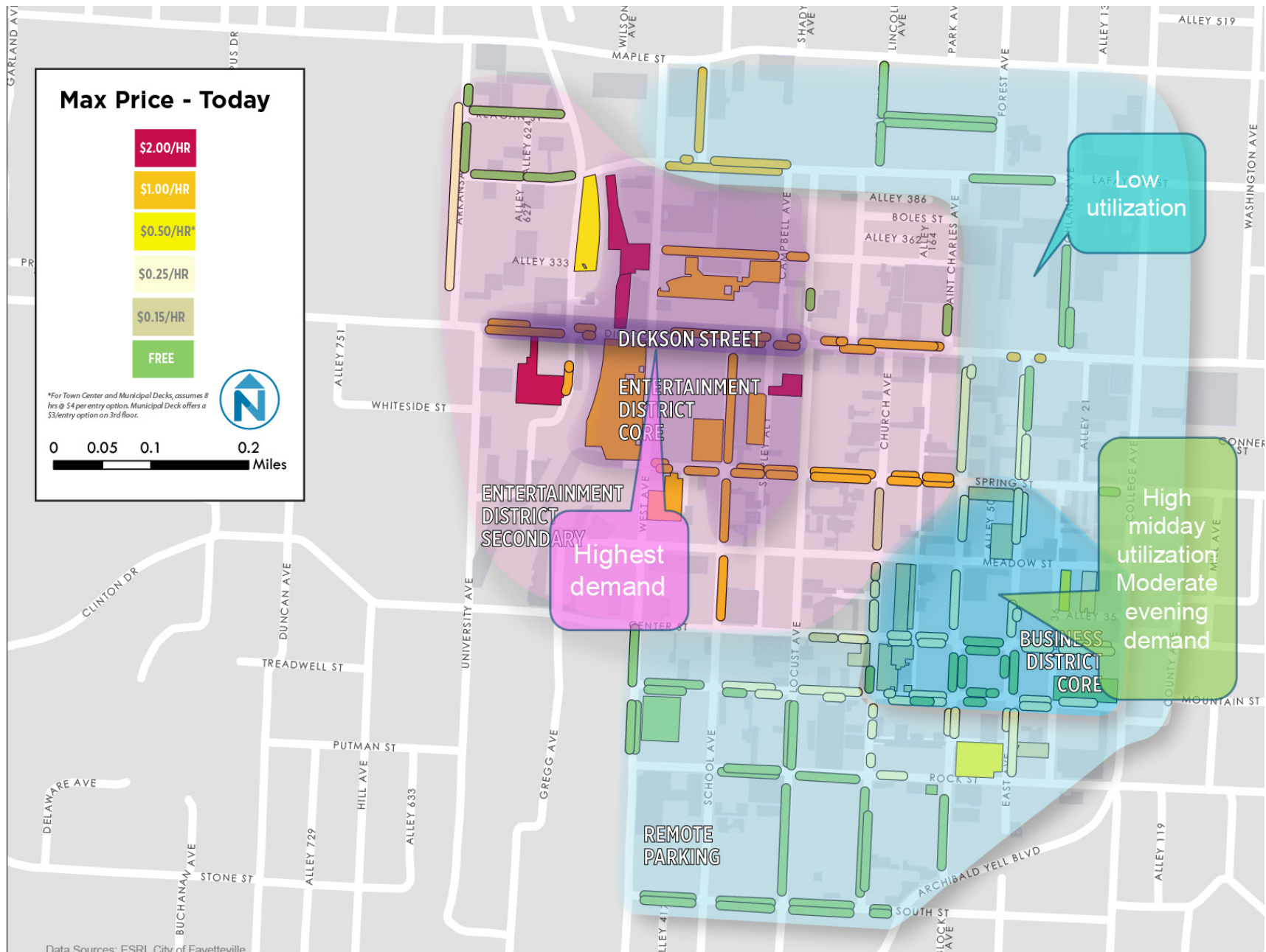
Finding on-street parking in the core areas of the Entertainment and Downtown Business Districts during peak hours can be challenging. Although both districts technically have adequate parking stock, certain core areas are functionally full during peak hours, making parking difficult to find. This particularly poses a challenge for elderly and/or disabled patrons who cannot walk multiple blocks or navigate Fayetteville's challenging topography.

While the most visible and convenient front door spaces are full, parking is available nearby in less visible locations and/or in locations just slightly farther away. This pattern occurs because many spaces are priced at the same flat rate (within each district), which leads people driving to hunt for the best deal - convenient parking at a low price. When the price is different, it does not match demand - for example today's free Downtown Square parking ringed by metered parking creates a system where users always waste time circling the square first for the parking that is free and most convenient. In contrast, some streets just a block away are very underutilized today and could be priced lower or at no cost to be efficiently used.

RECOMMENDATIONS

Demand-Responsive Pricing (or Demand Based Pricing) uses the cost of parking to achieve ideal parking availability by setting the cost of parking to allow users to pay more for the most desirable spaces and less for spaces that are less convenient. Industry standards for "optimal" availability levels are no less than 15% per block face for on-street spaces and 10% per lot or facility off-street. At these targets parking is well used but availability remains, so customers can find parking anywhere they go, including the most convenient and desirable spaces. To achieve this result, prime spaces are typically more expensive, and remote spaces are cheaper or even free. Those who require or want a premium space are often happy to choose to pay more if the reason is apparent, which becomes clear if lower cost parking resources are clearly available. The actual price of parking should be adjusted over time to ensure these minimum availability and utilization targets are met. **In some cases, this means lowering the price.**

Interviews with stakeholders and at public workshops in Fayetteville indicated that drivers want a system that they can understand. Many expressed this as "it should be one price to park in Fayetteville," which indicates frustration with a system that is not always clear to users, especially when private off-street lots have varying prices and restrictions. Fortunately, a demand-responsive pricing program not only creates availability and logic in the system but necessarily includes a substantially improved information program and consistent payment options to reduce user frustrations. To respond to this sentiment, however, the price options should be limited, particularly as the program is introduced, to allow downtown users to adjust to the system.

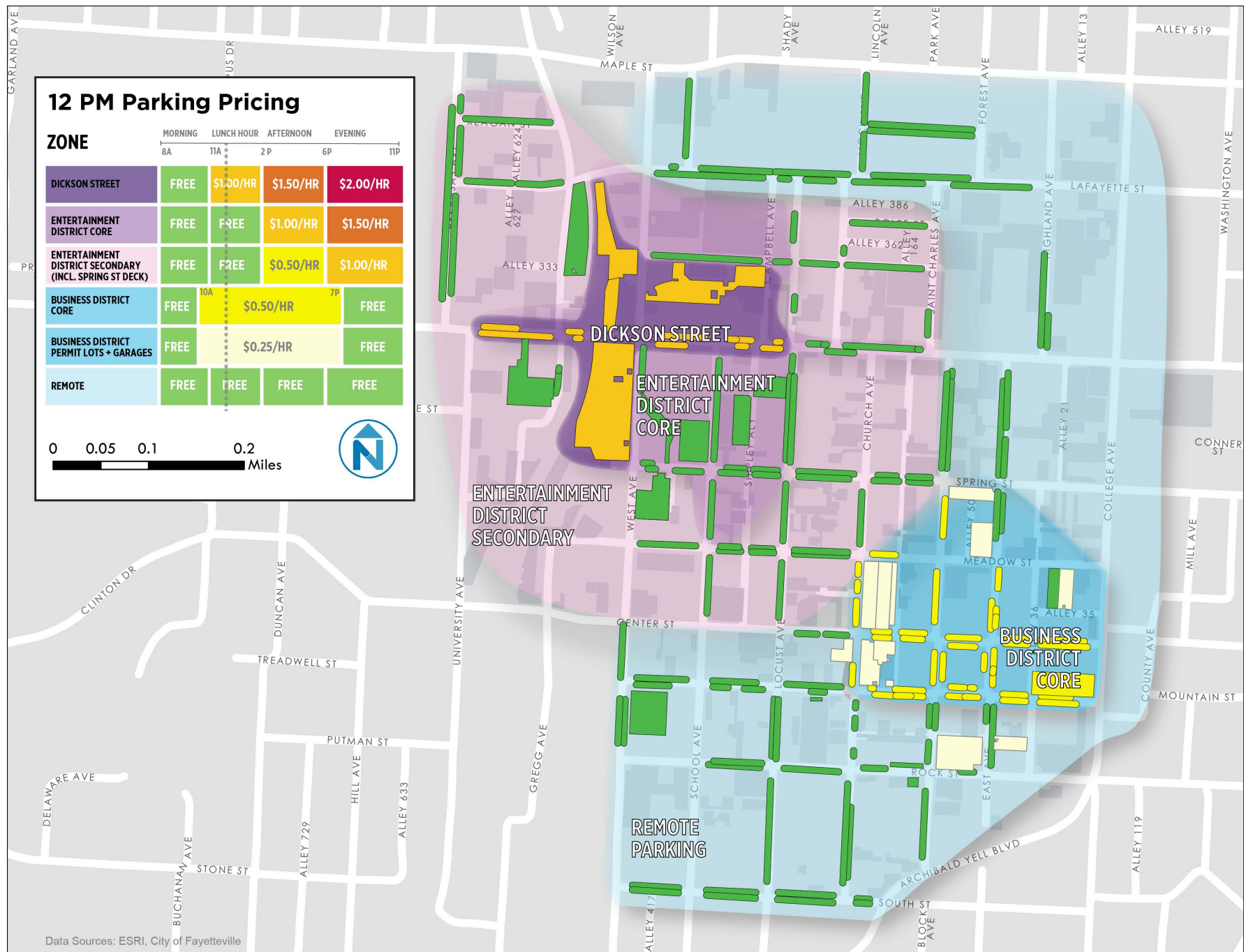


The recommendations below use utilization data as well as stakeholder interviews to develop intuitive pricing zones. To support local business and foster a strong economic climate in the Downtown Business and Entertainment Districts, the City should adopt several strategies to create availability in areas that have the highest demand. Specifically, these strategies include:

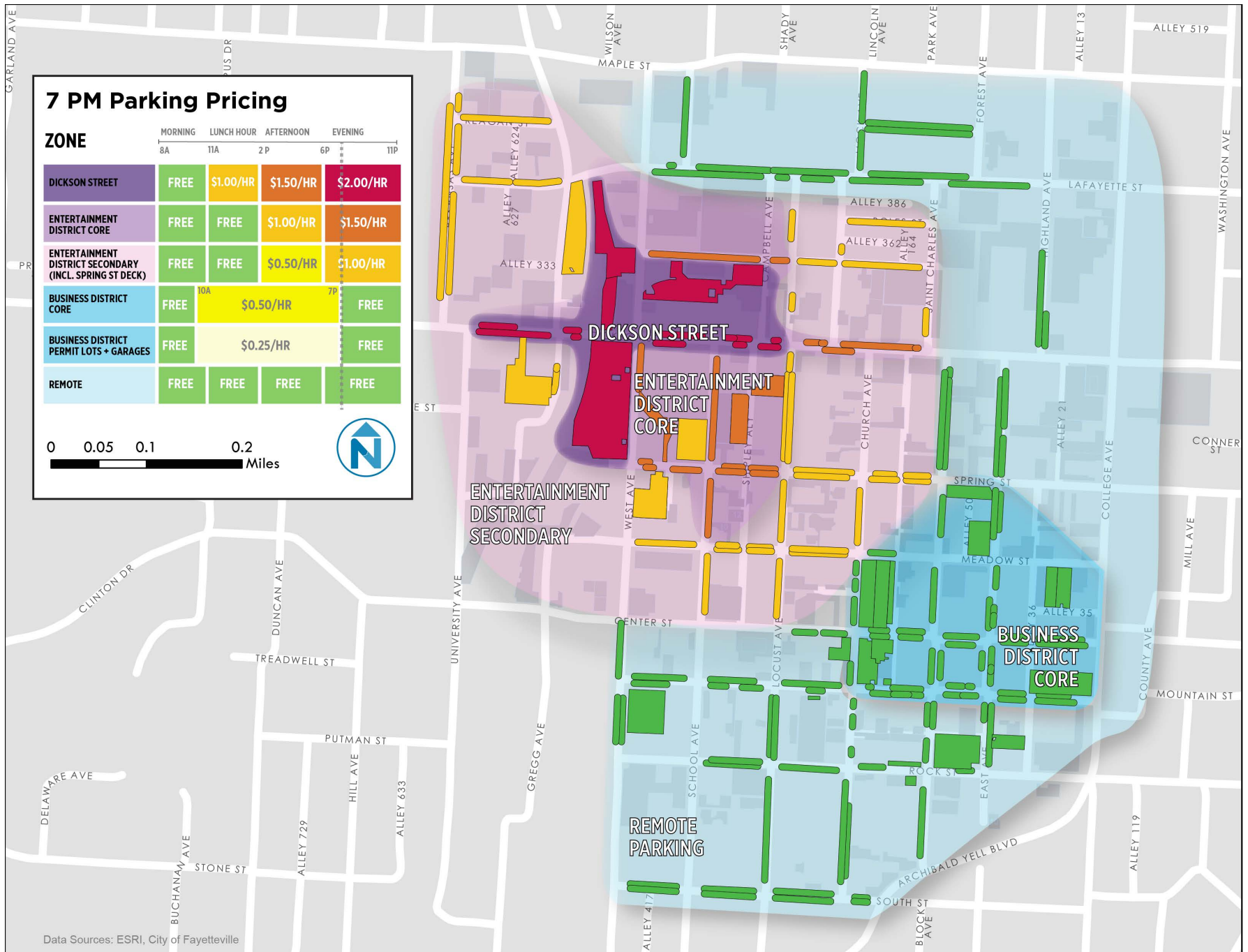
Primary

- Integrate a demand-responsive pricing system with higher rates where demand is high in the cores of both the Downtown Business District and Entertainment District and lower rates where demand is lower (see map and chart at right):
 - Outside core areas, lower prices should be maintained or reduced to draw some demand out of the cores.
 - The price should be free at certain times in many areas that are paid spaces today with low utilization—typically because these spaces are less convenient—to reward those willing to walk further.

	MORNING 8AM	LUNCH HOUR 11AM	AFTERNOON 2PM	EVENING 6PM 11PM
DICKSON STREET	FREE	\$1.00/HOUR	\$1.50/HOUR	\$2.00/HOUR
ENTERTAINMENT DISTRICT CORE	FREE	FREE	\$1.00/HOUR	\$1.50/HOUR
ENTERTAINMENT DISTRICT SECONDARY (INCL. SPRING STREET DECK)	FREE	FREE	\$0.50/HOUR	\$1.00/HOUR
BUSINESS DISTRICT CORE	FREE	\$0.50/HOUR		FREE
BUSINESS DISTRICT PERMIT LOTS + GARAGES	FREE	\$0.25/HOUR		FREE
REMOTE	FREE	FREE	FREE	FREE
GOAL	Demand is not high, pricing unnecessary. Residents may be able to park overnight in shared or publicly-accessible facilities.	Creates availability during lunch on Dickson Street. Maintains availability in Business District core and in permit lots/decks for permit holders.	Preserves Dickson Street and other core availability while incentivizing use of prime off-street facilities. Spaces slightly farther from Entertainment District core are discounted. Business district meters and permit lots are priced to maintain availability and avoid long-term parking on-street.	Focuses on maintaining availability in core Entertainment District spaces as demand peaks while incentivizing use of spaces slightly farther from the core. Business district is priced to maintain availability into the beginning of the dinner hour while more remote permit lots are now free to encourage on-street availability.



Data Sources: ESRI, City of Fayetteville



Case Study

Demand-Based Pricing

Amongst its peers, Fayetteville is a best practice for demand-based pricing. The higher prices in the Entertainment District reflect higher demand throughout the day and help to maintain availability.

Columbia, MO uses pricing to encourage employees to park remotely and create availability on-street for customers. Busy on-street parking by the University has a higher price than on-street parking elsewhere, while off-street facilities are priced lower than all on-street parking. However, the city also relies on time limits, which indicates that its entire pricing system is likely set too low.

Seattle's Performance Based Pricing Program provides an excellent and scalable framework for implementing parking pricing changes. The program is highly transparent and data-driven.

Program Highlights:

- City set a goal of 70-85% occupancy per block face
- Block faces that are 65-70% and 85-90% are placed on a "watch list" and adjusted the following year if still outside target
- City reports on the program are graphic-heavy and easy for anyone to understand

- Consider changing restrictions on some residential permit program spaces in the Entertainment District that have low utilization to a mix of permit parking and transient pay-by-phone use. Carefully evaluate other resident parking options on these blocks (see Create a Residential Parking Benefit District).
- Remove time limits, which effectively tell people to leave local businesses and prevent them from spending extra time and money in the Business District. Instead, use price to match demand and allow people to pay for the correct amount and type of parking that they need.

Supportive

- Update municipal code to have an availability goal for block faces and lots rather than set prices (see Parking as a Customer Service).
- Monitor demand. Utilize parking technology to track and monitor on-street parking availability, or if necessary, utilize manual counts to identify parking rate zones.
- As demand changes, update price and time span to create availability. Update the price at regular and dispersed intervals.
- Utilize information and technology to clearly communicate current parking pricing information to customers. This may include meter displays, online information, and/or signage indicating the price in a given area as well as directions to lower-priced parking. (See Treat Parking as a Customer Service and Streamline Signage)

STRATEGIES

- Long-term, consider consolidating the Entertainment District and Business District into one district with parking prices set to match demand.
- Work with stakeholders to expand pricing system to spaces that are not directly under City control, such as on-street spaces on Arkansas Ave., Reagan St., the Dickson garage, and the College & Mountain Lot Downtown. The pricing of these spaces should be set to match other pricing in a given area.
- As additional privately-owned facilities such as off-street lots and garages become part of publicly-accessible supply, the City should try to set pricing to fit these facilities within the larger system. For example, if one of the private lots at Locust and Spring becomes part of the publicly accessible system, it should be priced as Entertainment District Secondary.





IMPLEMENT DEMAND-RESPONSIVE PRICING

Implementation Timeline

Primary Strategy  Develop demand-responsive pricing system	Immediate Steps  Identify program boundaries  Develop initial rate structure	Short Term Steps  Implement new rates  Remove all time-limits  Monitor and adjust rates as necessary  Publish annual reports showing utilization at peak hours and planned pricing changes	Long Term Steps  Monitor and adjust rates as necessary  Continue to publish annual reports
Key Partners COF Parking Management, COF Administration, general public, Dickson Street Merchants Association, Block Street Business Association			

Primary Strategy  Review Residential Permit Only on-street spaces	Immediate Steps  Consider opening some permit-only on-street spaces to the general public and/or for permit purchase by a limited group	Short Term Steps  Monitor and update regulations as necessary	Long Term Steps  Monitor and update regulations as necessary
Key Partners COF Parking Management, Downtown residents, Entertainment District employers			

Supportive Strategies

- ▶ Additional demand responsive pricing strategies

(See Parking as Customer Service, Update Signage)

Immediate Steps

- ▶ Draft and update municipal code to adopt an availability goal

Short Term Steps

- ▶ Monitor demand
- ▶ Expand pricing system to parking assets not currently under City control, such as privately owned parking and/or on-street spaces

Long Term Steps

- ▶ Monitor and update regulations as necessary
- ▶ Consider consolidating the Entertainment and Business Parking Districts for clearer messaging of parking rates
- ▶ Utilize street space rather than surface parking lots for events

Key Partners

COF Parking Management, City Council, Private parking owners/operators, University of Arkansas

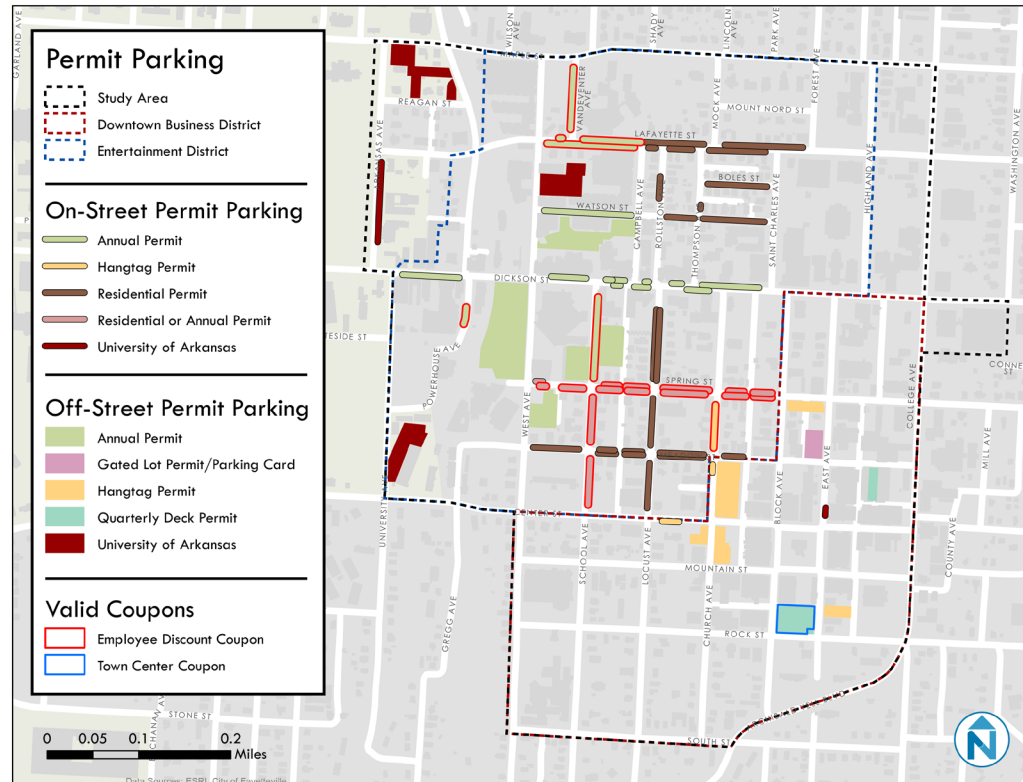
STREAMLINE PERMIT PROGRAM

Challenge

The current long-term permit parking system in Fayetteville is complex due to multiple permit types and valid use locations. The system requires time and effort to administer and focuses more on economizing long-term parking cost than on managing parking demand or achieving neighborhood and district planning goals.

Five different parking permits at different price points are complicated by two discount coupon options. All are independent of geographic demand patterns and regularly priced parking, adding confusion to the overall parking system. Permit holders themselves are restricted to parking only in a particular lot or set of lots. The system helps to perpetuate imbalanced demand during peak demand periods and should be reviewed and re-balanced to meet the needs of all user groups.

The existing permit pricing system is complex, with a variety of overlays and options.



ZONE	ACCESS (as of Fall 2016)	PRICE PER HOUR*	TOTAL	PEAK WEEKDAY UTILIZATION (11 AM)	EVENING WEEKDAY UTILIZATION (9 PM)	ANNUAL REVENUE 2015	PERMITS ISSUED
RESIDENTIAL PARKING PERMIT	Entertainment District Residential Permit ONLY On-Street Spaces	FREE	191	37%	35%	\$	277
	Entertainment District Residential Permit MIXED On-Street Spaces	FREE	86	30%	67%		
EMPLOYEE PARKING COUPON	Entertainment District Paid Spaces (on-street, West Ave Lot, Spring Street Deck)	\$0.06 – 0.08	162	48%	50%	unknown	unknown
HANGTAG PERMIT	Downtown Business District Long Term Meters	\$0.17	223	69%	18%	\$41,860	138
GATED LOT PERMIT	Lot 5, Lot 7 in Downtown Business District	\$0.17	218	68%	3%	\$34,490	125
CITY-ISSUED PARKING CARD	Lot 5, Lot 7 in Downtown Business District	\$0.17	218	68%	3%		125
TOWN CENTER PARKING DECK COUPON	Town Center Parking Deck	\$0.16 - 0.33	226	54%	19%	\$2,616	
ANNUAL PARKING PERMIT	Paid Entertainment District Spaces	\$0.30	1,453	48%	50%	\$1,875	9
MUNICIPAL PARKING MONTHLY PERMIT & TOWN CENTER DECK MONTHLY PERMIT	Municipal Parking Deck Town Center Parking Deck	\$0.30	321	53%	14%	\$70,704	113

*Assumes parking 8 hours at a given location. In the Entertainment District, an employee parking from 3PM-11PM would pay approximately \$0.06 per hour, while someone parking between 5PM and 2AM would pay closer to \$0.08 per hour, both with the employee discount..



**Fayetteville's current permit
system is complex and
prices do not necessarily
match demand.**

RECOMMENDATIONS

The permit program pricing does not reflect peak period demand patterns. Permits and discount coupons are priced very low compared to posted hourly parking rates, undermining the effect of those rates. Some spaces devoted to permit parking are empty throughout the day in high areas of demand. Due to this and the challenges listed above, a reorganization of the entire permit program is recommended, including revising residential permit parking in the Entertainment District.

Primary

- Increase the price of the employee parking coupon in the Entertainment District to be on par with that of the Business District and provide a cheaper alternative for these employees so that these valuable spaces can be opened up for customers. Options include:
 - Discount remote parking permits could be provided at underutilized lots in the Business District. For Entertainment District employees this should be coupled with walking improvements such as lighting, marked crosswalks, and sidewalk repairs to ensure employees feel safe. To encourage use, this parking could be offered for free.
 - Lease and administer permits for the private parking lots of Dickson Street businesses that have spare capacity but are reluctant to open their lots for general parking.
- Maintain and market lower prices and/or free parking outside of the busy Downtown Square to encourage parking in these remote locations.
- Continue with free parking in East Center Street parking lots outside study area and monitor demand. Advertise this parking to Business and Entertainment District employees.

Case Study

Columbia, MO Permits

A permit program in Columbia, MO encourages employees to park remotely and to take transit.

Employees can get a permit to park at garages for \$35 a month.

The permit comes with a free, unlimited transit pass so that the employee can choose to take transit some days per week. The program even encourages employees to share the pass with others who may not have a parking permit or vehicle of their own.¹

¹ For more information, see <http://discoverthedistrict.com/transit/parking-permits/>

Supportive

- Consider changing restrictions on some residential permit program spaces in the Entertainment District that have low utilization to a mix of resident permit, employee permit, and pay-by-phone transient use. Carefully evaluate other resident parking options on these blocks. (see Residential Parking Benefit District)
- Over time, register employee and residential permits by license plate and improve the efficiency of enforcement through the use of license plate reader technology.
- Permit fees should vary spatially as a demand management tool. Parking would cost less in lots considered to be more remote.
- As motorist behavior shifts, permit locations, regulations, and rates should be adjusted according to an ongoing monitoring program.
- Discontinue Annual Permit Program in the Entertainment District due to low participation.



STREAMLINE PERMIT PROGRAM

Implementation Timeline

Primary Strategies

- ▶ Adjust Employee Parking in the Entertainment District

Immediate Steps

- ▶ Identify remote parking for employees, such as underutilized lots in the Business District
- ▶ Meet with Entertainment District employers and help them understand benefits of employees parking remotely
- ▶ Continue to market free parking available off-street on Center Street to employees

Short Term Steps

- ▶ Pursue leases with underutilized privately-owned parking in the Entertainment District for employee parking and sell permits to employees
- ▶ Increase the price of the employee parking program in the Entertainment District to match permits in the Downtown Business District
- ▶ Invest in infrastructure such as lighting and sidewalks between these remote parking locations and business cores.

Long Term Steps

- ▶ Monitor and adjust as needed

Key Partners

COF Parking Management, Entertainment District employers

Primary Strategy

- ▶ Adjust Employee Parking in the Business District

Immediate Steps

- ▶ Continue to market free parking available off-street on Center Street to employees.
- ▶ Meet with Business District employers and help them understand benefits of employees parking remotely

Short Term Steps

- ▶ Invest in infrastructure such as lighting and sidewalks between these remote parking locations and business cores.

Long Term Steps

- ▶ Monitor and adjust as needed

Key Partners

Downtown Business District employers, COF Parking Management

Supportive Strategies

- ▶ Additional strategies to streamline the permit program

Immediate Steps

- ▶ Adjust Residential Permit System (see Residential Parking Benefit District)
- ▶ Discontinue Annual Permit program in the Entertainment District

Short Term Steps

- ▶ Register permits by license plate

Long Term Steps

- ▶ Enforce permits using LPR rather than hangtags/coupons
- ▶ Consider zonal system with prices based on demand for permits

Key Partners

COF Parking Management, Fayetteville administration

CREATE A RESIDENTIAL PARKING BENEFIT DISTRICT

Challenge

Residential parking can be in high demand, particularly in areas of the Entertainment and Downtown Business Districts where residences don't have private parking spaces available and commercial and retail development is occurring nearby ("activity adjacent" neighborhoods). During special events, this demand becomes acute. To address this, Fayetteville has adopted a Residential Permit Parking program that gives residents exclusive use of spaces on certain streets.

However, challenges with Residential Permit Parking programs such as Fayetteville's include a "snowball" effect where residents of many neighborhoods want to reserve on-street, publicly owned spaces for themselves, adding an ongoing administrative burden, while leaving vacant yet inaccessible parking spaces during the day when residents are away. The existing conditions parking inventory found that many residential permit parking spaces are indeed underutilized during the day, especially those spaces that are for residential parking permit holders only.

Meters in Old Pasadena promote how parking funds are used to benefit the downtown business area. ►



To

RECOMMENDATIONS

There is an opportunity to create a Residential Parking Benefit District by converting some or all of these permit-only spaces to paid spaces that are exempt for residential permit holders. The City should reinvest revenue generated from these spaces directly into the neighborhoods they are located in, providing a fund for targeted street and sidewalk improvements and increased parking enforcement.

Primary

- Revisit underutilized resident-only on-street restrictions in the heart of the Entertainment District. Options for these spaces include:
 - Open one or both sides of these streets to general public parking for a fee, much like Spring Street works today. Initial candidates with low utilization include Locust north of Spring Street and Meadow Street.
 - Sell some daytime employee permits for residential streets that have daytime vacancies. The underutilized parking on West Lafayette Street is a good candidate for this as topography makes access challenging for the general public and thus these spaces are slightly less desirable than those on Locust and/or Meadow Streets.
 - Remove employee permits from other more desirable Entertainment District on-street customer spaces, such as Spring Street.
 - If both sides of one of these streets become open to the general public, limit access to one side during very large events, such as Bikes, Blues, and BBQ. Distribute permits in advance through the mail to local residents and sign spaces for permit-holders only prior to large events.

Case Study

Boulder, CO

- Residents may purchase a maximum of two permits annually at \$17 per permit
- Each household gets two free visitor permits
- Nonresident commuter permits are available for specific blocks at \$100/quarter. Local businesses may purchase a \$75 permit for employees.
- Other vehicles that park in these areas are subject to a time limit. In other communities, they may pay a meter.
- Revenues from meter use by non-residents is reinvested into the neighborhood for parking improvements

For more information: <https://bouldercolorado.gov/parking-services/neighborhood-parking-program>

- In exchange for allowing others to park on residential streets, reinvest net parking revenues into hyper-localized improvements in coordination with neighbors, such as landscaping, traffic calming, lighting, or sidewalk repair.
 - Indicate directly on or adjacent to meters that revenues are funding improvements.

Supportive

- Other general approaches to improve parking on residential streets separate from a resident permit program include:
 - Maintaining unstriped parking, which is likely higher capacity
 - Striping driveway clearances if necessary
 - Striping the parking lane to guide drivers to park close to the curb
- Consider charging a fee for residential permits in the long term to reflect at least the administrative cost to administer. Additional revenues should be invested locally.

STRATEGIES



CREATE A RESIDENTIAL PARKING BENEFIT DISTRICT

Implementation Timeline

Primary Strategy

- ▶ Revisit underutilized resident-only on-street restrictions in the heart of the Entertainment District

Immediate Steps

- ▶ Meet with residents in affected areas. Consider a workshop-style meeting where residents can vote on programs and potential improvements that revenue can fund

Short Term Steps

- ▶ In conjunction with programs to encourage remote parking, install signage directing drivers to this discount resource

Long Term Steps

- ▶ Adjust as needed

Key Partners

COF Parking Management

Primary Strategy

- ▶ Reinvest parking revenues into local improvements

Immediate Steps

- ▶ Monitor parking revenues, develop budget

Short Term Steps

- ▶ Work with residents to select an improvement to fund.
- ▶ Begin process

Long Term Steps

- ▶ Continue program

Key Partners

COF Parking Management, Entertainment District Residents, Event organizers

Supportive Strategies

- ▶ Strategies to support residential parking

Immediate Steps

- ▶ Improvements to residential street parking upon request

Short Term Steps

- ▶ Driveway clearance signing program if necessary

Long Term Steps

- ▶ Consider additional residential permit zones if necessary

Key Partners

COF Parking Management, Entertainment District residents



FAYETTEVILLE MOBILITY



FAYETTEVILLE MOBILITY

Parking Technical Appendix

Existing Conditions – Parking Inventory
and Utilization

Parking Management

Land Use and Future Parking Demand



EXISTING CONDITIONS PARKING INVENTORY AND UTILIZATION

Fayetteville Parking and Mobility Study

August 2017

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City of Fayetteville, AR

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1 INTRODUCTION

The Fayetteville Multimodal Plan is a long-term effort that identifies transportation network needs, recommends and prioritizes improvements, develops performance metrics and measurement tools, and helps the City and the community achieve their goals in improving transportation. In tandem with this effort, the City has also commissioned a Parking and Mobility Study for the Downtown and Entertainment Districts. As part of this effort – which is designed to both stand alone as well as support the Mobility Plan – characteristics of the parking system are inventoried, analyzed, and forecasted to develop recommendations for parking system design and system management strategies.

PROJECT GOALS

Early in the study development process, the City and its Advisory Group identified several goals that will guide this study. These are:

1. Understand parking in the context of a multimodal system/downtown.
2. Plan for responsible economic development.
3. Establish coordinated parking management.
4. Explore regulations that are customer-friendly and easily understood.
5. Explore new technologies.

ABOUT THIS DOCUMENT

This existing conditions document is a technical memorandum that details the initial analysis supporting the parking management components of the Mobility Plan. It is intended to document the supply, use, and management of parking in Fayetteville. This document outlines the current state of on-street, off-street, public, and private parking assets, organized under the headings below:

- **Background** – A summarization of the extensive work that has been conducted over the past several years related to parking, as well as the insight of key stakeholders involved.
- **Parking Inventory** – A review of all public and private, on-street and off-street parking spaces by location and regulation.
- **Parking Utilization** – Observed use of existing parking through the course of a typical weekday and weekend day, which includes utilization profiles of certain "districts," general and restricted access garages and lots, and publicly- and privately -owned garages and lots.

The data summarized in this report was collected primarily in April 2016 by the City of Fayetteville, supported by Nelson\Nygaard Consulting Associates, and represents a "snapshot" in time. Fayetteville has an active Parking Management system and some regulations have and will continue to change slightly since this effort.

Use of These Materials

This existing conditions document serves as a technical guide for the final Parking Management Plan. Public-facing materials created from this data are more digestible and concise and meant for a broader audience.

2 BACKGROUND AND DOCUMENT REVIEW

To understand parking in the context of Fayetteville, three elements of this study help frame the background from which the Parking and Mobility Study will be built:

- Existing and past planning documents related to parking
- Stakeholder guidance and participation
- An agreed-upon set of goals for parking in downtown

Each of these is described below.

PARKING-RELATED PLANNING DOCUMENTS

Several valuable past planning efforts have helped to set the stage for this current study. A review of relevant reports which serve as important context for the parking strategy was conducted in the Spring of 2016, and a summary of these studies and their treatment of issues and goals related to parking and transportation is described below:

- The **Fayetteville Downtown Master Plan (2004)** is a short- and long-term look at a vision for the future of downtown Fayetteville and includes several strategies and action steps related to parking:
 - The third of six fundamental strategies states that, “Fayetteville needs to get smart about parking, so the need can be efficiently and sustainably met but the sense of place is enhanced, not weakened, in the process.”
 - It includes an implementation step meant to, “Catalyze a shift from individual, inefficient surface parking lots to shared parking, parking structures, and to foster a park-once environment.”
 - The plan also introduces revised parking standards within its proposed Downtown District ordinance and seeks to add on-street parking to all appropriate streets in downtown.
- The **Master Street Plan (2005¹)** classifies all city streets and provides cross sections showing dimensional requirements of many streets. The street classification and design guidelines directly impact the citywide parking system through the provision of parking lanes and/or the permission of on-street parking. The documents that comprise this plan (maps and sections) are used to guide long range traffic planning through street function, design, and location. For example, parking is not allowed on Residential Streets and is allowed only on one side of many Local Streets.
- The **Dickson Street Parking Deck Feasibility Study (2005)** examines the physical and financial feasibility of a parking garage serving Walton Arts Center patrons, customers and employees of commercial establishments, and University of Arkansas students. The study found that a 1,200-space parking structure is likely to be financially viable due solely to development-related demand, excluding any University of Arkansas

¹ The Master Street Plan has been updated since 2005 with cross-sections and a map.

participation. Further findings state that the University could benefit from using up to 200 spaces in such a structure.

- The **Walker Park Neighborhood Master Plan (2008)** aims to encourage a continued balance of housing and other land uses as well as emphasize connectivity and walkability in this downtown-adjacent neighborhood. Parking is examined in its historical context and on-street parking is identified as a traffic calming measure while underutilized off-street parking is identified as infill and liner building candidates.
- The **Downtown Parking Deck Site Selection Study (2012)** builds on and updates the work performed in the 2005 study. The objectives of this site selection are far more modest (theatre expansion considered in 2005 did not occur) and seeks a net gain of approximately 300 parking spaces. After assessing four sites, various configurations, the parking gain, revenue lost during construction, and direct and indirect costs, the design team recommended that the Theater Site be selected for construction of the Downtown Parking Deck. Ground was eventually broken on the Spring Street Parking Deck in 2014, and it opened in October, 2015.
- The **Fayetteville Active Transportation Plan (2015)** guides the City in the design and implementation of future bicycle and sidewalk infrastructure. The plan looks at parking as an element in a multimodal transportation community while promoting the use of on-street parking as a pedestrian safety measure (buffer zone) as well as increasing the amount of high quality bicycle parking throughout the community.
- The **University of Arkansas Campus Transportation Plan (2015)** guides the growing University towards an efficient transportation system that is less automobile-oriented than it has been in the past. The plan provides options to simplify the parking system and reveal the cost of parking to users, maximize space efficiency, and increase transit, walking and bicycling to, on, and from campus.

ADVISORY GROUP AND STAKEHOLDERS

The Mobility Plan is being completed at the direction of the City of Fayetteville's Engineering Division. A group of stakeholders comprised of City staff and downtown organizations, including the following, is helping to inform the Parking & Mobility study:

- Block Street Merchants Association
- Dickson Street Merchants Association
- City of Fayetteville Development Services Department
- City of Fayetteville Parking
- Walton Arts Center

These stakeholders are part of a larger Advisory Group that is guiding the Mobility Plan and they will continue to provide valuable insight into the data that has been collected as well as the formulation of recommended actions.

3 PARKING INVENTORY

STUDY AREA

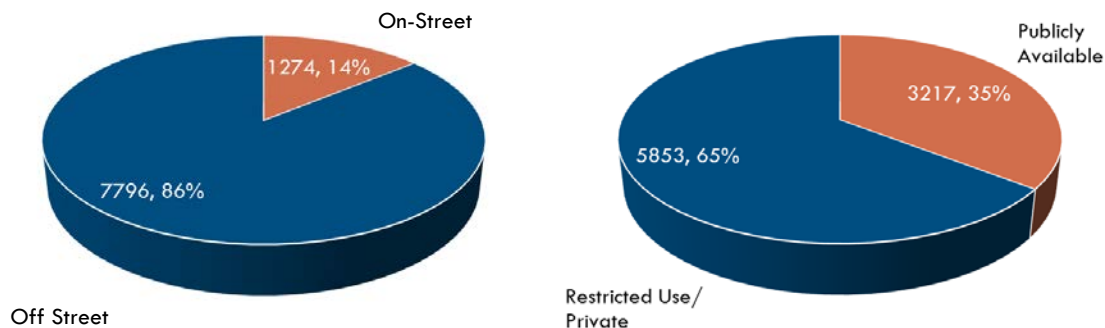
The main Parking Study Area (see Figure 2) encompasses the Downtown Business District and Entertainment District, some paid parking areas on the University of Arkansas campus, and surrounding residential areas to the east of campus. The two districts combine to form an area of roughly half a square mile.

In order to be comprehensive and fully-understand the dynamics of parking in a city center, all on- and off-street parking assets should be evaluated, including private parking. While public parking is typically the most discussed and prominent parking resource for a city center's businesses, a significant amount of business and entertainment activity is generated by people using privately owned parking. Furthermore, when developing estimates of future parking need later in this effort, it will be necessary to know how public and private parking is used by existing development to make projections that accurately reflect how Fayetteville parkers behave.

The study area contains significant on- and off-street parking assets. Just under 200 distinct public and private off-street parking structures and surface lots are found in the study area. This includes City-owned, privately-owned, and a handful of University-owned facilities – each group with a mix of restricted and public access. On-street parking is also available on many streets throughout the study area. Many on-street parking spaces are metered while a significant number are accessible only to permit holders. There is a large amount of unrestricted on-street parking at the periphery of the study area. Relatively little on-street parking is time-limited without requiring parkers to pay a meter.

Overall, the combination of the Downtown Business District, Entertainment District, and immediate vicinity contains approximately 9,070 total functional parking spaces, with almost 1,300 on-street and almost 7,800 off-street spaces in lots or garages². Approximately 3,200 of these spaces are publicly available; this includes all unrestricted, handicapped, and paid-entry parking spaces whether privately or publicly owned.

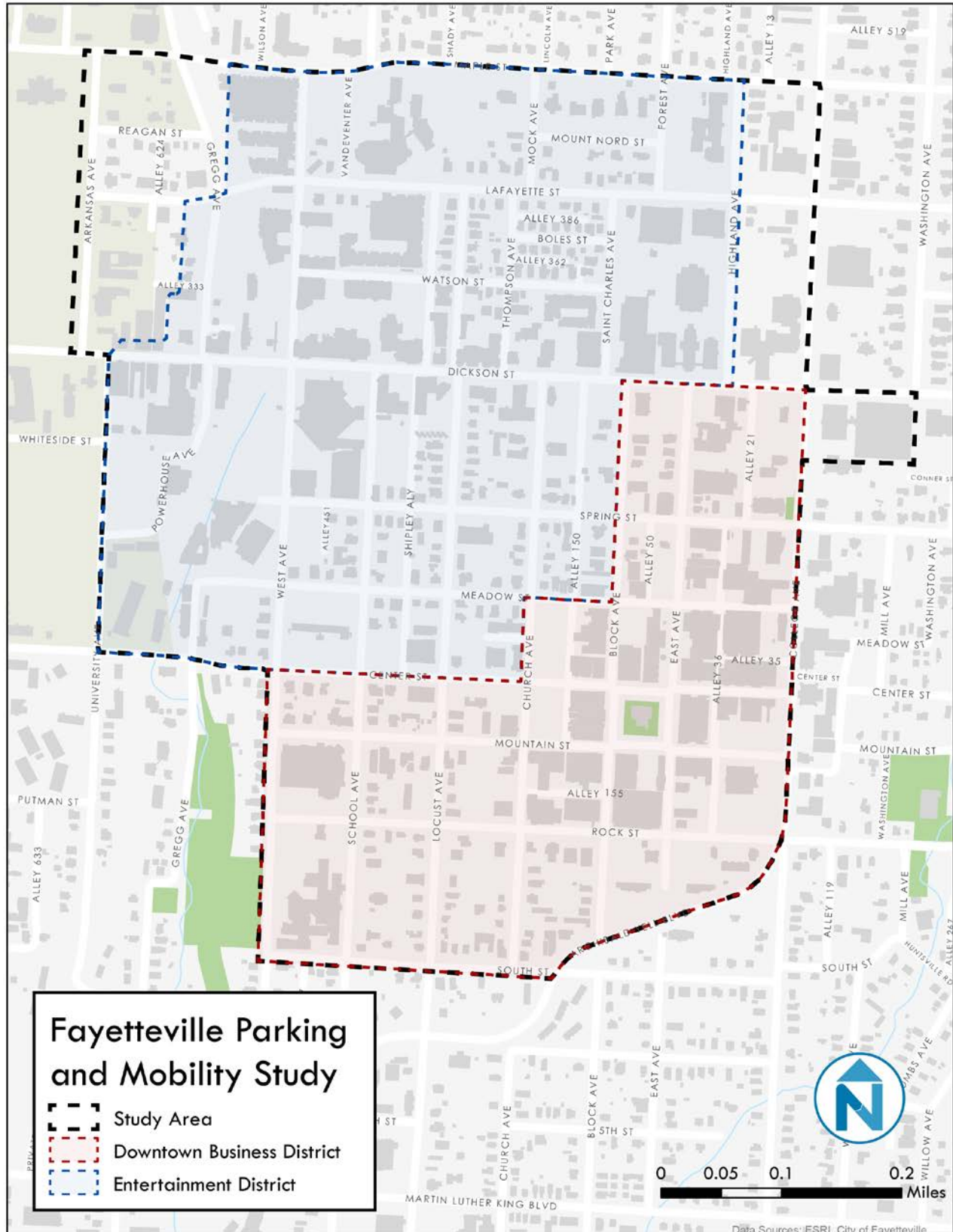
Figure 1 Select Study Area Parking Inventories



² The inventory includes all off-street facilities larger than about 5 parking spaces. Small residential driveways or minor rear lots were not inventoried.

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Figure 2 Fayetteville Parking Study Area and Parking Districts



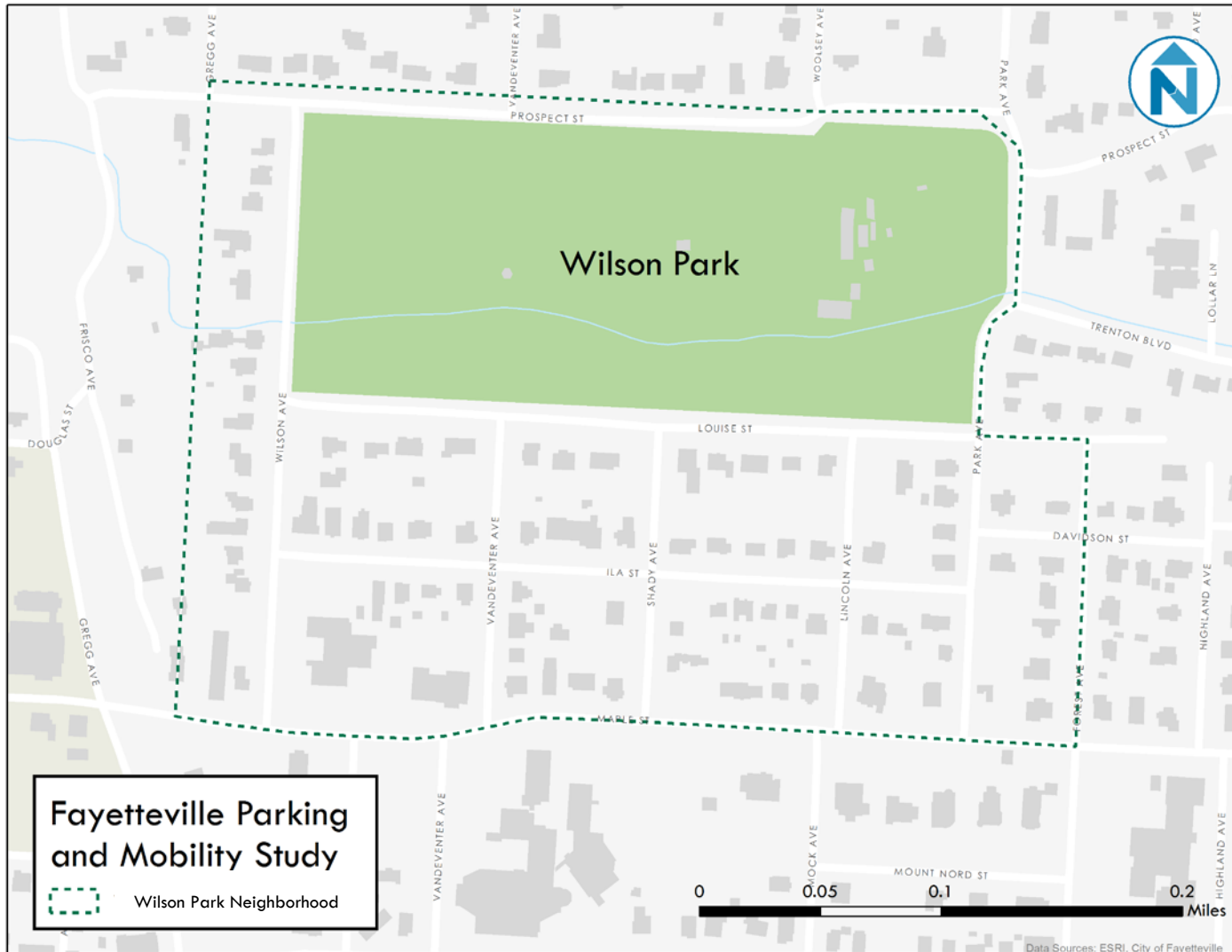
WILSON PARK

In addition to the main study, the project team assessed parking in a small portion of the Wilson Park neighborhood, just north and adjacent to the Entertainment District. The area studied includes the park itself, streets adjacent to the park, residential streets south of the park (private driveways not included), and five private parking lots - one of which is a sorority house. This area, shown in Figure 3 below, contains about 540 parking spaces: 290 off-street and 250 on-street. Of these spaces, about 360 are publicly accessible, unpriced, and unregulated. One block contains spaces reserved for the residential parking program.

This report considers the Wilson Park study area separately from the main study area.

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Figure 3 Wilson Park Neighborhood Study Area



INVENTORY OVERVIEW

This section documents the supply and regulations of parking assets in the main study area, which does not include Wilson Park. The inventory is based on existing data provided by the City's Parking Management and Geographic Information Systems Divisions. The Parking Management Division collected significant additional data in the field to create a comprehensive inventory of public and private assets.

Figure 4 tabulates all parking spaces in the study area including all off-street and on-street spaces, excluding small private driveways with five or fewer parking spaces. Data was compiled and used to create a complete parking database of all parking assets in the study area, which was then geo-coded to spatially display the existing parking assets, as shown in Figure 5.

PARKING INVENTORY: KEY FINDINGS

- There are about 9,100 active parking spaces in the study area.
- About 4,800 of these spaces are located in the Entertainment District, and 3,300 are located in the Downtown Business District.
- Approximately 40% of these spaces are publicly owned, although not all publicly owned spaces are open to the public.
- Privately-owned, but publicly-accessible parking is not a large portion of the overall supply (7%).
- Approximately 86% of all spaces in the study area are off-street, occupying roughly 25% of the land in the study area.
- Roughly two-thirds of the off-street supply is privately-owned (66%).
- There are 21 publicly accessible lots and garages, most heavily concentrated around the Downtown Square and at the western end of Dickson Street.
- Many regulations shift by time of day and weekday to weekend.

An important concept for any parking study is “access” – who can use a parking space at any given time. There are two broad categories of access, regardless of ownership, shown below:

- **Publicly Accessible** parking is available to any member of the public, often but not always for a fee. This parking is signed and clearly open so that any user understands that it is publicly available.
- **Restricted** parking is limited to certain groups, such as permit holders, employees, and/or customers.

Figure 4 provides an overview of parking inventory by category. The majority of parking is off-street, in lots and garages. The Entertainment District has almost 50% more off-street parking than the Downtown District, but the two have approximately the same amount of on-street parking. When the team inventoried these areas, there was significant inventory under construction as part of upcoming developments.

Figure 4 Parking Inventory by Category

Parking Location	Entire Study Area	Downtown District	Entertainment District	Other Spaces in Study Area
Total	9,070	3,250	4,851	969
Publicly Available ³	3,217	1,499	1,625	93
Restricted Use/Private	5,853	1,751	3,226	876
Off-Street	7,796	2,671	4,249	876
On-Street	1,274	579	602	93
Unavailable (Construction) ⁴	639	-	601	38

The parking inventory and regulations are depicted in Figure 5 and Figure 6. All garages, surface lots, and block faces show the number of spaces within each area. For both on- and off-street parking, the various regulations are color coded by general category.

³ This summary table considers regulations on a typical weekday. There are 383 spaces that become publicly available after a certain time of day or on weekends

⁴ Restricted on-street spaces include Loading Zones, Permit Only, UA Only, and Police Only spaces

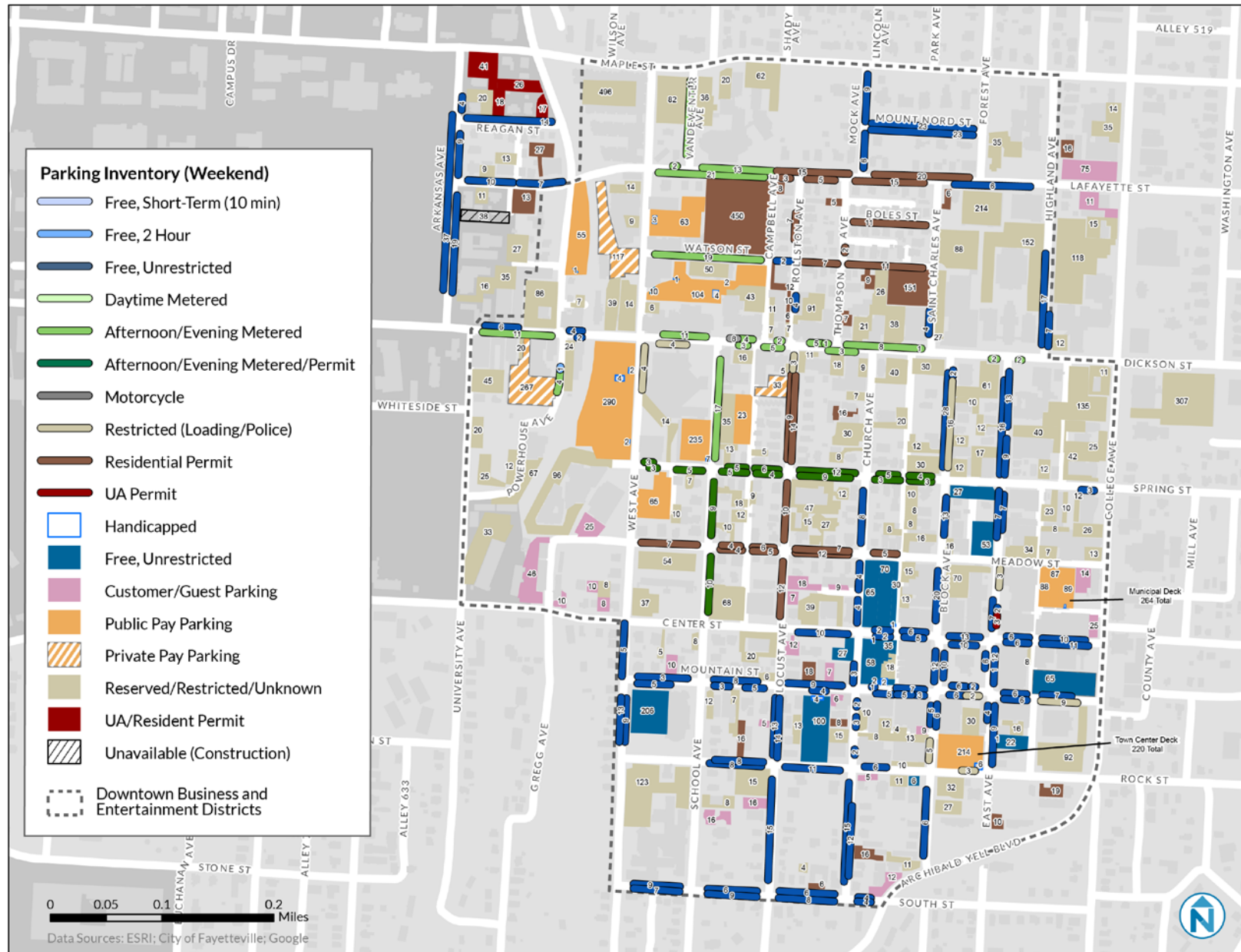
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Figure 5 Parking Inventory and Regulations - Weekday



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Figure 6 Parking Inventory and Regulations - Weekend



Parking Regulations

The regulation, location, and operation of parking spaces greatly affect how spaces are used. Therefore, the study team catalogued the ownership, use category, and regulation for all parking spaces within the study area.

On-Street Parking

While a majority of the on-street parking (80%) in the study area is available for use by any member of the public, there are on-street spaces which require permits, as well as University-only spaces and spaces reserved for municipal use. As there is no charge associated with residential permit parking, only 42% of on-street parking is priced. An even smaller percentage of on-street parking is time-limited (29%). Figure 7 shows the breakdown of on-street parking regulations and fees. Key points include the following:

- **On-Street Meter Rates and Time-Limit Variations:** There are two primary meter rates in the study area, and they are grouped spatially. Meters that charge \$0.15/hour - \$0.25/hour are generally located in the Downtown Business District, while meters that charge \$0.50-\$1.00/hour depending on time of day are only found in the Entertainment District. All \$0.25 meters are time-limited to two hours while all other meters are not time-limited or offer an all-day option. Unregulated spaces exist around the periphery of the study area.
- **On-Street Meter Time-Span Variations:** Coin-operated, \$0.15/hour-\$0.25/hour parking meters are enforced from 8:00 a.m. to 6:00 p.m. Monday through Friday. Entertainment District pay stations are active every day from 2:00 p.m. until 2:00 a.m.
- **On-Street Free Parking:** In the Square, there are 77 spaces that are free and time-limited. Outside of the square and the core of downtown, there are an additional ~400 spaces that are free and unrestricted.
- **On-Street Residential On-Street Permits:** Located only within the Entertainment District, resident-only parking spaces require permits acquired from the City of Fayetteville Parking Management Office. Homeowners are required to renew their permits each December while renters must do so every six months.

Figure 7 On-Street Parking Rates and Regulations

On-Street Weekday Regulation/Rate, Time Limit, and Time Span(s)	Total	%
Unrestricted	408	32%
Daytime Metered - \$0.25/Hour, 2 Hour Limit until 6PM	282	22%
Residential Permit Only	191	15%
\$0.50/Hour (2-5PM), \$1/Hour (5PM-2AM), \$5/Day Option	146	11%
Residential Permit or Metered (\$0.50/Hour (2-5PM), \$1/Hour (5PM-2AM))	86	7%
Free, 2 Hour Limit (in 4 Hour Period)	77	6%
Loading Zone	35	3%
Daytime Metered - \$0.15/Hour, Long Term until 6PM	15	1%
Police Parking Only	14	1%
Motorcycle	9	<1%
Free, 10 Minute Limit from 8AM to 6PM	8	<1%
University Parking Only	3	<1%
Total	1,274	

Off-Street Parking

Off-street parking includes all public and private parking in garages and surface lots in the study area. There are 201 parking facilities in the study area, described and categorized by facility type, ownership, and rate type below:

Parking Facilities

- **Parking Garages** are indoor, usually multi-level parking facilities. There are nine such active facilities in the Fayetteville study area, which contain just under 2,300 spaces representing 29% of the total off-street parking supply. Three additional facilities of this type are under construction as part of new residential development. These projects are anticipated to add 639 spaces to the supply, some of which will be publicly-accessible.
- **Parking Lots** are outdoor surface-level facilities. This is the dominant form of off-street parking in Fayetteville, numbering 193 such facilities containing over 5,500 spaces or 71% of the off-street parking supply.

Access

- **Publicly Accessible** parking is available to any member of the public, often but not always for a fee. This parking is signed and clearly open so that any user understands that it is publicly available.
- **Restricted** parking is limited to certain groups, such as permit holders, employees, and/or customers.

Ownership

- **Publicly-Owned Garages or Lots** are owned by the City and Washington County, but not all are available for public use. Some of these facilities provide a mix of public, resident permit, and customer parking while others – such as the Washington County courthouse – do not make their supply available to the public.
- **Privately-Owned Garages or Lots** are owned by private landowners or private institutions. Some of this parking supply is available for public use for a fee. However, most is restricted to residents or reserved for employees and/or customers. For the purposes of this study, this includes UA lots.

Figure 8 shows the breakdown of off-street parking by type, ownership, and access. Note that some publicly owned lots and garages have both restricted and publicly available spaces.

Figure 8 Off-Street Parking Ownership and Access

	Lot		Garage	
	# of Facilities	# of Spaces	# of Facilities	# of Spaces
Total Privately Owned	166	4,156	4	1,027
Containing Public Access Spaces	3	215 ⁵	1	267
Total Publicly Owned	26	1,373	5	1,240
Containing Public Access Spaces	14	859 ⁶	4	845
Total	192	5,529	9	2,267

⁵ 102 additional spaces in 2 facilities are publicly available after 8PM

⁶ 281 additional spaces in 4 facilities are restricted dependent on time of day, but publicly available at other times

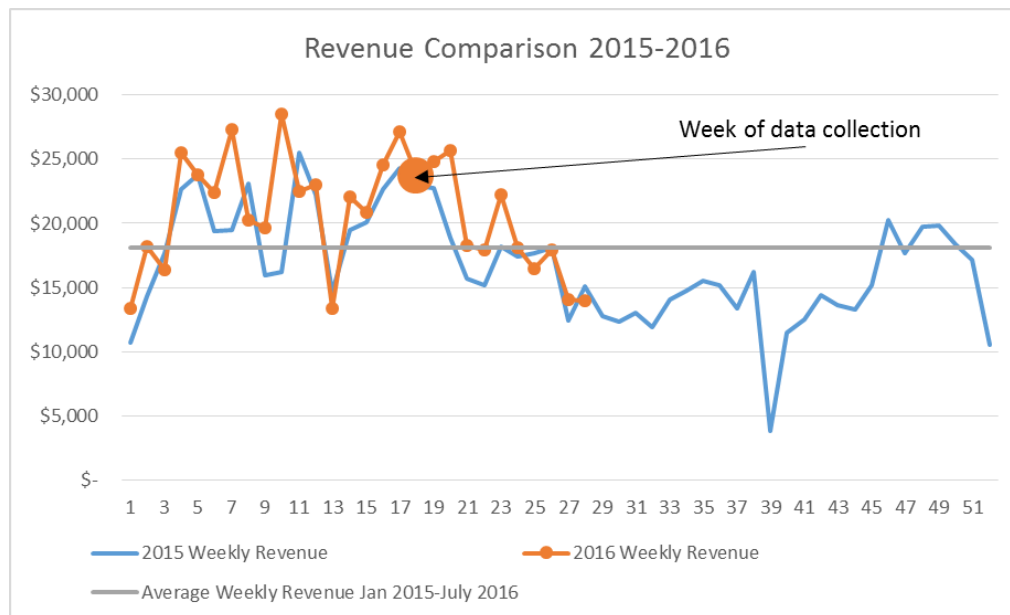
4 WEEKDAY PARKING UTILIZATION

This section documents and analyzes parking utilization counts for the entire study area, providing a snapshot of the time and location of parked cars for typical days. The survey team – consisting of City staff – conducted parking utilization counts on a weekday (Thursday, April 28, 2016) and weekend day (Saturday, April 30, 2016) during sixteen hours on each day. On Thursday, data collection began at 7 a.m. with the last loop beginning at 9 p.m. and concluding at 11 p.m. On Saturday the data collection periods were shifted forward 2 hours to ensure collection during higher activity times, beginning at 9 a.m. and concluding at 1 a.m.

Parking can be defined as being at optimal capacity when there is at least one empty space per block face or along a typical row of parking, ensuring customer access to businesses but also indicating a busy commercial environment. This typically equates to a target of 15% vacancy per block face and 5%-10% vacancy off-street. If any block or parking facility has less availability than the target, it is effectively at its functional capacity. Charts throughout the document provide a dashed line at this 10% vacancy point for reference.

Parking demand fluctuates over time, particularly in the active Dickson Street and Downtown Square areas of Fayetteville. In order to ensure that the data collection dates were representative of normal conditions, the City provided access to their revenue history. Figure 9 compares revenue from on- and off-street pay stations and event parking by week in the Entertainment District, showing that the week during which data collection took place was slightly above the annual average for parking revenue. Although individual lots and block faces may function differently during spring compared to other times of year, using data from April is a good representation of how the study area functions and represents a slightly conservative sample.

Figure 9 Weekly Parking Revenues⁷



⁷ Source: City of Fayetteville, Utilization Revenue Comparison Analysis. Note: The collection schedule for Downtown Business District Meters is not regular enough to allow for a weekly comparison.

The study team considered the following in selecting dates for utilization:

- Avoiding major events (i.e. Bikes, Blues, and BBQ or an extremely large WAC event) that shut down streets in the Entertainment District
- Capturing demand from UA affiliates
- Weather
- Construction schedules which may significantly impact roadways
- Day of the week - Nelson\Nygaard has found that Thursdays represent a typically busy day with significant evening demand at restaurants and bars.

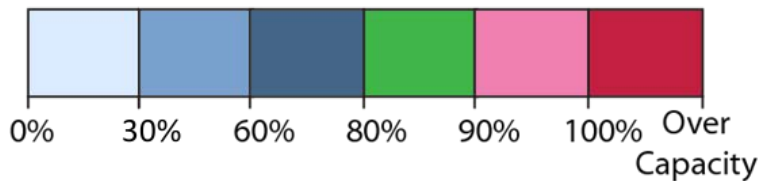
This section analyzes weekday temporal and spatial patterns and provides a sample of parking utilization of different facilities by type, ownership, and accessibility, followed by the same analysis for a weekend day. Utilization patterns are shown for both the primary study area as well as the Wilson Park study area.

Although this data is incredibly valuable in highlighting how parking in Fayetteville functions, it is equally valuable to understand how users perceive the system. The visitor who can't find the available spaces next door because they are hidden around the corner still feels a crunch in prime locations regardless of overall capacity. Utilization is just one piece of the puzzle; additional analysis of regulation, safety, signage, technology, and more will yield valuable additional insights.

SPATIAL ANALYSIS OF PARKING UTILIZATION

An important part of understanding how parking is managed in any city center is being able to see how various parking facilities and segments of on-street parking interact with each other throughout the course of a day. A chart of hourly utilization rates for one specific location is valuable, but seeing how that location behaves among others located nearby can reveal patterns and trends not evident in numbers alone. The lot which is completely full may be right around the corner from another lot that has plenty of availability at that same time.

To develop the spatial analysis, the parking utilization data collected during the parking counts was geo-coded to be displayed on a series of maps. The maps show the use of each parking facility by color-code, as explained below:



- **“Cool” light blue/blue** colors refer to 0-30%, 30-60%, and 60-80% utilization breaks. All are ranges at which on-street parking and off-street parking facilities are viewed as under-utilized. Any resource that consistently performs at this level, especially during peak-demand periods should be viewed as having excess capacity.
- **“Ideal” green** refers to blocks and facilities with 81% to 90% utilization and represent actively-used resources. The nearer utilization levels approach the high end of this range, the more efficiently they are being utilized and nearing functional capacity.

- **“Warning” pink** refers to utilization above 91% and is considered at functional capacity. While fully maximizing efficiency, the on-street parking or off-street facilities are full or near full, giving the impression of a lack of parking.
- **“Critical” red** denotes parking beyond the marked capacity (more than 100%), meaning that cars are double-parked or parked illegally. Resources that consistently perform at this level indicate that demand exceeds capacity.

PARKING UTILIZATION COUNTS PROCESS

City staff, working with Nelson\Nygaard’s parking data collection protocol, completed the counts on foot and by vehicle in five different “routes” throughout the study area. This approach proved to be the most efficient process to collect a vast amount of data within the targeted time periods. Additionally, the City now has data collection tools and trained staff to complete any future counts if needed.

Data Collection Notes

Working with the City, the team sought to collect a comprehensive data set that provides a snapshot of a typical day in the study area. However, there were some special events impacting parking supply on the days of data collection, including⁸:

- On Thursday from 7 a.m. to 1 p.m., 165 spaces in the West Street Lot were unavailable due to school bus parking.
- The Farmers Market at the Downtown Square made 65 on-street spaces around the square unavailable during data collection periods on Thursday from 7 a.m. to 2 p.m. and on Saturday from 9 a.m. to 2 p.m. While vendors are able to park vehicles in these spaces, occupancy data was not collected.

Special events on these days included⁹:

- Thursday, 4/28: Farmers’ Market 7 a.m. – 2 p.m.
- Thursday, 4/28: Malpaso Project at 8 p.m. at the Walton Arts Center (WAC)
- Saturday, 4/30: Farmers’ Market 7 a.m. – 2 p.m.
- Saturday, 4/30: Spring Artsy Craftsy at Town Center: 10:30 a.m.
- Saturday, 4/30: Dickson Street Pup Crawl 2 p.m. – 6 p.m.
- Saturday, 4/30: Symphony of Northwest Arkansas (SoNA) at 7:30 p.m. at WAC

Data collectors strive for accuracy in the field. However, normal fluctuations in the data collection process occasionally lead to missed counts on some facilities throughout the course of the collection span. Any missed facility is shown on the utilization maps in grey.

⁸ Comprehensive data was not collected for six off-street facilities totaling 561 spaces (including the 498 space structure at The Academy at Frisco) and 10 on-street spaces, accounting for approximately 7% of inventory. This inventory has been removed from utilization count summaries.

⁹ Per Events Calendar provided by City

STUDY AREA PARKING UTILIZATION: WEEKDAY

WEEKDAY UTILIZATION: OVERALL KEY FINDINGS

- Over the total study area, parking is never more than 50% occupied. However, much of this unoccupied parking is privately owned and not currently open to the general public outside of customer parking.
- Even at peak occupancy, over 4,000 parking spaces of the total 9,070 are unused.
- However, in a two-minute walk area around the “core” of the Entertainment District, parking is nearly 70% full at the evening peak. Similarly, the parking within a two-minute walk of the downtown square is 66% occupied or unavailable during the daytime peak of 11 a.m.
- On-street parking is generally used at a slightly higher rate than off-street parking throughout the day.
- Some publicly owned facilities are highly utilized for the majority of the day, while others have availability.
- During the day, parking along the east side of Arkansas Avenue and W. Lafayette Street between Arkansas Avenue and N. Gregg Street is well-utilized and often over capacity. This is currently outside of the Downtown Business District and the Entertainment District boundaries.
- The most heavily utilized on-street spaces throughout the day can be found at the Downtown Square and the residential permit parking on Boles and Watson Streets, as well as on-street spaces close to the WAC on Dickson Street and School Avenue.
- Privately-owned garages and lots across the entire study area are generally more occupied compared to publicly-owned facilities, especially during the evening. This indicates that these facilities are a vital part of Fayetteville’s parking supply.
- Publicly-accessible off-street facilities have a comparable utilization rate to that of restricted-access garages and lots.
- Metered on-street parking on Mountain Street west of Block Avenue has availability throughout the day.
- 34% of publicly available spaces in the “core” of the downtown business district remain unoccupied during the mid-day peak.

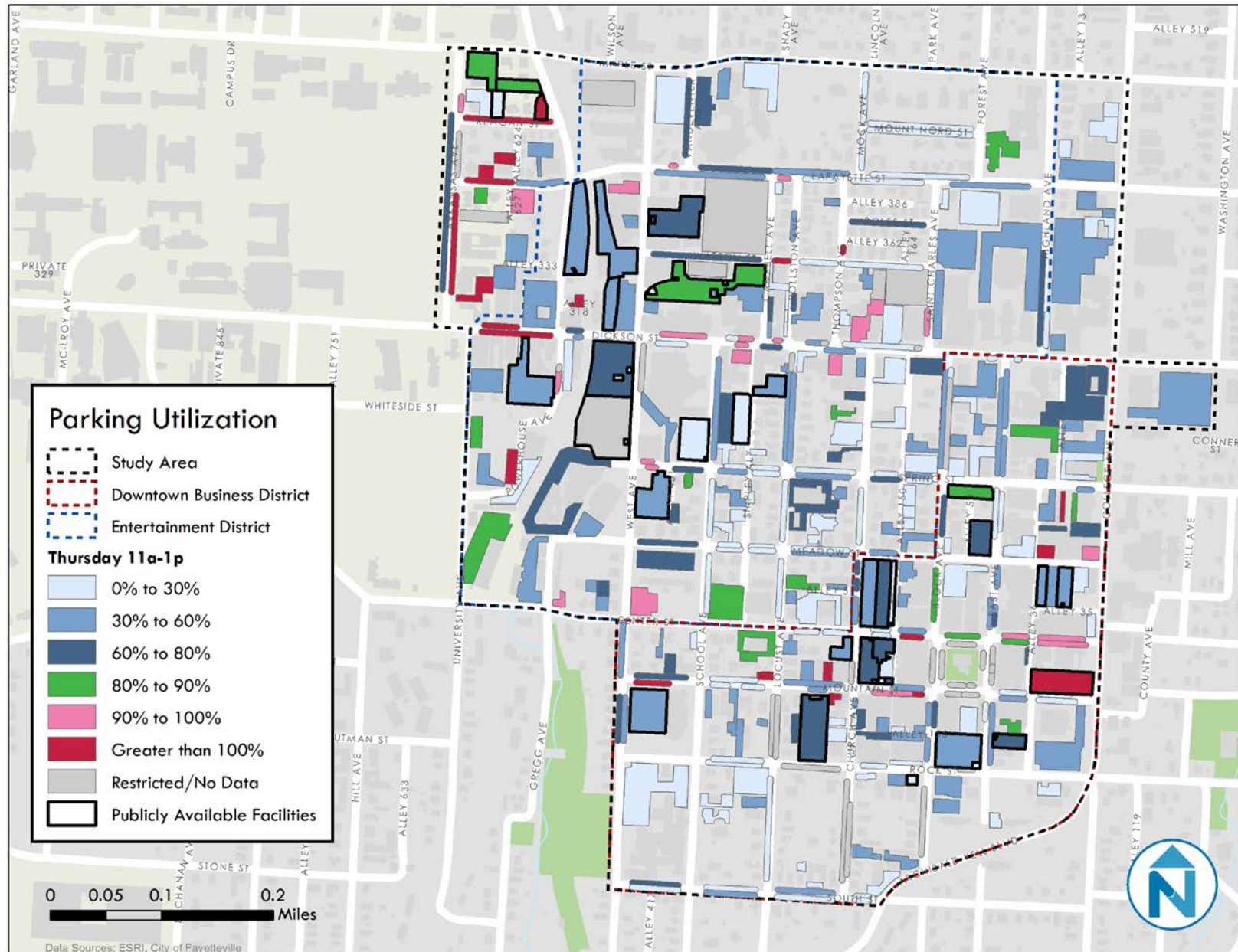
WEEKDAY UTILIZATION: SPATIAL PATTERNS

- **Mid-day - 11 a.m. to 1 p.m. (Figure 10):**
 - Overall, less than 50% of all parking inventory is utilized throughout the study area
 - On-street and off-street utilization rates are comparable at 50% and 48% respectively.
 - Parking activity is concentrated primarily to the northwest, closest to the University as well as immediately surrounding the Downtown Square.
 - Ample parking is available in unrestricted and metered on-street spaces as well as in publicly-accessible municipal and privately owned off-street facilities.
- **Early Afternoon - 1 p.m. to 3 p.m. (Figure 11):**
 - The total parking inventory is about 40% occupied.

- Smaller restricted-access private off-street lots see more occupancy.
- While metered spaces on Center Street from East Avenue to College Avenue become full, almost all other on-street parking areas in the Downtown District continue to have open spaces.
- **Evening – 7 p.m. to 9 p.m. (Figure 12):**
 - The total parking inventory is about 30% occupied.
 - There are three clusters of high demand: around Dickson Street, near the Downtown Square, and in the northwest nearest the University
 - On-street parking is functionally full on many blocks of Dickson Street, Spring Street, and School Avenue where metering is in effect until 2 a.m. and in the Downtown Square area where metering ends at 6 p.m.
 - Off-street parking is busiest in the Entertainment District, especially the publicly accessible and restricted lots near Dickson Street between West and Block Avenues which are between 80 and 100% full.
- For additional time periods, please see Appendix A.

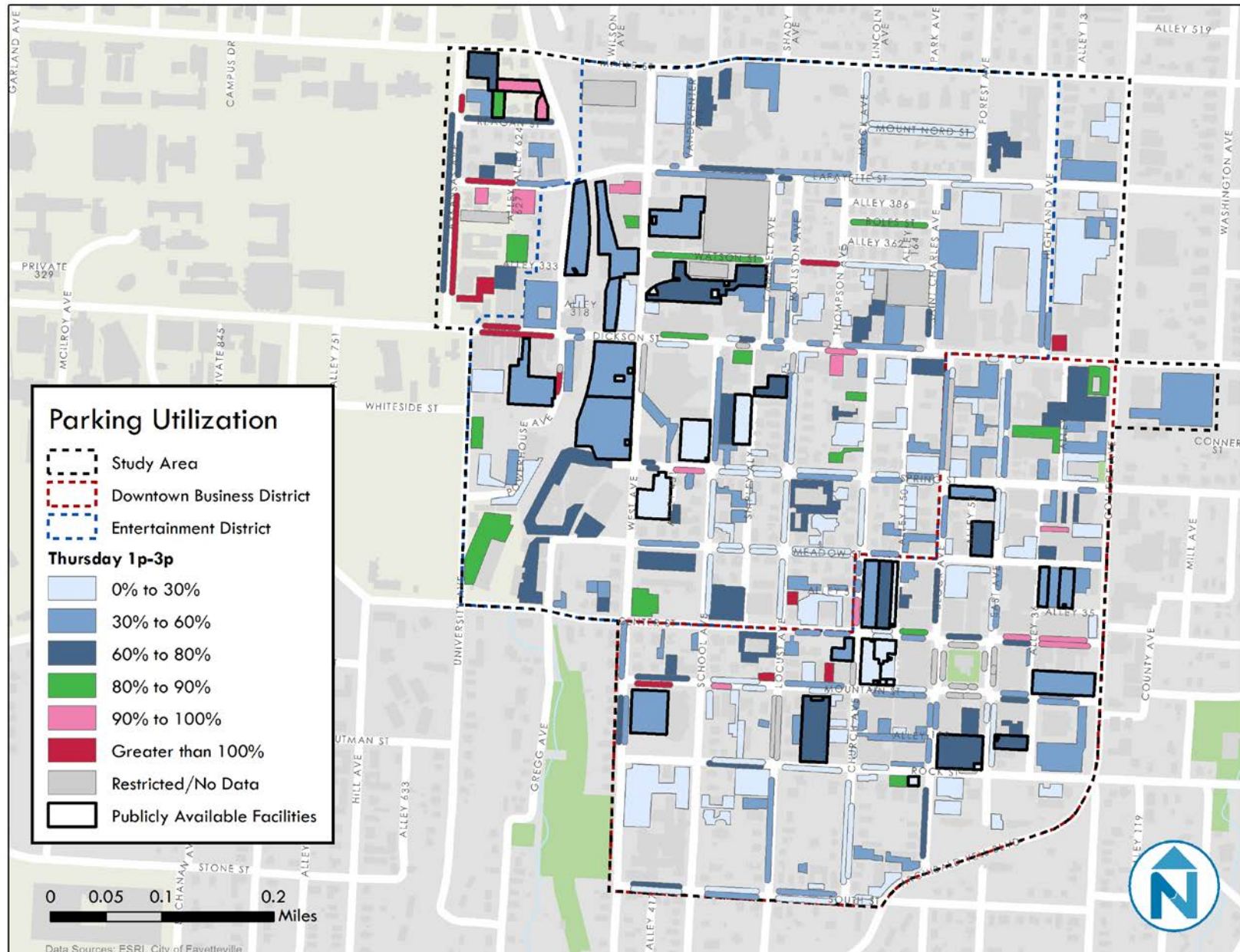
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Figure 10 Parking Utilization – Thursday 11:00 a.m. – 1:00 p.m.



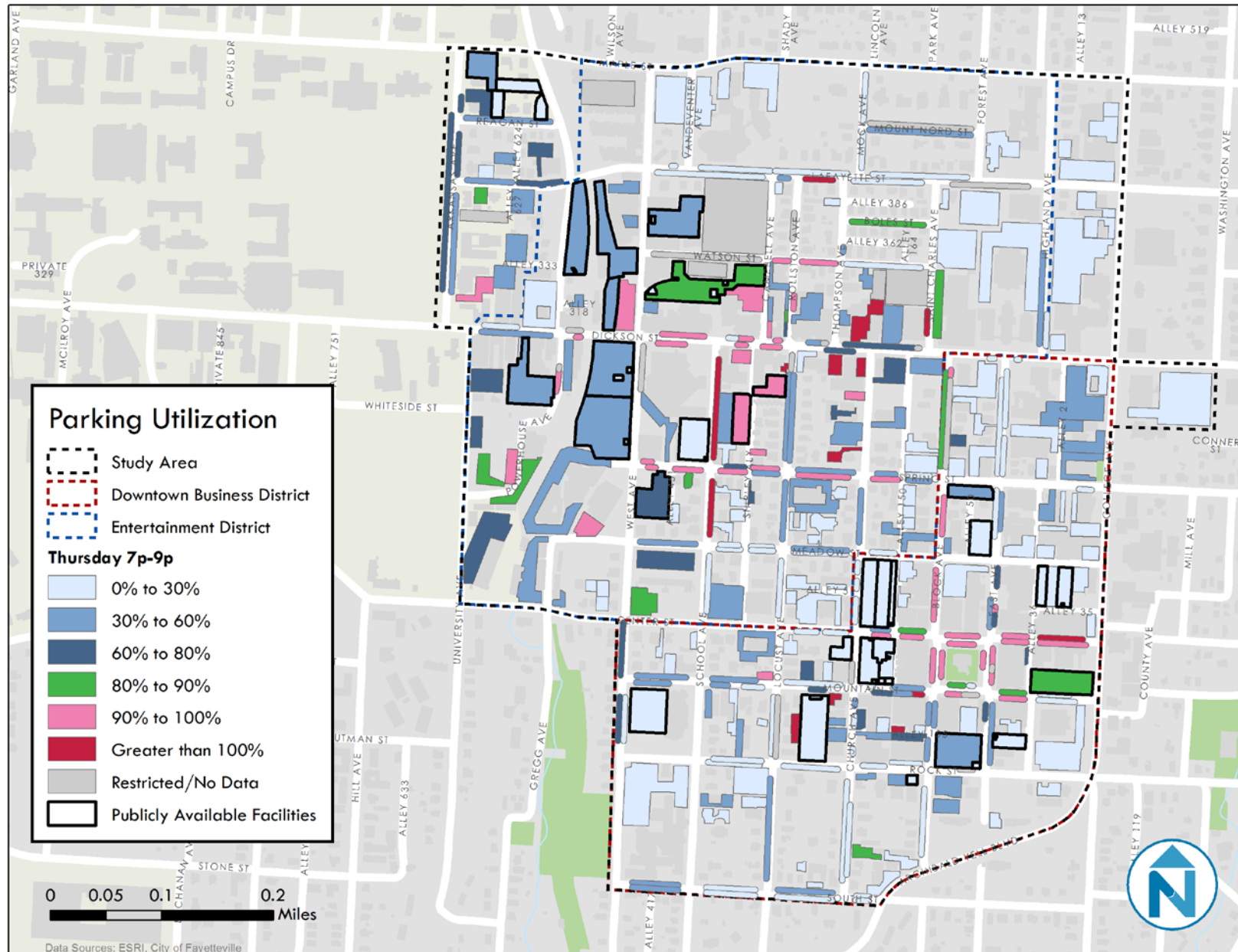
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Figure 11 Parking Utilization – Thursday 1:00-3:00 p.m.



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Figure 12 Parking Utilization – Thursday 7:00-9:00 p.m.



Utilization Patterns: Weekday

The series of charts on the following pages show parking utilization profiles throughout the day for different parking categories in Fayetteville.

Detailed Utilization Charts

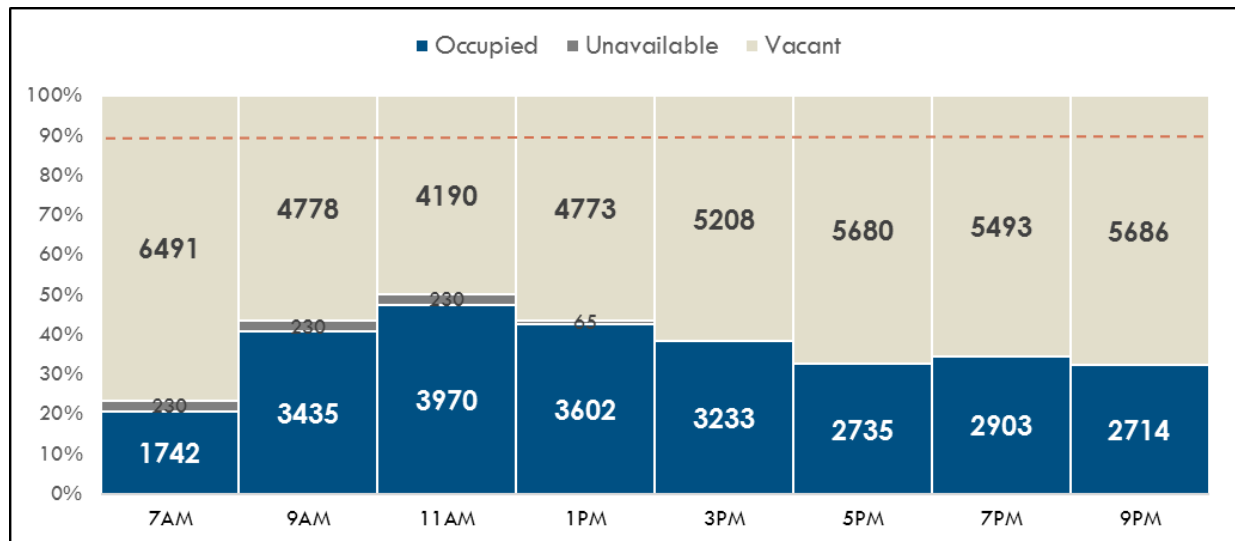
Utilization charts reflect observed vacancies and occupancies (and unavailable spaces due to events or other conflicts). As noted earlier, normal fluctuations in the data collection process occasionally lead to missed counts on some facilities throughout the course of the collection span. Therefore, the total number of observed spaces may vary by time period up to 10%.

The orange lines indicate “functional capacity” of parking, i.e. 90% utilized/10% vacancy, a recognized national standard of when a parking area is effectively full. Occupancy above this line represents a functionally full condition where the user perceives a lack of available parking.

Overall Parking Utilization

The peak period of parking activity in the study area is between 11 a.m. and 1 p.m. when parking is about 50% full (Figure 13). In the evening, parking activity drops to about 35% occupied as retail establishments and traditional 8-5 businesses close for the day.

Figure 13 Overall Study Area Parking Utilization - Thursday, April 28, 2016



Two-Minute “Core” Utilization

During a weekday, peak utilization of the entire study area is between 11 a.m. and 1 p.m. At that time, the publicly available parking in a “core” two-minute walk boundary within the Entertainment District (about 830 spaces) is 36% occupied with another 20% of the spaces unavailable due to a recurring event conflict, leaving over 350 spaces available to the public (Figure 14). Publicly available parking in the “core” of the Downtown Business District (about 550 spaces) is 54% occupied with another 12% unavailable due to the farmers market, leaving almost 190 spaces available but not immediately adjacent to the market (Figure 15).

In the evening, the publicly available parking in “core” of the Entertainment District is 60% occupied, approximately 300 empty spaces—mostly in the Spring Street Deck. Evening publicly

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available parking in “core” of the Downtown Business District is 27% occupied with over 350 spaces available. However, the publicly available parking in the “core” of the Entertainment District is 60% occupied, with only about 300 empty spaces—mostly in the Spring Street Deck.

Figure 14 Core Entertainment District Publicly-Available Parking Utilization

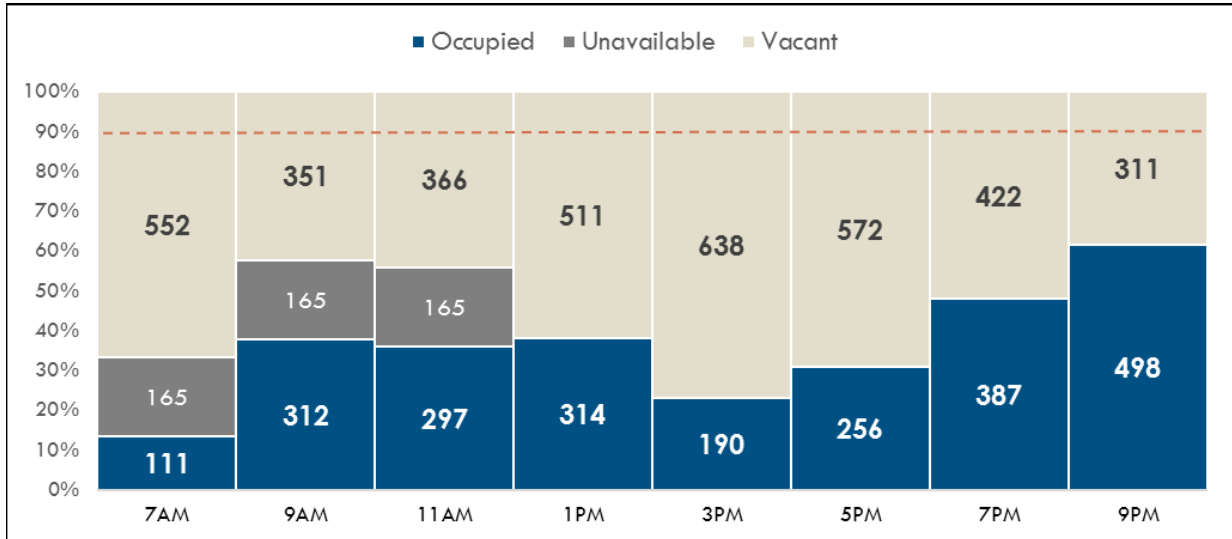
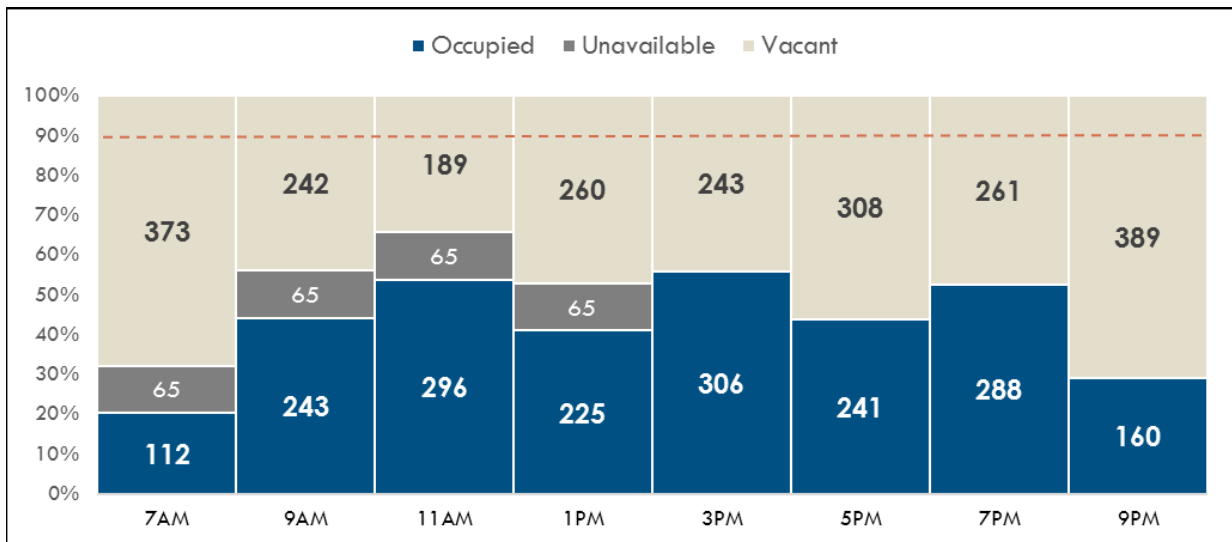
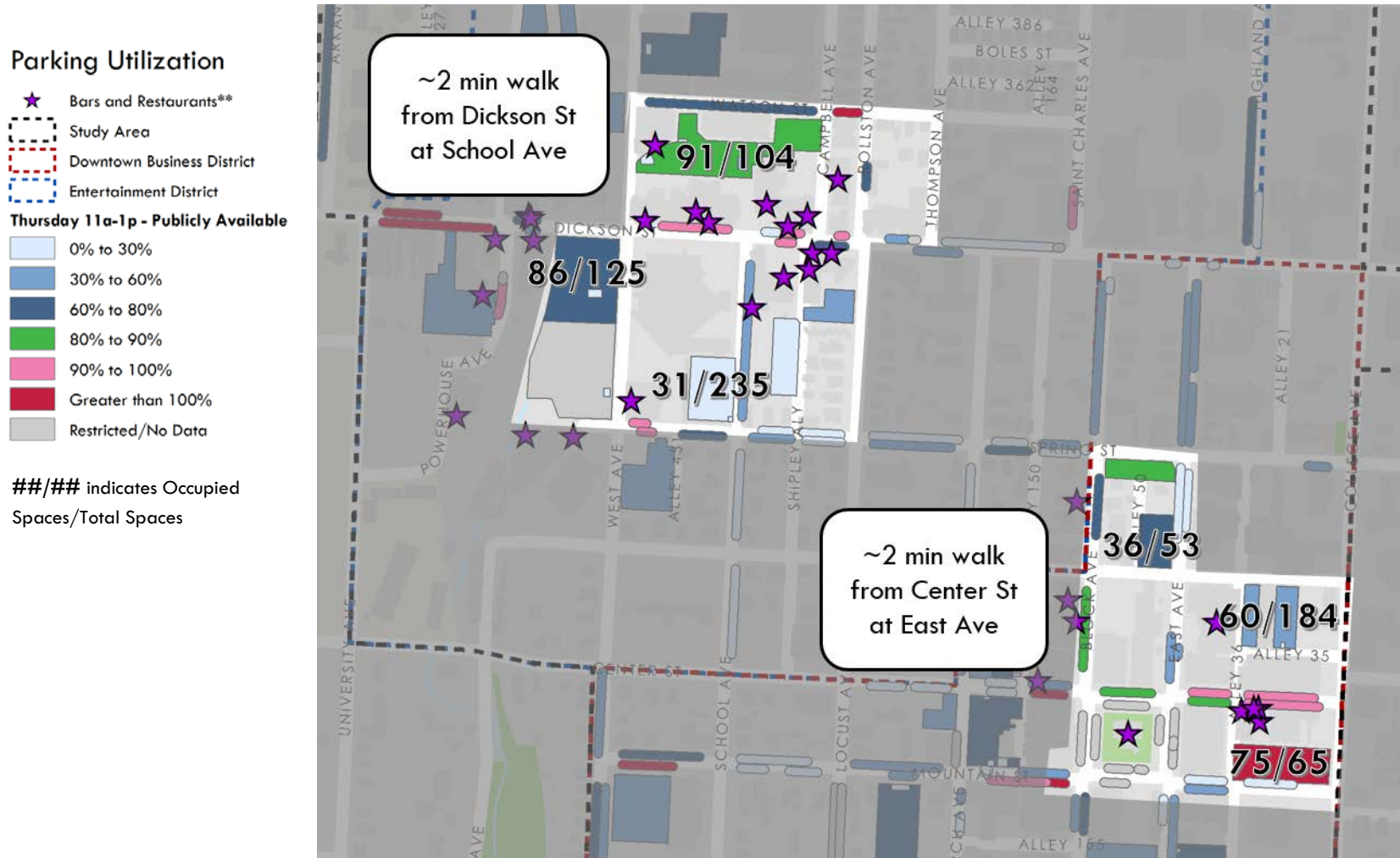


Figure 15 Core Downtown Business District Publicly-Available Parking Utilization



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Figure 16 Weekday Peak Publicly-Available Parking Occupancies in the "Core" of the Entertainment and Business Districts: 11 a.m. – 1 p.m.



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Figure 17 Evening Peak Publicly-Available Parking Occupancies in the "Core" of the Entertainment and Business Districts: 9 p.m. – 11 p.m.



On-Street vs. Off Street Utilization

Utilization rates for on-street and off-street parking manifest themselves differently over the course of the day, as shown in Figure 18 and Figure 19. On-street parking peaks in the midday and evening, while off-street activity peaks midday then steadily diminishes in the afternoon and evening. During the morning, on-street parking is never less than 25% occupied, while off-street parking is comparatively 20% occupied during the hours of 7 a. m. to 9 a. m.

It is important to note that these are aggregate numbers over the entire Fayetteville study area, with localized areas experiencing different use dynamics. Nevertheless, overall off-street parking drops under 35% utilization on a typical weekday evening, meaning there are almost 5,000 unused spaces in lots and garages after 5:00 p.m. Some of these spaces may not currently be available to the public, which is an inefficient use of valuable land in these busy areas.

Figure 18 On-Street Parking Utilization - Thursday

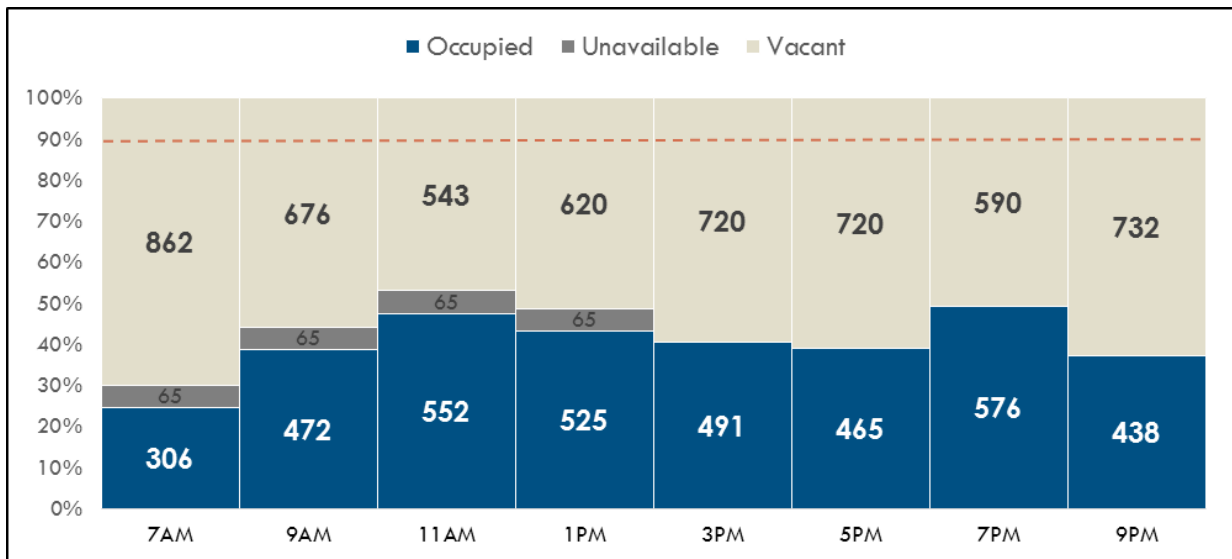
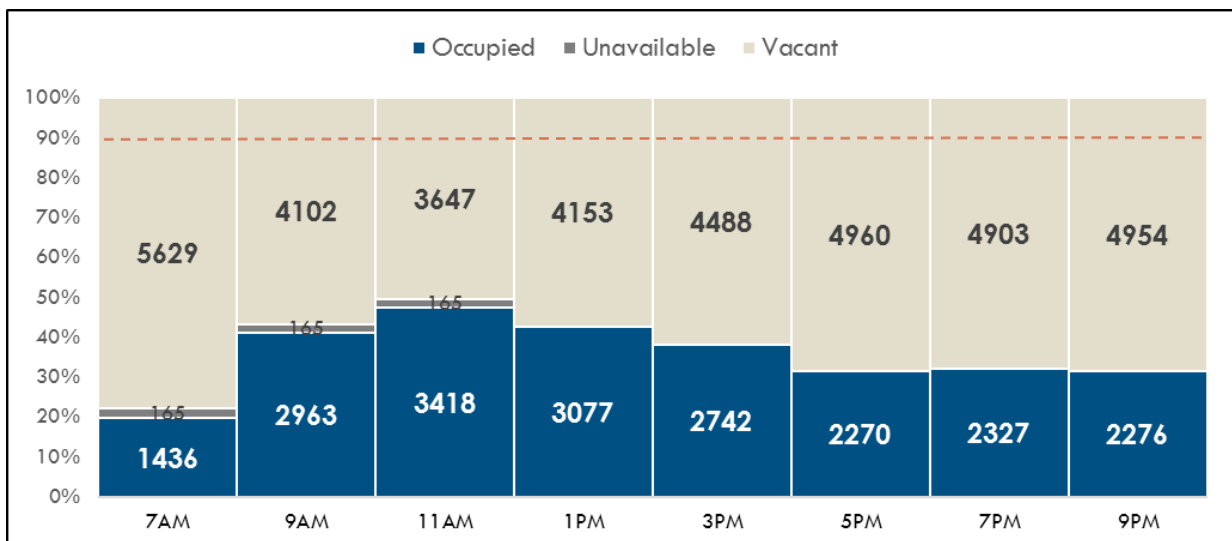


Figure 19 Off-Street Parking Utilization - Thursday



City-Owned vs. Non-City-Owned Off-Street Utilization

As shown in Figure 20 and Figure 21, City owned and privately owned garages and lots have sustained peak periods during business hours that drop off somewhat in the evening. The City-owned facilities are utilized at slightly higher rates than the privately owned facilities during the peak hours. Even during the peak periods, there are over 1,200 municipally owned spaces and over 2,600 privately owned spaces that are not being used. While City-owned see a larger drop in use during the evening, they continue to exhibit higher occupancy percentages than their counterparts.

City-owned facilities may not necessarily be available for use by the general public; some are limited to specific employee or other user groups. Overall, 1,250 City-owned off-street parking spaces go unused at peak.

Figure 20 Privately-Owned Off-Street Parking Utilization - Thursday

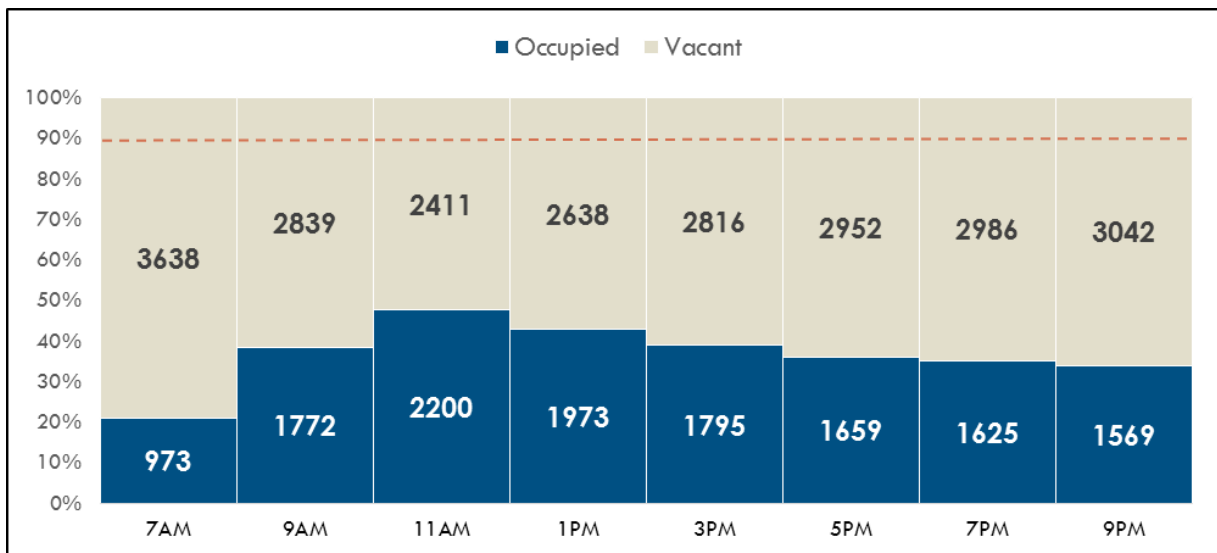
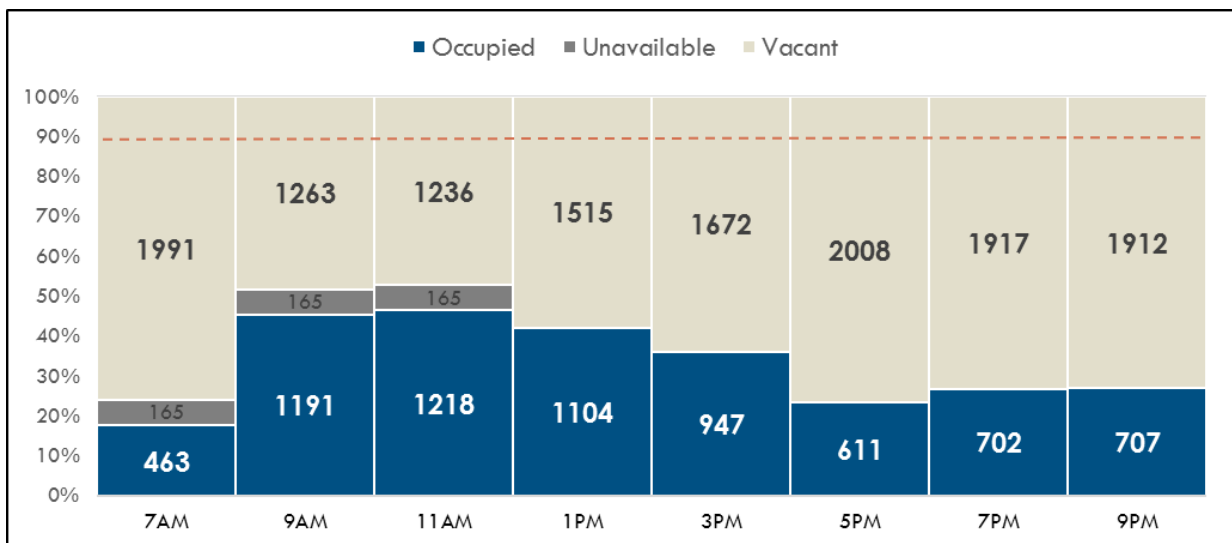


Figure 21 Publicly-Owned Off-Street Parking Utilization - Thursday



Publicly-Accessible vs. Restricted-Access Off-Street Utilization

Publicly-accessible parking is open to any driver, usually for a fee. A lot may be privately-owned and still open to the public.

The garages and lots that are available for public use are utilized at similar rates to the facilities where access is restricted during the peak period mid-day (see Figure 22 and Figure 23). During the peak period, there are approximately 1,000 publicly-accessible off-street parking spaces unoccupied. Both types of off-street parking have low utilization in the evening period for the study area overall, although the spatial analysis highlights areas that are functionally full. The public may perceive many of these spaces as inaccessible due to issues such as unclear or restricted regulations or walking environments.

Figure 22 Publicly Accessible Off-Street Parking Utilization - Thursday

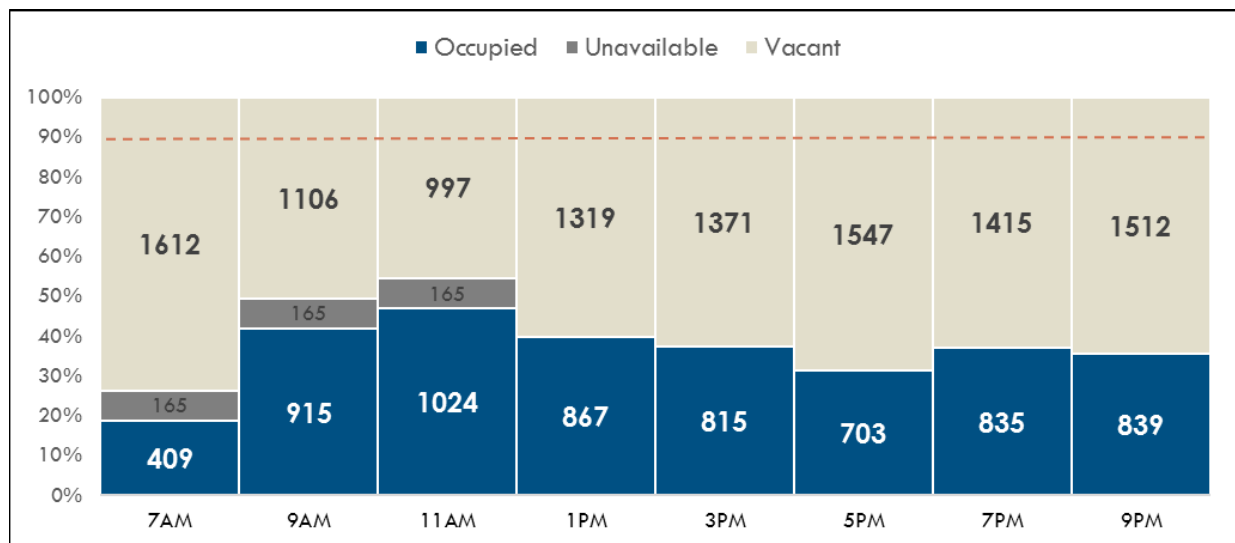
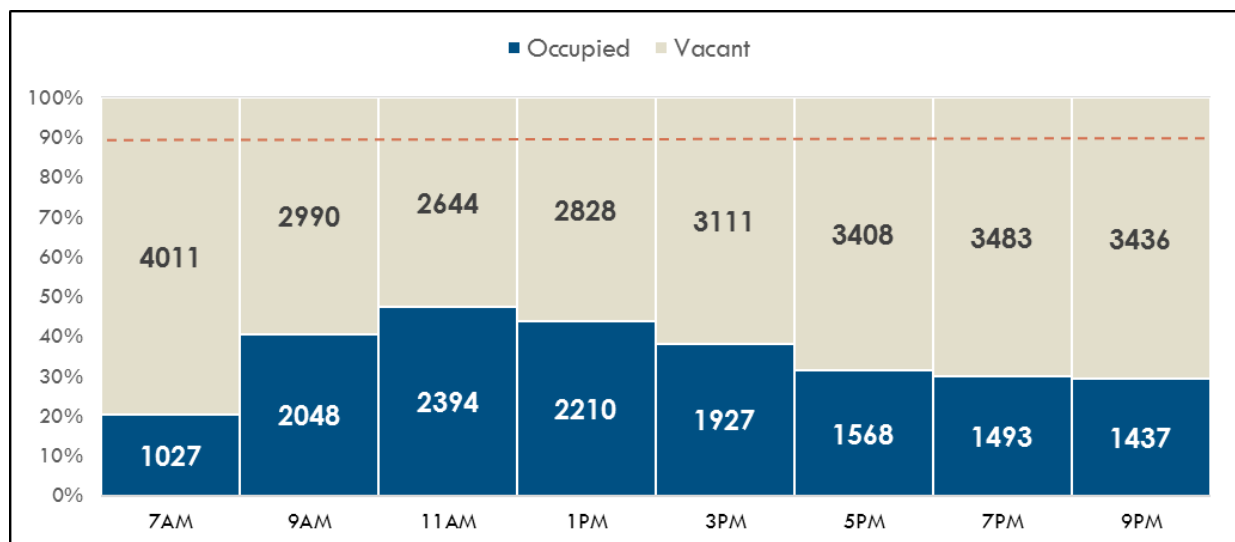


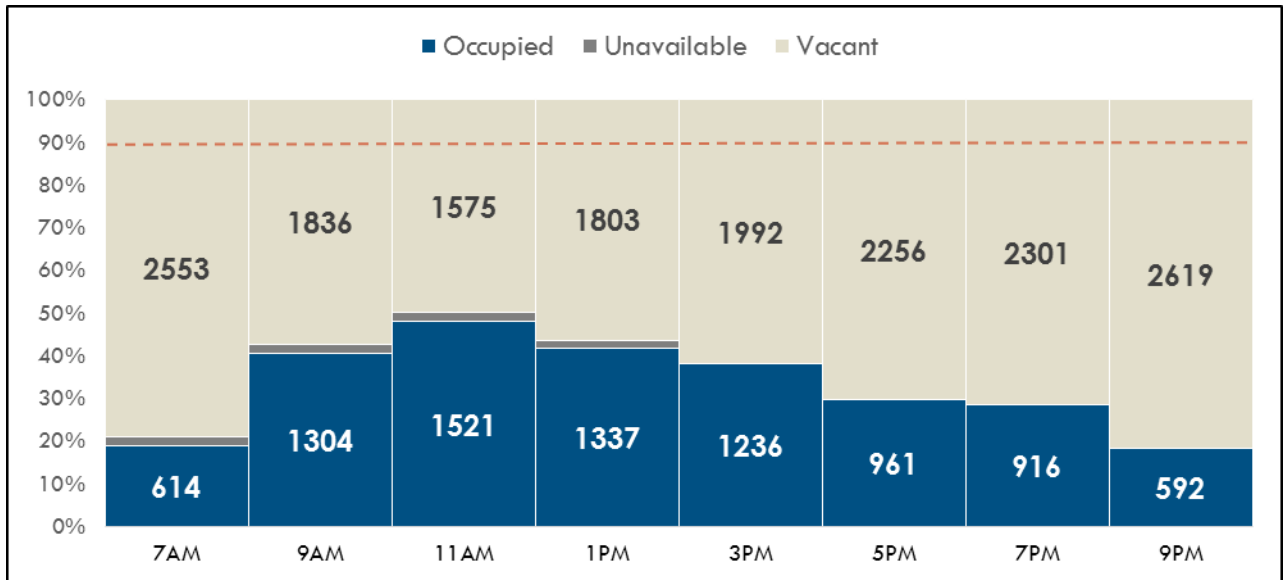
Figure 23 Restricted Access Off-Street Parking Utilization - Thursday



Downtown Business District vs. Entertainment District Utilization

As with the study area as a whole, peak utilization in the Downtown Business District occurs around the noon hour. Evening activity drops more significantly after business hours. 65 spaces are unavailable until 2 p.m. due to the presence of the Farmers' Market.

Figure 24 Downtown Business District Parking Utilization - Thursday



In the Entertainment District, peak periods occur around lunchtime as well as evening bar and restaurant demand. This portion of the study area maintains 35-45% occupancy throughout the weekday study time period, with approximately 2,200 observed unoccupied spaces at peak.

Figure 25 Entertainment District Parking Utilization - Thursday

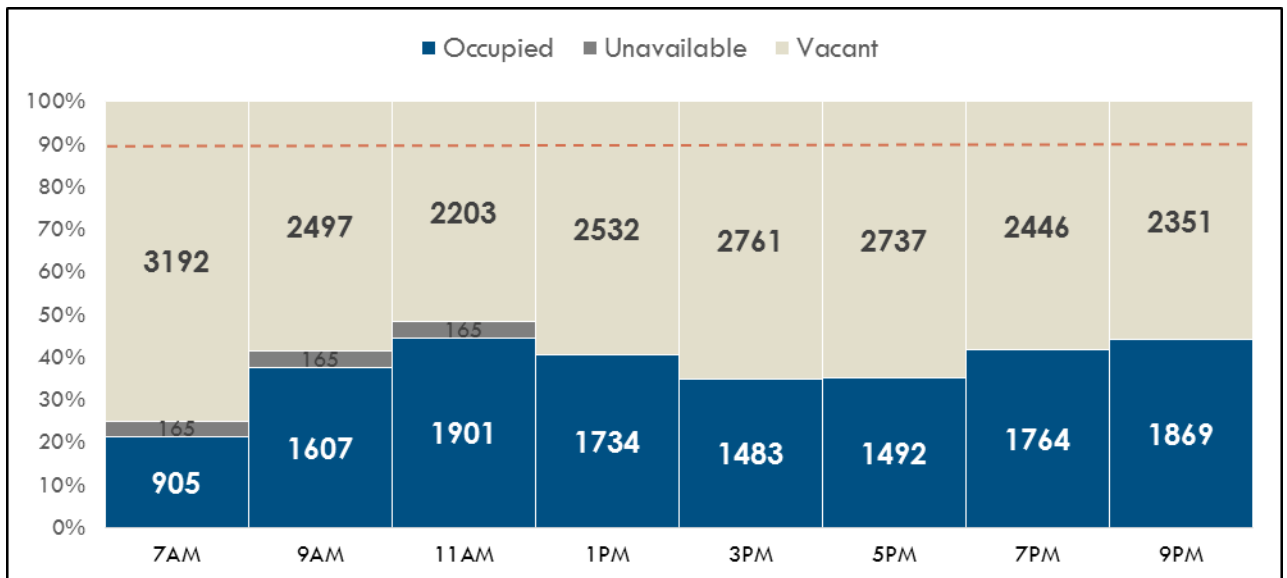
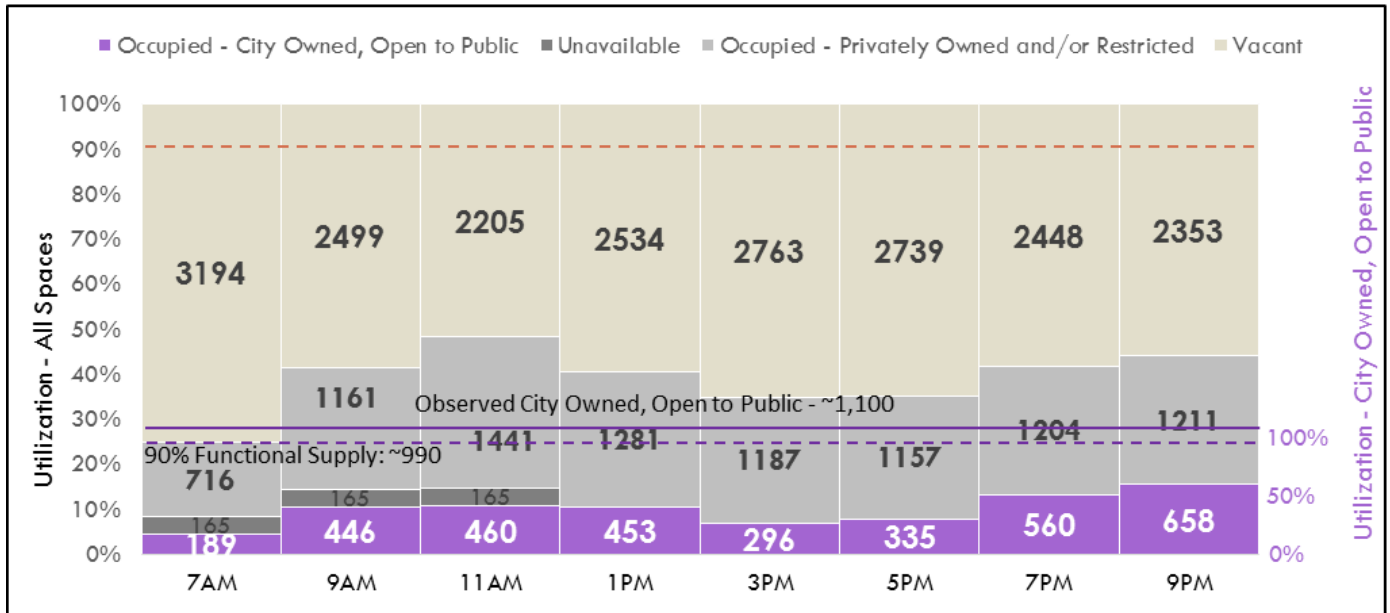


Figure 26 provides a comparison of the utilization of City-owned, open to the public spaces (approximately 30% of the supply in the Entertainment District), with utilization of privately owned and/or restricted spaces. Although not always apparent to the user, parking supply is managed by the City or private operators. This comparison shows that although there are about 2,000 unoccupied spaces at peak in the evening, at peak only 40% of publicly owned spaces are unoccupied.

Figure 26 City Owned with Public Access v. Privately Owned and Restricted Parking Utilization - Entertainment District - Thursday



On-Street Meters

Paid parking is another form of parking regulation that is meant to encourage turnover by pricing spaces relative to demand. Generally, City-operated paid spaces require a cash fee at meters directly adjacent to parking spaces from 8 a.m. to 6 p.m. Monday through Friday in the Downtown Business District, while pay stations located throughout the Entertainment District with multiple payment options govern spaces there from 2 p.m. to 2 a.m. seven days per week.

In the Downtown Business District, utilization of these spaces is 50% throughout the day until pricing ends. At 7:00 p.m., when there is no longer a fee to park in these spaces, utilization jumps to the highest it is throughout the day to approximately 60%. High utilization occurs in spaces along Center Street between Church Avenue and College Avenue. Mountain Street has availability west of Block Avenue at this peak time.

Use of metered spaces in the Entertainment District is high around mealtimes, although some spaces go unused throughout the day. Utilization peaks in the evening and many blocks are functionally full. However, many spaces go unused just outside the core of activity. The relationship of these utilization patterns to the location of Entertainment District restaurants and bars can be seen in Figure 29.

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Figure 27 Downtown Business District On-Street Metered Parking - Thursday

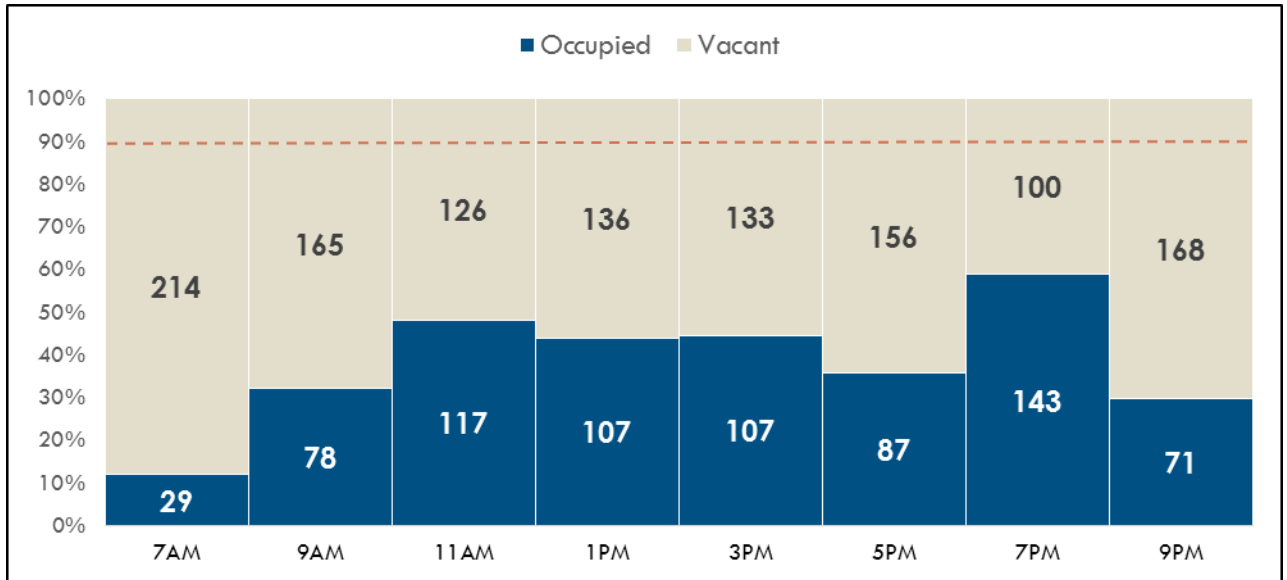
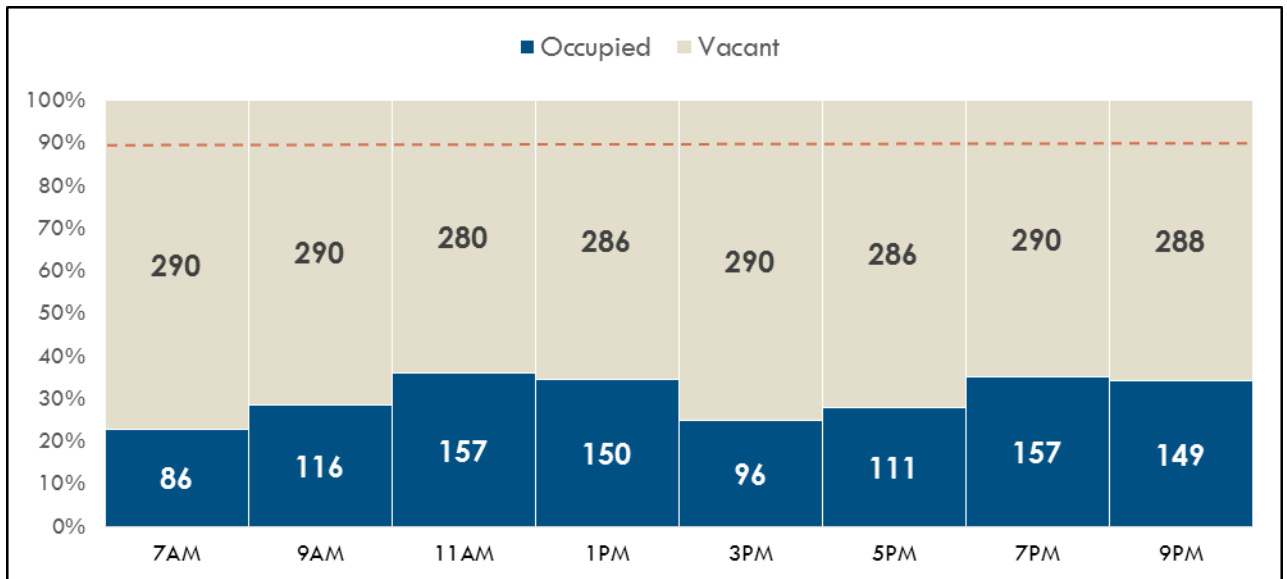
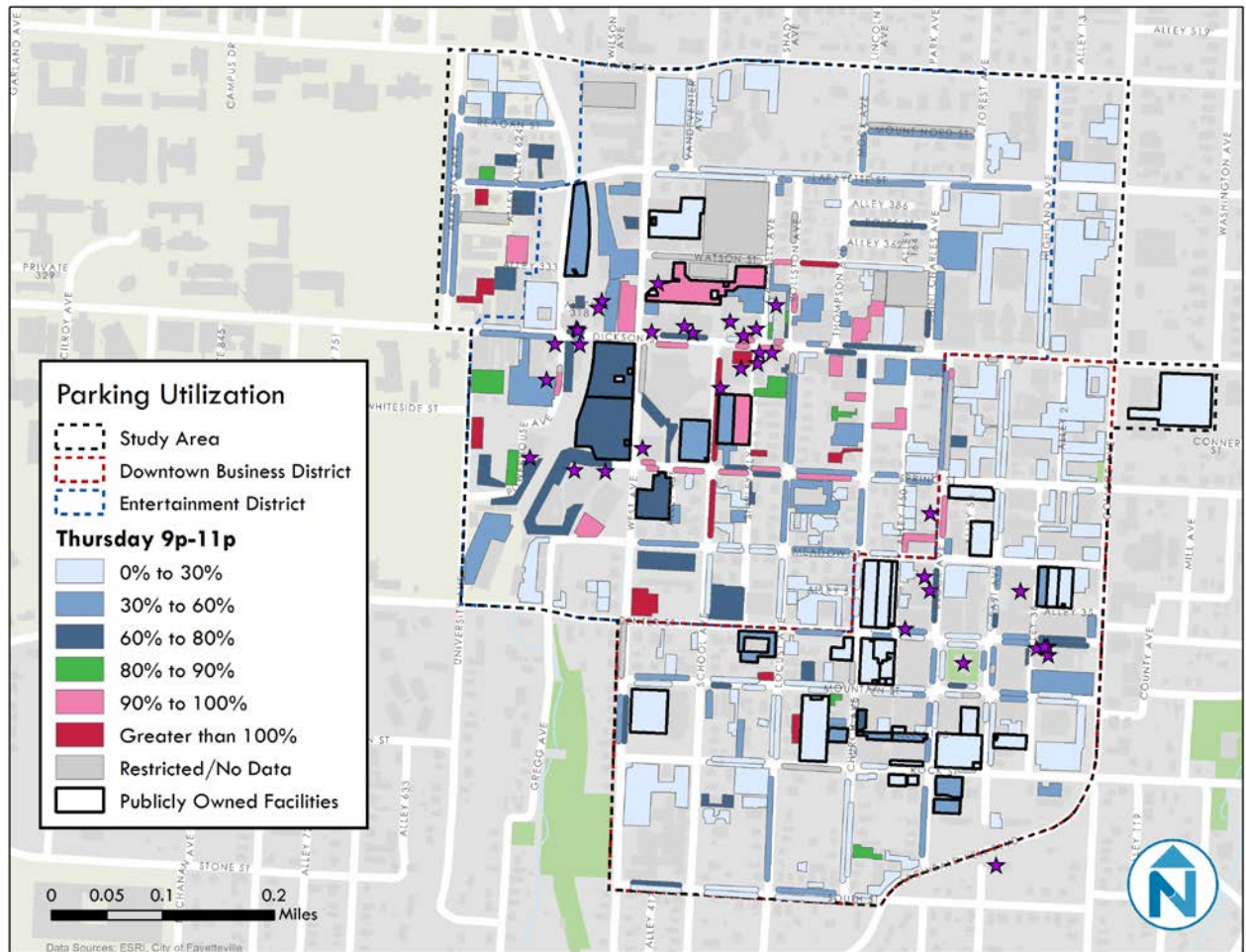


Figure 28 Entertainment District On-Street Metered Parking - Thursday



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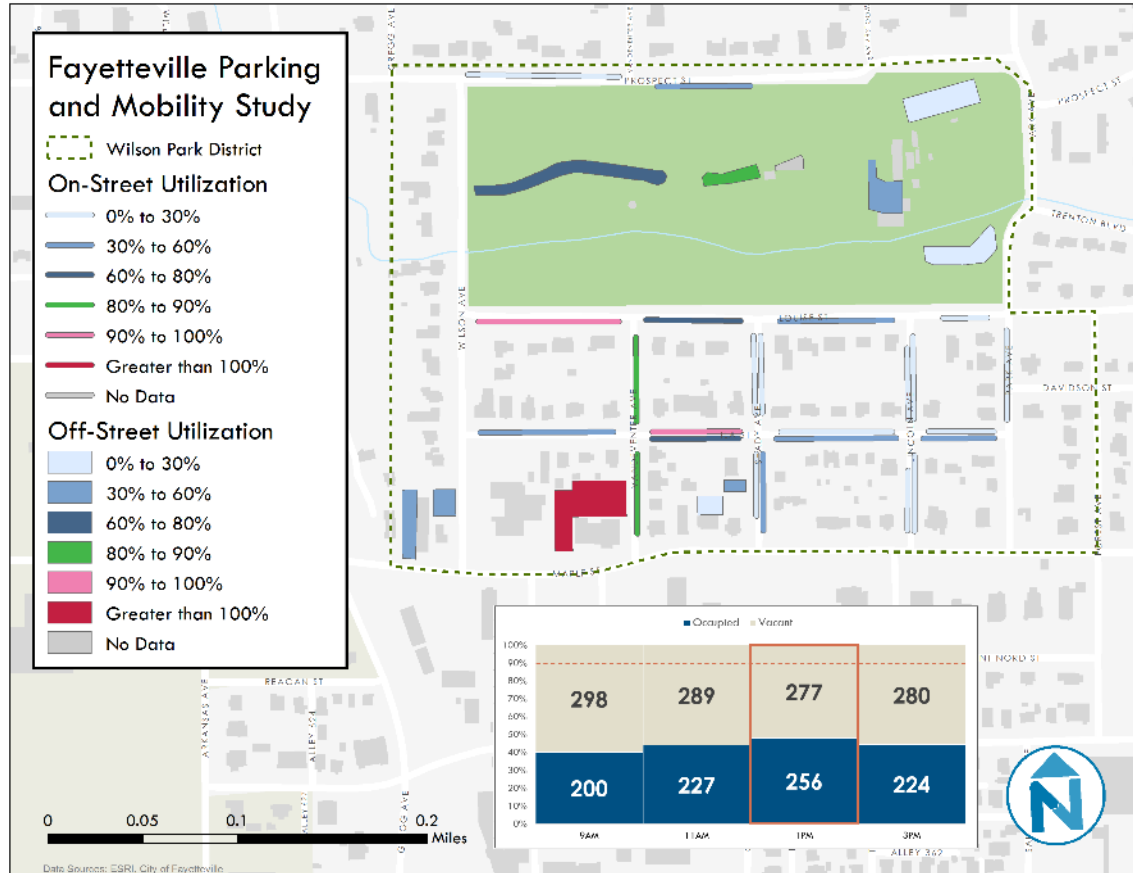
Figure 29 Weekday Utilization Compared to Restaurant Location – Thursday 9:00 – 11:00 p.m.



WILSON PARK: WEEKDAY UTILIZATION

Full data collection was limited in the Wilson Park focus area to 9 a.m.-5 p.m. on Thursday, April 28, 2016. The peak utilization period occurred in the early afternoon from 1-3 p.m. with 48% of the parking inventory occupied. Of the approximately 530 on- and off-street parking spaces in the area, more than 275 spaces were available - mostly to the east and north in the park itself. Of particular interest is the high utilization of parking just east of the residential permit spaces on the westernmost block of 11a Street.

Figure 30 Wilson Park Overall Utilization – Thursday, April 28, 2016, 1:00-3:00 p.m.



5 WEEKEND PARKING UTILIZATION

Spatial Analysis: Weekend

Weekend occupancy data was collected in the main study area on Saturday, April 30, 2016 in two-hour time intervals from 9 am with the last loop beginning at 11 p.m. and ending at 1 a.m. In addition, a limited count was performed on Sunday near churches in the northeast corner of the study area. As explained in detail above, the following spatial analysis displays the utilization data geo-coded on a series of maps. The maps show the use of each parking facility by color-code, as explained below.

- **“Cool” light blue/blue** refers to 0-30%, 30-60%, and 60-80% utilization, points at which on-street blocks and off-street facilities are viewed as underutilized.
- **“Ideal” green** refers to blocks and facilities with 81% to 90% utilization and represent actively-used resources.
- **“Warning” pink** refers to utilization above 91% and is considered at functional capacity.
- **“Critical” red** denotes parking beyond the marked capacity (more than 100%).

STUDY AREA PARKING UTILIZATION: WEEKEND

WEEKEND UTILIZATION: OVERALL KEY FINDINGS

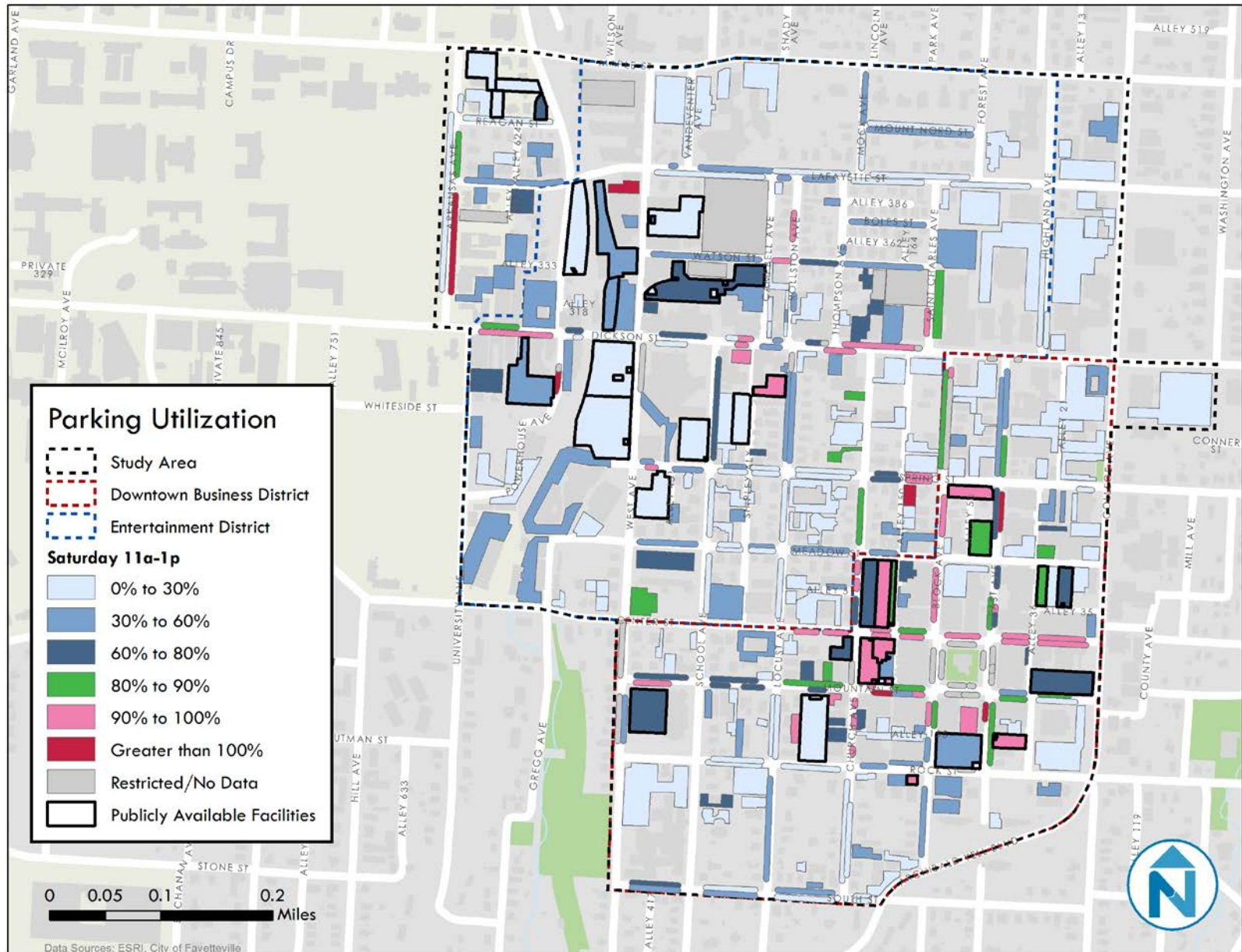
- Over the total study area, parking is never more than 40% occupied.
- Peak parking demand for the weekend is at night (9:00-11:00 p.m.) with a minor peak at midday. This trend is accentuated in the Entertainment District where the elevated use period lasts from 7:00 p.m. to 1:00 a.m.
- At the evening peak, parking is functionally full (over 90%) in the publicly available parking in the “core” of the Entertainment District, with some capacity in private parking.
- The peak demand in the Downtown Business District occurs between 11:00 a.m. and 1:00 p.m. (45%). Evening occupancy in this area is very low (less than 25%).
- Even at peak occupancy, there are almost 5,000 unused spaces throughout the study area.
- On-street parking use is very steady throughout the day but does not exceed 55% occupancy. Certain corridors such as Dickson Street and Center Street are heavily utilized, while others are nearly vacant.
- Off-street parking, including both publicly and privately owned assets, is never more than 40% full, regardless of the time of day.
- Publicly owned and available off-street parking in the Entertainment District approaches functionally full at the evening peak.
- The utilization in publicly-owned garages and lots increases in the late evening but does not exceed 50% occupied.
- On Sunday, demand in the northeast corner of the study area is extremely high on Highland Street and in the large surface lot behind Fayetteville First Baptist church. However, at this time over 400 spaces go unused within a short walk of this area.

WEEKEND DEMAND: SPATIAL PATTERNS

- **Mid-day - 11 a.m. to 1 p.m. (Figure 31):**
 - Overall, parking is 35% occupied.
 - The highest concentrations of parking activity are in the Downtown Business District focused on the areas surrounding the Downtown Square.
 - On-street parking on Center Street and some Dickson Street blocks is functionally full.
 - There are available spaces elsewhere in the system outside of these prime spaces.
- **Afternoon - 3 p.m. to 5 p.m. (Figure 32):**
 - Overall, parking is 30% full.
 - Parking activity is generally not concentrated during this time period.
- **Nighttime - 9 p.m. to 11 p.m. (Figure 33):**
 - Publicly available parking in the “core” of the Entertainment District is functionally full with at least 90% occupancy in the evening peak (9 p.m. to 11 p.m.).
 - Overall, parking is about 40% full at night, which is the peak time period on Saturday.
 - On-street parking around the Downtown Square and along Block Street is also approaching 90% of capacity which is functionally full.
 - Available spaces exist at this time in both City-owned and publicly-available parking outside of the Dickson Street core.

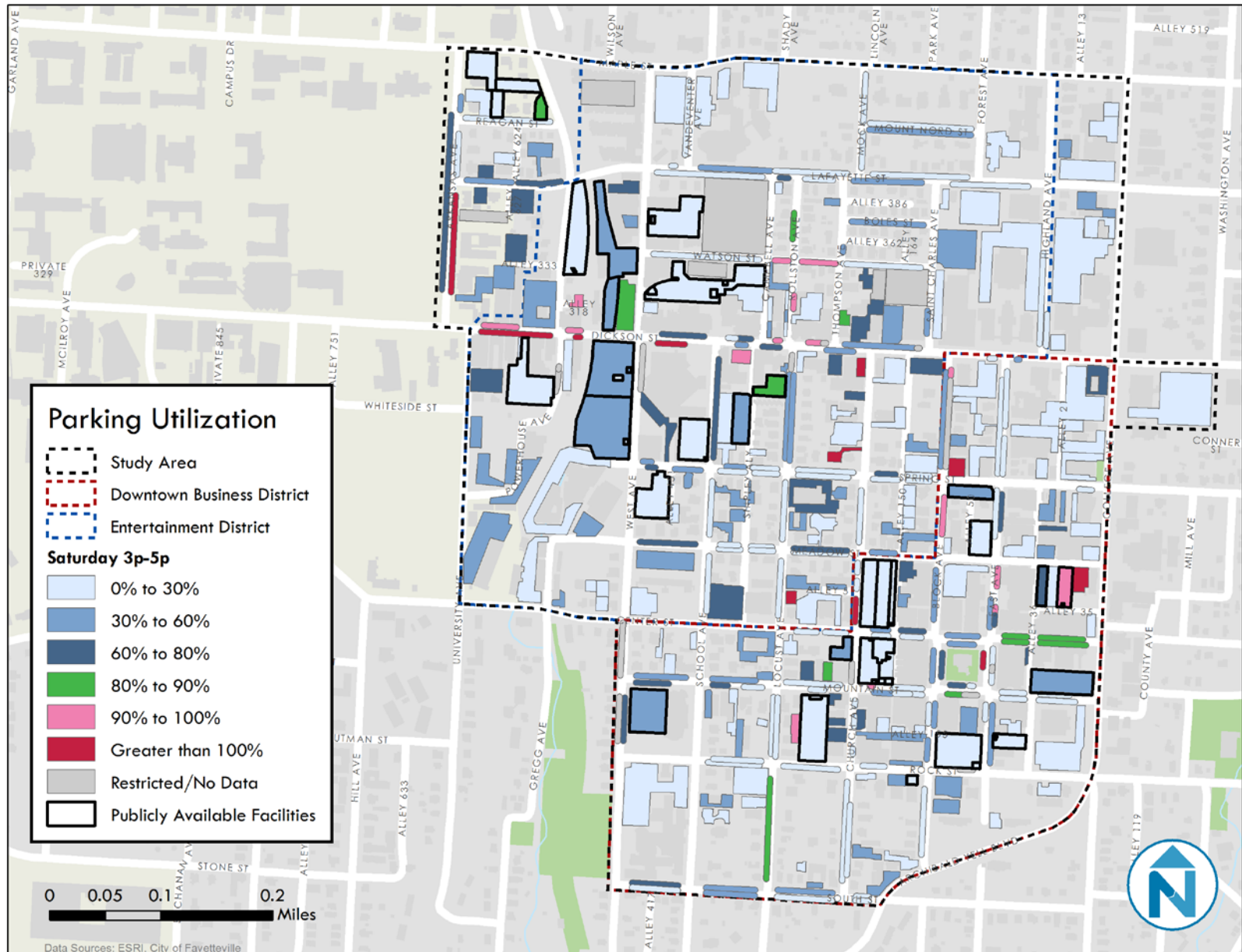
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Figure 31 Parking Utilization – Saturday 11:00 a.m.-1:00 p.m.



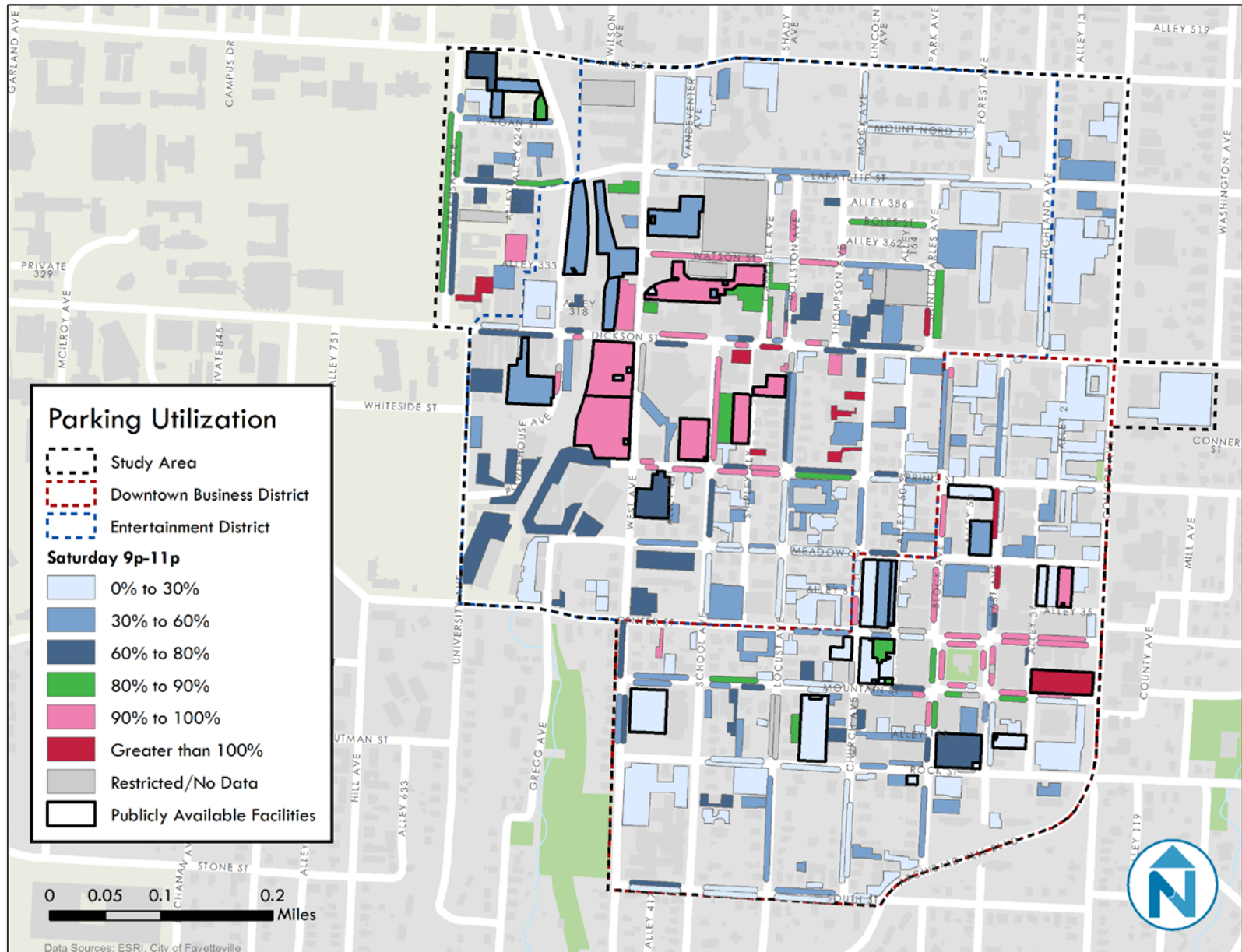
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Figure 32 Parking Utilization – Saturday 3:00-5:00 p.m.



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Figure 33 Parking Utilization – Saturday 9:00-11:00 p.m.



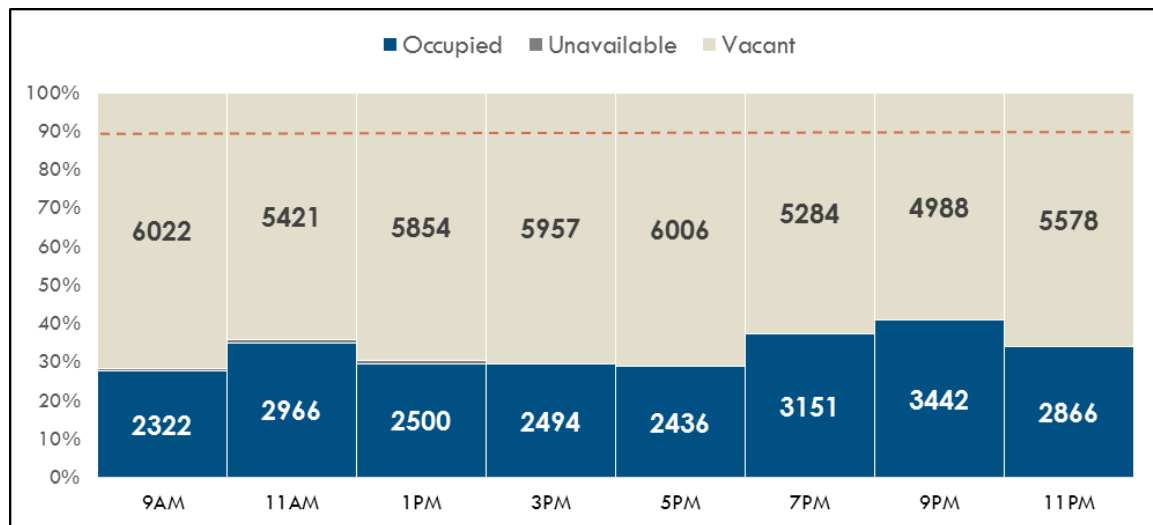
Utilization Patterns: Weekend

As noted earlier, normal fluctuations in the data collection process occasionally lead to missed counts on some facilities during collection. Therefore, the total number of observed spaces in utilization charts may vary by time period up to 10%. The dashed line in each chart represents 90% of the total inventory during that time period. At this point, parking is “functionally full” with only one in every ten spaces available, causing users to feel like no parking is available.

Overall Parking Utilization

Parking activity on the weekend peaks in the late evening when visitors travel to the Downtown Square and Dickson Street areas for Fayetteville’s nightlife. However, even during this peak, parking utilization only reaches about 40% (at 9:00 p.m.), leaving approximately 5,000 empty spaces in the study area. Parking activity is the lowest in the late afternoon, when parking is only around 30% full. It is important to note that these are aggregate numbers over the entire study area including both publicly-available and restricted parking; demand varies from block to block.

Figure 34 Overall Study Area Parking Utilization – Saturday, April 30, 2016



Two-Minute “Core” Utilization

On Saturday, peak utilization occurs at 9 p.m. The two-minute-walk “cores” of the Entertainment District and Downtown Business District are very busy at this time, particularly the Entertainment District (Figure 37), which is functionally full, at 90% occupied. Parking in the “core” of the Downtown Business District is almost 90% occupied at its peak during a weekend farmers’ market at 11 am, and approximately 70% occupied at 9 p.m.

For the Entertainment District, this means that visitors must hunt for parking outside of a two-minute walk from Dickson Street near the Walton Arts Center. Although spare capacity is not a long walk away, this can be challenging for people with mobility issues or those who may not know that parking is just around the corner. In particular, tourists or infrequent visitors to downtown who are visiting the WAC or other restaurants struggle to find parking. These drivers often type a destination into a navigation system which points them to the parked-up front door, not nearby parking. Fayetteville’s topography compounds this issue, as the slope of Dickson Street and especially the streets north of Dickson act as a barrier to walking.

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Figure 35 Core Entertainment District Publicly Available Utilization

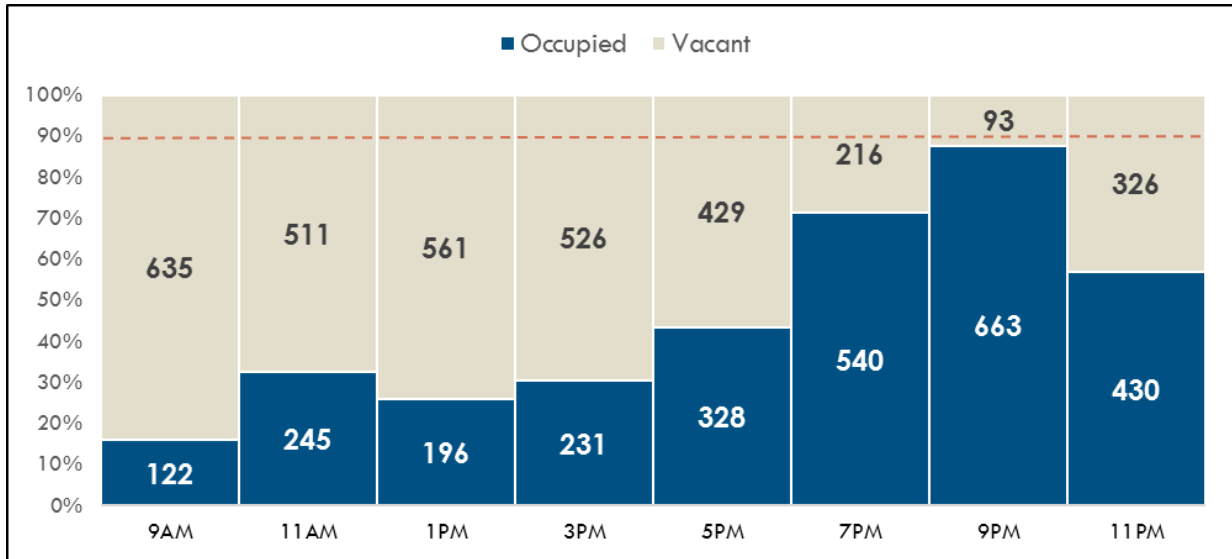
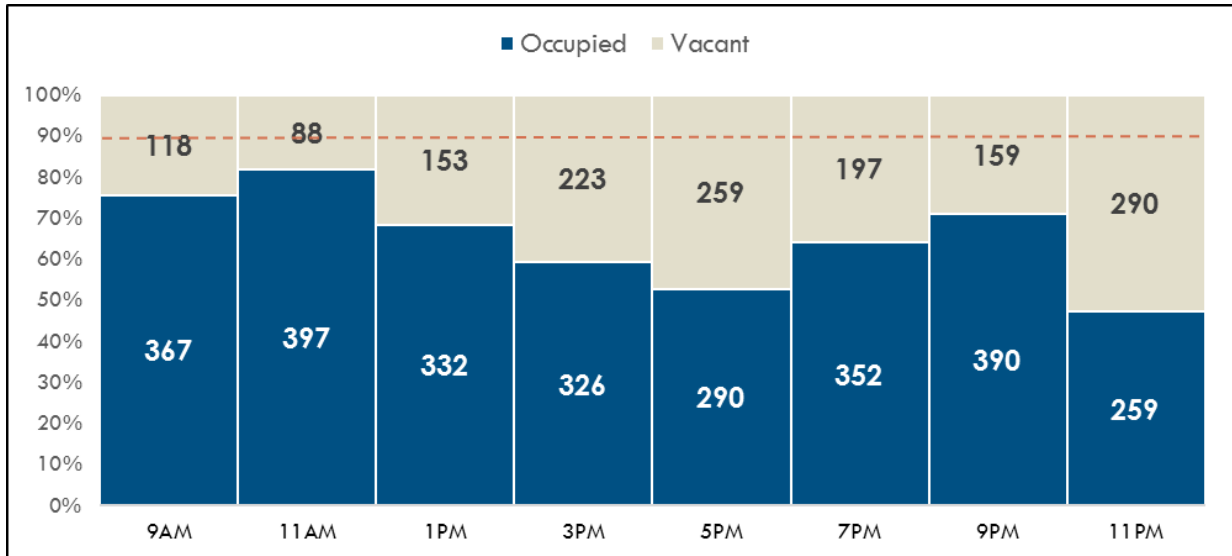


Figure 36 Core Downtown Business District Publicly Available Utilization



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Figure 37 Weekend Peak Publicly Available Parking Occupancies in the "Core" of the Entertainment and Business Districts: Saturday 9 p.m. – 11 p.m.



On-Street vs. Off Street Utilization

Like weekdays, on-street and off-street parking utilization exhibit different temporal behavior on Saturday, as shown in Figure 38 and Figure 39. On-street parking sees a high use rate during Farmers Market hours, then gradually diminishes before abruptly climbing again during dinner hours. The off-street supply sees a relatively flat utilization profile with a noticeable peak during the Saturday period of 9 p.m. to 11 p.m. It should be noted that off-street utilization does not exceed 40% while on-street utilization does not exceed 50% on Saturday, meaning there are never fewer than 5,000 empty parking spaces at any given time.

Figure 38 On-Street Parking Utilization - Saturday

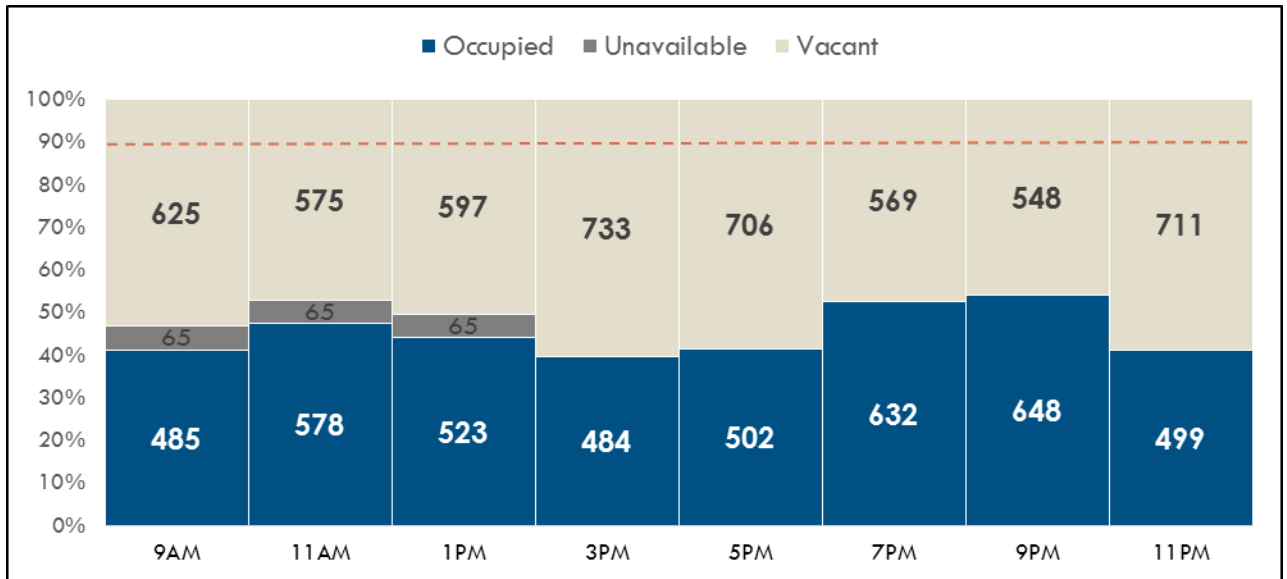
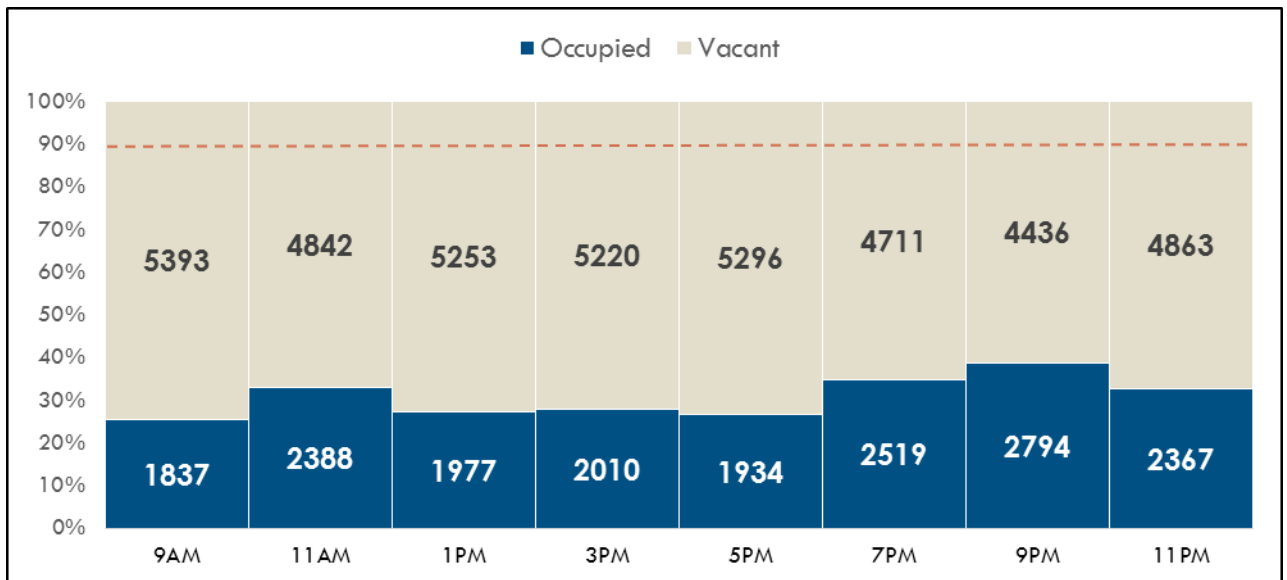


Figure 39 Off-Street Parking Utilization - Saturday



Publicly Owned vs. Privately Owned Off-Street Utilization

Figure 40 and Figure 41 show that employees, resident, and visitors to Downtown Fayetteville are using privately and publicly owned off-street facilities on Saturdays at roughly equal rates. Both ownership types see roughly 600 more vehicles parked during the evening peak than during the time of lowest demand. The easily discernible peaks in the public facilities are concentrated along Center Street between Locust and College Avenues in the morning and within the Entertainment District in the evening.

Figure 40 Publicly Owned Off-Street Parking Utilization - Saturday

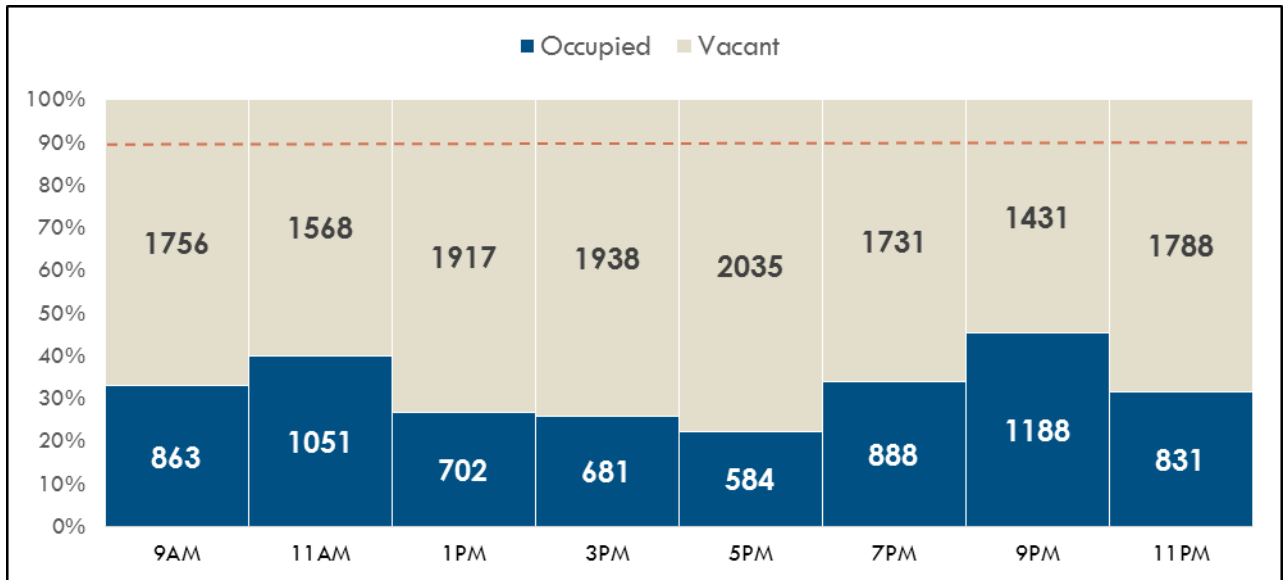
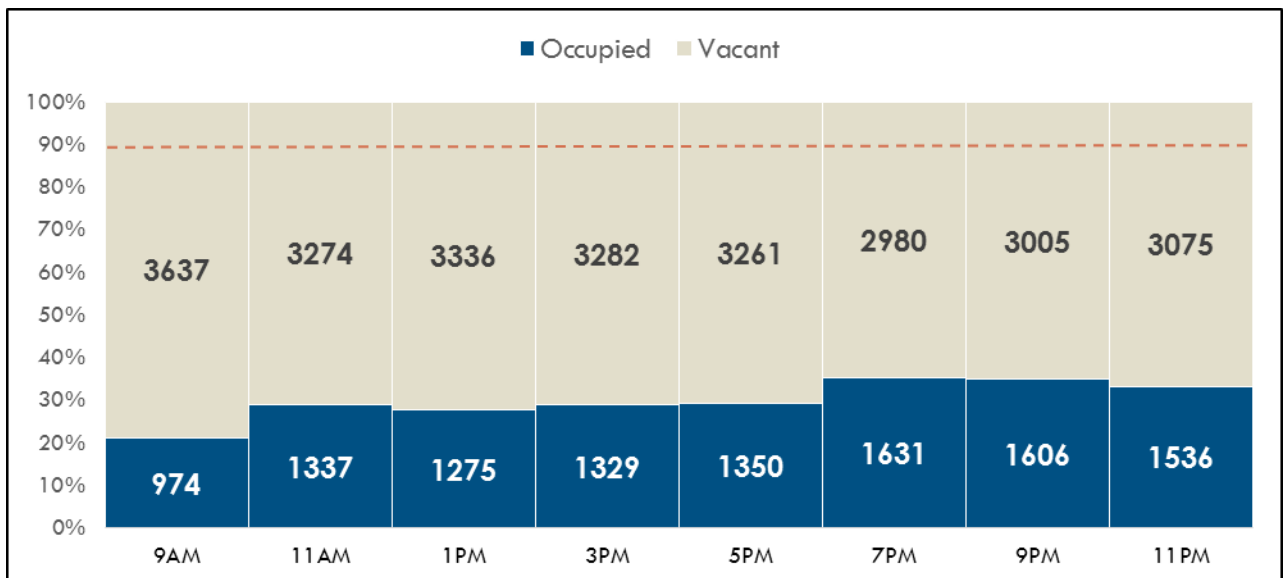


Figure 41 Privately Owned Off-Street Parking Utilization - Saturday



Publicly-Accessible vs. Restricted-Access Off-Street Utilization

As opposed to Thursday trends, restricted-access facilities see little variation in occupancy and lower utilization on Saturday than those that are publicly-accessible. During the evening peak, the garages and lots that are available for public use are utilized at a much higher rate (over 50% occupied) than the facilities where access is restricted (about 30% occupancy). Despite increased use during peak periods, over 1,000 publicly-accessible off-street parking spaces remain unused at all times.

Figure 42 Publicly Accessible Off-Street Parking Utilization - Saturday

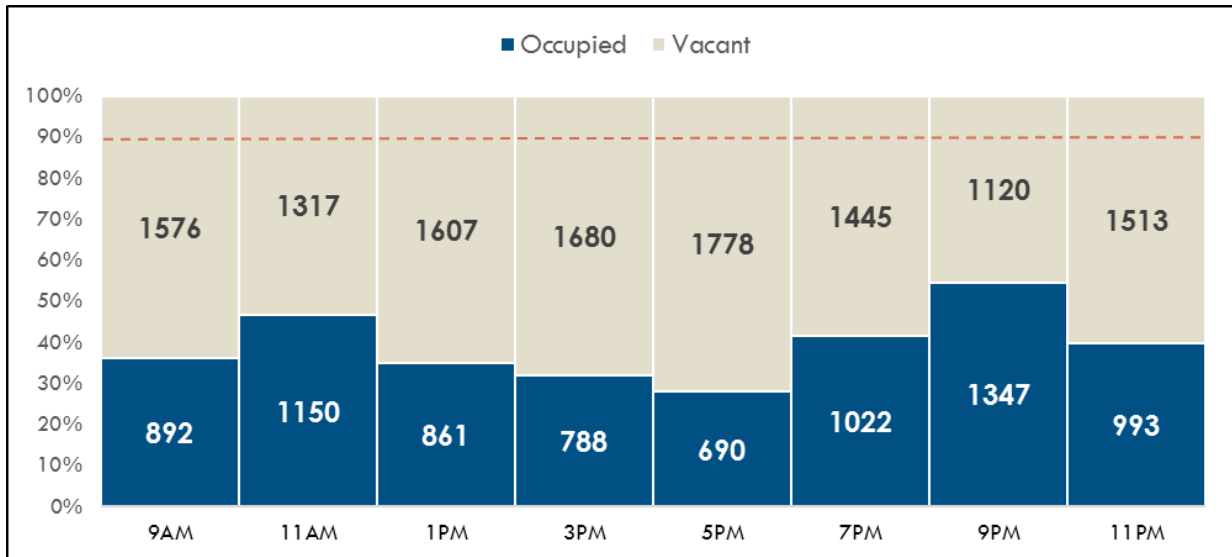
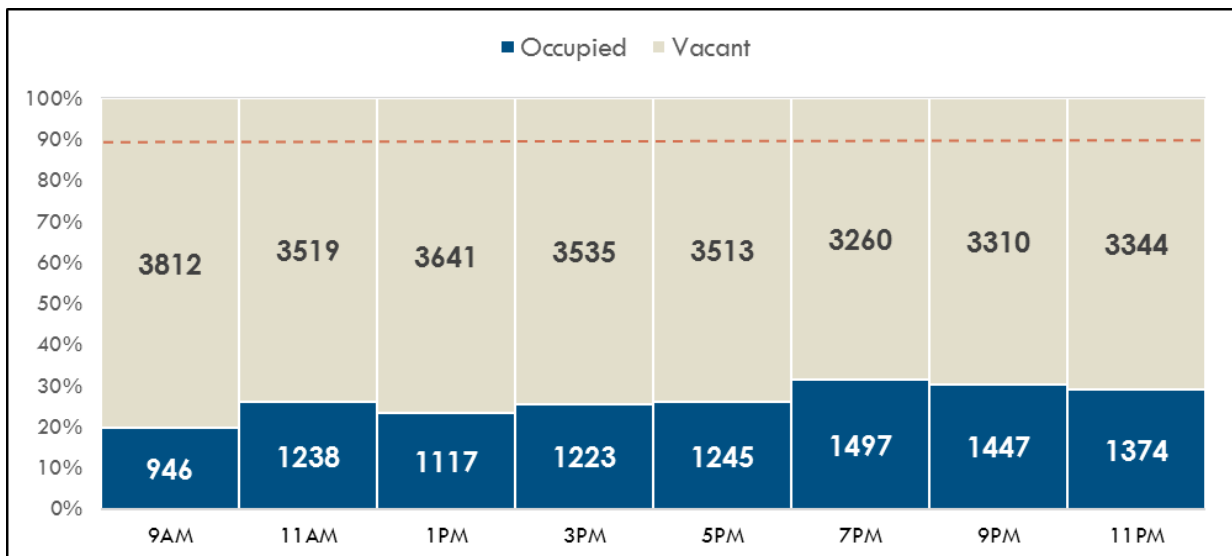


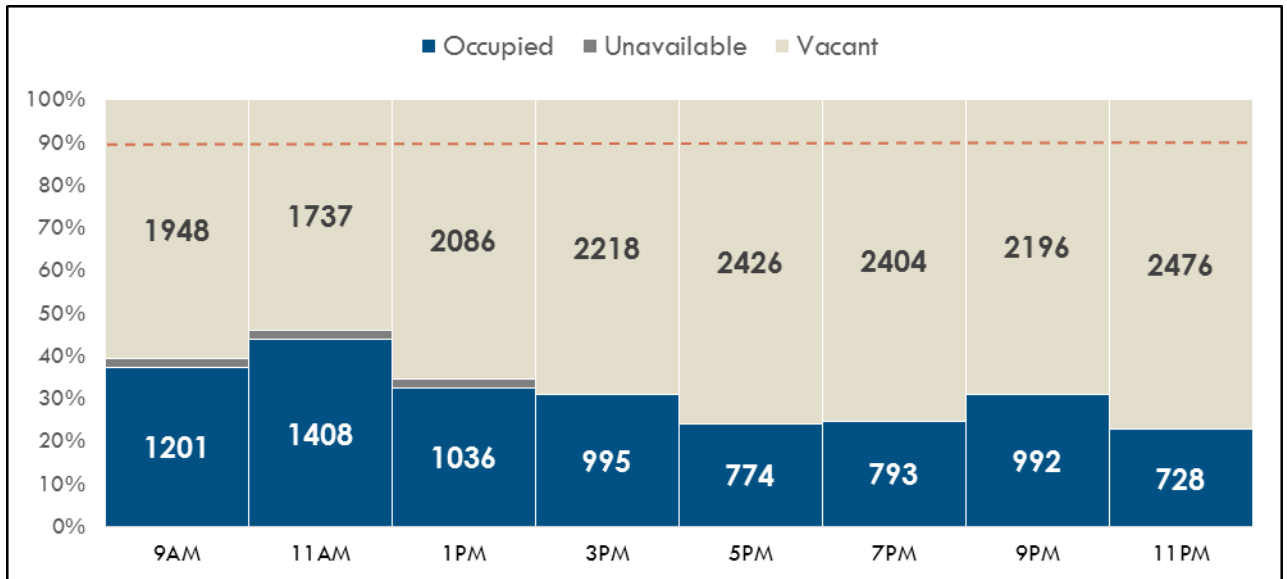
Figure 43 Restricted Access Off-Street Parking Utilization - Saturday



Downtown Business District vs. Entertainment District Utilization

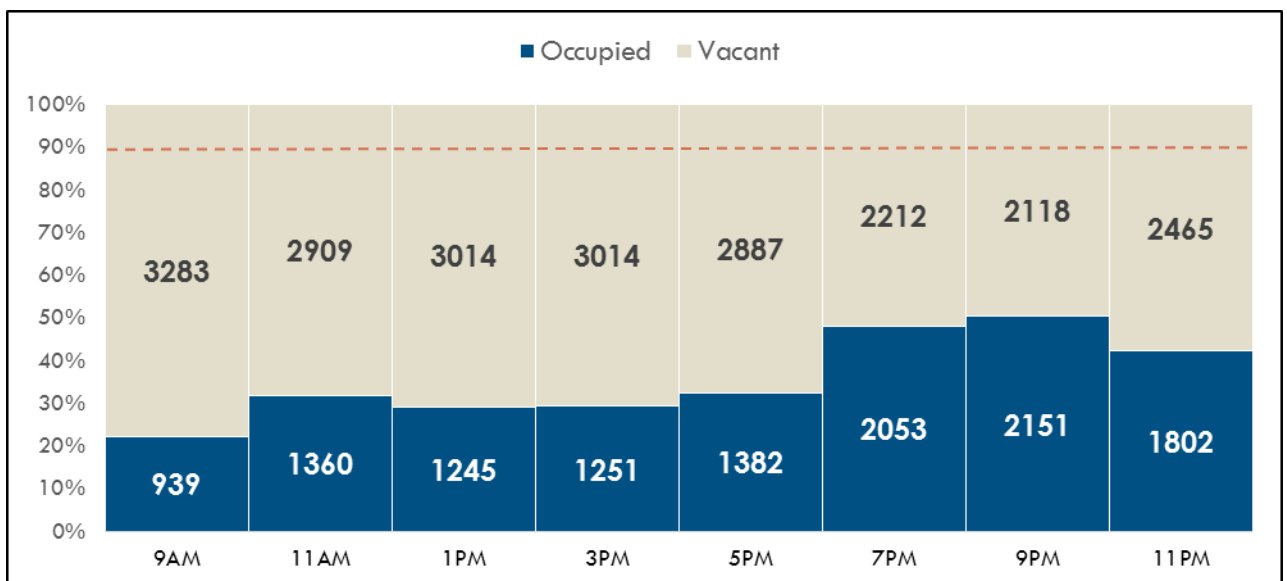
On Saturdays, parking utilization in the two districts has an inverse relationship. As was the case during the week, peak utilization in the Downtown Business District occurs around the noon hour due to the Farmers Market held on the Downtown Square. There is a small uptick in activity at 9 p.m., likely due to Entertainment District spillover and some demand from Block Street bars and restaurants.

Figure 44 Downtown Business District Parking Utilization - Saturday



In the Entertainment District, occupancy grows throughout the day, peaking in the late evening. Some Farmers Market spillover is noted at midday, but before 7 p.m., there are consistently almost 3,000 unoccupied spaces.

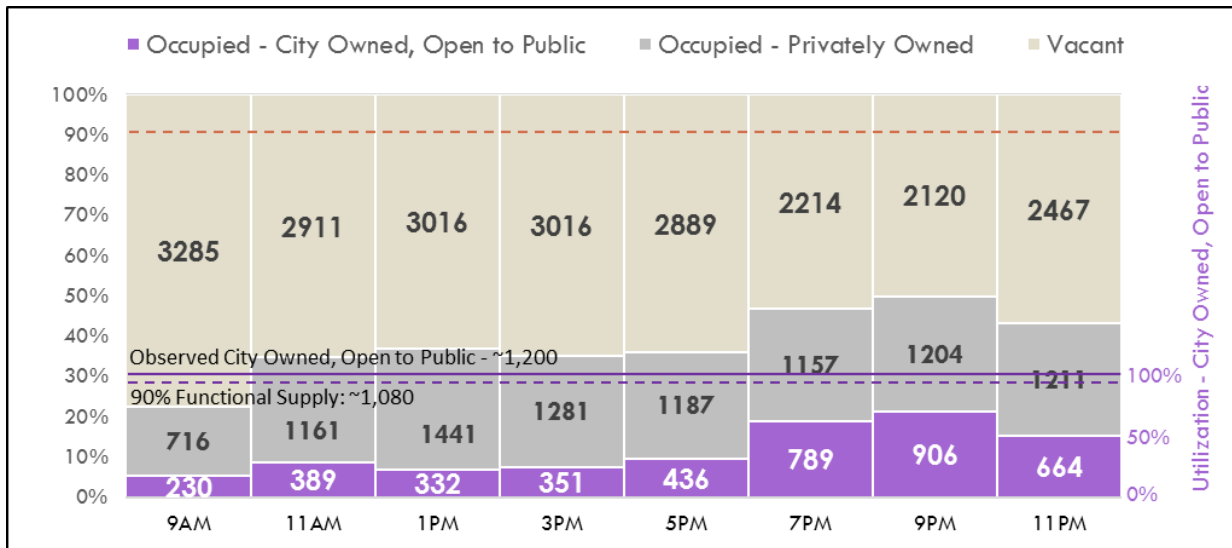
Figure 45 Entertainment District Parking Utilization – Saturday



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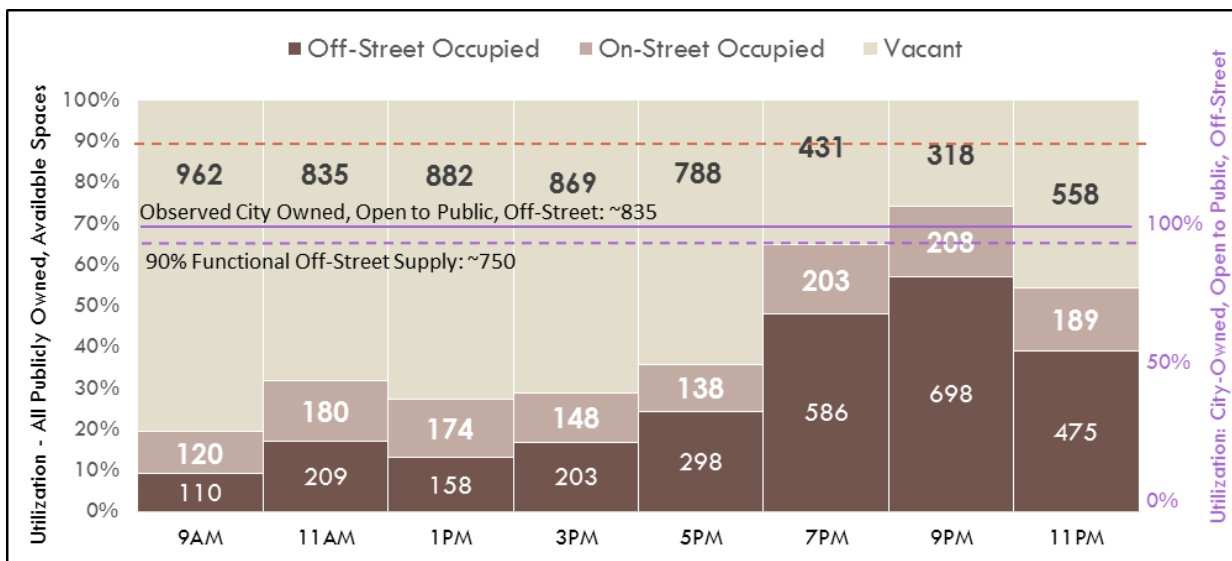
Figure 46 provides a comparison of the utilization of publicly owned, open to the public spaces with utilization of privately owned and/or restricted spaces. In the evening, publicly owned parking is quite busy, with approximately 75% of spaces utilized, which is close to functionally full.

Figure 46 Publicly Owned and Open to the Public v. Privately Owned and Restricted Parking Utilization - Entertainment District – Saturday



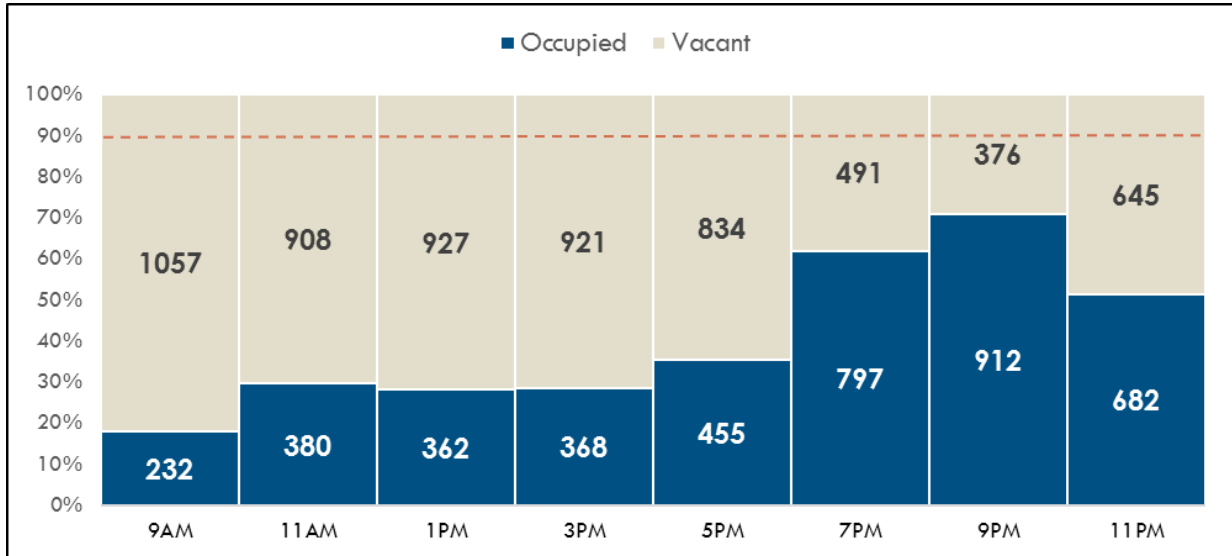
Looking more specifically at these publicly owned spaces reveals that at peak on a weekend, the observed publicly owned off-street facilities approach functionally full, while capacity remains on-street (Figure 47). On-street parking spaces can be less intuitive to the user hunting for long-term parking and thus be overlooked. This parking demand profile can lead to scenarios where users hunting for parking can't find a space and become frustrated. If the on-street capacity is not easy and intuitive to find, frustrated users may simply leave.

Figure 47 City-Owned, Open to Public Spaces in the Entertainment District - Saturday



Some privately owned lots are open to the public in the Entertainment District, particularly on weekends. Figure 48 shows that these lots provide some relief to the system, with 375 spaces unoccupied at peak.

Figure 48 Publicly Accessible Off-Street Spaces in the Entertainment District, Saturday



On-Street Meters

Utilization of metered spaces is higher, reaching capacity, in the morning in the Downtown Business District. This reflects activity from the Farmers' Market. Throughout the rest of the day, there are over 70 unused metered spaces at any given time in the Downtown Business District. There is a slight increase in use of these spaces after 7:00 p.m.

In contrast, use of metered spaces in the Entertainment District is highest in the evening. Utilization peaks at 7:00 p.m. when 70 spaces go unused. Interestingly, utilization of these spaces is consistent before and after the 1:00 p.m. data collection time when these spaces become priced. When the price goes up at 5:00 p.m., these spaces remain well-utilized despite the price increase, as many are front-door, prime spaces. In fact, the peak demand for this type of space occurs at 7:00 p.m. Nonetheless, even at peak time, approximately 30% of spaces are unused, and the majority of these are west of West Avenue or north of Dickson Street – one or two blocks away from the center of activity.

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Figure 49 Downtown Business District On-Street Metered Parking - Saturday

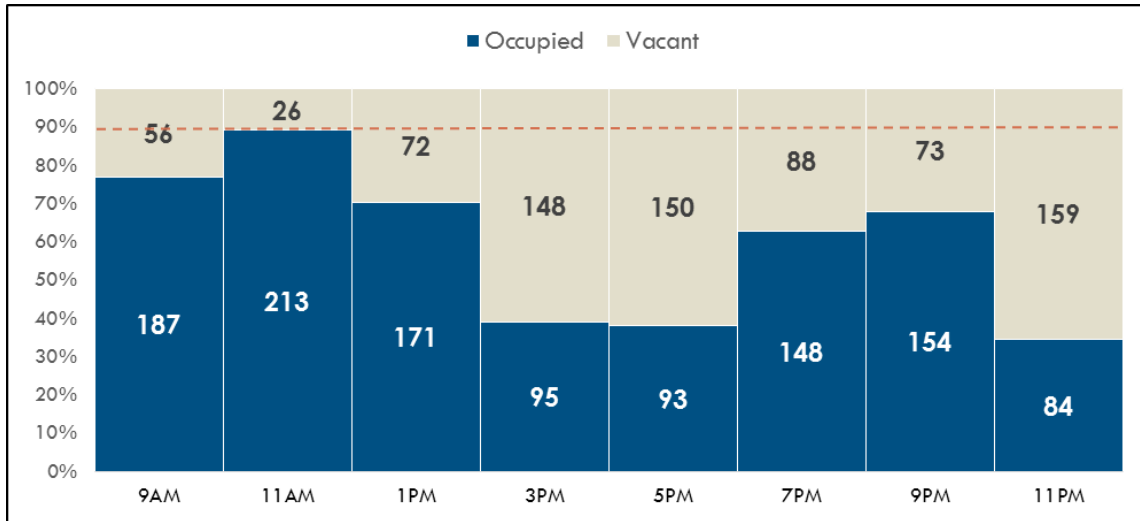
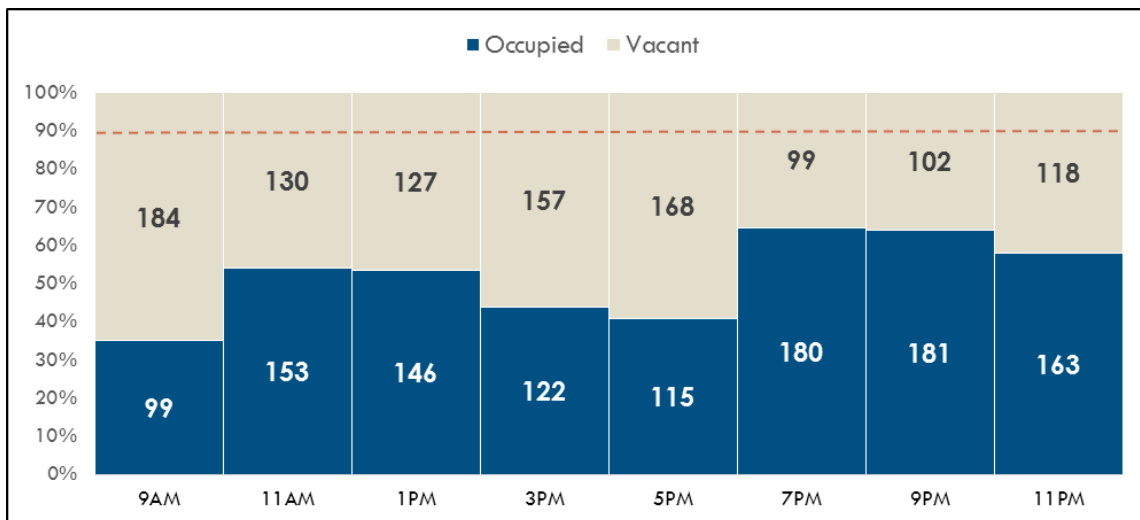


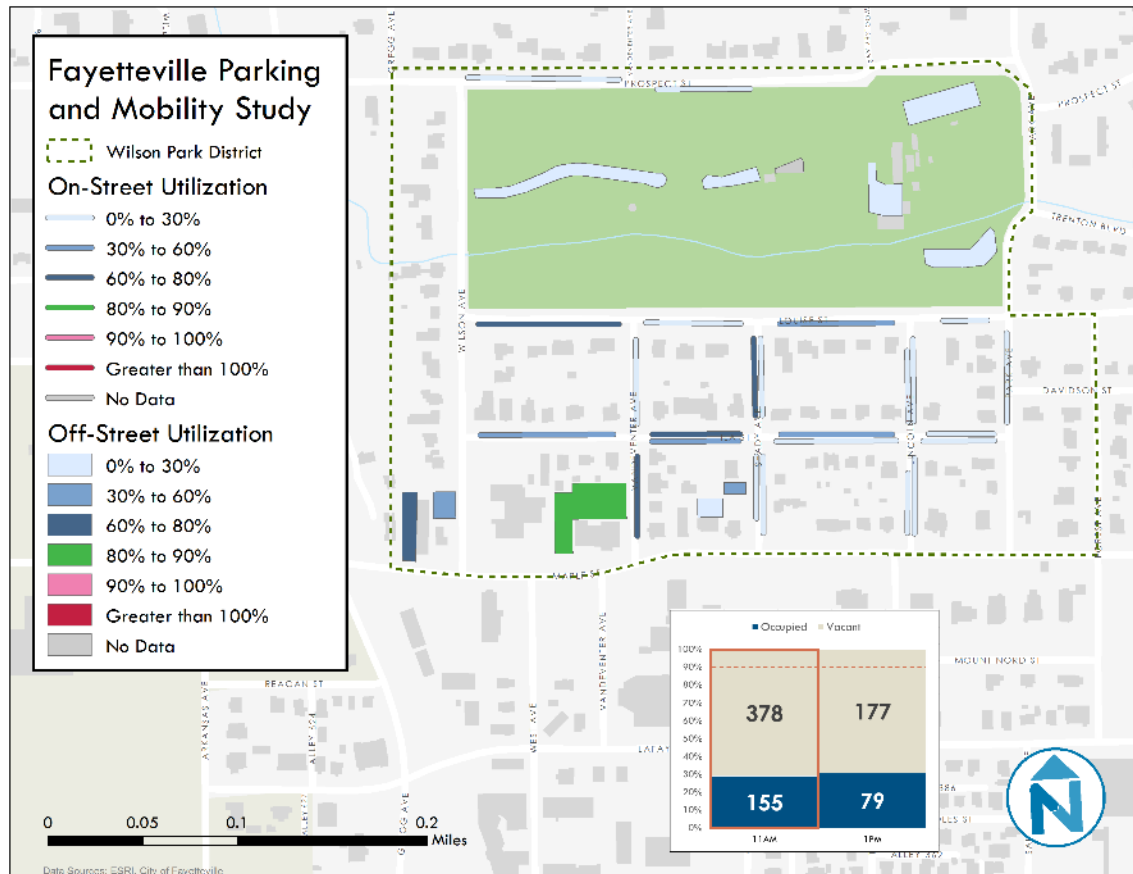
Figure 50 Entertainment District On-Street Metered Parking - Saturday



WILSON PARK: WEEKEND UTILIZATION

Full data collection occurred in the Wilson Park focus area from 11:00 a.m.-1:00 p.m. on Saturday, April 30, 2016 with roughly half of the parking assets surveyed again from 1:00-3:00 p.m. The utilization of this focus area's parking inventory was about 30% all day. The only well-used facility during the Saturday data collection period is the off-street lot associated with the University of Arkansas' Kappa Delta house.

Figure 51 Wilson Park Overall Utilization – Saturday, April 30, 2016, 11:00 a.m.-1:00 p.m.

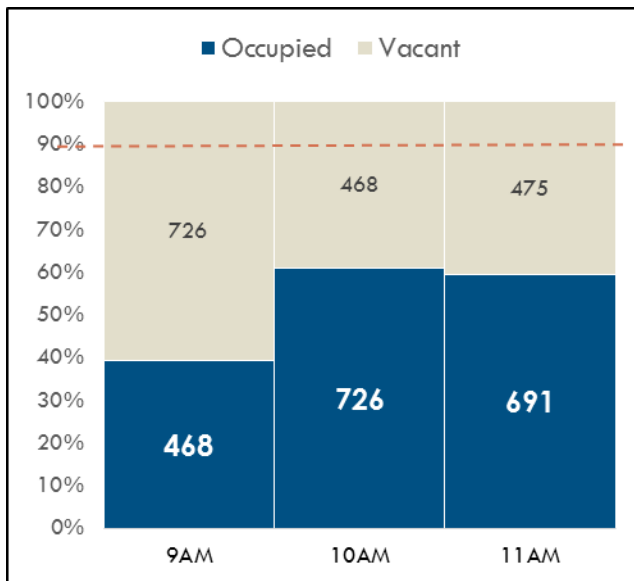


SUNDAY DATA COLLECTION

To supplement the Saturday counts, the City conducted some Sunday spot checks in the northeast corner of the study area. In particular, these counts sought to capture demand during peak church hours.

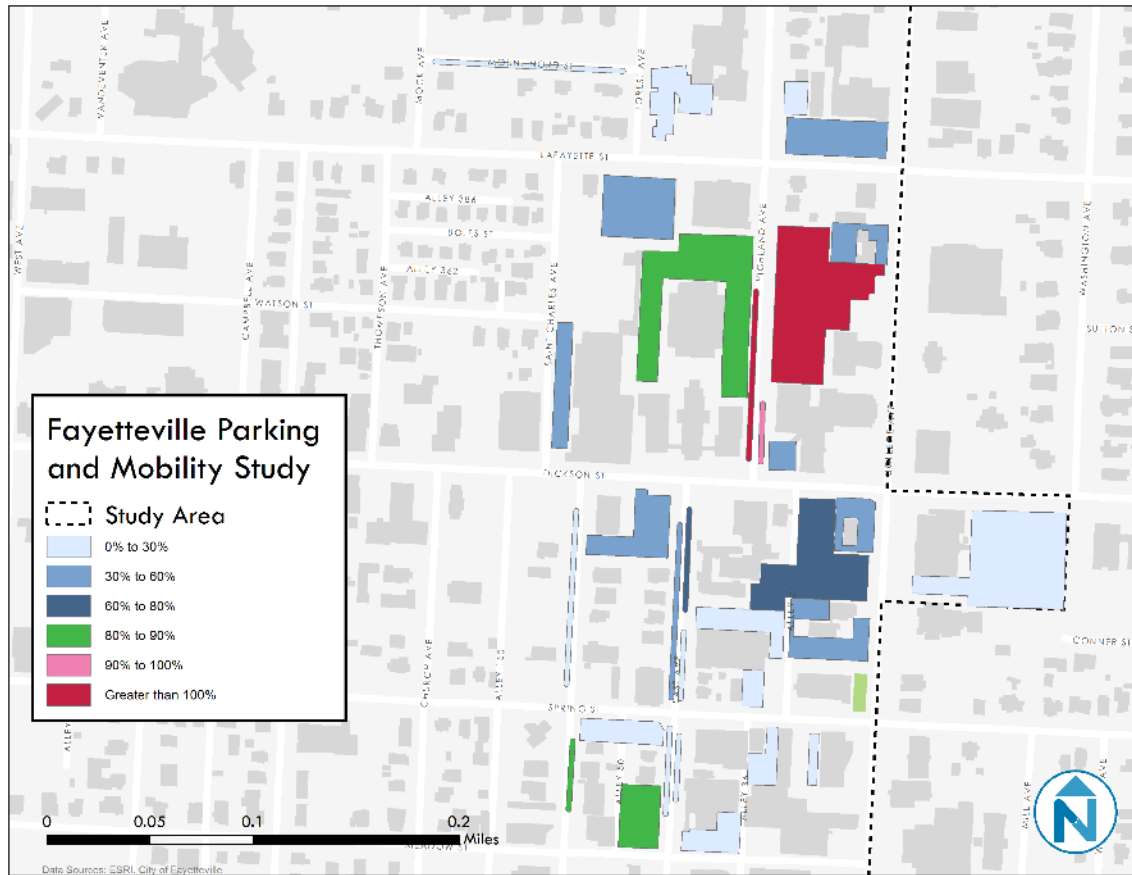
These counts revealed that at peak time, there are over 450 spaces available. However, the lot behind Fayetteville Baptist Church is over capacity, as are streets right outside on Highland Avenue. In contrast, surrounding lots have significant amounts of unoccupied spaces that may not be accessible to the public.

Figure 52 Sunday Parking Utilization - Focus Area



EXISTING CONDITIONS MEMORANDUM | PARKING & MOBILITY STUDY
City of Fayetteville, AR

Figure 53 Sunday Parking Utilization – 10:00 a.m.





PARKING MANAGEMENT

Fayetteville Parking and Mobility Study

August 2017

PARKING MANAGEMENT MEMORANDUM | PARKING & MOBILITY STUDY
City of Fayetteville, AR

WHAT IS PARKING MANAGEMENT?

At the heart of a safe and welcoming central business district should be a well-managed parking system where parking spaces are easy to find, priced according to need, and complimented by programs and features that foster easy walking, shopping, dining and working. The tools of an effective parking management program start with well-placed and convenient parking spaces, legible and intuitive regulations, carefully-calibrated pricing that reflects the value users place on convenience, streamlined payment technologies, and an efficient and friendly system of enforcement. When these tools are well-managed, the experience of parking becomes positive as customers perceive that it is available, comfortable and convenient.

This memorandum documents how current parking management practices affect the experience of parking in central Fayetteville. At the busiest time of the day (11:00 a.m. on Thursday), about half of the total parking spaces are occupied, and there are unused spaces in both the Downtown District and the Entertainment District. We will seek to answer whether the other half of parking spaces are truly available: as in, how are they regulated and enforced? What information exists to find those spaces? Can the general public use them, and if so, when?

Parking is also about what people do after they park, particularly as every person who parks a car becomes a pedestrian on the way to their destination. Critical to this is the degree to which parking supply is integrated with Fayetteville’s overall transportation network and variety of destinations. With free rides for the public on Razorback Transit and several high-quality bicycle trails, Fayetteville offers more than just driving and parking. How are these multimodal options integrated into Fayetteville’s street, sidewalk, and parking system? How well do the multimodal options connect to major destinations? And how does this affect parking demand? Parking management is explored in this memorandum under the following headers:

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What Is Parking Management?	2
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Signage and Information	29
Multimodal Connections.....	35
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PRICE AND TIME LIMITS

KEY FINDINGS

- Entertainment District prices are designed to create availability in the Entertainment District in the afternoon and evening by charging a higher price at metered spaces in the later hours of the day. Pricing spaces is typically meant to encourage drivers to buy only the amount of time they need at a given space, thus encouraging availability at prime front-door spaces.
- The daytime span of the Downtown Business District pricing reflects heavier demand during working hours and lower evening and weekend demand.
- Fayetteville's Downtown District includes a greater mix of rates and time-limits – including free parking on weekends – than the Entertainment District, likely in response to a greater mix of users.
- There are five privately-owned facilities where the public may pay to park in the Entertainment District.
- Several off-street facilities, such as churches, provide informal free parking during the week. This parking is not clearly marked, so is only available to those who know about it.
- The all-day off-street parking rates in the Downtown Business District are 50% or less compared to the Entertainment District.
- At any given time, there are many spaces in the entire study area that are open for permit holders at a great discount over regular hourly prices. Most of these facilities are only 60% occupied at peak, although some in the core areas of demand can reach maximum capacity at peak times.
- For those who hold City-issued permits or coupons, the maximum parking price in both the Downtown Business District and Entertainment District is \$0.30 per hour (Annual Parking Permit, Municipal Parking Monthly Permit). An Entertainment District employee working from 5:00 pm to 1:00 am would pay approximately \$0.50 per day (90% of the \$5 all day option).
- By Ordinance, the City of Fayetteville has the ability to implement special event parking rates when the Walton Arts Center is host to shows of a certain size. Event parking requires customers to carry cash to pay the \$5.00 fee, and it is not always obvious to consumers when event parking might be in effect before they arrive in the Entertainment District.
- Event parking is more common at the West Lot than the Spring Street Deck. On average, weekly West Lot event parking income is \$15.00 per space, while the Deck is closer to \$7.00. The customer entry fee during event parking periods is \$5 per vehicle.

Parking Districts

The City of Fayetteville manages parking pricing and time-limits via two distinct areas: the Entertainment District parking zone and the Downtown Business District parking zone (Figure 1). The City established these zones to manage pricing and time regulations based on the respective nature of activity in each of these zones.

Entertainment District

The Entertainment District, also known on wayfinding signage as the Dickson Street District, is located north of downtown and just east of the University of Arkansas. Destinations within the district include the Walton Arts Center and the majority of the shops, restaurant, bars, and entertainment venues lining Dickson Street.

Parking facilities in the Entertainment District parking zone, also known as the Dickson Street Area, includes on-street spaces of varying regulations and permit structures, public and privately-owned publicly-accessible off-street facilities, and off-street lots that are restricted from public use.

Downtown Business District

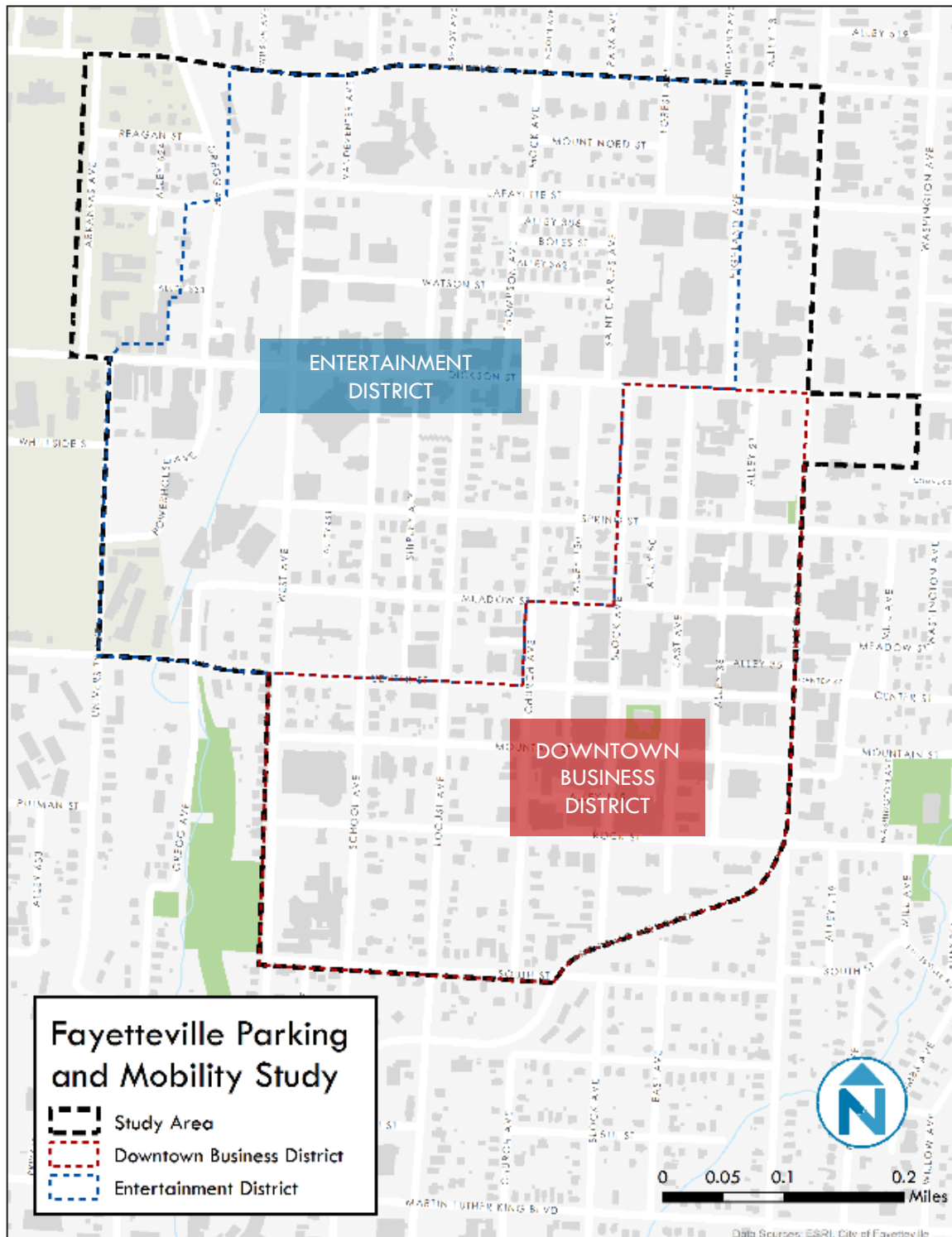
The Downtown Business District, also known as the Square Area, is immediately southeast of the Entertainment District and comprises the commercial and employment area surrounding the greater Downtown Square. Destinations within this district include:

- Fayetteville Farmer's Market (on Tuesdays, Thursdays, and Saturdays)
- The Historic Square and Gardens
- Shops and restaurants lining Block Avenue, Center Street, and Mountain Street
- Lights of the Ozarks
- Fayetteville Visitors Center
- Fayetteville Town Center
- Fayetteville Public Library
- Federal Building
- Washington County Courthouse
- City Hall

Parking within the Downtown District comprises various types of facilities including on-street parking, City-owned parking decks and lots, privately-owned publically-accessible off-street facilities, and private and publicly-owned facilities that are restricted from general public access.

PARKING MANAGEMENT MEMORANDUM | PARKING & MOBILITY STUDY
City of Fayetteville, AR

Figure 1 Entertainment District and Downtown Business District



On-Street Regulations

This section reviews on-street parking regulations only. Additional information on off-street parking facilities is in the following section. Regulations listed below and off-street regulations listed on subsequent pages are those that were in-effect at the time of manual data collection in Fayetteville (April 28-30, 2016).

While a majority of the on-street parking in the study area is available for use by any member of the public (80%), there are on-street spaces which require permits, as well as University-only spaces and spaces reserved for municipal use. As there is no charge associated with residential permit parking, only 42% of on-street parking is priced. An even smaller percentage of on-street parking is time-limited (30%).

Figure 2 On-Street Parking Rates and Regulations

On-Street Weekday Regulation/Rate, Time Limit, and Time Span(s)	Total	%
Unrestricted	408	32%
\$0.25/Hour, 2 Hour Limit until 6PM	282	22%
Residential Permit Only	191	15%
\$0.50/Hour (2-5PM), \$1/Hour (5PM-2AM), \$5/Day Option	146	11%
Residential Permit or Metered (\$0.50/Hour (2-5PM), \$1/Hour (5PM-2AM))	86	7%
Free, 2 Hour Limit (in 4 Hour Period)	77	6%
Loading Zone	35	3%
Police Parking Only	14	1%
\$0.15/Hour, long-term parking	15	1%
Motorcycle	9	<1%
Free, 10 Minute Limit from 8AM to 6PM	8	<1%
University Parking Only	3	<1%
Total	1,274	

Entertainment District

Parkers are required to pay for parking at metered spaces in the Entertainment District between the hours of 2:00 p.m. and 2:00 a.m. every day. The time spans and price of priced on-street parking within this District are as follows:

Weekday Price and Time Spans – On-Street

- \$0.50 per hour from 2:00 p.m. to 5:00 p.m., no time-limits
- \$1.00 per hour from 5:00 p.m. to 2:00 a.m., no time-limits
- Free and no time-limit from 2:00 a.m. to 2:00 p.m.

Weekend Price and Time Spans- On-Street

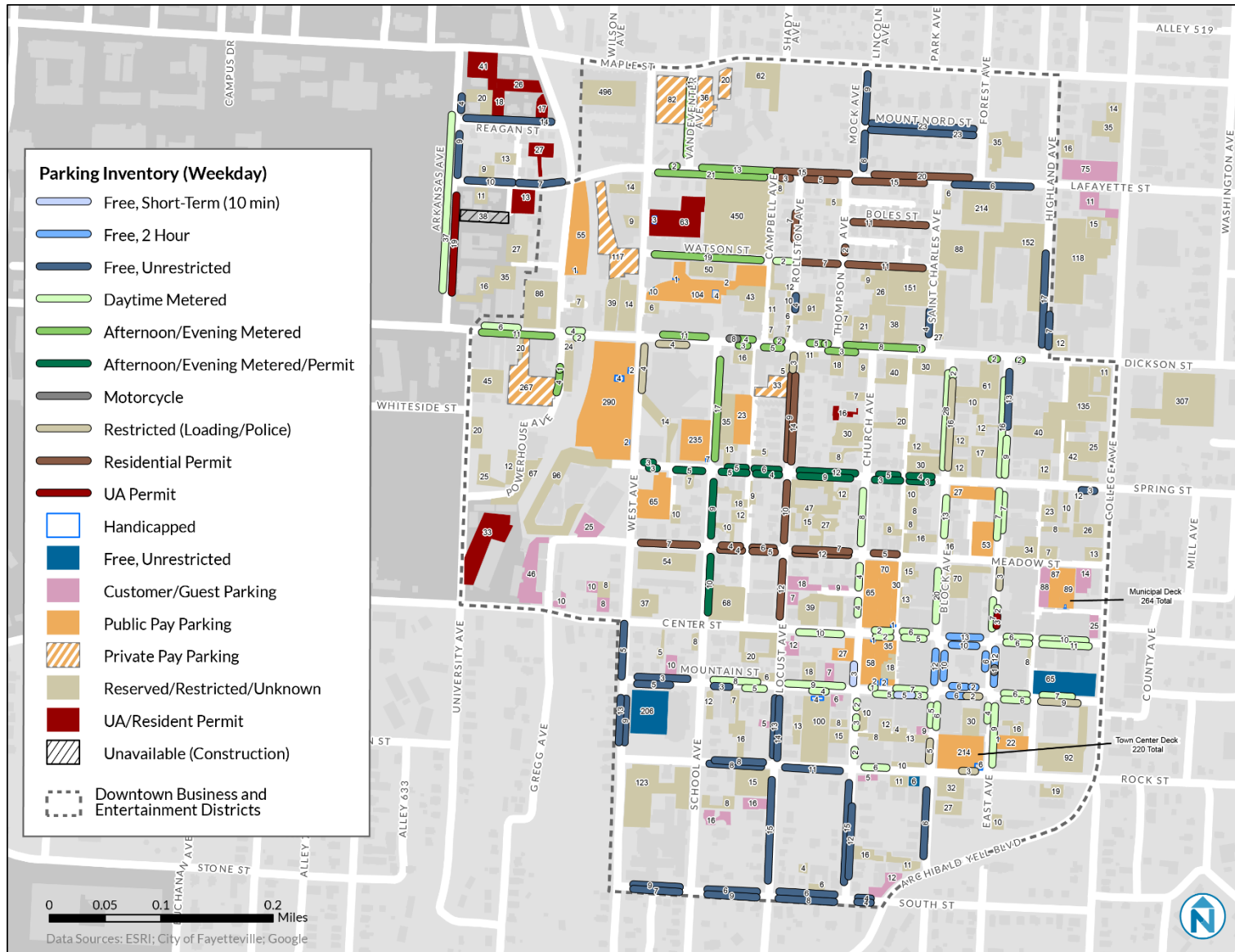
PARKING MANAGEMENT MEMORANDUM | PARKING & MOBILITY STUDY
City of Fayetteville, AR

- \$0.50 per hour from 2:00 p.m. to 6:00 p.m., no time-limits
- \$1.00 per hour from 6:00 p.m. to 2:00 a.m. , no time-limits
- Free and no time-limit from 2:00 a.m. to 2:00 p.m.

The current pricing structure is designed to create availability in the Entertainment District in the afternoon and evening by charging a higher price at metered spaces in the later hours of the day. Rates are generally similar on weekdays and weekends, with the exception of the hour at which the price increases during the day; it is priced at the higher rate an hour earlier on weekdays (5 p.m.) than on weekends (6 p.m.).

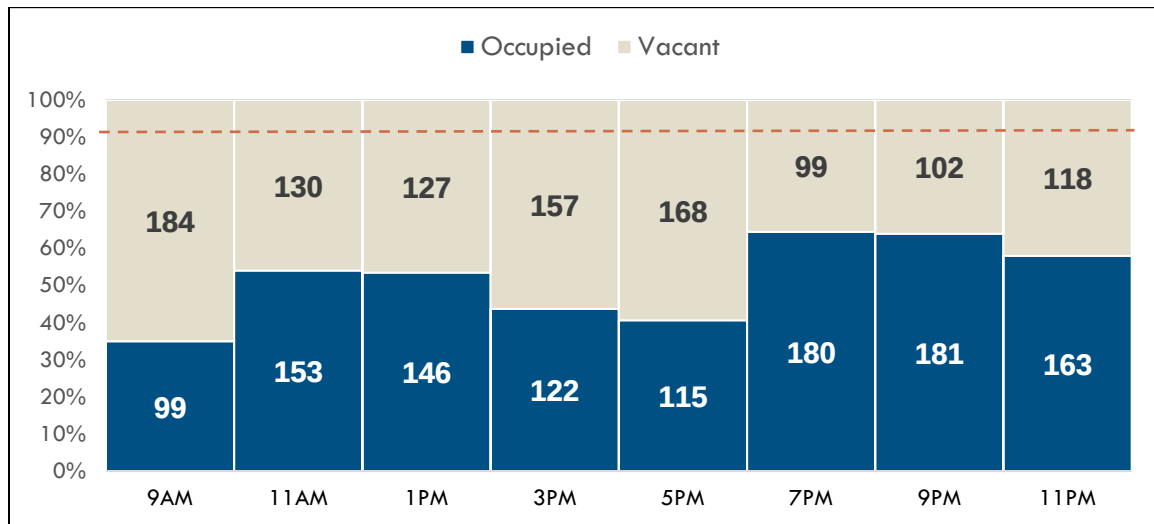
PARKING MANAGEMENT MEMORANDUM | PARKING & MOBILITY STUDY City of Fayetteville, AR

Figure 3 Parking Inventory and Regulations



Within this district, parkers have a location choice; they can park for free outside the metered area (on-street spaces on Highland and Mock Avenues, Lafayette and Mt. Nord Streets) and farther from the core of activity, or they can pay the higher price per hour to park closer to their destination. Similarly, the time-of-day price change reflects increased evening activity; as the bars and restaurants along Dickson Street become more active, the parking associated with these destinations is in higher demand. This trend is pronounced on Saturdays as seen in Figure 4.

Figure 4 Saturday Metered On-Street Parking (Entertainment District)



NOTE: the total number of observed spaces may vary by time period up to 10% due to data collection error.

Downtown Business District

Fayetteville's Downtown includes a greater mix of rates and time-limits than the Entertainment District. On-street parking in this District is regulated as follows (see Figure 3):

Weekday Price and Time Spans

- Free 2-hour time-limited parking (predominantly surrounding the Downtown Square)
- \$0.25 per hour for up to 2 hours 8:00 a.m. – 6:00 p.m.
- \$0.15 cents per hour for parking in metered, long-term spaces off-street, on Church Avenue, and on Center Street
- From 6:00 p.m. to 8:00 a.m., all metered spaces are free and without time-limits
- Some loading zones that are striped on the street but allow unregulated parking from 5:00 p.m. – 7:00 a.m. (Figure 5)

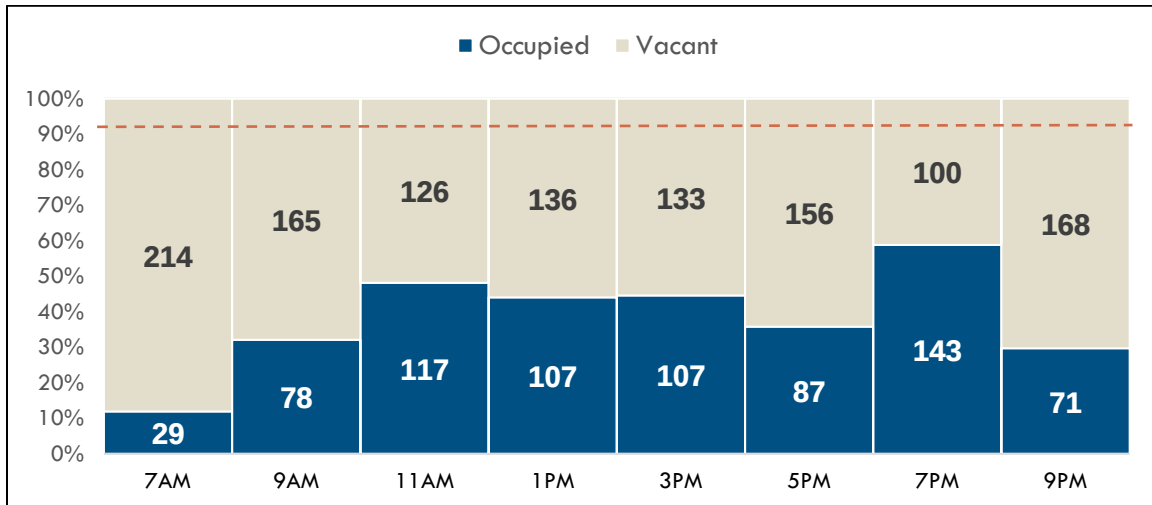
Figure 5 Striped Loading Zones on Block Street¹



Weekend Price and Time Spans

- Free and without time-limits at all spaces at all times
- Some loading zones that are striped on the street but allow unregulated parking from 5:00 p.m. – 7:00 a.m.

Figure 6 Weekday Metered On-Street Parking (Downtown District)



NOTE: the total number of observed spaces may vary by time period up to 10% due to data collection error.

¹ Image Source: Google Streetview

The Downtown Business District pricing reflects its heavier daytime demand, during working hours, and its lower evening and weekend demand. A variety of time limits aim to give visitors options between short-term higher-turnover parking spots and a cheaper price for a longer stay. Time-limits, while intended to encourage turnover in order to free up spaces for potential new customers, unfortunately also tell already-visiting customers that they have to leave. In contrast, correctly managed pricing can reflect the value of parking and allow customers to pay for the length of stay they want without fear of a ticket. Metered spaces do not experience high use during the weekday (Figure 6), but do see a spike in activity during the evening after pricing regulations expire.

Off-Street Regulations

Off-street parking includes all public and private parking in garages and surface lots in the study area. There are 198 off-street parking facilities in the study area. **Publicly-Owned Garages and Lots** are owned by the City of Fayetteville, Washington County, and the United States Government, but not all are available for public use. Some of these facilities provide a mix of public, resident permit, and customer parking while others – such as the Washington County courthouse – do not make their supply available to the public. **Privately-Owned Garages and Lots** are owned by private landowners or private institutions. Some of this parking supply is available for public use for a fee. However, most is restricted to residents or reserved for employees and/or customers.

Entertainment District Off Street Facilities

City-Owned Off-Street Facilities

For City-owned facilities within the Entertainment District, the same rates and time spans apply as they do for public on-street parking, including the flat fee, all-day rate option. There are long-term options for parking, which the next section covers in detail. Paid parking in the Entertainment District operates 7 days a week unless the mayor designates a free parking day or days. The off-street pricing structure in this District is as follows:

Weekday Price and Time Spans

- \$0.50 per hour from 2:00 pm to 5:00 pm, no time-limits
- \$1.00 per hour from 5:00 pm to 2:00 am, no time-limits
- Free and no time-limits from 2:00 a.m. to 2:00 pm
- An “all day option” for a flat fee of \$5.00 in publicly owned facilities such as West Lot and Spring Street Deck
- On designated event nights, one can only park for a flat \$5.00 fee in a limited number of facilities (no hourly option available during event times). This is detailed further on p. 18

Weekend Price and Time Spans

- \$0.50 per hour from 2:00 pm to 6:00 p.m., no time-limits
- \$1.00 per hour from 6:00 pm to 2:00 a.m., no time-limits
- Free and no time-limits from 2:00 a.m. to 2:00 pm
- An “all day option” for a flat fee of \$5.00 in the West Lot and Spring Street Deck
- On designated event nights, one can only park for a flat \$5.00 fee in a limited number of facilities (no hourly option available during event times). This is detailed further on p. 18

Privately-Owned Publicly-Accessible Off Street Facilities

Most of Fayetteville's privately-owned publicly-accessible parking facilities are located in the Entertainment District (Figure 7). Many of these facilities charge a fee to motorists on an hourly or per-use basis and do not sell monthly or annual permits.

Figure 7 Entertainment District Paid Private Facilities Open to the Public

Facility Name	Inventory (Total)	Facility Location	Transient Rates
UA Lot 53	63	West Ave	After 5:00 p.m. on weekdays, Lot 53 rates are the exact same as City facilities in Entertainment District facilities.
Lot 70 (Dickson Street Improvement District)	55	Gregg Ave	\$0.50 per hour, 24 hours a day, 7 days a week,
Fayetteville Depot	156 (some spaces restricted at certain times of day)	548 W Dickson Street	\$1.00 per hour (24/7 Sunday to Tuesday, 4:00 a.m. to 5:00 p.m. Wednesday to Saturday) \$2.00 per hour (5:00 p.m. to 4:00 a.m. Wednesday to Saturday)
Underwood Plaza/The Dickson	267	609-611 W Dickson Street	\$2.00 per hour; Daily Maximum of \$5.00 after three hours
Bakery Building	33	Locust Street behind Dickson Street Inn	\$2.00 per hour (Evenings, 6:00 p.m. to 6:00 a.m., 7 Days a Week)

*At the time of data collection. These lots are now permit-only lots.

Some segments of these private facilities are reserved for customers of an adjacent building during business hours but are then open to the general public outside of business hours. Regulations and payment directions are conveyed in a variety of signs prioritizing different pieces of information at each facility, which can lead to confusion for motorists looking for a parking space in the district.

Figure 8 Mixed Regulations at Privately-Owned Facilities



In addition to these private facilities, **some facilities provide informal public parking during the week.** In particular, staff noted that Central Methodist Church owns two lots and a deck, totaling over 350 spaces. These spaces are indicated on Razorback Transit's route maps as a

“Park and Ride” (Figure 27, p. 37) but are not formally marked on the ground. Drivers may also be able to park at certain buildings such as the lot outside of Wasabi Restaurant, which has become a privately-owned pay lot. There are no signs noting that this parking is available, thus it is not formally part of the public supply. However, those who feel comfortable using these spots may do so.²

Downtown Business District Off Street Facilities

City-Owned Off Street Facilities

The off-street facilities which are owned and managed by the City in the Downtown Business District charge monthly or a flat daily rate upon entry on all weekdays. They are:

- \$4.00 for the Town Center Parking Deck
- \$4.00 for entry to the 1st level of the Municipal Parking Deck
- \$50.00 monthly permits for the 2nd level of the Municipal Parking Deck
- \$3.00 for entry to the 3rd level of the Municipal Parking Deck
- \$0.15 cents per hour for parking in metered, long-term off-street spaces
- \$0.25 cents per hour for parking in metered, off-street spaces.

The all-day off-street parking rates in the Downtown Business District are one to two dollars less than in the Entertainment District.

Privately-Owned Publicly-Accessible Off Street Facilities

There is only one privately-owned parking facility open to public use in the Downtown District. This facility, located at 16-20 E. Mountain Street, does not charge for parking.

In addition to these private facilities, **some facilities provide informal public parking during the week.** In particular, staff noted that the St. Paul's Episcopal Church parking (about 60 spaces), Center St. Church of Christ (about 70 spaces), and the Washington County Courthouse (just outside the study area, approximately 307 spaces) parking is available to the public. However, like the Methodist Church Parking in the Entertainment District, the lack of formal designation means that only those in the know will use these facilities.

² At the time of inventory (Spring/Summer 2016), the Methodist Church also had ongoing shared parking agreements with nearby residences, a best practice in efficient parking use.

Permit and Discount Parking Programs

The Fayetteville Parking Management division offers a variety of permits and coupon discounts for regular parkers in the heart of Fayetteville. The details of those are as follows:

Entertainment District

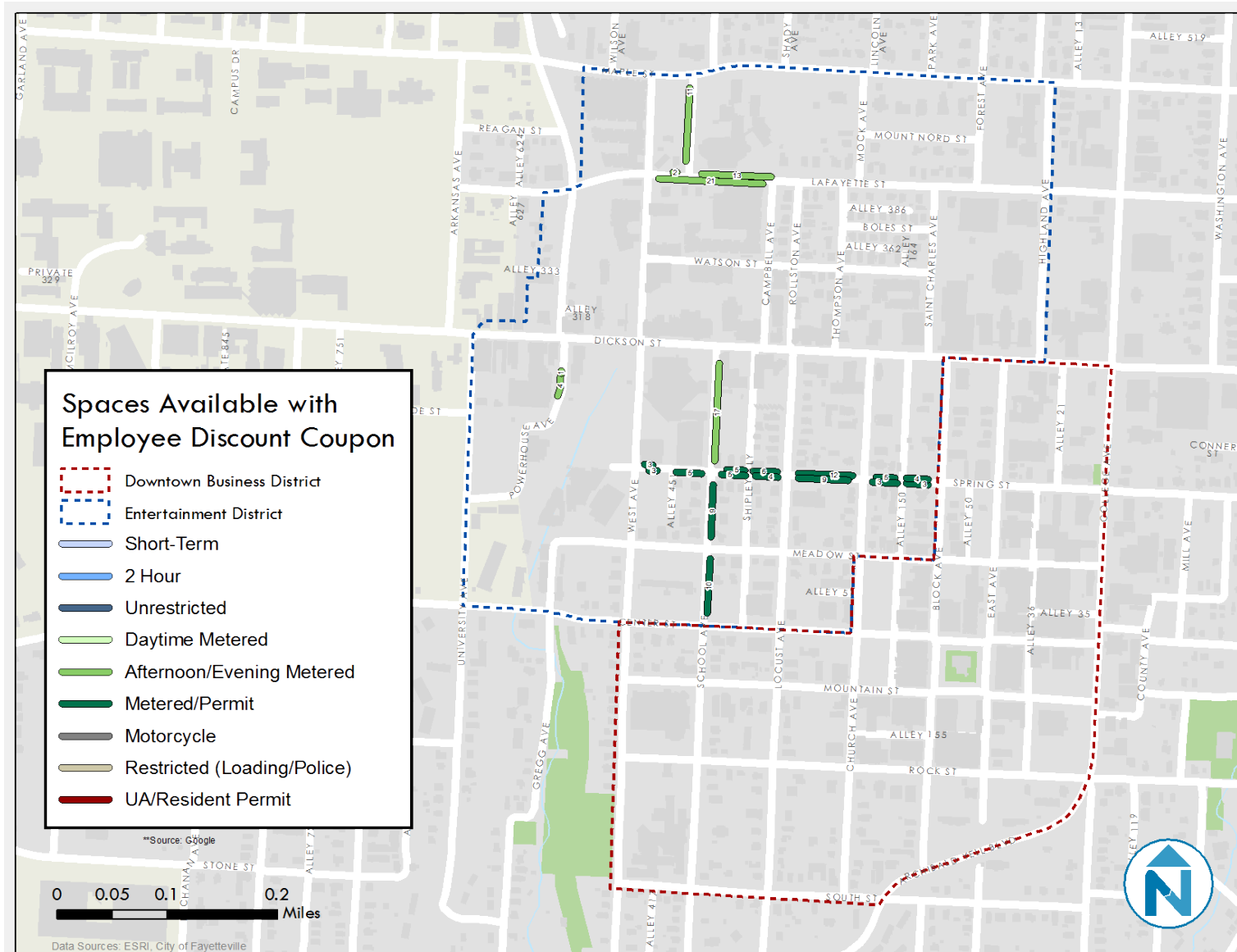
- **Annual Parking Permit:** In the Entertainment District, any member of the **public** may purchase an annual permit in the District for \$600. These permits are not valid for residential permit spaces, but are valid anywhere else in the Entertainment District paid spaces. If a permit holder parked for 8 hours a day during business days, this is approximately **\$0.30 per hour**.³
- **Residential Parking:** A **resident** is allowed a permit via a windshield permit plus a “guest pass” hangtag. Residents are permitted to park within one of two sub-areas within the Entertainment District, depending on their address. The dividing line between the two sub-areas is Dickson Street. Residential parking spaces are physically identified and numbered on the street. Similar to paid parking in the Entertainment District, permits are required from 2:00 p.m. to 2:00 a.m., 7 days a week. Enforcement starts at 10:00 am by City ordinance. These permits are **free of charge**.
- **Employee Parking Discount:** Employees of businesses operating within the district are eligible for a coupon code. These coupon codes, also called “cards,” apply to “certain paid parking spaces” and may be discounted by up to 90% of normal parking rates (Figure 9). Full-time employees can receive up to 22 coupons per month, while part-time employees get a maximum of 11. With this coupon code, employees pay approximately **\$0.06 to \$0.08 per hour**.⁴
- **Additional coupon programs:** Employers and other entities may purchase coupons or enroll in a coupon program linked to designated spaces at the discretion of the Parking Management office.

³ Assumes parking 260 days/year for 8 hours/day.

⁴ Assumes discounts on either \$5/day or \$0.50 and \$1/hour rates. Employees who park during unpaid time receive an even deeper discount.

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Figure 9 Employee Discount Coupon Parking



Downtown Business District

In the Downtown Business District, the following permits are available and open to anyone:

- **Hangtag Permits:** A hangtag permit for long-term (10 hour, red-top) parking meters for \$90.00 per annual quarter (3 months). This is approximately **\$0.17 per hour**.⁵
- **Gated Lot Permit:** A permit to access gated lots for \$90.00 per annual quarter. This is approximately **\$0.17 per hour**.⁶
- **Municipal Parking Monthly Permit and Town Center Deck Monthly Permit:** A parking card permit providing access to either the Municipal Parking Deck's 2nd level or the Town Center Parking Deck for \$150.00 per annual quarter. This is approximately **\$0.30 per hour**.⁷
- **Town Center Parking Deck Coupon Code:** A coupon code for entering the Town Center Parking Deck, set at \$4.00 per single entry, or \$133.00 per 100 entries. The Town Center does not purchase these codes from the City, but does distribute them. Converted to hourly rates, this is either **\$0.50 per hour (for a single-entry pass) or \$0.16 per hour (for a 100 entry pass)**.⁸

Permit and Coupon Prices

Figure 10 provides a comparison between permit types, prices, and facility utilization. Overall, these permits make parking relatively cheap in Fayetteville compared to hourly rates for the public. Those that are priced higher are ostensibly more valuable to the user, while those that are cheaper or free should be less valuable. The cheaper permits provide access to surface lots, while the more expensive permits allow access to structured parking or on-street spaces. At any given time, there are a total of over 2,000 spaces that are accessible for a variety of permit holders at a great discount over regular prices. Holding a permit does not grant one access to all of these spaces, but not holding a permit limits access to these spaces either by price, time, or both. Facilities open to permit holders generally have at least 40% unoccupied spaces at the daytime and evening peak, meaning that permit holders can likely always find a space.

⁵ Assumes parking 260 days/year for 8 hours/day.

⁶ See footnote 2

⁷ See footnote 2

⁸ Assumes parking 8 hours/entry

PARKING MANAGEMENT MEMORANDUM | PARKING & MOBILITY STUDY
City of Fayetteville, AR

Figure 10 Permit and Coupon Prices, Access, Utilization and Revenue⁹

Permit	Access	Price Per Hour	Total Spaces Accessible to Holder	Peak Weekday Utilization (11 am)	Evening Weekday Utilization (9pm)	Annual Revenue 2015*	Permits Issued
Residential Parking Permit	Entertainment District Residential Permit ONLY On-Street Spaces	Free	191	37%	35%	\$	277
	Entertainment District Residential Permit MIXED On-Street Spaces	Free	86	30%	67%		
Employee Parking Coupon	Entertainment District On-Street Paid Spaces	\$0.06 – 0.08	162	48%	50%	unknown	unknown
Hangtag Permit	Downtown Business District Long Term Meters	\$0.17	223	69%	18%	\$41,860	138
Gated Lot Permit ¹⁰	Lot 5, Lot 7 in Downtown Business District	\$0.17	218	68%	3%	\$34,490	125
City-Issued Parking Card	Lot 5, Lot 7 in Downtown Business District	\$0.17	218	68%	3%		125
Town Center Parking Deck Coupon	Town Center Parking Deck	\$0.16 - 0.33	226	54%	19%	\$2,616	
Annual Parking Permit	Paid Entertainment District Spaces	\$0.30	1,453	48%	50%	\$1,875	9
Municipal Parking Monthly Permit and Town Center Deck Monthly Permit	Municipal Parking Deck Town Center Parking Deck	\$0.30	321	53%	14%	\$70,704	113

⁹ 2015 Permit revenue information provided by COF.

¹⁰ On August 1st, 77 spaces in Lot 7 (D lot) are being converted to permit parking only. Folks with parking cards are being switched to hang-tags so they can park in Lot 7 or any red top meters. Note that we are not putting meters in Lot 7.

Event Parking

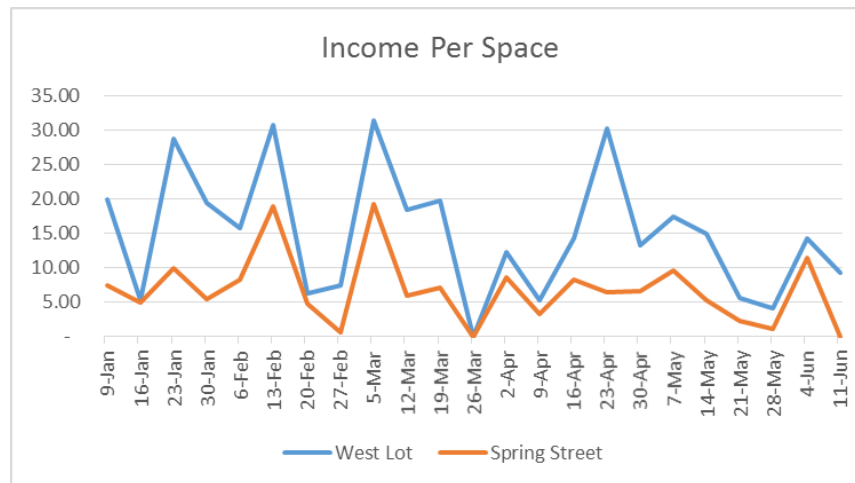
Working with the Walton Arts Center (WAC), the Parking Management division can switch to an “Event Parking” system to process a large volume of vehicles within a short period of time. This has recently been piloted for U of A football games as well, with a shuttle taking people to the stadium.

The WAC has a tentative schedule of all shows that are expected to reach the 600 ticket sales necessary for event parking to be in place. The City schedules staff based on this schedule, as well as up to 3 additional shows per year. The specifics of Event Parking are below:

- **Rate:** \$5, flat fee. Vehicles that are already parked at the time when event parking management begins can pre-pay for parking at the normal rate.
- **Payment Method:** Cash only, paid on the way into parking. This is to avoid long lines at kiosks.
- **Locations:** If the show has sold more than 600 tickets, Event Parking is in the West Avenue lot. If the show has sold more than 850 tickets, event parking is provided in the Spring Street Deck and West Avenue Lot (525 spaces in total)
- **Parking Attendant Staffing:** 5-10 individuals
- **Timespan:** Event parking begins 2 to 3 hours prior to the start time of the event.
- **Wayfinding and Availability Indicators:** In the past, the City has used a mascot (Rooty the Recycling Pig) to direct traffic to the Spring Street Deck. The City also uses a sandwich board directing traffic to event parking locations. PEOs use walkie-talkies to communicate with one another and help to direct traffic to empty spaces.

Event parking is more popular at the West Lot than the Spring Street Deck. On average, weekly West Lot event parking income is \$15.00 per space, while the Deck is closer to \$7.00. Figure 11 shows a comparison of revenue per space in each facility. Parkers buy fewer spaces in the Spring Street Deck than the West Lot, likely because the West Lot is more convenient and visible but priced at the same rate.

Figure 11 Event Sales Comparison per Space for West Lot and Spring Street Deck 2016¹¹



¹¹ Source: Revenue and Utilization Information from COF, as of June 3, 2016

TECHNOLOGY AND PAYMENT SYSTEMS

KEY FINDINGS

- Technology varies throughout the study area
- Kiosks in the Entertainment District accept coins, certain monetary bills, credit cards, and pay-by-phone
- Coin-operated meters in the Downtown accept quarters, nickels, and dimes. Traditional, mechanical, coin-operated meters are no longer fully supportive of 21st-century consumer expectations
- Kiosks are pay-by-space, requiring users to enter additional numbers on a keypad.
- Pay-by-phone is available in the Entertainment District

Today, there are multiple ways to pay for parking in Fayetteville and multiple technologies depending on the type, location and ownership of parking. Paid on- and off-street parking in the Entertainment District (roughly half the on-street supply) is predominantly managed by parking kiosks, whereas on-street metered spaces in the Downtown District are exclusively mechanical meters (Figure 13). All spaces controlled by kiosk also accept mobile payments whereas the single-head mechanical meter spaces in Downtown do not. Other City-owned lots and garages use a combination of gate arms that respond to proximity cards or require in-person payment and coin-operated meters for payment.

Figure 12 City On-Street Spaces by Payment Machine Type

Payment Machine Type	Total On-Street Spaces
Multi-Space Kiosk	250
Single-Space Meter	283
Grand Total	533

With a parking system built out over time and with different ownership structures, it is very easy to end up with a wide variety of payment technologies, but this outcome can result in confusion to parking users. The challenge is how to integrate these different technologies into a comprehensive and legible whole in a way that doesn't leave the user stranded in the rain hunting for change or trying to interpret rules on a kiosk. The overall integration of different technologies impacts the perception of the entire system. Even if fees are not high, a frustrating payment experience can incent customers and visitors to leave the area and spend their money elsewhere where parking is more convenient. The subsequent review provides further detail on Fayetteville's meter, kiosk, and mobile phone technology and payment systems.



Gated Parking Facilities

Gated facilities in Fayetteville work off of either a proximity card or a combination of cards and in-person payments. The following provides a summary by gated facility:

- **Municipal Parking Deck:** The Chancellor Hotel has full control over payment in Levels 1 and 3 of the municipal parking deck. Level 1 is reserved for hotel guests while Level 3 can be made available to the public for \$3.00 required upon entry. Patrons can purchase a Municipal Parking Deck permit and access Level 2 with a proximity card.
- **Town Center Parking Deck:** Town Center Parking Deck allows visitors and downtown employees to park at any time for a \$4 entry fee. A discount coupon code may also be purchased in advance. A parking card can be purchased for a monthly fee for unlimited entry into the deck.
- **Lots 5 and 7:** These two lots are gated, with access via proximity card only (Gated Lot Permit) until Fridays at 4:30 p.m. Parking Management controls whether the gates are raised or lowered.¹²

Currently, the gate technology does not provide any data on occupancy in real-time.

Meters

The traditional coin-operated parking meter, which uses a single point of sale to apply to a specific on-street space, is the predominant technology used throughout downtown's on-street supply and in many of the city-owned publically-accessible off-street facilities.

The City uses Duncan brand meters in this area which accept nickels, dimes, and quarters. Depending on the location and regulation, one quarter can cover 60 minutes of parking (on-street, "short-term" meters) to 100 minutes of parking ("long-term" meters). The time purchased is displayed prominently within the meter head. As posted on meters, the City does not offer refunds for payments in broken meters and can ticket for parking in a space with a non-functional meter.

Figure 13 Existing Single-Space Parking Meters in Downtown Fayetteville



¹² Lot 7 is no longer gated as of August 2016. For consistency with other report documents, all inventory is reported as a "snapshot in time" and this information was recorded before this change.

Although the meter is convenient to the vehicle, intuitive to most people, and conveys basic information on the time-limits and cost of parking at the space it serves, traditional, mechanical, coin-operated meters are no longer fully supportive of 21st-century consumer expectations. These single-head meters especially do not accept any form of payment other than coins, forcing those that need to extend their stay to find coins and feed the meter.

Additionally, in some instances, single-space meters take up excessive sidewalk space and obstruct sidewalk access especially for those in wheelchairs, as shown in Figure 14 along South Church Street:

Figure 14 Single-Space Meters Causing Obstruction on Church Street



Kiosks

Kiosks in the Entertainment District are relatively new “pay by space” LUKE pay stations by T2 Systems (formerly Digital) that provide several modern conveniences in comparison to coin-operated mechanical meters. The City phased in the kiosks along with other streetscape improvements to the Dickson Street area and the greater Entertainment District Parking Zone. For parking where payment is made at a kiosk, the user must enter the parking space number on the machine's keypad. Parking space numbers are located on the asphalt or curb next to the space. There is a level of convenience since the user does not need to return to the parked car to display any proof of payment.

Payment options are somewhat restrictive: pay stations only accept bills less than \$5.00, coins, or credit cards. This requires users to have change, small bills or use a credit card. Moreover, kiosks do not give change, which means cash users will likely spend time trying to find exact change, an inconvenience in an age of growing digital pre-payment for parking.

Figure 15 Point of Sale for Parking Kiosks in the Entertainment District



Mobile

Another option for people parking within the Entertainment District is the ability to pay for parking with their mobile phone. Through a contract with PayByPhone, a company offering similar services to locales as diverse as Ann Arbor, MI, Galveston, TX, and the City of London, a parker simply can pay for parking by calling the listed number and entering a code assigned to Fayetteville. The user can also access the PayByPhone mobile app to pay for parking within the Entertainment District.

This is advertised on every kiosk next to the keypad as well as on signage though out the district. The City also provides drink coasters and table toppers in many of the restaurant and businesses in the district.

Figure 16 Pay by Phone Information on a Parking Payment Kiosk



ENFORCEMENT

KEY FINDINGS

- Fayetteville's Parking Enforcement Officers (PEOs) have a stated mission to give assistance and discourage violations
- PEOs use handheld computers for enforcement, but part of the process is manual
- Most violations are less than \$100. 91% of all tickets issued as of Summer 2015 were for meter violations at \$15/ticket.
- The majority of violations occur in the Entertainment District (as of Summer 2016, 68%)
- Although the City does *not* tow and boot regularly, private operators do, and this aspect does negatively affect the parking user experience. The Police Department may tow vehicles for a special event, with advance notice.

Parking Enforcement Officers

There are four employees of the Parking Management Division known as Parking Enforcement Officers (PEOs) that lead parking enforcement, as well as one supervisor. Each officer's mission is "to prevent unauthorized parking and control parking by giving assistance or issuing parking citations to discourage violations of City of Fayetteville Parking Regulations."¹³ Highlights of the enforcement program include:

- Shifts are staggered throughout the day to ensure continuous coverage for 17 hours on weekdays, 11 on Saturday, and 12 hours on Sunday.
- PEOs are trained and instructed in important customer service approaches, such as wearing specific uniforms that are required to be in good repair and answering questions politely while avoiding arguments.
- Each officer is assigned a specific work area, provided a radio and handheld computer for entering violations, and expected to be visible and report all parking facility maintenance needs. The portable radio communicates to Fayetteville Police Central Dispatch.
- PEOs also carry a cell phone to assist customers with questions or parking equipment assistance (a land line is forwarded to the on-call or on-duty PEO 24/7 assistance). A number to reach the PEO on duty is listed on all of a parking equipment for customers.
- Each PEO also carries an iPad to check for unpaid parking stall violations in the Entertainment District and to get emailed alarms when equipment has issues needing attention.
- PEOs also wear body video cameras as part of their uniform requirements.

PEO's handheld computers take pictures for public record, but license plate numbers must be manually entered. Other characteristics of this technology include:

- Computers communicate via Bluetooth with portable O'Neal printers (attached to PEO's belts) that print citations

¹³ City of Fayetteville Parking Management Division, Parking Enforcement Officer Policy and Procedure Manual, August 2010, p. 1

- Enforcement officers apply chalk on tires to track how long the vehicle has been parked; the action of placing chalk must also be entered in the handheld, as this provides a “timestamp” on when the car was last noted.¹⁴

Fines and Violations

Violations may be issued up to three times a day per vehicle. Possible fines include:

- \$15 - Meter Violation
- \$15 – Parking over the time limit (2 hours, 15 min, or in the Square)
- \$15 - Against the flow of traffic
- \$15 - Across the line
- \$15 - Over 18 inches from curb
- \$70 - Prohibited and Restricted Parking (roadway, blocking driveway, no parking zone, double parked, too close to corner, sidewalk)
- \$195 - ADA Violation

Figure 17 Courtesy Drop-Off Box for Parking Citation Payments



Parking citations can be paid online the following day, at the Parking Management Office or City Hall, or via 24-hour drop boxes located throughout the Downtown District and in City off-street parking facilities (Figure 17). The Parking Manager is empowered to reduce the fine “for good cause shown by the driver/operator prior to forwarding the ticket to the City Prosecutor’s Office.” Appeals must occur within 14 days of issuance.

In 2015, there were 15,725 net (issued minus voided) citations, and \$261,306 in revenue was collected. The majority of these citations occurred in the Entertainment District, which is consistent with the perception of this area as drawing more visitors - who may be unfamiliar with parking regulations - as compared to people who park regularly. Of the 17,308 total citations issued, there was an average

amount of \$14.53 collected per issued citation in 2015, reflecting the fact that not all citations are paid. As of Summer 2016, 91% of all tickets issued were for meter violations at \$15 and 60% of all violations occurred in the Entertainment District.

¹⁴ City of Fayetteville Parking Enforcement Officer Policy and Procedure Manual

Figure 18 Breakdown of Violations and Fines by District: 2015

District	Citations Issued	Amount Issued	Citations Voided	Amount Voided
Entertainment	11,067	\$205,545	1,576	\$45,465
Downtown	6,913	\$116,760	679	\$16,820
Total	17,980	\$322,305	2,255	\$62,285

Towing and Booting

Parking management does not tow or boot from any City-operated parking facilities, but towing and booting does occur in Fayetteville in privately owned lots and decks. The Police Department is authorized to tow vehicles for multiple reasons, including vehicles that have been parked for more than 72 hours on street or in a City lot for more than 24 hours if “space is needed for a reserved or special event.”¹⁵ The PEO manual indicates that Parking Management does indeed have the authority to tow and/or boot, even though the City chooses not to do so.

In private decks and lots, operators may also tow and boot, which leads many users attributing private enforcement actions to the City. The municipal code requires signage to alert the user to this possibility. The University of Arkansas has a standardized policy on booting and towing.¹⁶ Although Parking Management does *not* tow and boot, this aspect does affect the parking user experience. Customers towed from privately owned but publicly accessible lots may not realize that it is not the City who has towed their vehicle.

¹⁵ The Fayetteville Police may also tow for the following violations: hazard, obstructing driveway, prohibited tow zone area, parked continuously upon any street for more than 72 hours (unless the vehicle is permitted in a residential zones and has a current registration), parking in the same location on any street for longer than 14 days, parking in a gated lot for more than 24 hours, or parking without a valid license plate.

¹⁶ As described in City of Fayetteville Parking Management Division, Parking Enforcement Officer Policy and Procedure Manual, August 2010, p. 13

GOVERNANCE

KEY FINDINGS

- The Parking Manager has limited authority to set regulations outside of the Municipal Code
- Governance of parking regulations may be administratively cumbersome as it requires code amendments, approval from the mayor, or both

Today, parking operations are centrally managed as part of the City's Department of Sustainability and Parking, which is responsible for facilitating sustainable transportation, living, and business choices in Fayetteville. Most of the job functions related to parking, including maintenance, enforcement, and customer service all answer to the same division manager. The Parking Manager then reports to the Director of Sustainability and Parking who then reports to the Mayor's Chief of Staff (Figure 19).

The Parking Manager has limited authority to set regulations outside of the Municipal Code. The Fayetteville Municipal Code governs parking regulations, including pricing, time-limits, and time span. In the code, the Parking Manager is specifically given the authority to determine the location of two-hour time-limited spaces. Otherwise, priced blocks are specifically listed in the code, i.e. "On street parking spaces on Spring Street from Block Avenue to West Avenue and on School Avenue from Center Street to Spring Street shall be available to the public for paid parking..."¹⁷"The mayor, or his duly authorized representative" may set up meter zones, not the Parking Manager.¹⁸Therefore, governance of parking regulations may be administratively cumbersome as it requires code amendments, approval from the mayor, or both.

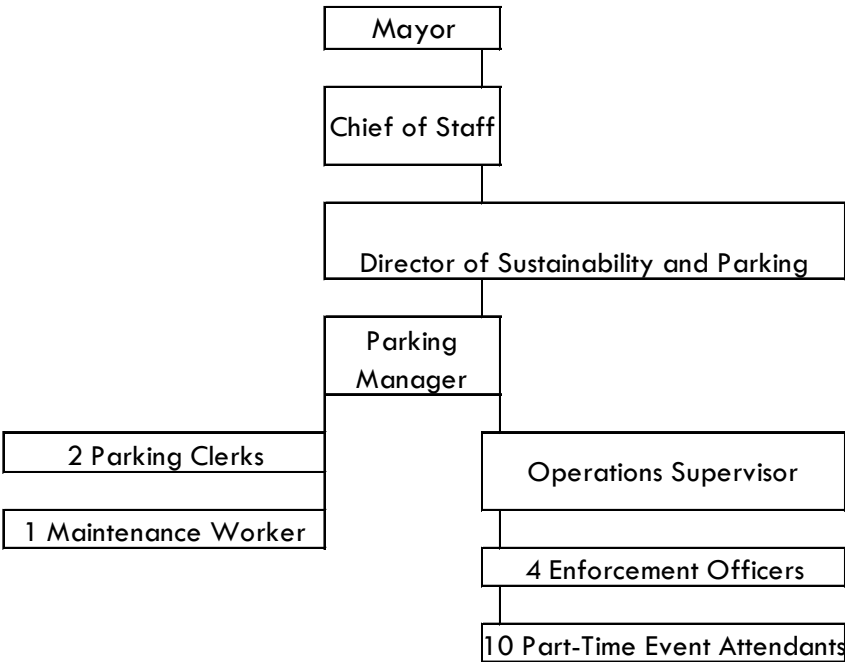
Most routine parking management activities are entirely under the Parking Manager's control, including parking office administration, enforcement, maintenance, and fee collections, as shown in the organizational chart below. The Parking Manager can reduce the fine if the driver/operator provides a "good cause."¹⁹ Unpaid tickets are referred to the City Prosecutor for hearings.

¹⁷ Fayetteville Municipal Code, section 72.18.F. Accessed via municode.com, 6/20/2016.

¹⁸ Fayetteville Municipal Code, section 72.57.A. Accessed via municode.com, 6/20/2016.

¹⁹ Fayetteville Municipal Code, section 72.99 E Accessed via municode.com, 6/20/2016.

Figure 19 City of Fayetteville Parking Organization Chart (with # of employees)²⁰



²⁰ Adapted from City of Fayetteville information

SIGNAGE AND INFORMATION

KEY FINDINGS

- There is detailed parking information online; but the Visit Fayetteville webpage does not clearly link to it.
- Public parking information on the street is consistent in color scheme
- Some information – such as green text on a white background for parking signs or paint on the curb – may be difficult for drivers to read from afar
- City regulations do not require private lots to provide standardized information about payment rates or use, which has resulted in a variety of private signage that is confusing to the user.

Finding parking is rarely the main goal for anyone visiting Fayetteville. However, without adequate signage or information, it may become the main thing people remember, which can threaten the enjoyment of meeting friends, shopping or dining out. Effective signage and information can avoid having the parking experience eclipse the overall Fayetteville experience. Strong, intuitive signage systems encourage an environment of “park once” or “park and walk” behavior, focused not just on getting cars into parking facilities, but getting people to visit multiple destinations on foot once they have parked.

When planning how to direct an individual to their final destination, it is vital to consider all decision points along the journey. This includes providing directional information in advance of a traveler starting their engine, providing guidance and reassurance during their journey, and ultimately generating a sense of arrival and welcoming.

PARKING MANAGEMENT MEMORANDUM | PARKING & MOBILITY STUDY
City of Fayetteville, AR

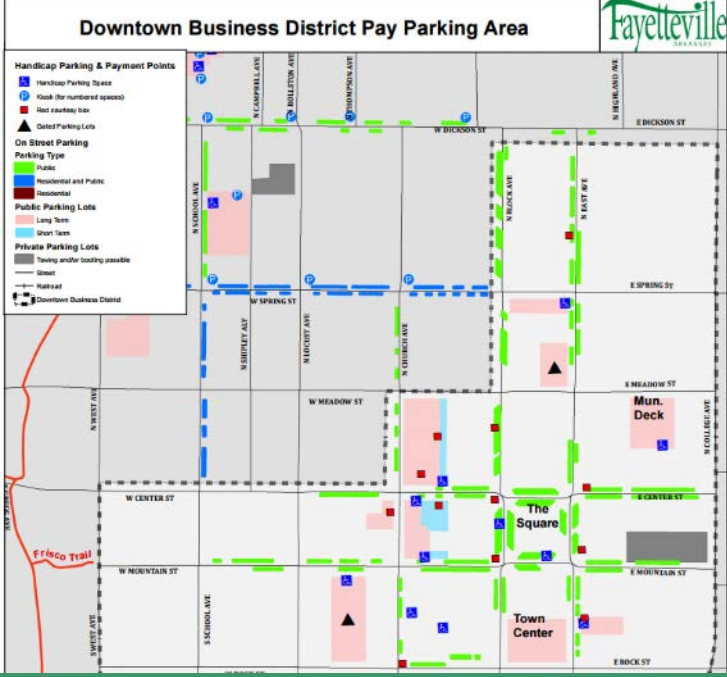
Before Arrival

Parking Resources

- [Entertainment District Parking Locations Map \(PDF\)](#)
- [Pay Station Locations and Instructions](#)



Downtown Business District Pay Parking Area



Handicap Parking & Payment Points

- Handicap Parking Space
- Pay Station (for numbered spaces)
- Handicap Pay Station

On Street Parking

Parking Type

- Public
- Residential and Public
- Residential
- Public Parking Lots
- Long Term
- Short Term

Private Parking Lots

- Towing and/or loading available
- Garage
- Hotel
- Downtown Business District

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Parking Management

The goal of the Parking Management Division is to make parking convenient and user-friendly throughout the Entertainment and Downtown Business Districts.

The primary duties of the Parking Management Division are implementing parking rules and regulations, increasing public awareness of the ordinances which regulate parking, and responding to the needs of citizens regarding inquiries and complaints concerning parking matters.

We welcome your comments, questions, and suggestions.

Hours of Enforcement

Downtown Business District (Square Area)

Monday - Friday, 8 a.m. - 6 p.m. (FREE after 6 p.m.)
Saturday and Sunday, FREE All Day

Downtown Square

Monday - Friday, 7 a.m. - 6 p.m. (FREE, 2 Hour Limit)
Saturday and Sunday, FREE All Day

Contact Us

Parking Management

[Email](#)

City Hall
113 W. Mountain Street
Rooms 134A - 143A
Fayetteville, AR 72701

Phone: 479-575-8280
Fax: 479-575-8250

Hours

Monday - Friday
8 a.m. - 5 p.m.

[Staff Directory](#)



There are many available resources on transportation and parking through the City of Fayetteville's website, which can be accessed via the aptly named Internet URL:

www.fayettevilleparking.com

Figure 20 Parking Information Page from the 2016 Fayetteville Visitor's Guide



This includes information regarding parking rates and regulations, presented in both HTML and PDF formats to the visitor. The “Parking Flyer,” provides a map of all public parking outlets in the central neighborhoods of Fayetteville, including Downtown and the Entertainment District. The flyer describes the Entertainment District and Parking Zone as “The Dickson Street Area,” which is an informal description, but it does not match how the area is described on signs later in the journey.

With the benefit of regional and academic partners alike, the City has the ability to advertise the many convenient parking options available, but sometimes the key information—or even the basic header of “Parking”—gets buried under other information. One such resource (which may be more likely to be accessed by a visitor to Fayetteville and the University of Arkansas) is the Fayetteville Visitor's Bureau web site (www.experiencefayetteville.com) and printed visitors guide. Although there is a “Getting Around” page dedicated to transportation access linked from the banner on all pages, the link to parking locations is not called out in a separate category. Instead, a link to the City's site

and the “Parking Flyer” exists under the “Maps” section. There are also no links to the University of Arkansas pages dedicated to their parking and transportation information. Nevertheless, in the printed visitors guide (accessible as a PDF), there is a full page clearly explaining the parking and multimodal access options in Fayetteville. These guides are commonly distributed at many travel and tourism sites throughout Northwest Arkansas.

At Arrival

While not uniform throughout downtown, most public parking facilities and regulations are identified on signage using green text on a white background with City of Fayetteville insignia included (Figure 21).

In the Business District, long-term meters are “red-top” meters. The red paint conveys that long-term (10 hour) parking is available at those meters. Colloquially, “red-top meters” refer to “long-term parking.” (See Figure 3 for a map of long-term meters).

Figure 21 Fayetteville Public Parking Signage and Painted Curb



On-street in the Entertainment District, as users approach parking spaces, there are several indicators of where to park and how to pay:

- The curbs are painted in several areas to indicate regulations. The red curb intuitively reveals where it is always illegal to park.
- Numbered spaces painted on-street indicate designated on-street spaces. In residential areas, this numbering makes it clear to a visitor that they can safely park without blocking a driveway.
- Numbers are painted on the curbs at the front of the vehicle and the rear of the vehicle.
- Residential on-street parking also has large numbers, with “RESIDENTIAL PARKING ONLY” painted in white next to the number.
- Signage indicates where pay stations are located and notes that users should pay for parking at the pay stations.

Figure 22 Parking Information and Markings on Spring Street



Figure 23 A High-Contrast Sign in the West Ave Lot



This information is aimed at drivers, but it may be difficult to understand and use. The thin green text on a white sign could be difficult for a user to read (Figure 22) until very close to the parking location. A higher-contrast sign, similar to Figure 23, together with a consistent color scheme, may be more useful to drivers.

Private Lot Signage

City regulations require private lots to provide signage if booting or towing is possible, but that is the limit of regulations. The municipal code notes that, “at the owner's option, the sign may show the hourly rate and any maximum day or evening rate for parking in the lot.”²¹ Without consistent design, layout, font size, color, etc. requirements for signage in privately owned lots, signage is not standardized. For the user, the resulting mix of signage is confusing and could be a deterrent to parking.

²¹ Fayetteville Municipal Ordinances, 72.71.C.4

During Your Stay

After arriving in central Fayetteville and parking, the pedestrian-level wayfinding system eases navigation and comfort while walking around Downtown and the Entertainment District. The locations of public off-street parking facilities serving both districts, such as the Meadow Street Deck and the Spring Street Deck, are integrated into Fayetteville's wayfinding system as a destination. The signage also directs people to walk to many destinations beyond the Districts, including government buildings, arts institutions, and multimodal transportation options (such as the Frisco Trail).

Figure 24 Pedestrian-Level Wayfinding outside the WAC



This type of signage helps users “park once” and access multiple destinations on foot. When users can understand how parking connects to where they are going, they are often willing to walk farther. For example, a driver at a traditional suburban mall may park a ten-minute walk from their actual destination, but be willing to walk as they understand how to get there. Wayfinding signage in a downtown has a similar effect.

MULTIMODAL CONNECTIONS

KEY FINDINGS

- Almost the entire study area is within a 15 minute walk of a transit route, but most services are infrequent.
- Fayetteville does not have any formal park and ride facilities although some unofficial facilities currently exist, such as the Central United Methodist Church Lot.
- Key holes in the walking network – such as the lack of sidewalks along Gregg Avenue – are barriers for people choosing to park and walk to local destinations.
- Bicycle facilities in Fayetteville are remarkable, particularly off-street. A lower density of on-street facilities, however, means that direct access to shops and restaurants from the robust trail system may be more difficult.

The parking study is part of a broader Multimodal Plan for the City of Fayetteville which will examine access and transportation in more detail. Thus, this section provides some preliminary findings related specifically to parking and its interaction with other modes in the heart of Fayetteville.

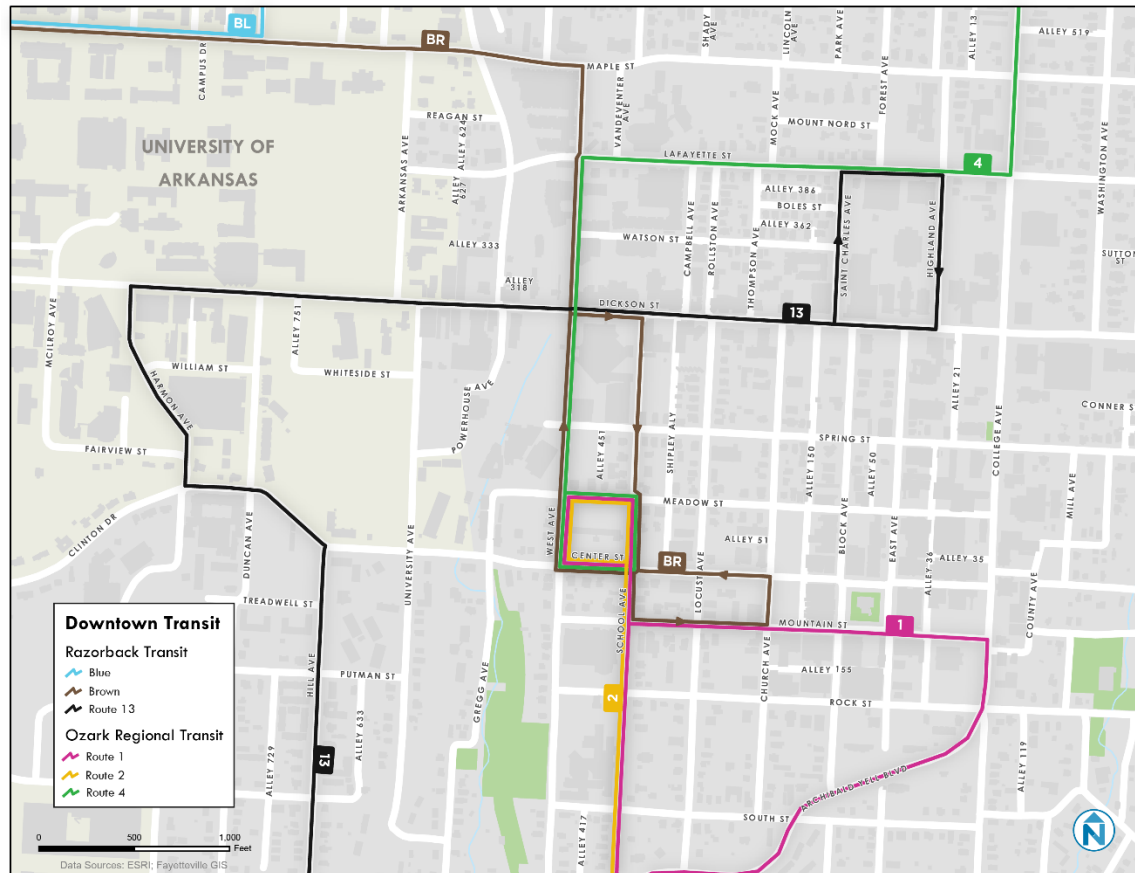
Transit Connections

Both Razorback Transit and Ozark Regional Transit (ORT) provide regular if infrequent service to Fayetteville's Downtown Business and Entertainment Districts. Almost the entire study area is within a 15 minute walk of a transit route. Razorback Transit is free of charge, while ORT fares are \$1.25 per ride. Frequency, the primary driver of ridership, is low on all routes except the Brown route. However, the regular headways of the low-frequency ORT routes make them intuitive to the user who just needs to remember the time past the hour when a bus will arrive. Figure 25 provides an overview of transit in the study area.

Figure 25 Bus Services in Downtown Fayetteville

System	Route	Destination 1	Destination 2	Service Start	Service End	Peak Frequency
Razorback Transit	Brown	UA Union Station	UMC Parking Deck	6:49AM	5:49PM	13 min
Ozark Regional Transit	1	Walmart Supercenter	Washington County Operations	6:00AM	7:30PM	60 min
Ozark Regional Transit	2	Karcher North America	The Cliffs Apartments	6:00AM	7:30PM	60 min
Ozark Regional Transit	4	Northwest Arkansas Mall	Downtown (Hillcrest Towers)	6:30AM	7:30PM	60 min

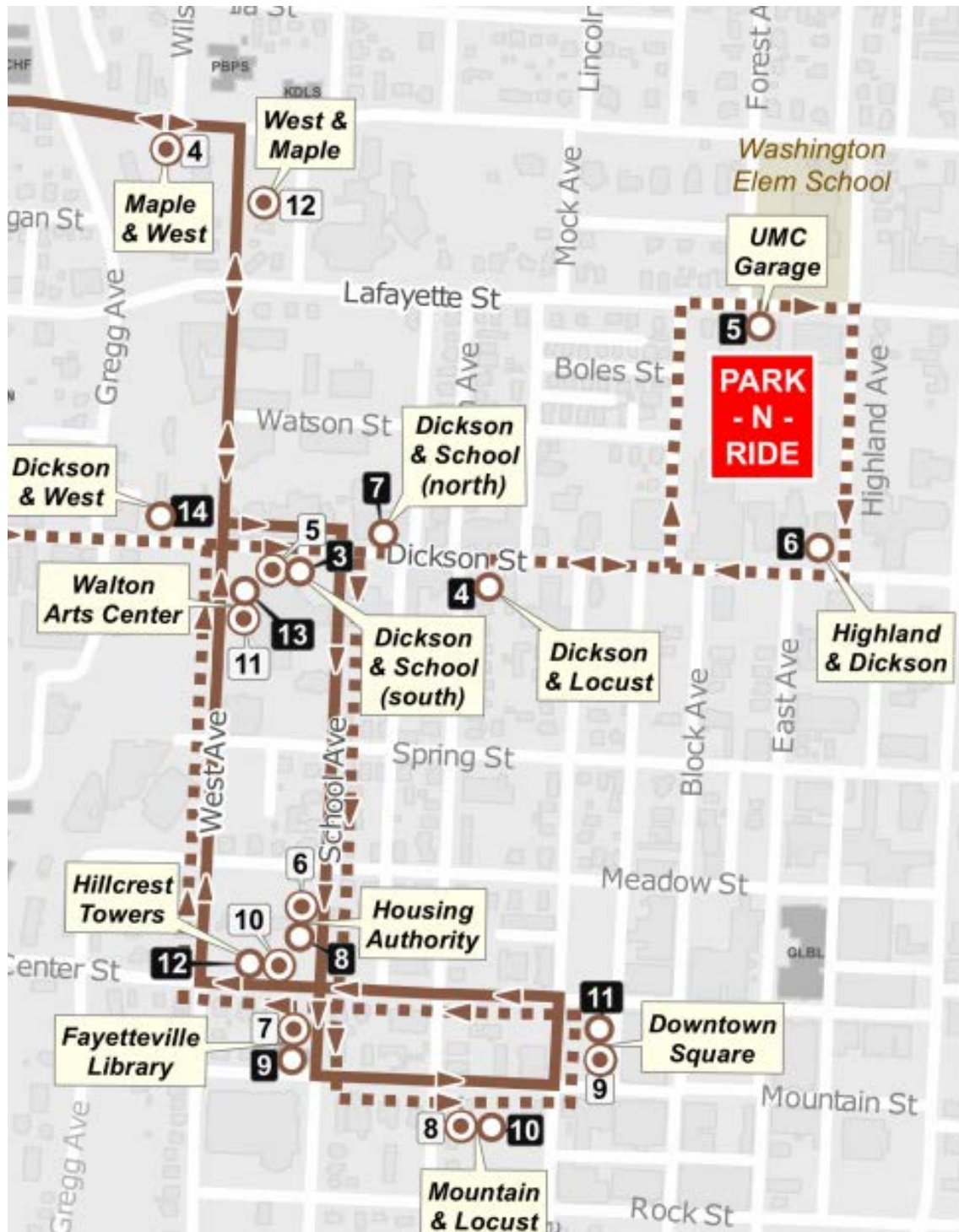
Figure 26 Transit in Downtown Fayetteville (as of Winter 2016)



Note: This map does not include the "Brown Reduced" variant of Razorback Transit's Brown Route. That route is detailed on the following page.

"Park-and-ride" facilities are a common strategy to relieve congestion and demand for core area parking by providing cheap remote parking and frequent transit service. This allows a driver to curtail core-area automobile travel by parking at an outlying transit station and riding the bus for the remainder of the journey. Although the State of Arkansas has not designated any commuter park-and-ride facilities within Fayetteville some "unofficial" park and ride arrangements already exist. One of the most prominent examples is the utilization of the Central United Methodist Church's parking deck at 19 West Lafayette Street which is directly served by Razorback Transit's Brown Reduced Line, providing a quick, free ride to the Downtown Business District, the Entertainment District, and the University of Arkansas campus. Although not formally designated by the State, the official Razorback Transit map designates this location as a park-and-ride facility. By concentrating commuter parking in a church parking facility that would otherwise be underutilized during the weekdays, the demand experienced along Dickson Street and the Downtown Square areas may be relieved.

Figure 27 Razorback Transit Brown Route with Park and Ride in Entertainment District²²



²² Source: Razorback Transit, <http://parking.uark.edu/resources/documents/17-7-Brown.pdf>, accessed December 1, 2016

Walking Network

The way the parking supply is used is directly affected by the availability or lack of a walking network. At some point, every person who parks becomes a pedestrian. When pedestrians feel comfortable and safe they are willing to park once and may even want to walk much farther between destinations. In this way a comprehensive pedestrian network can significantly expand the reach and effectiveness of a parking system.

Fayetteville's sidewalk network is relatively consistent in the study area, although there are some gaps. In the heart of commercial areas, there are high-quality amenities such as textured crosswalks (Figure 28). However, barriers exist; certain key intersections are wide and hard to cross on foot, and in some locations sidewalks are lacking. For example, the intersection of Dickson Street and West Avenue is a busy pedestrian intersection and may be a good contender for a pedestrian "scramble" to allow people to traverse multiple roadways at once. Currently, pedestrians walking from the West Lot to bars and restaurants on the northern side of Dickson must wait to cross both West and Dickson. Similarly, the lack of sidewalks along Gregg Avenue is a barrier for people parking at the City lot and choosing to walk to local destinations.

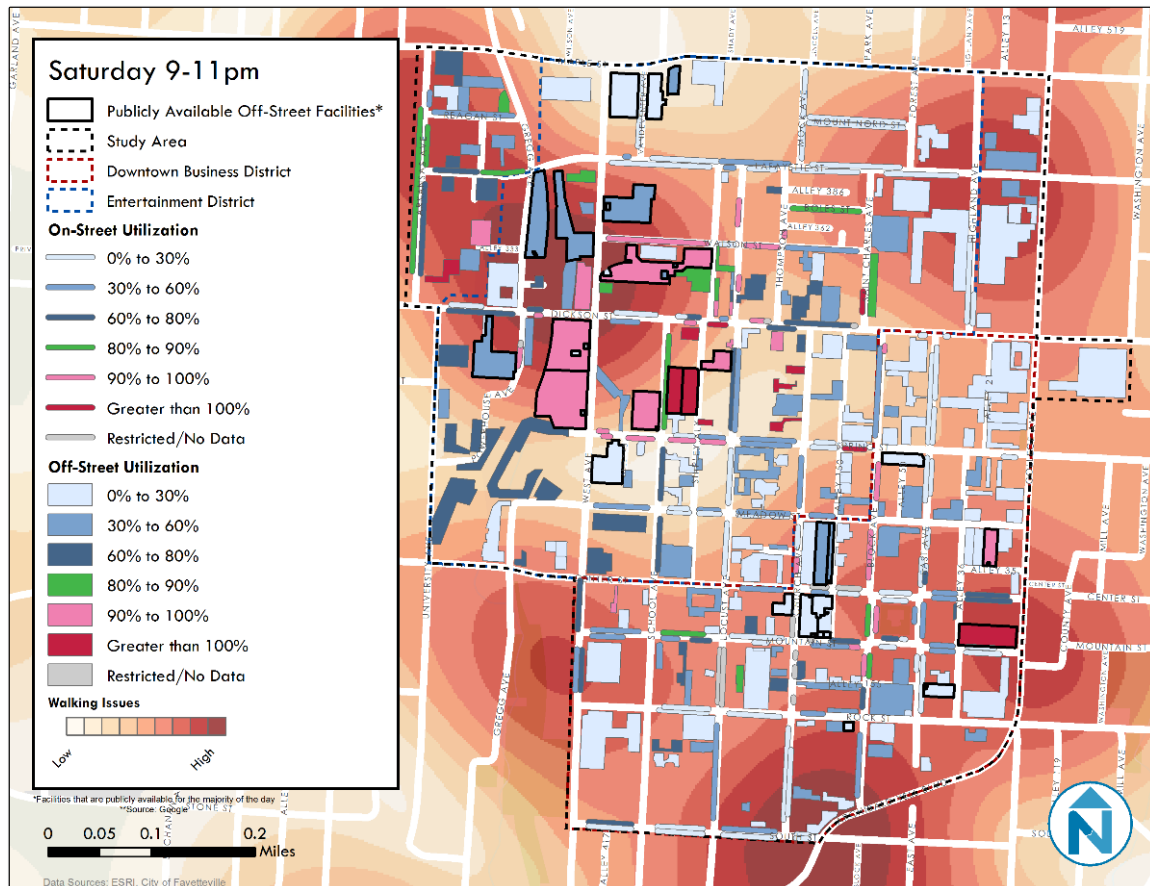
Figure 28 Example of Textured Crosswalk - Dickson Street



Figure 29 compares parking utilization on a busy weekend night with noted walking issues from the public, showing that some facilities may be underutilized due to walking connection issues. As part of the public engagement for the larger Mobility Study, participants were asked to note areas of concern on a map, both online and in-person.²³ Comparing these noted issues with parking utilization shows that some publicly available facilities near the WAC may be underutilized as the public perceives that the walking environment in that area is unsafe.

²³ For more information on this public outreach and its results, please refer to Mobility Study materials.

Figure 29 Wikimap Walking Issues Compared to Weekend Utilization



Bicycle Connections

Bicycle infrastructure in Fayetteville is plentiful and mostly off-street. The infrastructure both serves people on bikes and as a highly visible reminder to Fayetteville residents and visitors alike that travelling around town by bike is convenient and comfortable. This includes multi-use trails and an even geographic distribution of public bicycle racks. A lower density of on-street facilities, however, means that direct access to shops and restaurants from the robust trail system may be more difficult.

Expanding bicycling options in Fayetteville is another way to alleviate parking pressures. Bicycle share programs have proliferated in many cities and towns across the United States and across the country. Despite this boom and the presence of potential significant latent demand both in Fayetteville and at nearby UA, there is currently no City bike share program. Currently, the closest bicycle share program is based on the University of Arkansas campus and not marketed to the general public.

In addition, signage geared towards drivers can play a role in the comfort and safety of bicyclists and support an overall sense that Fayetteville is a City for cyclists. While there is signage to warn drivers about maintaining a 3-foot minimum distance when passing bicycles, there is no reminder for drivers to look in their mirror when turning right or to look behind them before opening their car door into the right-hand lane—the lane most bicycles intuitively use.

Figure 30 Example of Bicycle Wayfinding Sign in Fayetteville



ZONING REVIEW

The Code of Ordinances of the City of Fayetteville, Arkansas, were adopted in August 2004 and codified most recently in March 2016. Chapter 72, titled “Parking Regulations,” defines parking regulations and requirements for general uses and joint facilities. Within the Unified Development Code (UDC), Chapter 172 (“Parking and Loading”) establishes regulations for the development of parking areas, structures, and loading areas.²⁴ The Code of Ordinances covers many topics in great detail, but this memorandum focuses solely on the provisions related to parking and transportation demand. The parking-related ordinance (Chapter 72) covers the entire City of Fayetteville, including the Downtown Business District and Entertainment District.

Zoning often controls and requires the provision of parking, which has impacts on the viability, cost, and form of proposed developments in a community. In a comprehensive parking review, reviewing zoning requirements and policy in service of larger downtown goals becomes necessary. As downtowns evolve, the level and mix of uses change; code often necessitates that parking demand is continually re-evaluated and updated to match the prescribed requirement. This section reviews Fayetteville’s current zoning ordinances and compares them to national best practices.

KEY FINDINGS

- Fayetteville uses parking maximums with no minimums for all of its non-residential use categories—a best practice in parking standards.
- For residential uses, the code provides ratios that serve as both a minimum and a maximum.
- Many of Fayetteville’s required parking maximums still allow for more parking than accepted national standards from the Institute of Transportation Engineers (ITE) would typically expect.
- Developers can relatively easily adjust maximums upward.
- Provisions for shared parking exist within the Code of Ordinances but are limited to residential uses and purposes.
- The Code of Ordinances includes detailed requirements for bicycle parking, but it does not account for additional multimodal measures such as electric vehicle parking or transportation demand management programs.

PARKING PROVISION

Fayetteville’s non-residential parking maximums and residential parking minimums are higher than the peak parking demand rates found in *Parking Generation 4th Edition* (Institute of Transportation Engineers, 2010), as illustrated in Figure 32 and Figure 33. ITE produces this periodic report, which is the prevailing national standard in determining parking demand for a development. ITE standards are based on parking demand studies submitted to ITE by a variety of parties, including public agencies, developers and consulting firms. These rates are a comparative starting point to determine baseline assumptions.

²⁴ Accessed via municode.com, July 2016

Although widely considered an industry standard, the peak parking demand rates found in the ITE guide are primarily derived from studies conducted in auto-dependent single-use suburban sprawl settings where data can be easily collected. When applied as requirements in a more complex, denser, and mixed-use environment, these tend to project parking demand at a rate that could reproduce a similar auto-dependent suburban sprawl pattern.

Fayetteville's application of **maximums with no minimums for non-residential uses—a best practice in parking standards**—can curb this type of sprawl; however, many of Fayetteville's parking maximums still exceed even these suburban ITE rates for the described land uses. Figure 32 and Figure 33 compare Fayetteville's zoning requirements to ITE projected parking demand for a cross-section of uses; note that for some uses, Fayetteville's requirement are below ITE rates—most notably for hospitals and medical/dental offices. Parking requirements are important as they guide the amount of parking—and therefore land and construction cost—needed to develop an existing or new property in the City. Most of the requirements shown in Figure 32 are general City requirements.

Most parking requirements take into account only two variables, land use and the size of development. As with the requirements in the Code of Ordinances, these are typically expressed in terms of number of spaces required per a certain square footage of a particular land use; or per residential unit; or (for restaurants and theaters) number of seats.

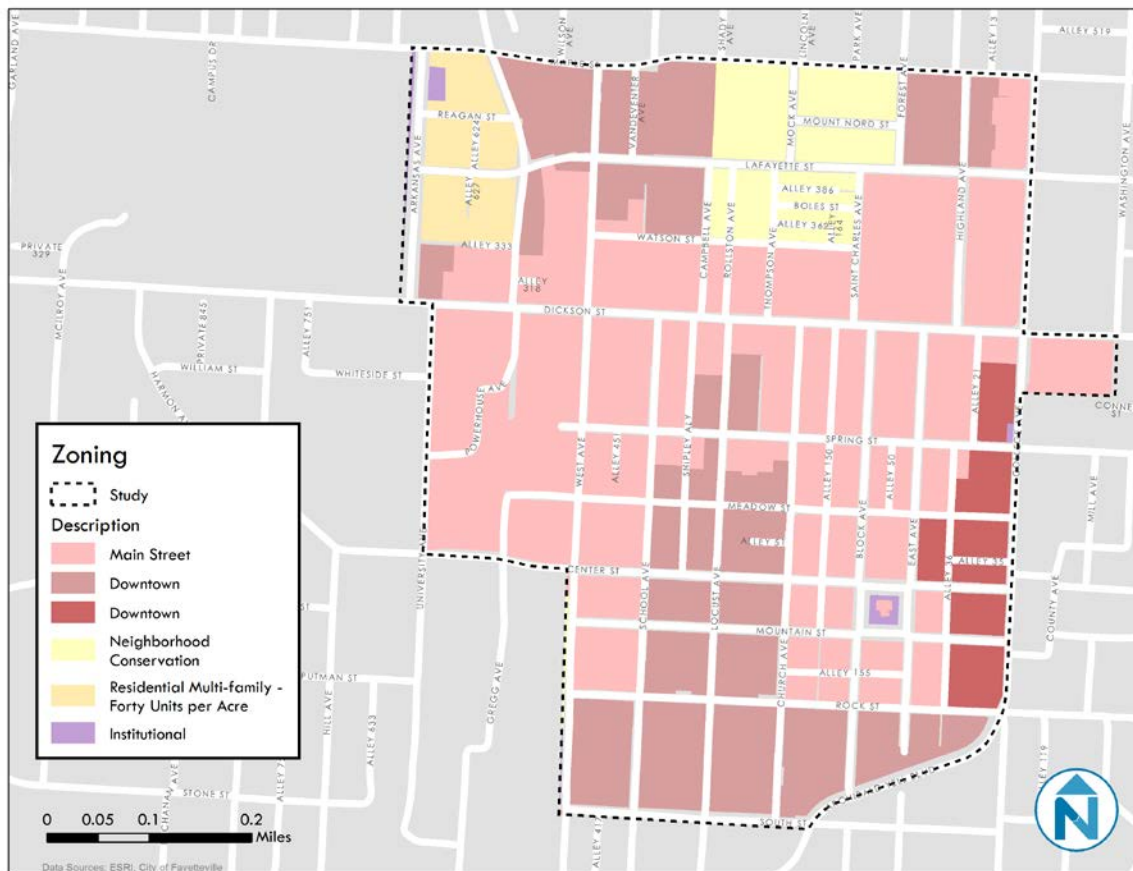
As currently configured, Fayetteville's Code of Ordinances allows some **flexibility in its minimum and maximum requirements—another best practice**. Several regulations allow for reduced residential parking requirements, such as transit provision or on-street parking. Conversely, developers may increase the number of off-street parking spaces for a non-residential use if specific conditions are met.

Most of downtown Fayetteville falls into the Districts listed below, which have specific use requirements.²⁵ These districts also have specific setback requirements, including a “build-to” zone between the front property line and 25 feet from the front property line. Districts in the study area (Figure 31) include:

- Downtown General
- Main Street Center
- Downtown Core

²⁵ Code of Ordinances, Chapter 161.

Figure 31 Parking Study Area Zoning



Residential Parking

Fayetteville's required minimum parking regulations for residential zones are contained in "Standards For The Number Of Spaces By Use" (Chapter 172.05) and are fairly broad: two parking spaces are required for each single-family, duplex, or triplex dwelling unit; for multifamily or townhouse dwelling units, one parking space is required per bedroom (Figure 32). These parking minimums also serve as maximums.

Fayetteville's zoning allows for up to a 10-15% decrease in residential parking requirements based on context, reflecting some of the realities of parking demand. These context factors include: proximity to transit stops (one-quarter mile radius), the inclusion of motorcycle and scooter spaces or bike racks, and the implementation of shared parking. On-street parking located adjacent to a development's frontage can also count toward the site's total parking requirements. These factors reflect how facilities for alternative modes can change parking demand – i.e. it is more likely for a person to ride a bicycle if there is a safe place to park it at home, or to take transit if it is located nearby.

Other factors also play a role in parking demand and are not included in Fayetteville's regulations. These factors include the mix of adjacent land uses, demographic characteristics of the community, availability of other alternatives (biking/walking), traffic demand management programs, vehicle ownership rates, housing unit size, share of affordable housing units, etc.

Figure 32 provides a comparison of residential parking minimums/maximums to ITE standards. Fayetteville's parking minimums for residential uses are higher than ITE-predicted peak demand. Thus, even in the evening (which is the time of day when most vehicles are parked at residential uses) there are likely spaces unoccupied at developments built to these standards.

Figure 32 Residential Parking Ratios

Principle Use		Fayetteville Required Minimum Spaces	ITE Peak Parking Demand Rates	Fayetteville vs. ITE
Residential	Single-family, duplex, or triplex	2.0 spaces per dwelling unit	1.2 per Dwelling Unit ²⁶	Above
	Multifamily or townhouse	1.0 spaces per bedroom	1.2 per Dwelling Unit	Above

Non-Residential Parking

In contrast to minimum parking requirements, Fayetteville's parking maximums for non-residential uses restrict the total number of spaces that can be constructed. Reasons for setting maximum requirements may include a desire to restrict traffic from new development, promote alternatives to the private vehicles, or limit the amount of valuable downtown land that is devoted to parking. Parking maximums can be introduced in any place where there are or could be measures in place to combat spill-over parking to nearby properties or streets. While the policy is most likely to be appropriate in transit corridors, downtown, and areas with high levels of traffic congestion, it can be useful in any district that wants to limit traffic or the amount of land devoted to parking.

Fayetteville's parking maximums can be adjusted relatively easily by developers. Developers can automatically increase off-street parking by 15% above the maximums listed in Figure 33. In exchange for stormwater mitigation such as bioswales or pervious pavement, or planting trees, a developer can increase the parking maximum by an additional 15%. Thus, some of the maximums in both Figure 32 and Figure 33 can be increased up to 30% depending on other aspects of a given development.

²⁶ Urban Low/Mid-Rise Apartment (ITE code 221)

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Figure 33 Sample of General Parking Ratios under Fayetteville's Code of Ordinances

Principle Use		Fayetteville Required Maximum Spaces	ITE Peak Parking Demand Rates	Fayetteville vs. ITE
Medical	Hospital	1.00 per bed	4.49 per Bed	Below
	Convalescent Home, Assisted Living, Nursing Home	0.50 per bed	0.35 per Bed	Above
	Medical/dental office	4.00 per 1,000 sq ft	4.94 per 1,000 sq ft	Below
	Funeral Homes	0.25 per seat in main chapel, plus 1.00 per two employees, plus 1.00 reserved for each vehicle used in connection with the business	0.20 per seat*	Above
Civic	Community Center	4.00 per 1,000 sq ft	3.20 per 1,000 sq ft	Above
	Church/religious institution	0.25 per seat (main auditorium); 1 per 40 sq ft (assembly area)**	0.20 per seat	Above
Industrial	Wholesale	1.00 per 1,000 sq ft	0.5 per 1,000 sq ft	Above
	Warehousing	0.5 per 1,000 sq ft	0.5 per 1,000 sq ft	(same)
Entertainment	Bowling Alley	6.00 per lane	3.13 per lane	Above
	Golf Course	3.00 per hole	3.56 per hole (Weekday PM)	Below
	Theater	0.25 per seat	0.46 per seat^^	Below
Commercial	Retail Stores and Shops	4.00 per 1,000 sq ft GFA	2.87 per 1,000 sq ft	Above
	Hotels and Motels	1.00 per guest room, plus 75% of spaces required for accessory uses	0.95 per occupied room^	Above
	Furniture and Carpet Store	2.00 per 1,000 sq ft GFA	1.22 per 1,000 sq ft	Above
	Professional Office	3.33 per 1,000 sq ft	2.84 per 1,000 sq ft	Above
	Sales Office	5.00 per 1,000 sq ft	2.84 per 1,000 sq ft	Above
	Restaurants	10.00 per 1,000 sq ft, plus 4 stacking spaces per drive-thru window	0.47 per seat	Below**
*APA standards; ** Whichever metric provides more spaces; ^ average of hotel and motel demand; ^^ Movie Theater with Matinee (Saturday, Peak Hour); Required minimum spaces standardized for comparison. ** Assuming 50 sq. ft. per 4-seat dining table, Fayetteville requires 0.125 spaces per seat.				

PARKING PROVISION BEST PRACTICES

Figure 34 compares best practices for urban parking management to Fayetteville’s existing practices. While Fayetteville is not hyper-urban, the heart of downtown is a walkable, mixed-use environment that lets residents and visitors alike enjoy a more urban lifestyle. Parking regulations often underpin development decisions and should be carefully considered for their impact on the built environment.

Fayetteville’s zoning follows several best practices in parking provision, including parking maximums, encouragement of shared parking, and bicycle rack provision. These elements taken together can help to shape a more efficient parking system that encourages travel by multiple modes and regulates the overall number of parking spaces provided.

However, in other ways, the zoning code could be updated to facilitate a more multimodal planning environment. For example, no regulations exist that encourage safe pedestrian access across driveways or promote transportation demand management programs.

Figure 34 Parking Best Practices Compared to Fayetteville Policies

	Best Practices	Existing Regulation
Parking Requirements	Reduced Parking Minimums: In a number of municipalities, parking minimum requirements can be reduced when certain conditions are met, such as central business districts, or with a specific percentage of affordable housing. Removed Parking Minimums: Some places have done away with minimum parking requirements for the entire municipality while others have targeted specific zoning districts. Parking Maximums: In a growing number of municipalities, parking minimums have been replaced with parking maximums. In some cases, the amount required as a minimum is directly converted to a maximum. In others, the current standards are rejected altogether and a new analysis is carried out based on local auto ownership rates and commuting patterns.	No minimum parking spaces are required for non-residential use. Applicants must provide a statement indicating how parking will support the use without negatively impacting adjacent properties or traffic. Parking Maximum Increases: Developers are automatically allowed to increase the number of off-street parking spaces by 15% above the City’s maximum. Developments are allowed to further increase parking spaces another 15% by using alternative stormwater treatment techniques or planting trees (more or less trading one environmentally positive treatment for another). Residential Parking Reductions: Minimum required residential parking can be reduced under the following circumstances: • Properties located within a quarter-mile radius of a transit stop (max 15% reduction). • Replace vehicle parking spaces with a motorcycle/scooter space (max 10% reduction). • Replace vehicle parking spaces with a bicycle rack (max 10% reduction).
Shared Parking	Remote off-site parking Shared parking up to 1,000 foot walking radius is common. Park-once Required parking spaces for all uses in all districts need not be limited to use by residents, employees, occupants, guests, visitors, or customers of such uses and may be used for general public parking. This enhances the inherent “park-once” efficiency	Shared parking is allowed for groups of uses including residential uses only. Shared parking requires an agreement and is permitted only where the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally)—both of which limit the ability and incentive to share. Three arrangements exist in Fayetteville’s Code of Ordinances:

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	of a downtown area. Shared parking can be provided on-site or in other private facilities through agreements. Sharing public parking Potential to consider public parking (on- or off-street) as part of shared supply.	- Shared Parking Between Developments: Formal arrangement encouraged between uses with non-conflicting parking demands (e.g. bank and church). - Shared Parking Agreement: To be filed if a privately owned parking facility is serving two or more separate properties. - Shared Spaces: A complex regulation states that: "Individual spaces identified on a site plan for shared users shall not be shared by more than one (1) user at the same time." (172.05)
Change-of-use Exemption	Accommodation of small parcels When buildings and parcels are converted to new uses, exemptions from parking requirements may be granted when providing the required amount of parking on-site is infeasible. Promotion of small commercial reuse Allow for exemptions in cases where overall building and parcel in use is below a certain size (e.g. 5,000 sq ft). Allow for exemptions in cases where building and parcel in use is to a lower parking intensity.	Parking requirements are entirely waived for Change of Use in three districts, regardless of project size (a best practice): Downtown Core, Main Street Center, and Downtown General.
In-Lieu Fees	Funding shared parking with in-lieu fees Where zoning requirements for minimum numbers of parking spaces exist, a parking in-lieu fee or payment has found great success at reducing parking supply for dense mixed-use areas that have lower parking demand or high potential for sharing. Fees vary widely.	None.
Parking Location Requirements	Improving walkability No front yard parking in downtown area. Reduced or eliminated minimum building setback requirements in downtown area.	Front yard parking is not prohibited, but landscaping requirements make its provision difficult. For property lines adjacent to the Master Street Plan, 15-foot wide landscaped areas must be provided. Setbacks of less than 15 feet may be allowed in "Urban Zoning Districts". For residential zones (excluding single family and two-family uses) and non-residential zones, all developments must feature a 15-foot landscaped setback (177.04). Note, right-of-way requirements for streets are designated by the Master Street Plan (166.18).
Curb Cuts	Reduction in curb cuts In downtown or village center zoning districts, development reviews emphasize a prohibition of curb cuts and driveway openings along key transit, bicycle, and/or pedestrian routes whenever possible. Pedestrian accommodation Where curb cuts are present, standards expect a level crossing for pedestrians (raised driveway) and	Fayetteville's Code of Ordinances includes specific provisions regulating curb cuts and driveways for vehicle ingress and egress based on property use and street typology (166.08.F). - Unless shared, curb cuts must be a minimum of five-feet from adjoining property lines. Curb cuts must be a minimum of 250-50 feet from the nearest intersection or driveway depending on street type. - Curb cuts are discouraged for single-family homes on arterial or collector streets.

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	clear sightlines for exiting motorists to see pedestrians. Access management Encourage joint access to multiple lots through shared driveway/curb-cut access.	If a new curb cut is granted for a parking lot that was constructed before the Code of Ordinances was passed, the parking area must be brought into compliance with all existing ordinances. No regulations exist related to pedestrian access across curb cuts.
Car-Share Provision	A minimum number of car share spaces are required to be provided free of charge to car share services (such as Zipcar), in relation to the amount of parking provided and proximity to transit.	None.
Unbundled Parking	Any parking spaces offered to tenants of a new development offered as a fee-based option distinct from charges established for renting, leasing, or purchasing primary-use space within the development. These fees shall reflect market realities (i.e., the actual value of parking). Unbundled parking makes housing more affordable for tenants or buyers who do not have a vehicle (or who have fewer vehicles than standards would indicate) without affecting price for others. In addition, it makes the cost of providing parking clear to residential and commercial tenants and buyers, and to help them make more informed decisions about their transportation needs. Typically, unbundled parking leads to reduced parking demand (10-30%²⁷), which in turn lets developers build less parking and more of the functional building space (whether that is living units, commercial space or office space). A conservative approach may be to ease minimum requirements by 20%.	None.
Bicycle Parking Requirements	Minimum bike parking facilities are provided in relation to the scale of development, and minimum APBP-compliant design standards for such parking facilities are specified.	All new building construction or expansion requiring five or more off-street vehicle parking spaces must provide bicycle parking. Non-residential developments are required to provide one bicycle rack for every 20 vehicular parking spaces, with a minimum of one rack per development. Residential developments are required to provide one bicycle rack for every 30 dwelling units, with a minimum of one rack per development. Up to 10% of required vehicle parking may be substituted with bicycle parking at the following rate: one additional bicycle rack per one automobile space. This regulation is allowed in addition to other variances, reductions, and shared parking agreements (§ 172.05).

²⁷ Todd Littman, Victoria Transport Policy Institute.

Transportation Demand Management Program Requirements	Regulations to encourage Transportation Demand Management (TDM) programs by building managers. A sample of TDM programs includes: ▪ Pre-Tax transit benefits – Employees are provided with access to “transit checks,” vouchers, or debit card systems that allow the use of pre-tax income for purchase of transit fares. ▪ Preferential parking for carpooling, for instance 10% of all parking spaces are set aside for carpool vehicles prior to 9:00 AM on weekdays, or provide carpool parking in prime locations. ▪ Provide ride-sharing services, such as a carpool and vanpool incentives, customized ride-matching services, a transportation information package for new employees and residents, a Guaranteed Ride Home program (offering a limited number of emergency taxi rides home per employee), and an active marketing program to advertise the services to employees and residents.	None.
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BEST PRACTICE SUMMARY

Overall, Fayetteville’s zoning requirements follow several national best practices, including allowing for shared parking, robust bicycle parking requirements, and maximum parking requirements for many uses, rather than parking minimums. However, the City can influence travel behavior and reduce parking demand through multiple additional forward-thinking strategies:

- Unbundling parking spaces from multi-unit residential developments permits developers to construct and include less parking, lowers the cost of housing, and raises the likelihood that new residents will travel by public transit, biking, or walking.
- Transportation demand management programs incentivize employees and residents alike to use public transit or carpool, and reduces their reliance on a personal vehicle.
- Promoting car-share by designating downtown parking spaces for car-share services such as Zipcar provides downtown residents with flexible access to a car, and enables those who wish to forgo owning a personal vehicle.

These strategies, in combination with Fayetteville’s existing parking practices, could promote multimodal transportation downtown and lower the need for dedicated parking facilities.



LAND USE AND FUTURE PARKING DEMAND

Fayetteville Mobility Study

June 2017

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1 INTRODUCTION

Parking does not exist independently; it is intricately intertwined with the overall mix of land uses and activities it serves. As Fayetteville evolves and attracts a variety of land uses, this relationship is critical. This memorandum explores the relationship between land use patterns and observed parking demand to project what may be expected in the future.

Fayetteville has taken progressive measures to capitalize on its mix of uses and walkable environment with active small-scale retail, restaurants, and bars. Careful consideration of how the land is zoned or used (built environment, roadways, open space, or parking) has a significant impact on the vitality of any business district. Current national trends are moving towards more residential and infill development with less parking; this is helping Fayetteville achieve broader economic development goals.

Zoning has shaped past and current land uses and parking supplies, and it must continue to evolve in tandem with the changing needs and desired environment in Fayetteville. A separate zoning review and best practices summary that links the land use topic to parking supply requirements has been prepared and can be found in the Parking Management Memorandum.

ABOUT THIS DOCUMENT

This memorandum includes a land use and parking analysis for three focus areas in Fayetteville using an adapted parking model. The model is based on the concepts that parking demand for different types of land uses changes over the hours of the day and that people parking in a mixed-use downtown like Fayetteville's are regularly sharing spaces for more than one land use. By calibrating the model to match real observed demand (determined during utilization counts), potential parking demand as future developments are proposed and implemented can be ascertained.

In addition, the team modeled two development scenarios for each of the three focus areas to determine the expected parking demand. This demand can be compared to existing supply to understand how parking may need to change in the future to support demand and to meet City goals.

2 LAND USE AND PARKING ANALYSIS METHODOLOGY

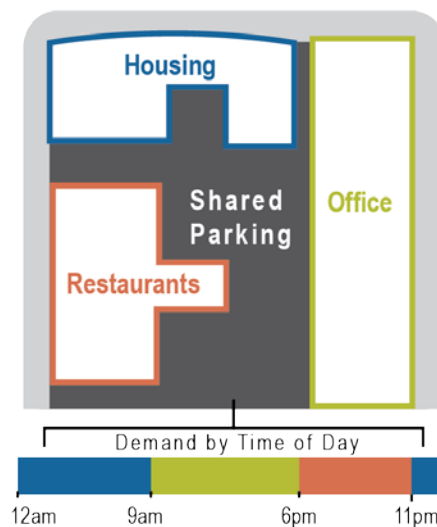
This analysis examines the relationship between land use, parking supply, and parking demand (estimated and observed) for both today and the future in Fayetteville. The methodology uses observed parking utilization data (detailed in the *Existing Conditions Parking Inventory and Utilization* memorandum) together with national standards and practices to understand the sufficiency of parking supply throughout the day. The methodology, as described below, uses ratios adapted for Fayetteville to calibrate a model that is appropriate the context of Fayetteville's mixed-use focus areas.

METHODOLOGY DETAILS

Understanding the relationship between land use patterns and parking demand is critical. The studied areas have distinct parking districts and user profiles which pose challenges to managing resources. Traditional development expectations often assume that parking will be provided for each separate development with little or no consideration of shared parking or access among different uses. This may be applicable to suburban sites with lots of space and isolated single land uses, but is not appropriate in a mixed-use environment like Fayetteville's Downtown Square Business District and Dickson Street Entertainment District.

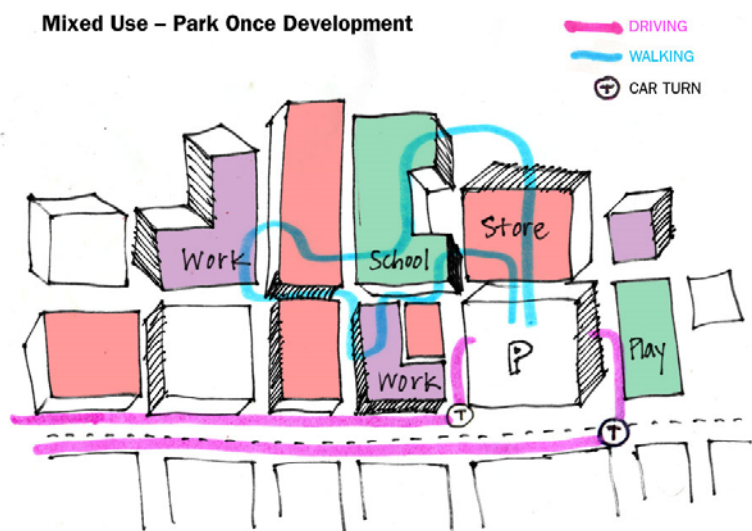
In a proven principle often referred to as “**staggered peaks**,” the actual demand for parking varies by use throughout the hours of a day and days of a week: office space generates parking demand during traditional weekday business hours; parking for residential housing is often highest overnight as many residents use their cars during the day; and the parking demand generated by bars and restaurants is highest during meal times and into the evening (Figure 1). If parking is shared between multiple uses, the aggregated parking demand by time of day is less than the total that would be programmed separately for each use.

Figure 1 Parking Demand Varies by Use throughout the Day



A second principle of shared parking in a mixed use area is often referred to as “**internal capture**,” whereby a single parking space that is used for one use at a single time may serve another use at the same time simply by the virtue of someone walking to a second destination after parking at their first destination. For example, stepping out of work to grab a sandwich next door eliminates demand for a parking space at the sandwich shop; buying coffee before heading upstairs to your office eliminates demand for a parking space at the coffee shop; and picking up dry cleaning around the corner after parking at home eliminates demand for a parking space at the dry cleaner (see Figure X). Mixed use areas naturally promote this type of shared parking which eliminates the need for many redundant parking spaces.

Figure 2 Parking Demand Is Reduced When People Visit More Than One Destination on Foot



Mixed use areas typically experience reductions in traditional parking demand expectations as a result of both **staggered peaks** and **internal capture** to varying degrees, depending on how well uses are mixed together and what the walking environment is like between them. There are several anecdotal ways in which Fayetteville’s Downtown Square Business District and Dickson Street Entertainment District already support similar shared parking patterns, and the methodology shown in this memorandum is based off of those findings. In particular:

- Patrons of restaurants who also visit bars are sharing parking
- Drivers who park in church parking lots Monday through Saturday to go to restaurants/offices etc. are sharing parking
- An informal shared agreement exists between residents and employees downtown and a neighboring church that allows people to use the church parking lot except during church service/event times on Wednesday and Sunday.
- Other informal agreements allow restaurant employees to use daytime worker spaces at night.
- Evening patrons of the Walton Arts Center and other entertainment venues who park for a show and then eat dinner and/or get a drink are sharing parking. Additionally, parking is shared by a lunch crowd during the day.

The analysis methodology used in this memorandum is different than a traditional parking generation exercise due to the "staggered peaks" and "internal capture" shared parking principles observed in Fayetteville. Most often, parking generation analyses rely on the Institute of Transportation Engineers' (ITE) periodic report titled *Parking Generation*, which is the prevailing national standard in determining parking demand for a development. ITE standards are based on parking demand studies submitted to ITE by a variety of parties, including public agencies, developers and consulting firms. The most recent parking generation manual available is the 4th edition (2010) and *is used as a comparative starting point to determine baseline assumptions*. However, as described previously, to model a mixed-use business district environment, Nelson\Nygaard used an adapted parking model with inputs from the Urban Land Institute's (ULI) Shared Parking Manual (2nd Edition, 2005) and Fayetteville-specific land use and parking data to accommodate staggered peaks and internal capture.

To model the parking demand based on land use, the team used the following steps:

1. **Existing Land Use:** Categorize and aggregate existing land uses (by focus area) to determine the built square footage that attracts parking demand and adjust for known vacancy rates.
2. **Traditional Parking Demand Model:** Calculate and compare how much parking would be "needed" if each land use had its own, dedicated supply of parking based on the Institute of Transportation Engineers' (ITE) *Parking Generation* guidebook using existing land uses in the study area.
3. **Adapted Parking Model:** Apply an adapted parking model derived from the Urban Land Institute's (ULI) *Shared Parking Manual* to show the expected parking demand throughout the course of an average weekday, adjusted for staggered peaks and internal capture.
4. **Observed Parking Demand:** Compare the adapted model-generated parking demand to observed parking utilization counts collected in Spring 2016 and calibrate the model if necessary to match observations.
5. **Future Land Use:** Add future development scenarios to the existing land uses and model the new expected parking demand. Future development is more likely to behave like current observed demand, so the future model relies on the outputs from the Adapted Model with existing land uses.

Activity Areas

Working with the City of Fayetteville, the project team selected three smaller focus areas within the overall parking study area that provide different contexts for parking demand. Each area has an approximate 2-minute walk radius (4-minutes across) and represents where drivers going to certain land uses might park. A close examination of parking demand and land use intensity in these areas provides insight into the relationship between the two. Each focus area has unique characteristics, and all enjoy the walkable, mixed-use, and vibrant character of the Downtown Business and Entertainment Districts. These areas are shown in Figure 3. Regarding the proximity of one focus area to another, it is noted that the analysis cannot fully account for cross-activity, such as if a driver parks in one focus area and visits another.

The land use analysis is presented in three focus areas:

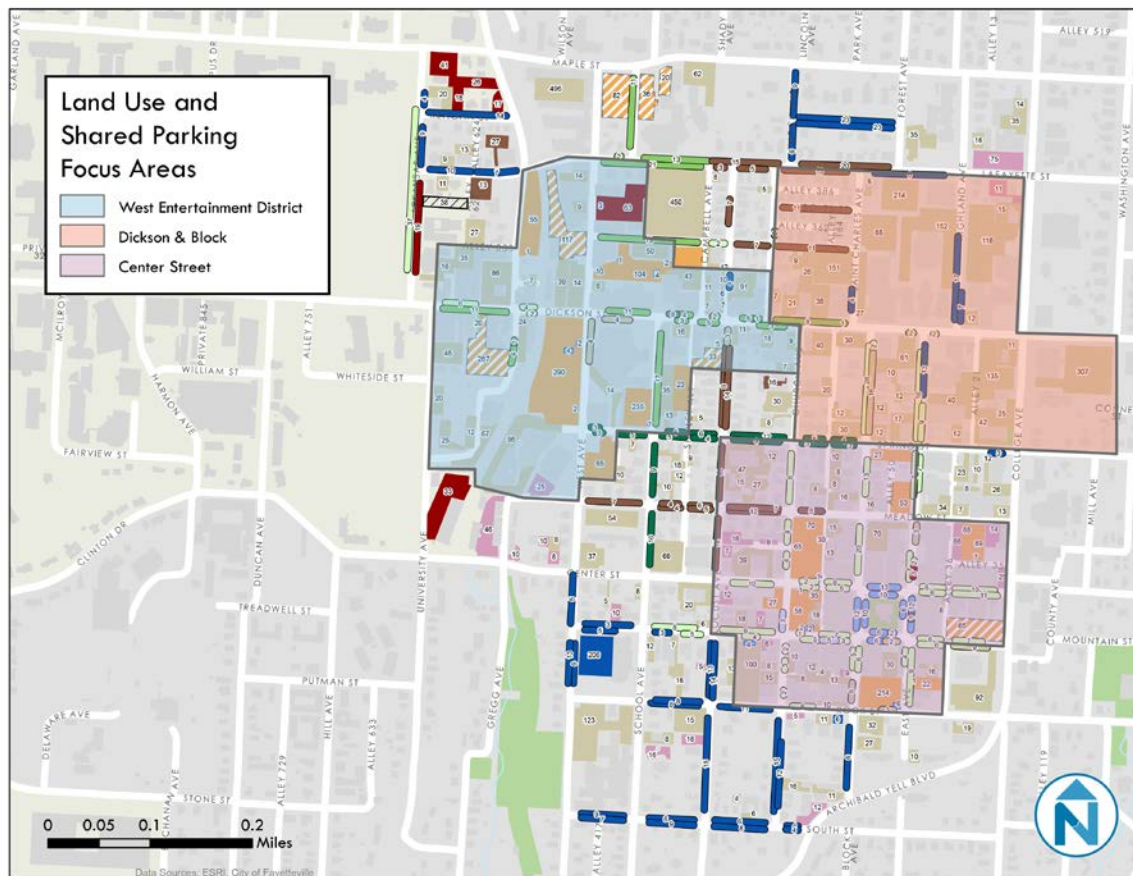
- **Dickson & Block:** A focus area that contains some businesses along Dickson, the Washington County Circuit Court, and several law, accounting, and newspaper offices.

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Boundaries include Lafayette and Spring Streets on the north and south and a combination of College, Church, and Thompson Avenues on the east and west. This area also contains a large concentration of churches.

- **Center Street:** This area represents the traditional downtown core mostly located within the Downtown Business District. Land uses are currently dominated by office buildings, banks, and general retail, with some residential and hotel uses. The thrice-weekly Fayetteville Farmers' Market takes place at the center of this focus area.
- **West Entertainment District:** This area contains the busiest portions of the Entertainment District, including both the Walton Arts Center and the significant retail and restaurant concentration along Dickson Street. It includes large municipal parking facilities such as the West Lot and the Spring Street Deck.

Figure 3 Land Use and Shared Parking Focus Areas



Existing Land Use

Washington County's 2016 Assessors Database, which includes land use type and gross floor area by building, is the basis for the focus area land use analysis. The team cross-checked the database with observations of downtown and City staff to confirm its accuracy, then separated the information by focus area into use categories that are compatible with ITE and ULI/Nelson\Nygaard parking demand equations. Parks, parking lots, vacant parcels, and vacant buildings are excluded as non-regular parking generators. Single family, two-family, and three-family housing were also excluded in this modeling exercise because these developments typically have their own driveway parking and do not rely on other parking resources. The existing land use summary of all focus areas is shown in Figure 4.

To adjust the existing land use database to reflect today's conditions, the team applied a 10% vacancy rate for retail and 13% vacancy rate for office space, as identified in a commercial real estate market summary (2016)¹. A residential vacancy rate was not applied. The same vacancy rates were applied in all three focus areas.

¹ University of Arkansas Center for Business and Economic Research (2016) Commercial Real Estate Market Summary for Benton and Washington Counties.

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Figure 4 Existing Land Use in Focus Areas

Land Use	Dickson & Block Sq. Ft./Units	Center Street Sq. Ft./Units	West Entertainment District Sq. Ft./Units
Bank		92,000 Sq. Ft.	1,000 Sq. Ft.
Church	91,000 Sq. Ft.		8,000 Sq. Ft.
Cleaners/Laundromat		21,000 Sq. Ft.	13,000 Sq. Ft.
Coffee/Donut Shop		13,000 Sq. Ft.	
Convenience Market	3,000 Sq. Ft.		
Farmers Market		100,000 Sq. Ft. ²	
Fast Food			7,000 Sq. Ft.
Funeral Home		7,000 Sq. Ft.	
General Retail	43,000 Sq. Ft.	75,000 Sq. Ft.	106,000 Sq. Ft.
Government Office	145,000 Sq. Ft.	11,000 Sq. Ft.	
Hotel		206 Rooms	10 Rooms
Low to Mid Rise Apartment		132 Units	325 Units
Medical/Dental Office	7,000 Sq. Ft.	9,000 Sq. Ft.	2,000 Sq. Ft.
Office	112,000 Sq. Ft.	360,000 Sq. Ft.	30,000 Sq. Ft.
Quality Restaurant		6,000 Sq. Ft.	16,000 Sq. Ft.
Residential Condominium	16 Units		
Sit-Down Restaurant/Bar	4,000 Sq. Ft.	27,000 Sq. Ft.	65,000 Sq. Ft.
Sit-Down Restaurant/No-Bar		56,000 Sq. Ft.	18,000 Sq. Ft.
Theater			2,590 Seats
Total	405,000 Sq. Ft. 16 Units	677,000 Sq. Ft. 132 Units 206 Hotel Rooms +Farmers Market	266,000 Sq. Ft. 325 Units 10 Hotel Rooms 2,590 Theater Seats

Note: Retail, office and residential vacancy rates are not accounted for in the total floor area counts.

² Equivalent for use as grocery store land use type

Modeling Parking Demand

Traditional Parking Analysis

The Institute of Transportation Engineers (ITE) produces a periodic report titled *Parking Generation*, which is the prevailing national standard in determining expected parking demand for a development or set of land uses. ITE standards are based on parking demand studies submitted to ITE by a variety of parties, including public agencies, developers and consulting firms. These studies are often based on peak hour demands of suburban sites with isolated, single land uses which have free parking³. To calculate the parking “required” for a development, an analyst compares peak parking demand by use to the size of the use and assumes that **the peak amount of parking is required all day every day exclusively for that use.** (Figure 5)

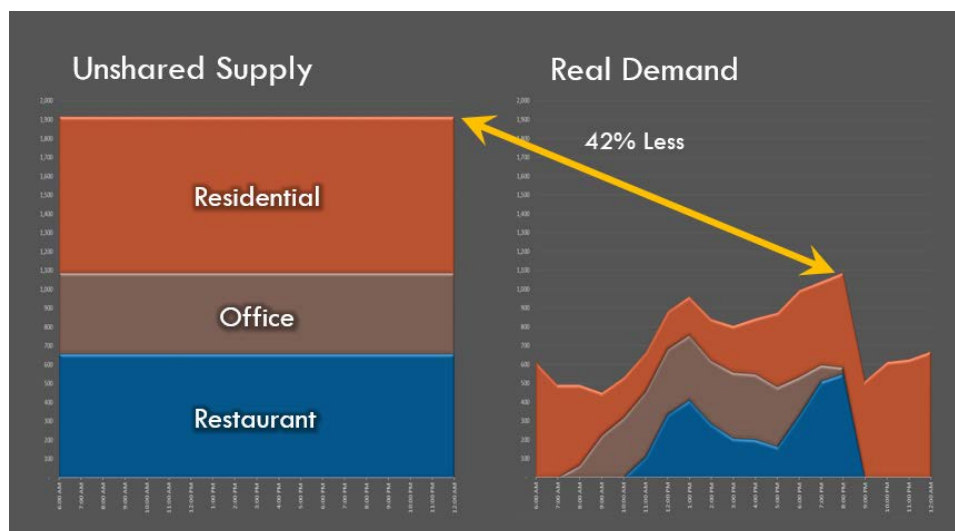
The approach for Fayetteville includes ITE peak period parking demand rates as guidelines to benchmark how the existing parking supply in each focus areas compares to its land uses, enabling the team to confirm that parking in Fayetteville is shared and to what degree.

Adapted Parking Model

Nelson\Nygaard’s experience indicates that projections using standard ITE parking rates tend to overestimate demand for areas like the Fayetteville parking study area. Mixed-use areas offer the opportunity to share parking supply between various uses. Throughout the day, different uses have different peak demands: for example, an office may have a high demand until 5 p.m., and a restaurant open for dinner may have a high demand only after 5 p.m. This reduces the total number of spaces required to accommodate demand by the same land-uses in stand-alone developments (Figure 5).

Both ITE and the Urban Land Institute’s (ULI) Shared Parking Manual (2nd Edition, 2005) report demand by time of day for most land uses. By layering this information with peak parking ratios, an analyst can determine a more realistic peak parking demand for all uses in a given area.

Figure 5 Example: Traditional Expected Parking Demand v. Real Demand Profile



³ Institute of Transportation Engineers, *Parking Generation* 4th Edition, 2010, page 2

To model this mixed-use environment, Nelson\Nygaard used an adapted parking model as described in Urban Land Institute's (ULI) Shared Parking Manual (2nd Edition, 2005) plus applied context factors specific to Fayetteville. Adjustments to the model include:

Time of Day: Time of day adjustment factors for demand by use provide a more accurate depiction of different land uses' parking demand profiles throughout the course of a day. For example, residential land uses generate greater demand during the early morning and evening peaks when residents are at home, and traditional office buildings generate greater parking demand during the morning and into the early afternoon periods when people are at work. These factors help to produce "staggered peaks" for different land uses and create a more accurate depiction of how parking supply is actually used throughout the course of a day.

Internal Capture: Unlike traditional stand-alone developments, mixed-use and walkable environments in Fayetteville's Downtown Business and Entertainment Districts encourage and provide opportunities for customer, visitors, and employees to visit multiple destinations using one parking space, rather than having to drive and park multiple times during a visit. For example, an office employee who walks to a sandwich shop does not generate any additional parking. This type of behavior is classified as "internal capture." A conservative percentage of internal capture reductions were applied to activity areas based on results of the land use mix, as well as observations of the existing walking, bicycling, and transit environment to convey people after parking.

Transportation Demand Management: Another parking demand reduction factor included in the analysis is an adjustment for transportation demand management (TDM). These types of programs work collectively to change how, when, where, and why people travel and provide people the options to reduce reliance on the single-occupant vehicle. TDM measures include a range of cycling, walking, transit, and carpooling incentives that can range from simple infrastructure such as bicycle parking, bus shelters, and sidewalks to more advanced information campaigns and financial incentives to leave the car at home. A TDM measure that many cities use is paid parking, which clarifies the real cost of parking provision for the user and may encourage some to use a more cost-effective mode of transportation such as walking, biking, or taking transit. The model applies limited TDM factors to employee and residential parking demand.

Parking Demand User Groups: These factors impact the final calculation by defining the average share of peak parking demand attributable to non-office employees and office visitors, which often have varying parking demand rates from traditional office employees. The factors are kept constant throughout all Fayetteville focus area. Twenty percent of peak parking demand is assigned to employees while seven percent of parking demand is assigned to office visitors. These numbers represent national averages derived from research efforts.⁴

Transit Access: This factor adjusts for the impact of transit on retail/restaurant access. Shopping centers with access to transit services appear to have lower peak parking demand than those sites without transit service.⁵ As all focus areas are located within Fayetteville's central business district and are served by the same transit lines, this value is kept constant at eight percent.

⁴ Shoup, D. C., & American Planning Association. (2005). The high cost of free parking. Chicago: Planners Press, American Planning Association.

Smith M.S., & Urban Land Institute. (2005). Shared Parking Second Edition.

⁵ Institute of Transportation Engineers. (2010). Parking Generation, Fourth Edition.

Model Calibration

In the spring of 2016, a parking utilization survey of all parking assets in the combined Fayetteville study area was conducted to accurately capture the downtown's parking demand throughout the course of a weekday and weekend day. To understand how closely the modeled demand matches actual demand, this analysis compares the modeled results by time of day to observed utilization. A full analysis of the parking demand data is included in the Parking Inventory and Utilization Existing Conditions memorandum.

Development Scenarios

Using the Adaptive Model, a series set of analysis was performed to quantify the parking demand of potential future land uses with the current parking supply and demand. The goal of this exercise is to understand how parking needs will change as development intensifies, based on existing patterns.

The Nelson\Nygaard team worked with the City of Fayetteville to create two development scenarios for each focus area and determine how parking supply would support those scenarios. Scenario 1 represents a degree of development expected in the short-term, while Scenario 2 provides an insight as to how parking can support longer-term developments.

Figure 6 Development Scenarios Overview

Additional Land Use	Dickson & Block		Center Street		West Entertainment District	
	Scenario 1	Scenario 2	Scenario 1	Scenario 2	Scenario 1	Scenario 2
Apartment Units	150	350	375	375	50	500
Retail Square Feet	10,000	20,000	25,000	25,000	5,000	30,000
Restaurant/Bar Sq. Ft.				40,000		
Theatre Seats					500	500
Movie Screens					5	5

3 EXISTING AND FUTURE LAND USE & PARKING ANALYSIS

This section compares land use to parking supply and demand in the three focus areas. The model determines how much parking would be needed assuming that parking is used between land uses and people (customers, employees, visitors) visiting multiple destinations according to methodologies described above. The combined results of these analyses are then compared to the actual observed parking demand. The assumptions used in the existing land use analysis will also be applied to project future land use development and parking demand.

This analysis assumes that typically no more than 90% of the parking supply should be full⁶. This creates a "10% reserve," of parking spaces that can be used for overflow during events, overlap during peak times, and additional operational reserve. Thus, the charts in this memorandum include an "existing parking supply" and "reserve parking supply" which is 90% of the existing parking supply.

DICKSON & BLOCK FOCUS AREA

KEY FINDINGS: DICKSON & BLOCK FOCUS AREA

- The parking supply that exists in the area (over 1,700 spaces) is comparable to what a traditional, single-use suburban environment might require.
- Demand patterns show that parking is overbuilt. Almost 1,000 parking spaces remain unused throughout a typical weekday, with much more availability in the evening.
- The focus area has modeled peak parking demand ratios of 1.13 spaces per residential unit and 1.93 spaces per 1,000 square feet of usable non-residential floor area⁷.
- For each future development scenario, modeling indicates that there is enough supply in the focus area to satisfy the projected parking demand.
- The focus area can accommodate additional residential and retail infill development.

Existing Land Use

The Dickson & Block focus area consists of a relatively small mix of land uses with more than 300,000 square feet of retail and office space plus a large concentration of churches, and over 1,700 parking spaces. There are only a few residential units⁸. Land uses are grouped as accurately as possible into categories created by the Institute of Transportation Engineers Parking Generation 4th Edition (2010). Figure 8 shows the breakdown of land uses by category in the focus area; the square feet and units shown are not adjusted for any existing vacancies, but vacancy rates are included in parking demand calculations.

⁶ Pierce, G., Wilson, H., & Shoup, D. (2015, July 28). Optimizing the use of public garages: Pricing parking by demand. *Transport Policy*, 44, 89-95.

⁷ Peak hour is defined as 12 a.m. on a weeknight for residential demand and 11 a.m. on a weekday for non-residential demand

⁸ Since analysis was performed, Gather Dickson Apartments at St. Charles Avenue and Watson Street has opened with 90 apartment units and 151 parking spaces.

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Figure 7 Dickson & Block Focus Area Parking Supply Map

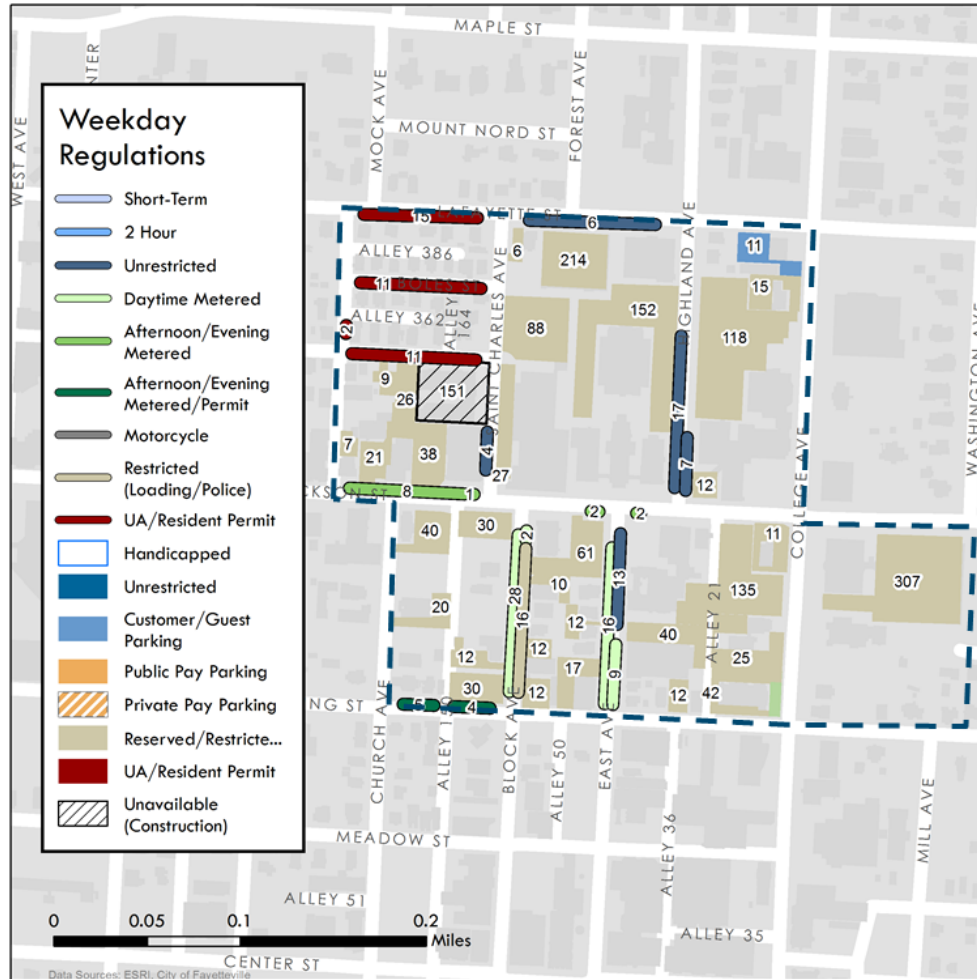


Figure 8 Dickson & Block Focus Area Existing Land Use and Parking Supply

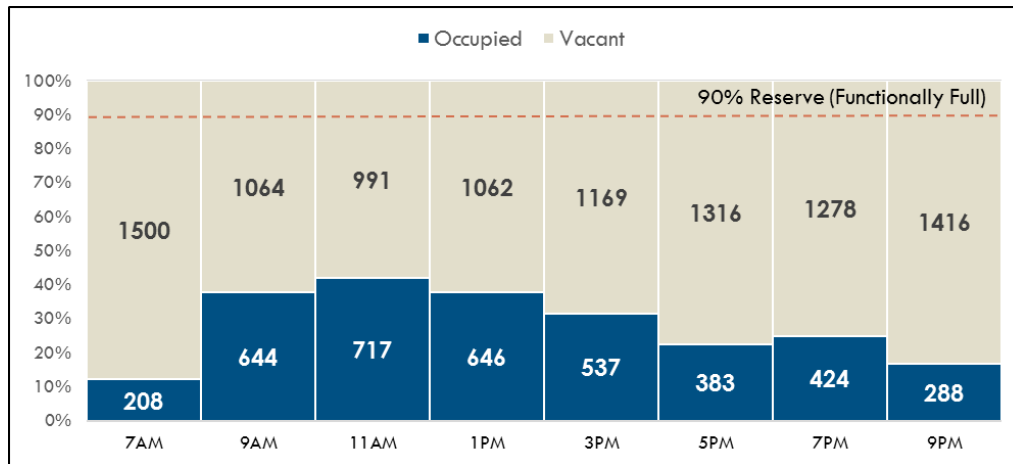
Land Use	FA/Units*	Parking Supply	# of Spaces
Bar/Nightclub	4,000 SF	Off-street Total	1,572
Church	91,000 SF	Off-street Publicly Available Parking	0
Convenience Market	3,000 SF	Off-street Private/Restricted Parking	1,572
General Retail	43,000 SF	On-street Total	179
Government Office	145,000 SF	Total	1,751
Medical/Dental Office	7,000 SF		
Office	112,000 SF		
Residential Condominium	16 Units		
Total	405,000 SF 16 Units		

Note: * Retail, office and residential vacancy rates are not accounted for in the total floor area.

Existing Parking Supply and Demand

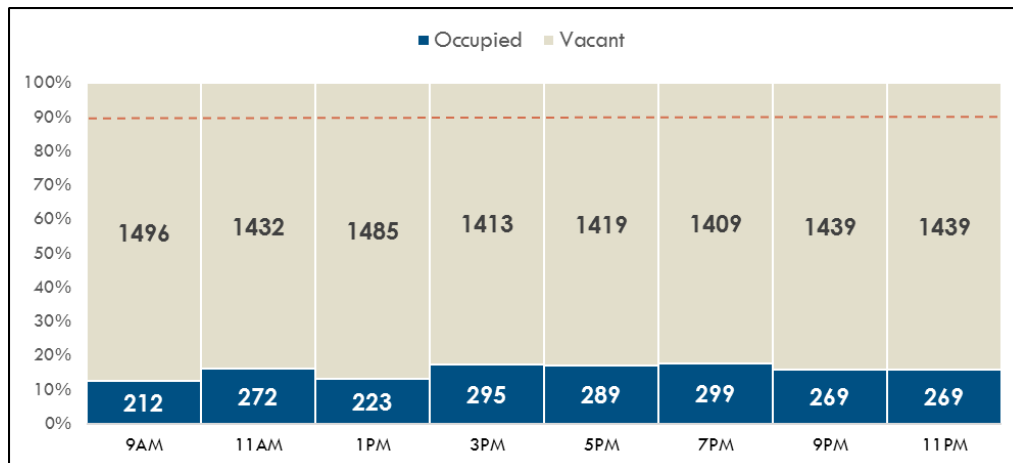
In the Dickson & Block focus area, there were 1,751 total parking spaces at the time of the data collection, as 151 new residential spaces were still under construction and not yet available. As Figure 9 shows, during the weekday midday peak, about 700 parked cars occupied about 40% of the parking supply. On the weekend, parking occupancy is much lower.

Figure 9 Dickson & Block Focus Area Observed Utilization (Weekday)



Utilization charts reflect observed vacancies and occupancies. Normal fluctuations in the data collection process occasionally lead to missed counts on some facilities throughout the course of the collection span. Therefore, the total number of observed spaces may vary by time period up to 10%.

Figure 10 Dickson & Block Focus Area Observed Utilization (Saturday)

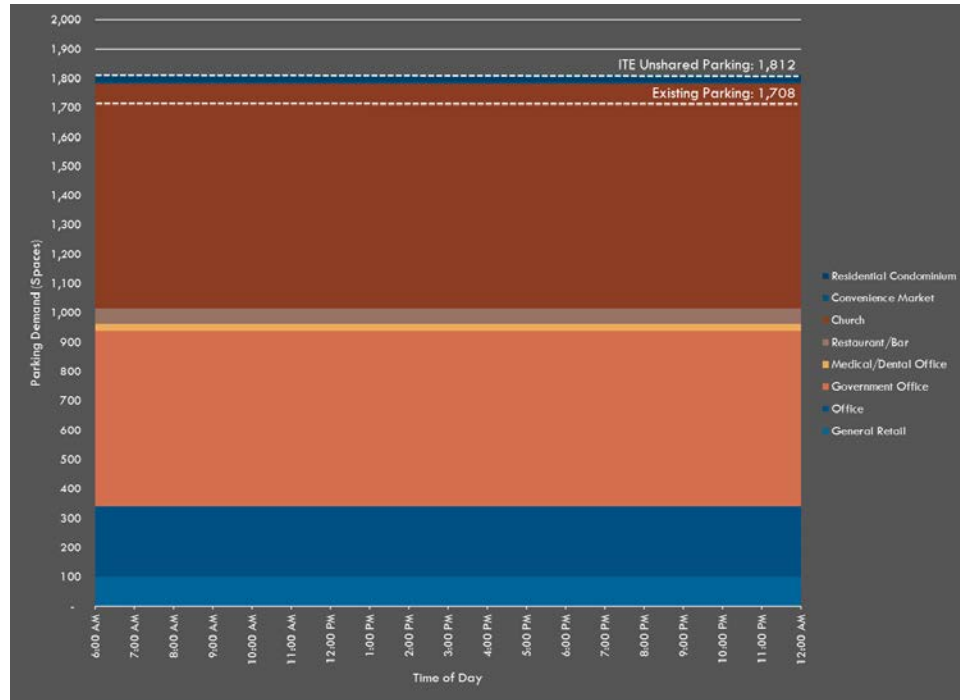


Existing Land Use Analysis

According to national parking generation rates from ITE (Figure 11), the needed number of parking spaces—assuming that each land use has its own dedicated supply of parking—is 1,812 spaces. The Dickson & Block focus area has an existing supply of 1,751 spaces (excluding lots under construction at the time of data collection). Thus, the parking supply is about 100 spaces less than what national standards would suggest is needed, assuming each land use had its own separate parking supply.

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Figure 11 Dickson & Block Focus Area Existing Parking Demand (ITE)



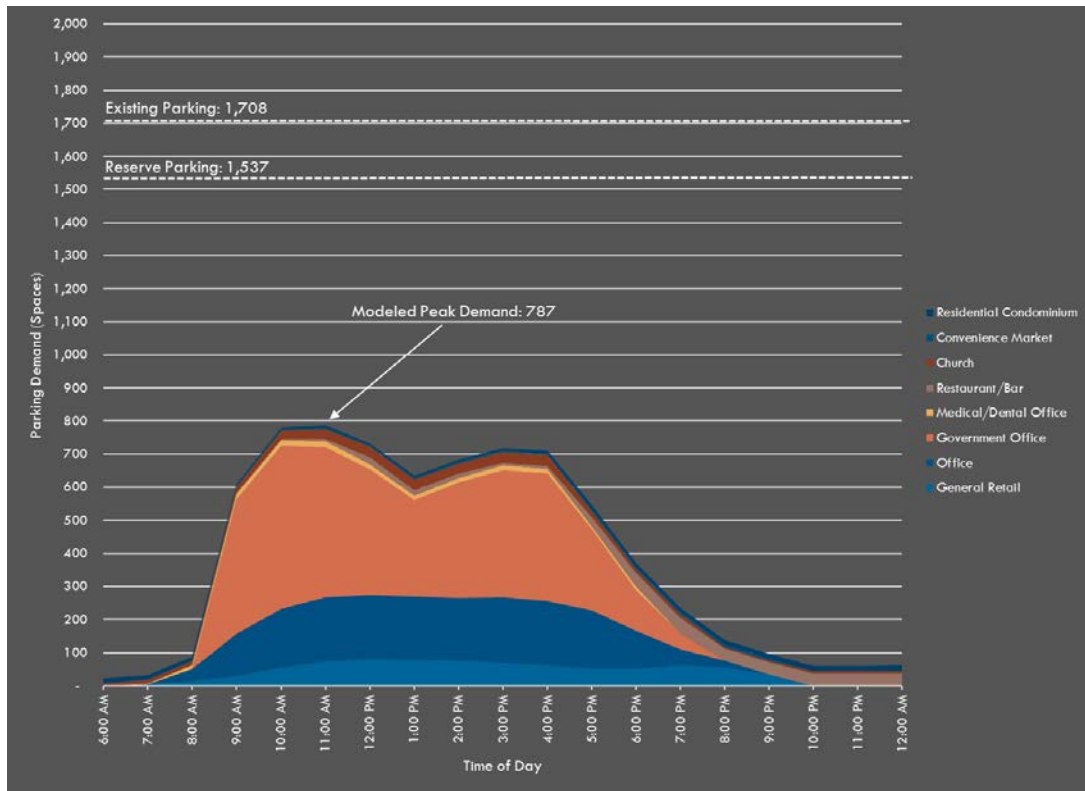
The model contains variables that account for different land use contexts as described in the preceding methodology section. The variables in Figure 12 are specific to the Dickson & Block focus area for weekday and Saturday cases.

Figure 12 Dickson & Block Focus Area Parking Demand Reduction Variables

	Weekday	Saturday
Commercial Internal Capture	14%	0%
Residential Internal Capture	14%	0%
Employee TDM Program (Parking Pricing)	5%	0%
Resident TDM Program (Parking Pricing)	5%	0%
Retail Transit Access Effect	5%	0%

While ITE estimates would require more than 1,800 parking spaces, the weekday parking demand model for the Dickson & Block focus area estimates a peak demand at 11 a.m. of 787 spaces (Figure 13) and a surplus of approximately 750 empty spaces, not including the 10% reserved supply. This finding indicates that overall the land uses in this area generate much less parking demand than national standards might require and that existing parking is overbuilt.

Figure 13 Dickson & Block Focus Area Modeled Weekday Parking Demand

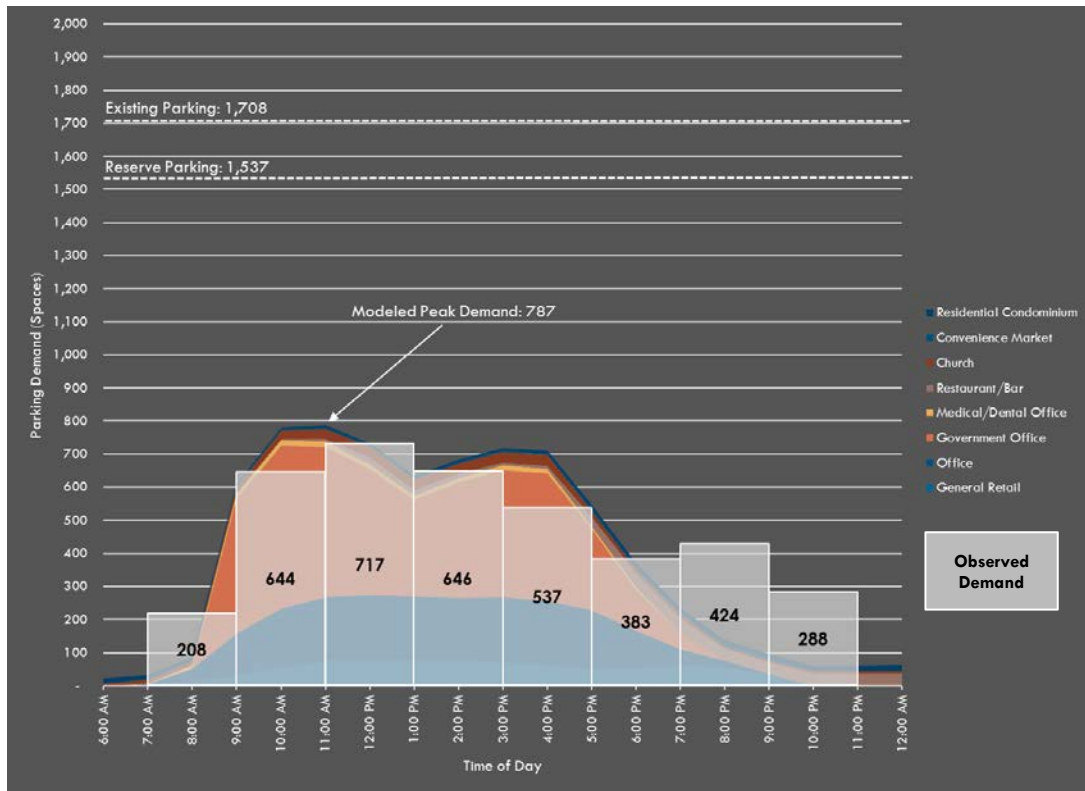


The peak observed demand (Figure 14) occurs between 11 a.m. and 1 p.m. during which time there is a surplus of approximately 820 spaces. The bulk of this demand is from the government office use. The modeled and observed demand show similar trends throughout the course of a day, which indicates that the parking demand estimated by land use correlates to the area's observed parking demand. However, modeled evening demand is lower than observed, likely indicating a "spillover effect" – parking demand generated by uses outside of this particular area - from adjacent focus areas that have more active retail/restaurant businesses.

Overall, there is still ample parking supply in the evenings. Not all of the parking is currently open to the public, which may need to change to accommodate future development. Opportunities for future land uses which generate both daytime and evening demand could occur if there was additional formal and informal shared parking.

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Figure 14 Dickson & Block Focus Area Modeled and Observed Weekday Parking Demand



Saturday parking demand, as seen in Figure 15, is minimal. The model slightly under-predicts demand—again, potentially due to spillover parking from the core of the Entertainment District. Sunday demand, however, is far more significant owing to the concentration of churches. Even during this peak use period from 8 a.m. to 3 p.m. on Sundays, modeled demand is 750 spaces less than the reserve supply (Figure 16).

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Figure 15 Dickson & Block Focus Area Saturday Modeled and Observed Demand

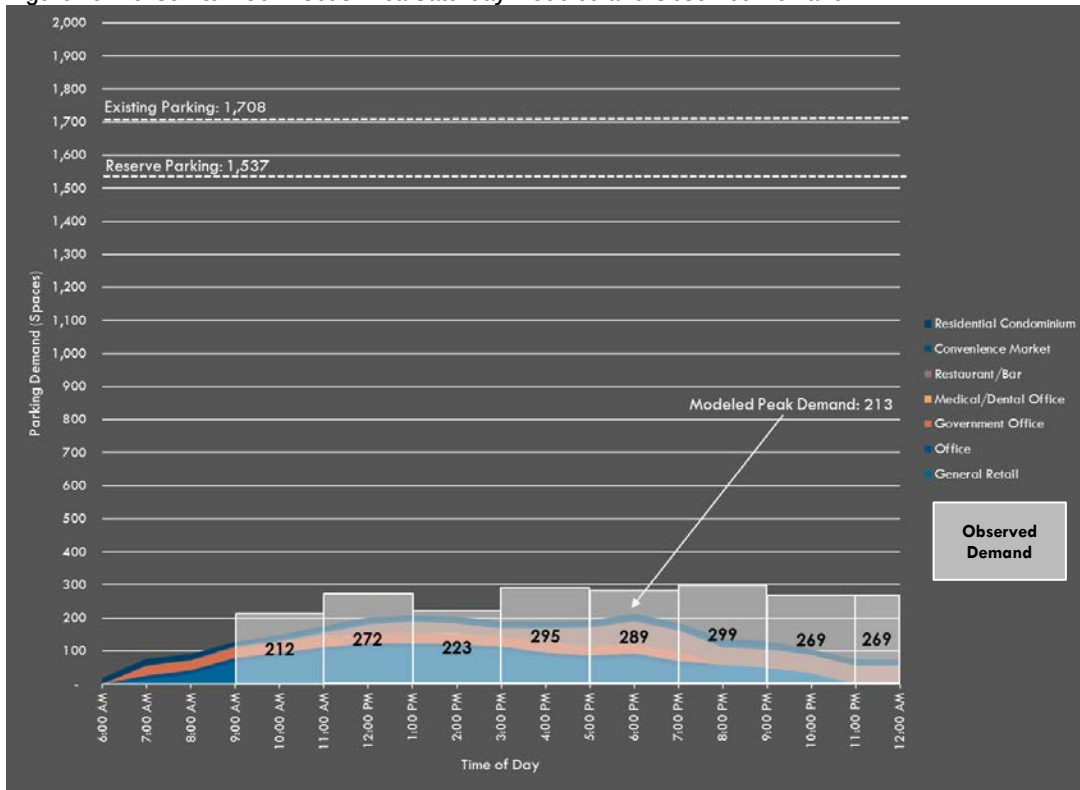
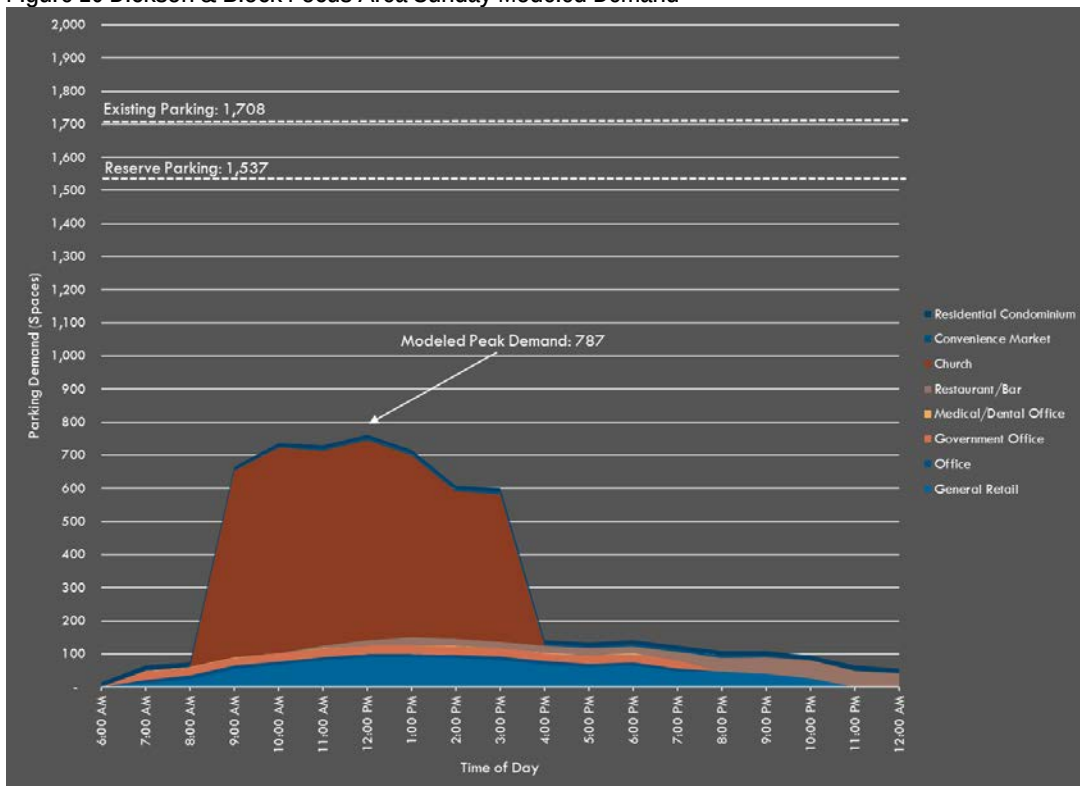


Figure 16 Dickson & Block Focus Area Sunday Modeled Demand



Future Development Scenarios

The team worked with the City of Fayetteville to create generic development scenarios based on known and theoretical developments in the area. Modeling these generic development scenarios quantifies the potential effects of future mixed-use development on parking demand and the resultant impact on the adequacy of the current supply. These development scenarios do not prescribe a specific location for the developments proposed as this is contingent on many factors, including land acquisition and financing, and is outside of the scope of this study.

In this example—as well as in all subsequent development modeling presented in this document—some parking supply may be lost to the development itself as construction is likely to take place on existing parking lots. Some developments may build replacement parking, and some may be able to share parking that exists today. Since specific supply changes are unpredictable, the parking supply line is kept constant in each future scenario.

The first scenario would introduce 150 residential units to an area that is currently home to very few residences. As part of such a development, 10,000 square feet of accompanying retail floor area would be included in a mixed-use configuration.

Figure 17 Dickson & Block Focus Area Development Scenario #1 - Land Use

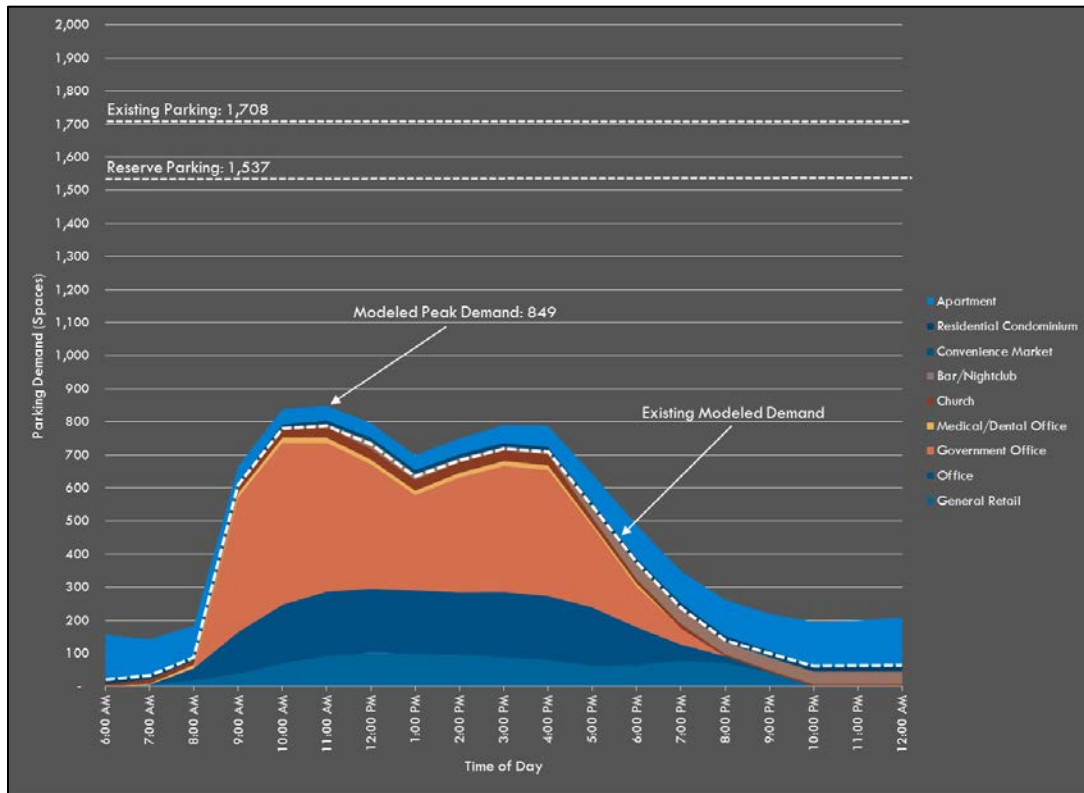
Scenario #1 Land Use	Added Floor Area /Units	Total Floor Area/Units (including development scenario)	% Increase
Restaurant/Bar		4,000 SF	
Church		91,000 SF	
Convenience Market		2,600 SF	
General Retail	10,000 SF	53,000 SF	23%
Government Office		145,000 SF	
Medical/Dental Office		7,000 SF	
Office		112,000 SF	
Residential	150 Units	166 Units	938%
Total		415,000 SF 166 Units	

Note: Retail, office and residential vacancy rates are not accounted for in the total floor area.

The demand analysis in Figure 18 shows that such a development produces a new weekday demand peak of almost 850 parking spaces between 10 a.m. and 11 a.m. This level is still approximately 700 spaces fewer than the reserve supply in the study area. The most significant change in parking demand throughout the day occurs early in the morning and in the evening, when residents would be parked at home. Note that the standards do assume that some residents leave their cars at home during the day.

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Figure 18 Dickson & Block Focus Area Development Scenario #1 Modeled Demand



A second development scenario for the Dickson & Block focus area would see 350 residential units added; a scale comparable to new housing developments recently completed in the Fayetteville parking study area. In this scenario, 20,000 square feet of retail floor area would be added to serve the additional residents.

Figure 19 Dickson & Block Focus Area Development Scenario #2 - Land Use

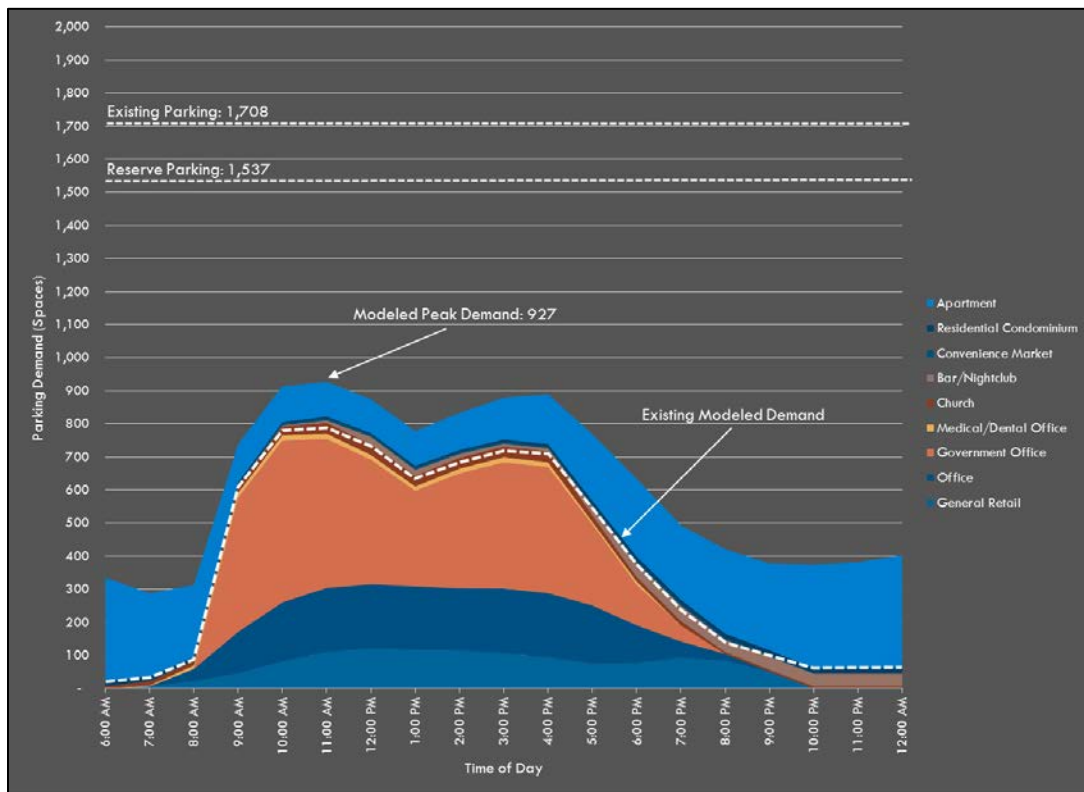
Land Use	Added Floor Area /Units	Total Floor Area/Units (including development scenario)*	% Increase
Bar/Nightclub		4,000 SF	
Church		91,000 SF	
Convenience Market		3,000 SF	
General Retail	20,000 SF	63,000 SF	46.7%
Government Office		145,000 SF	
Medical/Dental Office		7,000 SF	
Office		112,000 SF	
Residential	350 Units	366 Units	2188%
Total		425,000 SF 366 Units	

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Note: Retail, office and residential vacancy rates are not accounted for in the total floor area.

Figure 20 shows that this new development creates a higher weekday demand peak of almost 930 parking spaces between 10 a.m. and 11 a.m. and a secondary peak of almost 900 parking spaces at 4 p.m. This level is still approximately 600 spaces less than the reserve supply in the focus area. The largest increases in parking demand occur at and after 7 p.m. as new residents return home for the night. This was a minimal demand period in the existing land use analysis. Parking management methods such as sharing parking between complementary uses could easily absorb this new demand without the need for parking facility construction in this focus area.

Figure 20 Dickson & Block Focus Area Development Scenario #2 Modeled Demand



CENTER STREET FOCUS AREA

KEY FINDINGS: CENTER STREET FOCUS AREA

- More than 950 parking spaces remain unused today throughout a typical weekday, with much more availability in the evening. This indicates that parking is overbuilt in this area.
- The focus area has modeled peak parking demand ratios of 0.70 spaces per residential unit⁹ and 1.63 spaces per 1,000 square feet of usable non-residential floor area^{10 11}.
- For each future development scenario, modeling indicates that there is enough supply in the focus area to satisfy the projected parking demand.
- On-site parking as part of all new developments would maintain a very healthy reserve.

Existing Land Use

The Center Street focus area is composed of a greater mix of commercial retail, banking, office, residential, restaurant, and hotel facilities. The focus area is also home to a significant periodic use; the Fayetteville Farmers' Market operates on Tuesday and Thursday from 7 a.m. to 1 p.m. and on Saturdays from 7 a.m. to 2 p.m. around the historic Fayetteville Square. This use is modeled as 100,000 square feet of supermarket space for the purpose of calculating generated demand. Land uses are grouped as accurately as possible into categories created by the Institute of Transportation Engineers Parking Generation 4th Edition (2010).

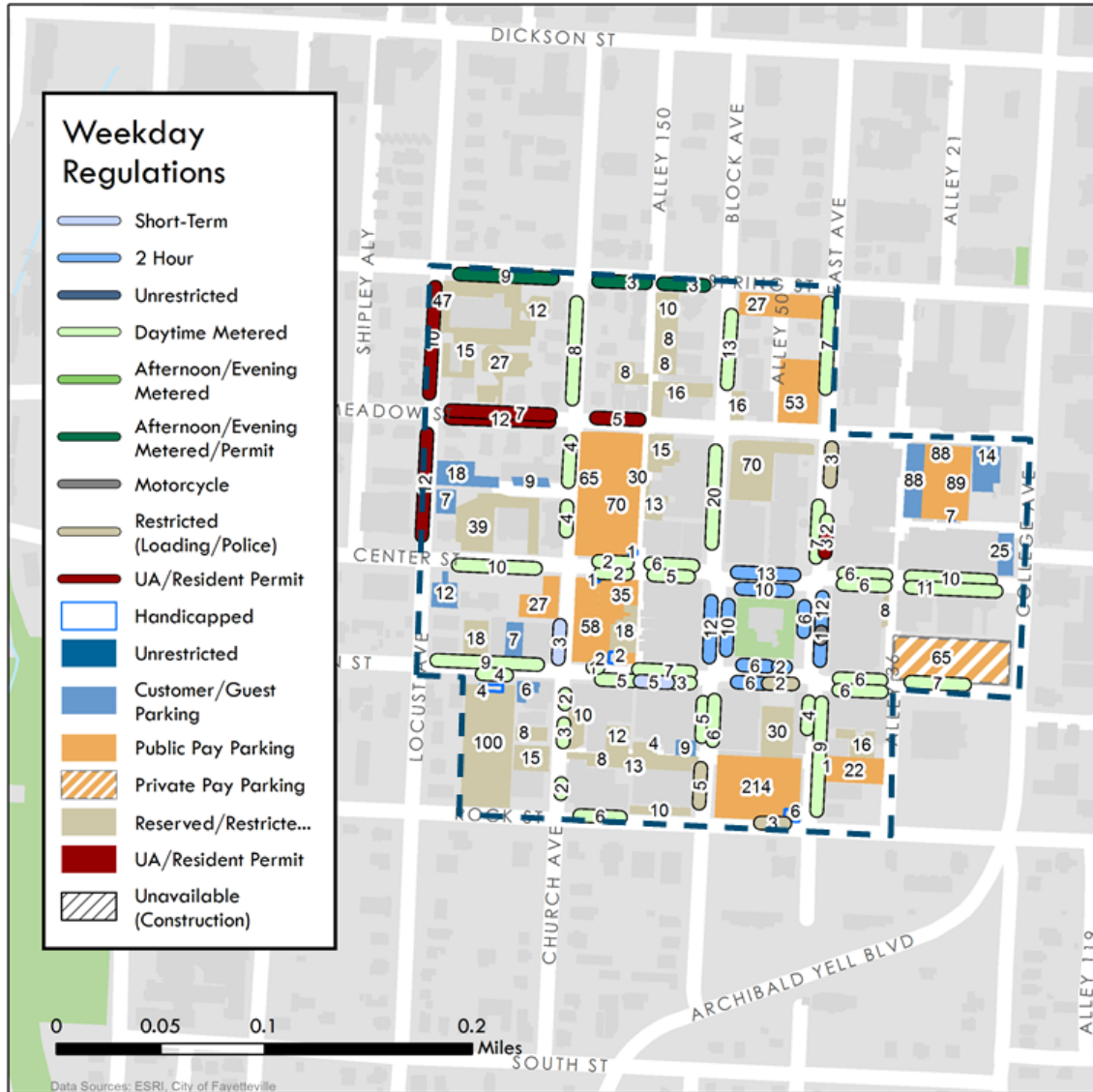
⁹ This figure does not include hotel parking demand or room count

¹⁰ This figure does not include parking demand or square footage attributed to the Fayetteville Farmers Market

¹¹ Peak hour is defined as 12 a.m. on a weeknight for residential demand and 12 p.m. on a weekday for non-residential demand

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Figure 21 Center Street Focus Area Parking Supply Map



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Figure 22 shows the breakdown of land use by category in this focus area. As discussed, a vacancy rate is applied in the modeling process.

Figure 22 Center Street Focus Area Existing Land Use and Parking Supply

Land Use	FA/Units*	Parking Supply	# of Spaces
Bank	92,000 SF	Off-street Total	1,636
Cleaners/Laundromat	21,000 SF	Off-street Publicly Available Parking	955
Coffee/Donut Shop	13,000 SF	Off-street Private/Restricted Parking	681
Funeral Home	7,000 SF	On-street Total	371
General Retail	75,000 SF	Total	2,007
Government Office	11,000 SF		
Medical/Dental Office	9,000 SF		
Office	360,000 SF		
Quality Restaurant	6,000 SF		
Sit-Down Restaurant/Bar	27,000 SF		
Sit-Down Restaurant/No Bar	56,000 SF		
Farmers Market**	100,000 SF		
Hotel	206 Rooms		
Low to Mid Rise Apartment	132 Units		
Total	677,000 SF. 206 Hotel Rooms 132 Units +Farmers Market		

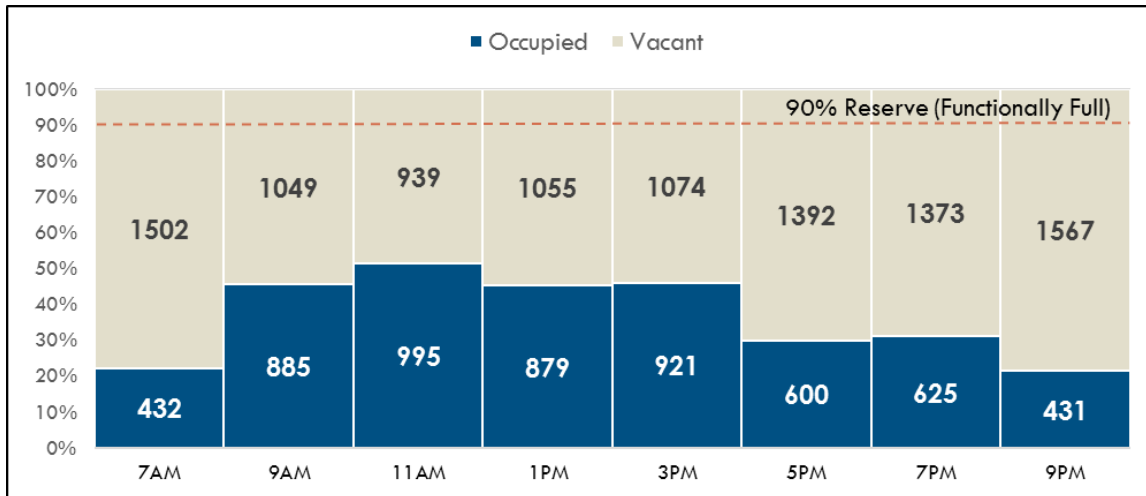
Note: * Retail, office and residential vacancy rates are not accounted for in the total floor area.

** Farmers Markets only held Tuesday, Thursday, and Saturday mornings. Represents a grocery store during those periods.

Existing Parking Supply and Demand

In the Center Street focus area, there are 2,007 total parking spaces. As Figure 23 shows, during the weekday peak from 11 a.m. to 1 p.m., 55% of the parking supply is occupied by almost 1,000 vehicles.

Figure 23 Center Street Focus Area Observed Utilization (Weekday)



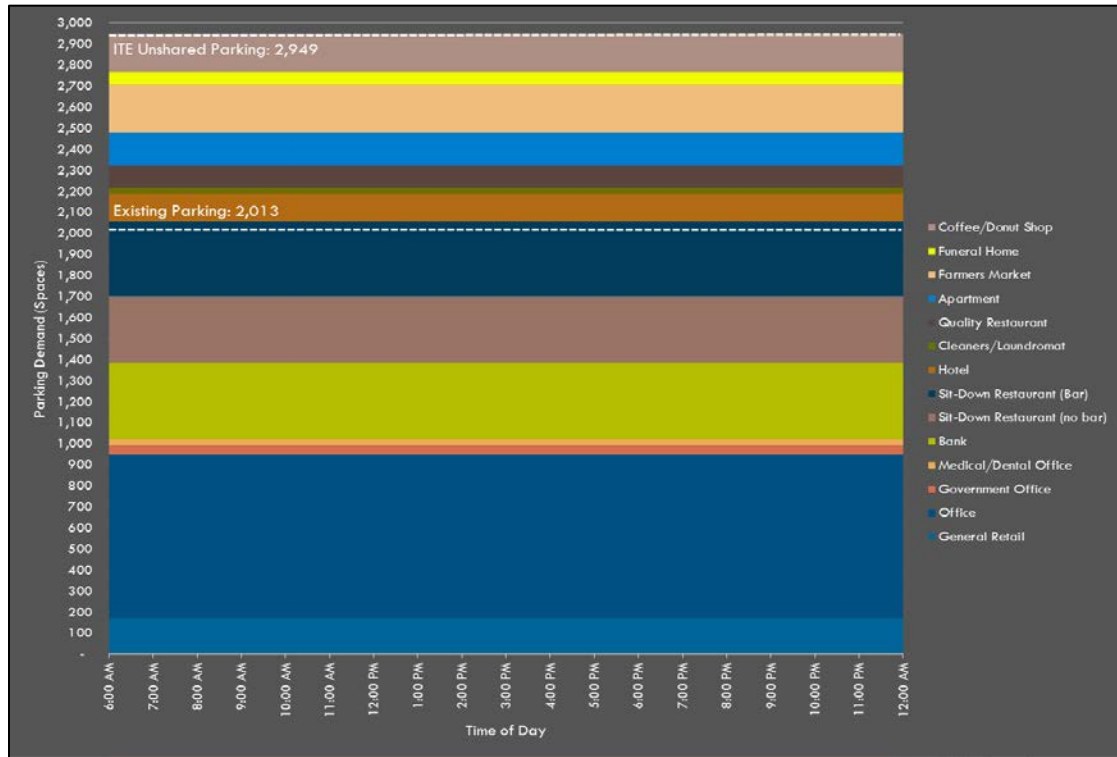
Due to variability in collection, not all spaces were counted at all times of the day. Uncounted spaces account for less than 3% of the total capacity during all count periods.

Existing Use Analysis

According to national parking generation rates from ITE, the needed number of parking spaces—assuming that each land use has its own dedicated supply of parking—is 2,949 spaces. The Center Street focus area has a total supply of 2,013 spaces, which is about 900 spaces less than what national standards would suggest. This comparison alone indicates that parking demand in the focus area is lower than a typical analysis would predict.

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Figure 24 Center Street Focus Area Existing Parking Demand (ITE)



As previously discussed, the adapted model contains variables to account for the land use and built environment context in Fayetteville. The variables in Figure 25 are specific to the Center Street focus area for weekday and Saturday cases.

Figure 25 Center Street Focus Area Shared Parking Reduction Constants

	Weekday	Saturday
Commercial Internal Capture	32%	32%
Residential Internal Capture	31%	31%
Employee TDM Program (Parking Pricing)	15%	15%
Resident TDM Program (Parking Pricing)	16%	16%
Retail Transit Access Effect	8%	5%

The adapted model for the focus area estimates a peak demand at 12 p.m., when less than 1,200 spaces would be required (Figure 26). During this timeframe there is a surplus of more than 600 vacant spaces not including the 10% reserved supply. Currently, all of these spaces may not be open to the public; they represent the potential to accommodate demand without building new parking.

When overlaying the observed demand (Figure 27), the peak demand period occurs between 11 a.m. and 1 p.m. during which time there is a surplus of more than 800 spaces. The observed and modeled demand show similar trends throughout the course of the day, which indicates that the parking demand estimated by land use is calibrated properly (and somewhat conservatively) to the area's observed parking demand. There is an opportunity to increase the concentration of developed land in both the daytime and evening throughout this focus area.

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Figure 26 Center Street Focus Area Modeled Generated Weekday Parking Demand

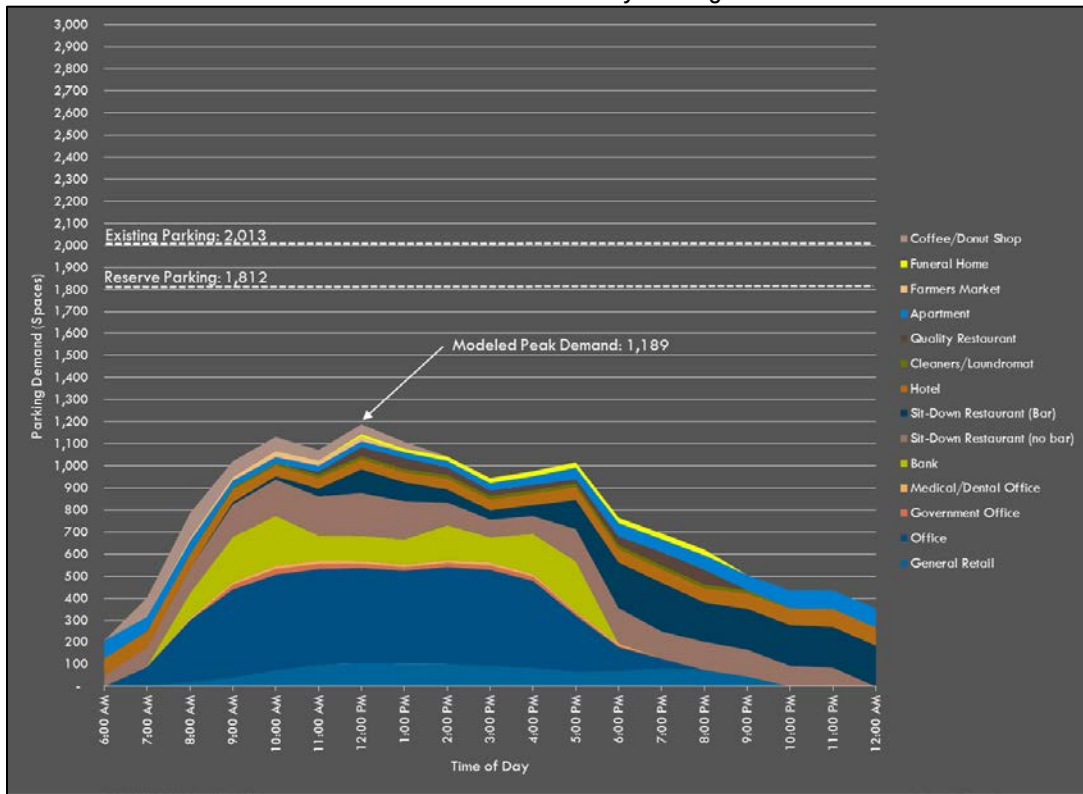
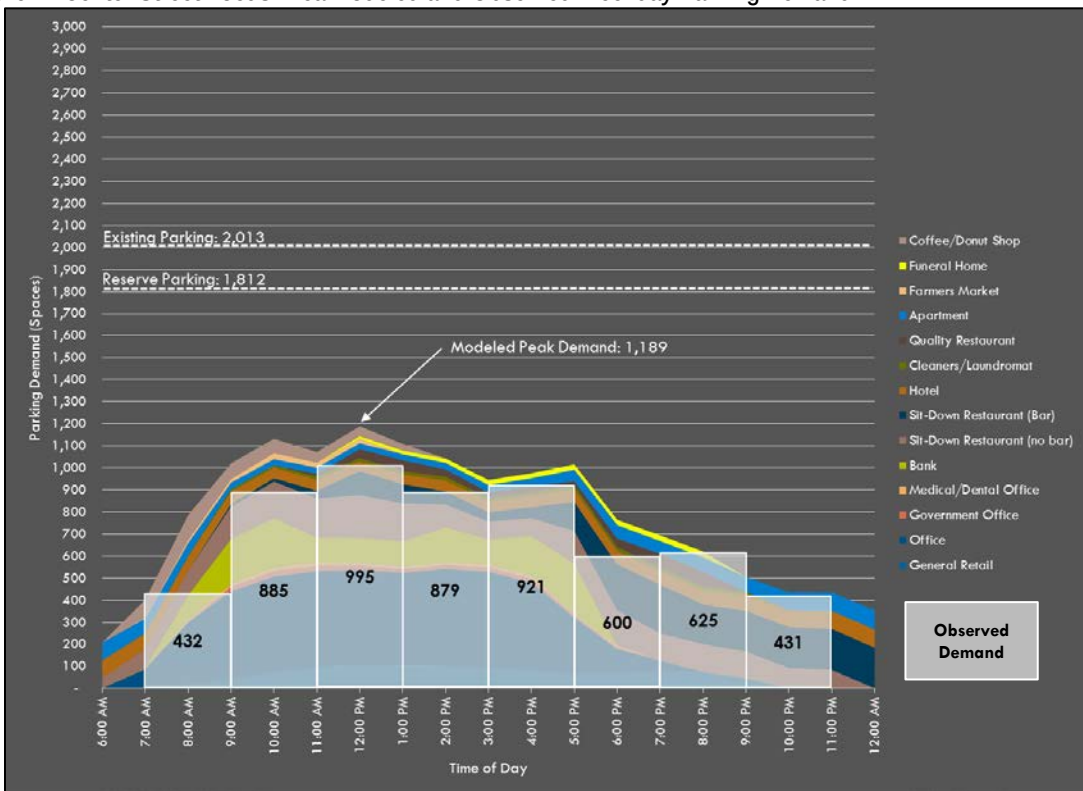
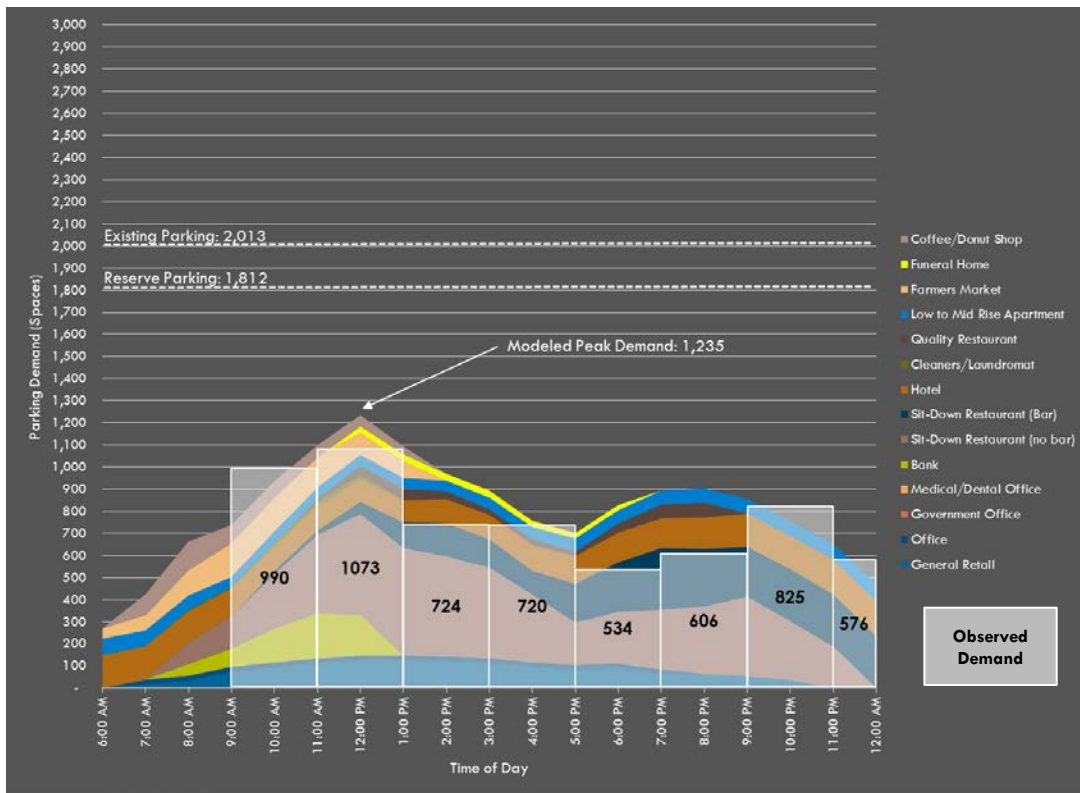


Figure 27 Center Street Focus Area Modeled and Observed Weekday Parking Demand



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Figure 28 Center Street Focus Area Modeled and Observed Weekend Parking Demand



Future Development Scenarios

As noted previously, the team worked with the City of Fayetteville to create generic development scenarios. Nothing is known about net parking supply changes, so the parking supply line remains constant in the future.

The first scenario would add 375 residential units with 25,000 square feet of accompanying retail floor area included in a mixed-use configuration.

Figure 29 Center Street Focus Area Development Scenario #1 - Land Use

Land Use	Added Floor Area /Units	Total Floor Area/Units (including development scenario)*	% Increase
Bank		92,000 SF	
Cleaners/Laundromat		21,000 SF	
Coffee/Donut Shop		13,000 SF	
Funeral Home		7,000 SF	
General Retail	25,000 SF	100,000 SF	33.4%
Government Office		11,000 SF	
Medical/Dental Office		9,000 SF	
Office		360,000 SF	
Quality Restaurant		6,000 SF	
Sit-Down Restaurant/Bar		27,000 SF	
Sit-Down Restaurant/No Bar		56,000 SF	
Farmers Market**		100,000 SF	
Hotel		206 Rooms	
Residential	375 Units	507 Units	284%
Total		702,000 SF. 206 Hotel Rooms 507 Units +Farmers Market	

Note: Retail, office and residential vacancy rates are not accounted for in the total floor area.

The estimated parking demand pattern for the first future development scenario is quite different on a weekend day than during the week. While weekday demand is largely driven by office and bank functions, forecasted weekend demand is a result mostly of restaurant, hotel, and farmers market activity. The larger of the two peaks occurs on Saturday at 12 p.m.—during the farmers market—when demand is estimated at 1,417 spaces (Figure 30). The parking surplus is diminished at this time to less than 400 spaces below the 10% reserve, which will be needed to mitigate some of the lost supply during market operations. There is still an opportunity to add evening uses or accommodate overflow parking from the nearby West Entertainment District focus area during events at the Walton Arts Center.

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Figure 30 Center Street Focus Area Development Scenario #1 Weekday Modeled Demand

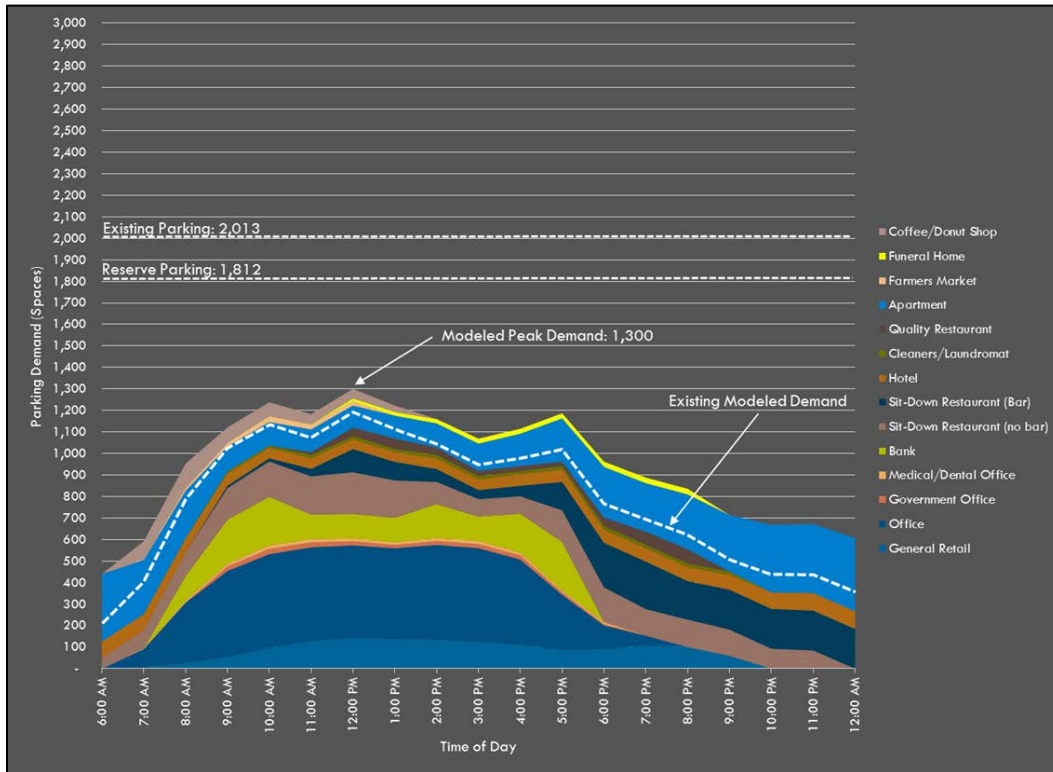
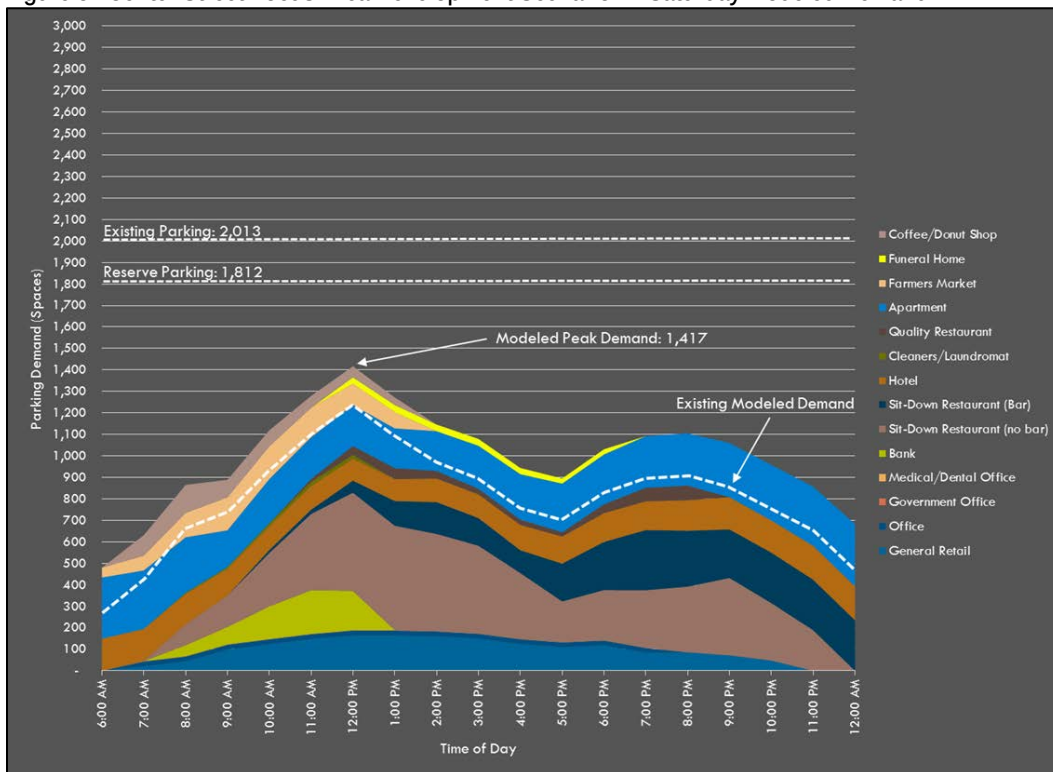


Figure 31 Center Street Focus Area Development Scenario #1 Saturday Modeled Demand



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A second development scenario for the Center Street focus area would add 40,000 square feet of restaurants with a bar to the Scenario #1 addition of residential and retail (Figure 32).

Figure 32 Center Street Focus Area Development Scenario #2 - Land Use

Land Use	Added Floor Area /Units	Total Floor Area/Units (including development scenario)*	% Increase
Bank		92,000 SF	
Cleaners/Laundromat		21,000 SF	
Coffee/Donut Shop		13,000 SF	
Funeral Home		7,000 SF	
General Retail	25,000 SF	100,000 SF	33.4%
Government Office		11,000 SF	
Hotel		206 Rooms	
Low to Mid Rise Apartment	375 Units	507 Units	284%
Medical/Dental Office		9,000 SF	
Office		360,000 SF	
Quality Restaurant		6,000 SF	
Sit-Down Restaurant/Bar	40,000 SF	67,000 SF	149%
Sit-Down Restaurant/No Bar		56,000 SF	
Farmers Market**		100,000 SF	
Total		742,000 SF. 507 Units 206 Rooms +Farmers Market	

Note: Retail, office and residential vacancy rates are not accounted for in the total floor area.

Figure 33 shows that this set of new development creates a second demand peak at 7 p.m. due to the now dominant restaurant demand that even exceeds the midday demand peak. Peak demand now requires more than 1,500 spaces, shrinking the margin between forecasted demand and reserve to approximately 300 spaces. Parking management methods such as transportation demand management (TDM) incentives and appropriate pricing can potentially absorb this new demand without the need for parking facility construction in this focus area.

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Figure 33 Center Street Focus Area Development Scenario #2 Weekday Modeled Demand

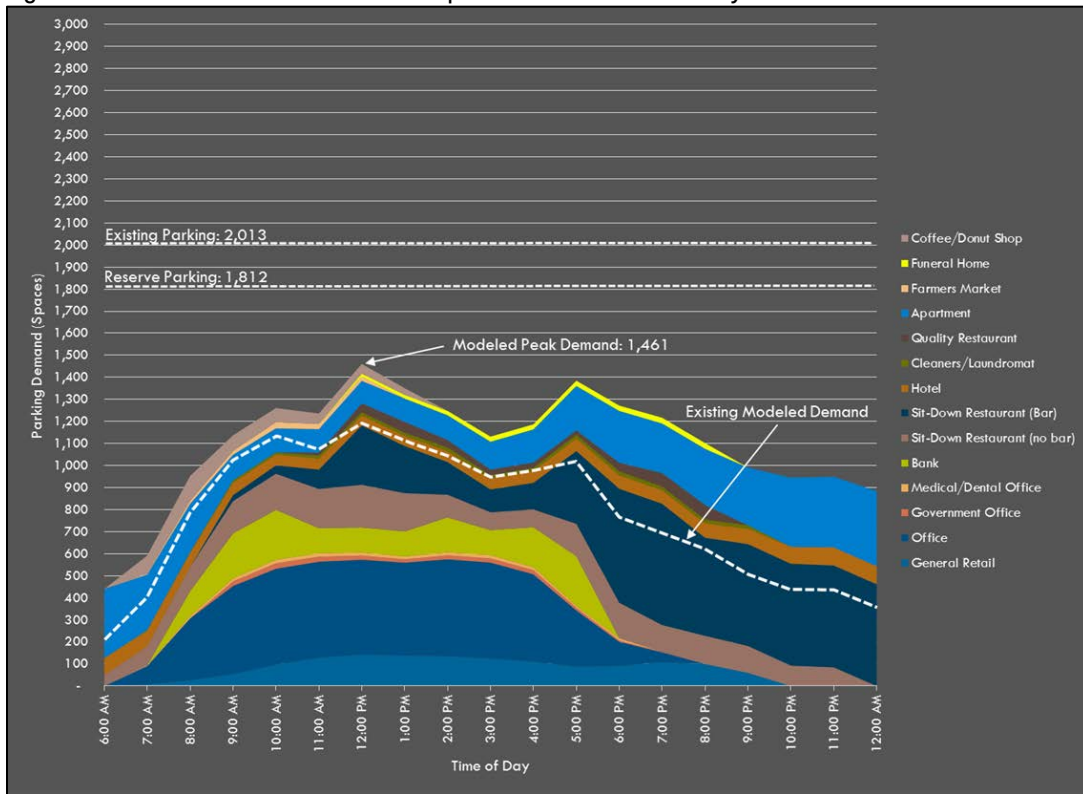
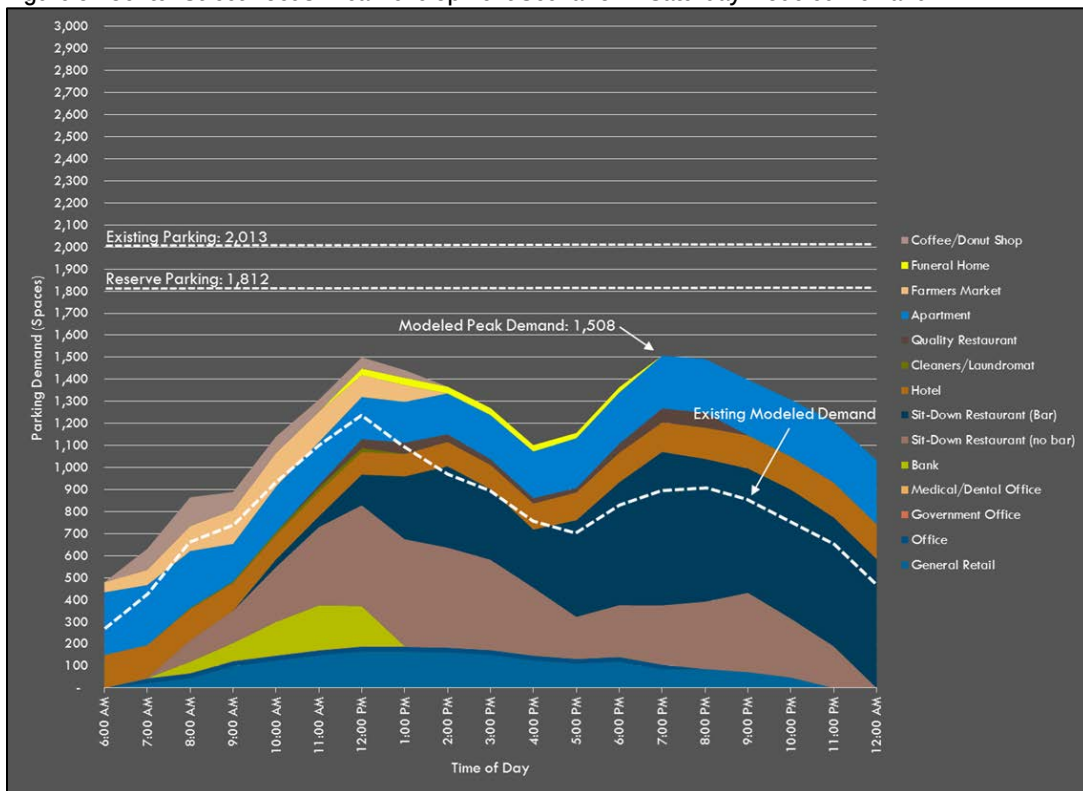


Figure 34 Center Street Focus Area Development Scenario #2 Saturday Modeled Demand



WEST ENTERTAINMENT DISTRICT FOCUS AREA

KEY FINDINGS: WEST ENTERTAINMENT DISTRICT FOCUS AREA

- During the Saturday evening peak demand, 32% of the total parking inventory in the focus area is unused. Availability is much higher during the morning.
- This focus area has modeled peak parking demand ratios of 0.86 spaces per residential unit¹² and 4.13 spaces per 1,000 square feet of usable non-residential floor area^{13 14}.
- As development scenarios intensify, modeling indicates that both the reserve and total parking supply in this immediate focus area will be exhausted by the projected parking demand.
- A development scenario that expands demand at peak times will require access to almost 300 additional parking spaces

Existing Land Use

A variety of land uses comprise the West Entertainment District focus area with just over 150,000 square feet of commercial, retail service, and office spaces as well as a large performing arts theatre, and 325 residential units¹⁵. The area is known for its high concentration of restaurants and bars, which comprise 40% of the total usable floor space, as well as multiple entertainment options at the Walton Arts Center, TheaterSquared, and the UArk Bowl. Land uses are grouped as accurately as possible into categories created by the *Institute of Transportation Engineers Parking Generation 4th Edition* (2010). Figure 34 shows the breakdown of land use by category in the focus area; again, the square feet and units are adjusted for existing vacancies only in the model results.

¹² This figure does not include hotel parking demand or room count

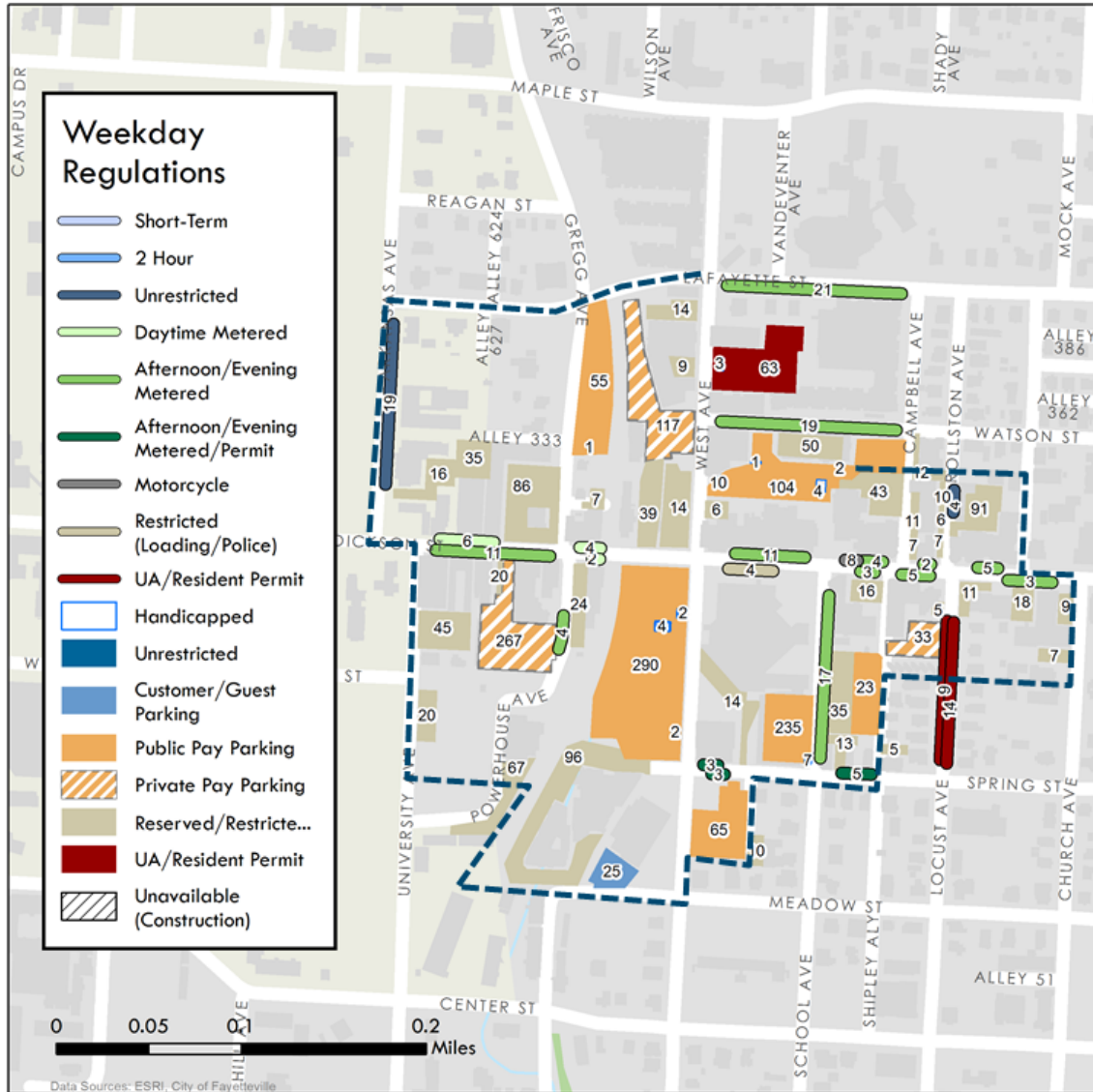
¹³ This figure does not include parking demand or seat count attributed to the Walton Arts Center

¹⁴ Peak hour is defined as 12 a.m. on a weeknight for residential demand and 6 p.m. on a Saturday for non-residential demand

¹⁵ Since analysis was performed, The Academy at Frisco at West Avenue and Lafayette Street has opened with 219 apartment units and 496 parking spaces.

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City of Fayetteville, AR

Figure 35 West Lot Focus Area Parking Supply Map



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City of Fayetteville, AR

Figure 36 West Lot Focus Area Existing Land Use and Parking Supply

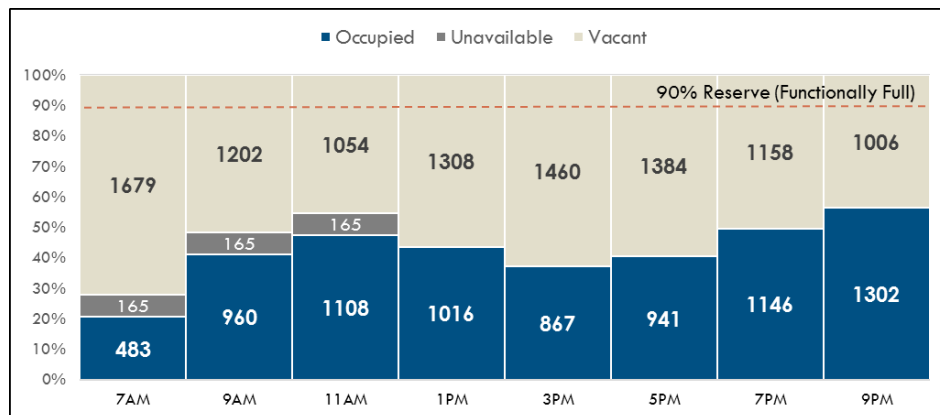
Land Use	FA/Units*	Parking Supply	# of Spaces
Bank	1,000 SF	Off-street Total	2,191
Church	8,000 SF	Off-street Publicly Available Parking	1,327
Cleaners/Laundromat	13,000 SF	Off-street Private/Restricted Parking	864
Fast Food	7,000 SF	On-street Total	186
General Retail	106,000 SF	Total	2,377
Hotel	10 Rooms		
Low to Mid Rise Apartment	325 Units		
Medical/Dental Office	2,000 SF		
Office	30,000 SF		
Quality Restaurant	16,000 SF		
Sit-Down Restaurant/Bar	65,000 SF		
Sit-Down Restaurant/No Bar	18,000 SF		
Theater	2,590 Seats		
Total	266,000 Sq. Ft. 325 Units 10 Hotel Rooms 2,590 Theater Seats		

Note: * Retail, office and residential vacancy rates are not accounted for in the total floor area.

Existing Parking Supply and Demand

As Figure 38 shows, the weekend peak in this focus area occurs during the evening from 9 p.m. to 11 p.m., as the behavior in this focus area largely mirrors that of the Entertainment District as a whole. The baseline sees 68% of the parking supply occupied by 1,584 vehicles.

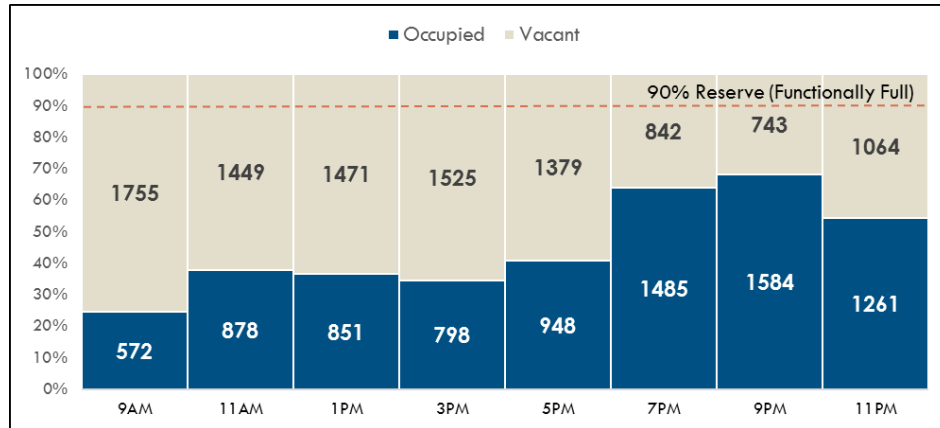
Figure 37 West Entertainment District Focus Area Observed Utilization (Weekday)



Utilization charts reflect observed vacancies and occupancies (and unavailable spaces due to events or other conflicts). Normal fluctuations in the data collection process occasionally lead to missed counts on some facilities throughout the course of the collection span. Therefore, the total number of observed spaces may vary by time period up to 10%.

LAND USE AND FUTURE PARKING DEMAND MEMORANDUM | PARKING & MOBILITY STUDY City of Fayetteville, AR

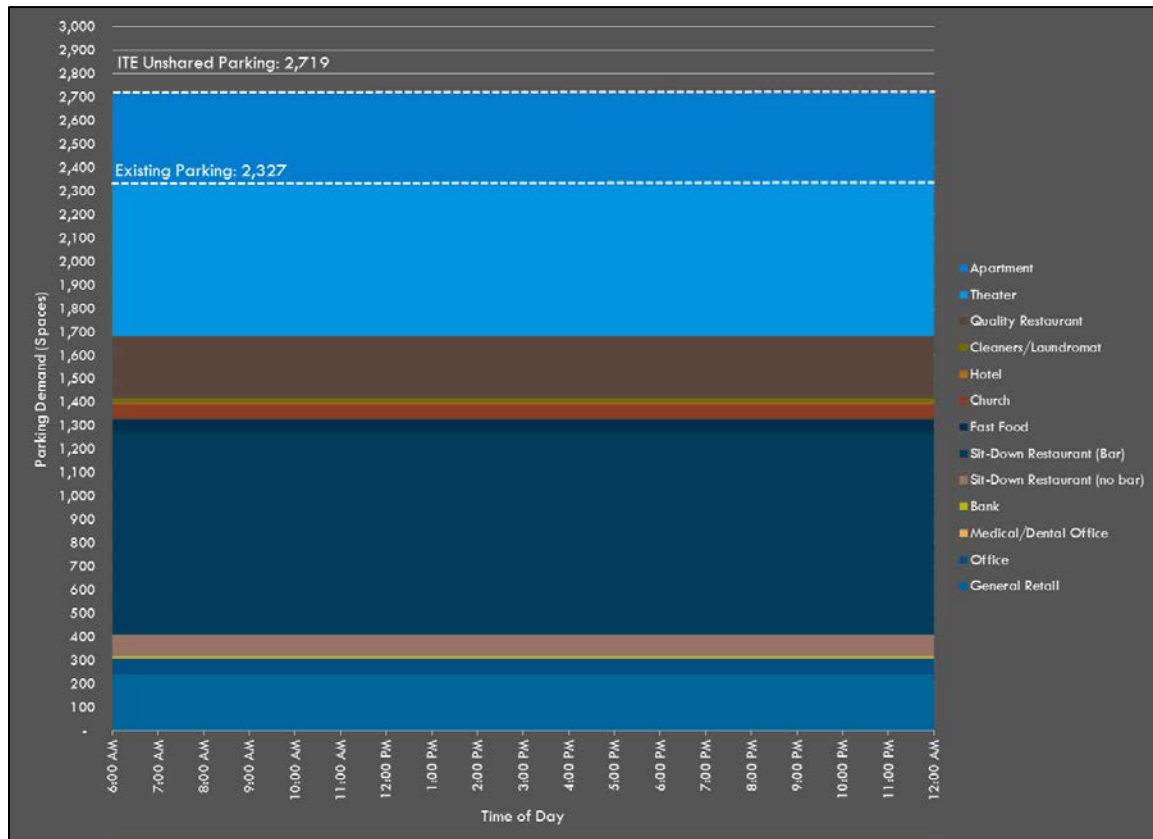
Figure 38 West Entertainment District Focus Area Observed Utilization (Saturday)



Existing Use Analysis

According to national parking generation rates from ITE, the required number of parking spaces—assuming that each land use has its own dedicated supply of parking—is 2,719 spaces. The West Lot focus area has a total supply of 2,327 spaces, which is about 400 spaces below industry standards.

Figure 39 West Entertainment District Focus Area Existing Parking Demand (ITE)



The adapted model contains variables that account for Fayetteville's land use context and built environment. The variables in Figure 40 are specific to the West Entertainment District focus area for weekday and Saturday cases.

Figure 40 West Entertainment District Focus Area Shared Parking Reduction Constants

	Weekday	Saturday
Commercial Internal Capture	30%	30%
Residential Internal Capture	30%	20%
Employee Parking Pricing Effect	15%	10%
Resident Parking Pricing Effect	20%	10%
Retail Transit Access Effect	8%	1%

The land use model for the West Entertainment District focus area estimates a peak Saturday demand at 6 p.m., persisting through the 9 o'clock hour. At peak, it is estimated that 1,734 spaces would be used (Figure 41). During this timeframe there is a surplus of more than 350 spaces not including the 10% reserve supply. These spaces may not all be open to the public currently and could be used if regulations were different.

The peak demand period occurs between 9 p.m. and 11 p.m. during which time there is a surplus of over 500 spaces (Figure 42). The observed and modeled demand diverge temporally to some degree, owing to the model's treatment of generic theater schedules (with matinées) and its treatment of maximum bar/restaurant demand. The model assumes maximum theater demand from 1 p.m. to 3 p.m. and again from 6 p.m. to 9 p.m. on Saturdays which may or may not be indicative of Walton Arts Center's program schedule on a given night. The model treats bars as sit down restaurants as well, thus maximum demand is generated at 6 p.m. The bars and restaurants of Fayetteville's Entertainment District operate differently, thus explaining the extended peak in the observed parking demand trends. Only the morning period shows predicted and observed ample availability in the West Entertainment District area. Nonetheless, the model provides a conservative peak demand estimate that is useful for future scenario projections.

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City of Fayetteville, AR

Figure 41 West Entertainment District Focus Area Modeled Generated Saturday Parking Demand

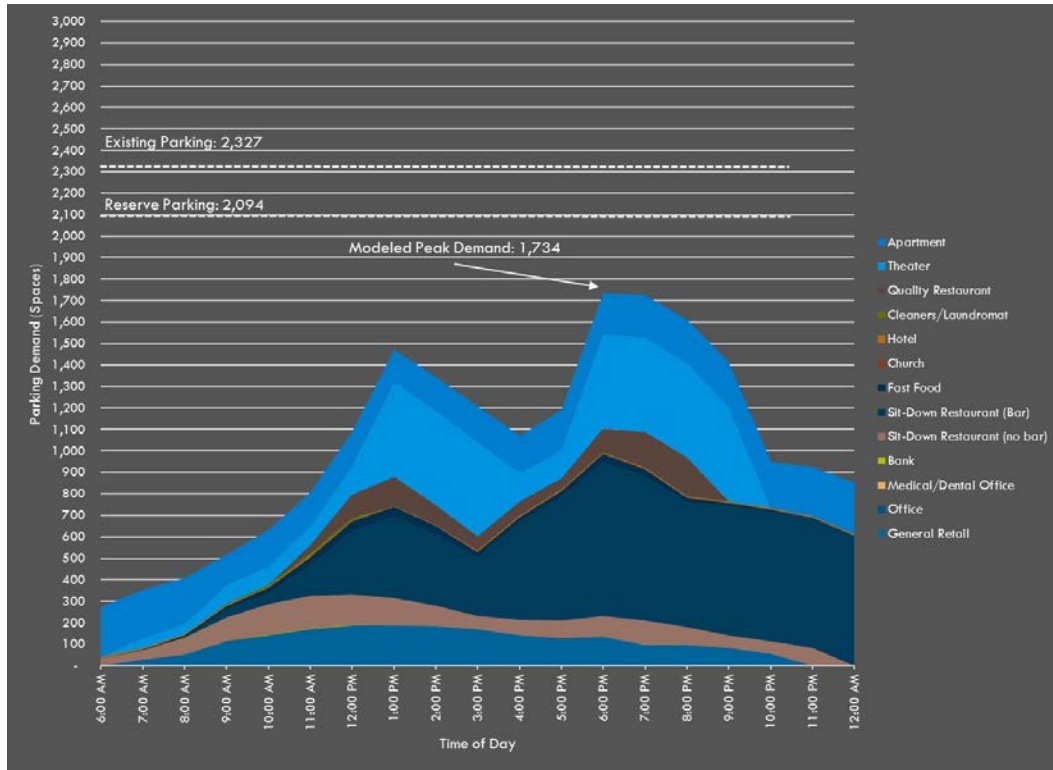
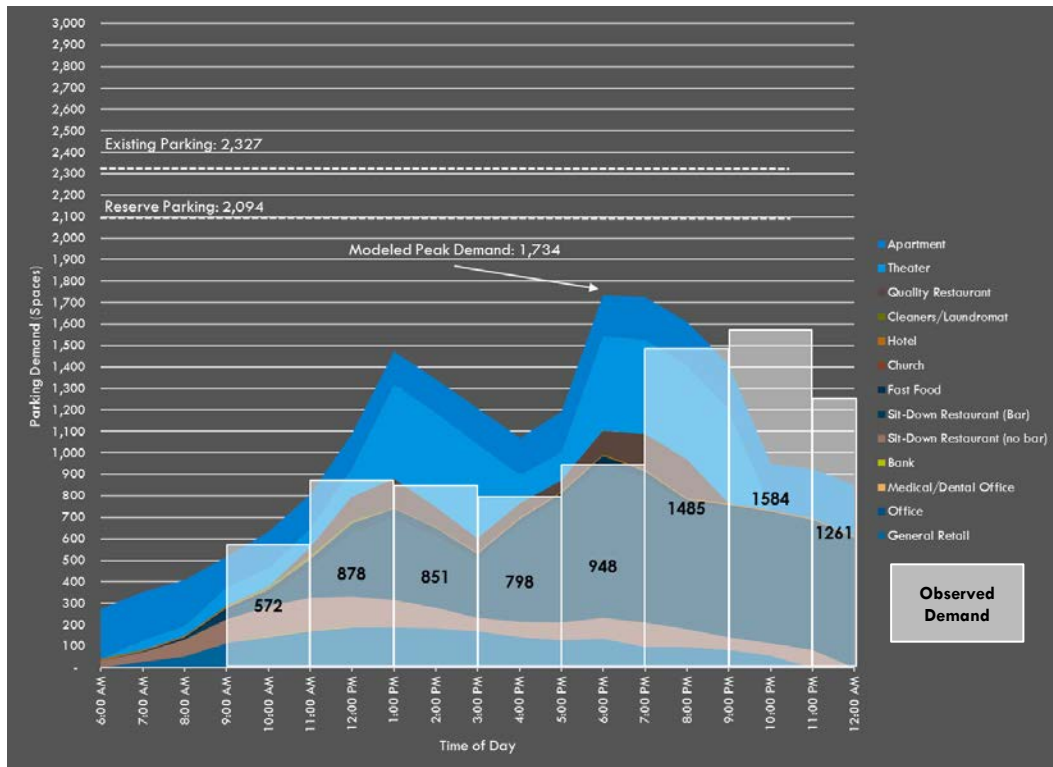


Figure 42 West Entertainment District Focus Area Modeled and Observed Saturday Parking Demand



Future Development Scenarios

As in the other focus areas, the team worked with the City of Fayetteville to create development scenarios to model the effects of future development on parking demand and on the adequacy of the current supply. Nothing is known about net parking supply changes, so the parking supply line remains constant in the future.

The first scenario for the West Entertainment District focus area would introduce a modest amount of additional general retail (5,000 square feet) and 50 residential units to an area that is already home to 325 units. Uniquely, this development scenario also would involve a 500-seat performing arts theater in the area and the addition of a five screen movie theater to the area.

Figure 43 West Entertainment District Focus Area Development Scenario #1 - Land Use

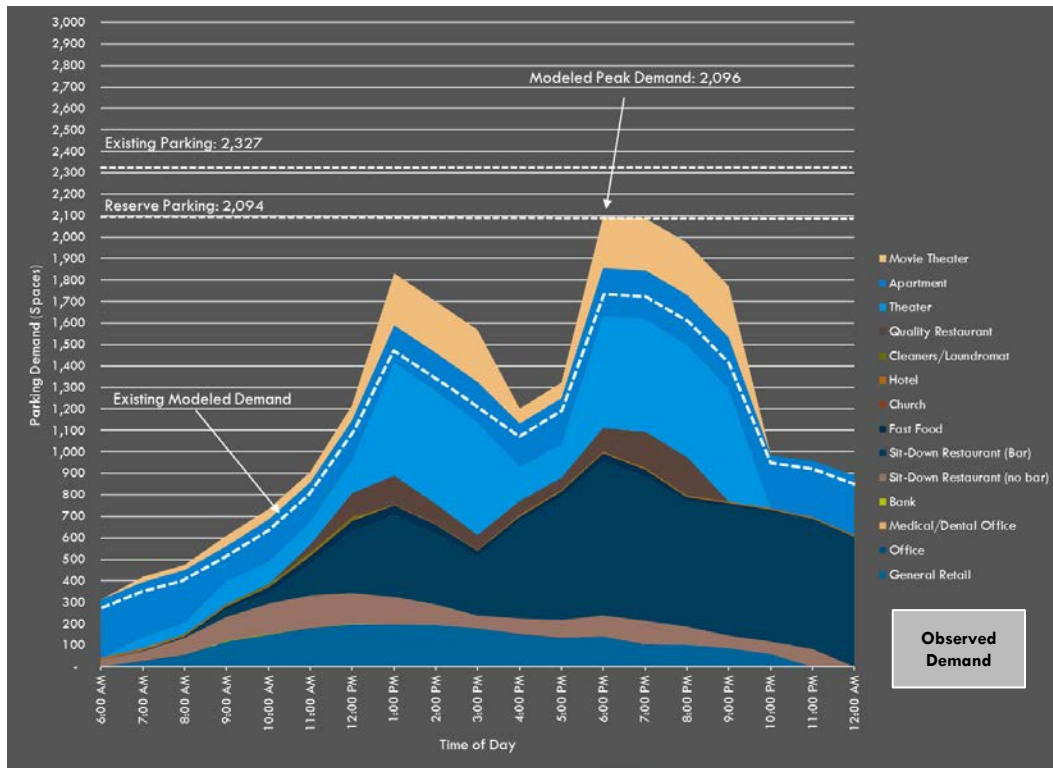
Land Use	Added Floor Area /Units	Total Floor Area/Units (including development scenario)*	% Increase
Bank		1,000 SF	
Church		8,000 SF	
Cleaners/Laundromat		13,000 SF	
Fast Food		7,000 SF	
General Retail	5,000 SF	111,000 SF	4.7%
Medical/Dental Office		2,000 SF	
Office		30,000 SF	
Quality Restaurant		16,000 SF	
Sit-Down Restaurant/Bar		65,000 SF	
Sit-Down Restaurant/No Bar		18,000 SF	
Hotel		10 Rooms	
Low to Mid Rise Apartment	50 Units	375 Units	15.4%
Theater	500 Seats	3,090 Seats	19.3%
Movie Theater	5 Screens	5 Screens	-%
Total		271,000 Sq. Ft. 10 Hotel Rooms 375 Units 3,090 Theater Seats 5 Movie Screens	

Note: Retail, office and residential vacancy rates are not accounted for in the total floor area.

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City of Fayetteville, AR

The estimated parking demand for future development Scenario #1 again occurs at 6 p.m., when demand is forecasted to reach 2,096 spaces (Figure 44). This figure, driven by theater, movie theater, and high evening restaurant activity, represents a case where demand has matched the reserve supply. As such, all future development beyond this scenario will need to consider parking accommodation in development plans.

Figure 44 West Entertainment District Focus Area Development Scenario #1 Modeled Demand



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City of Fayetteville, AR

A second development scenario for the West Entertainment District focus area would see 500 housing units added; a scale comparable to the new housing development recently completed immediately north of the focus area. This time, the retail increase is more substantial (30,000 square feet).

Figure 45 West Lot Focus Area Development Scenario #2 - Land Use

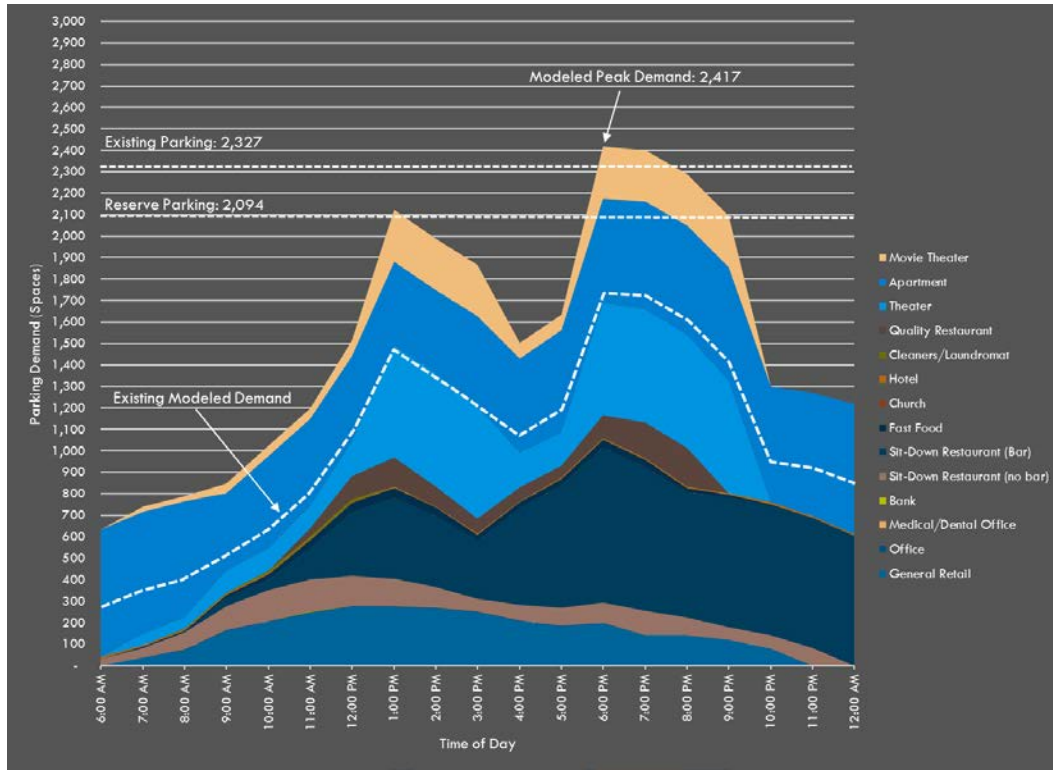
Land Use	Added FA/Units	Total FA/Units*	% Increase
Bank		1,000 SF	
Church		8,000 SF	
Cleaners/Laundromat		13,000 SF	
Fast Food		7,000 SF	
General Retail	30,000 SF	136,000 SF	28.4%
Hotel		10 Rooms	
Low to Mid Rise Apartment	500 Units	825 Units	154%
Medical/Dental Office		2,000 SF	
Movie Theater	5 Screens	5 Screens	-%
Office		30,000 SF	
Quality Restaurant		16,000 SF	
Sit-Down Restaurant/Bar		65,000 SF	
Sit-Down Restaurant/No Bar		18,000 SF	
Theater	500 Seats	3,090 Seats	19.3%
Total		296,000 Sq. Ft. 825 Units 10 Hotel Rooms 3,090 Theater Seats 5 Movie Screens	

Note: Retail, office and residential vacancy rates are not accounted for in the total floor area.

As seen in Figure 46, forecasted demand for this development scenario exceeds not only the reserve supply but also the total parking supply of the focus area. The new demand of over 2,400 spaces requires over 300 new spaces to re-establish a reasonable reserve. The largest increases in parking demand in this scenario are due to the new residential units, though these do realize a larger internal capture rate, limiting even larger parking need. This scenario shows that both new housing plus a potential movie theater requires new parking construction in this focus area, though both can be accommodated in Fayetteville's nearby focus areas without new parking construction.

LAND USE AND FUTURE PARKING DEMAND MEMORANDUM | PARKING & MOBILITY STUDY
City of Fayetteville, AR

Figure 46 West Entertainment District Focus Area Development Scenario #2 Modeled Demand



Fayetteville Parking Master Plan Implementation Schedule:

PHASE 1: April, 2018 – December, 2019

GOAL: Customer service through consistent information, enhanced technology, and increased parking supply will lay the foundation for future parking improvements.

	<u>RECOMMENDATION</u>	<u>ACTION ITEM</u>	<u>TIMEFRAME</u>
1.	Customer Service	Rebrand enforcement officers to promote a friendly and informative customer service approach to enforcement	Immediate and Ongoing
2.	Increase Available Supply	Add additional on-street parking and begin shared parking agreement negotiations with owners of underutilized private lots. Install consistent signage in private lots and add to database as agreements are brokered. Consider permit system for shared lots where property owners may be uncomfortable with full public sharing. Actively broker shared parking agreements between developers and other private lot owners and, as needed, update code to reflect shared parking best practices.	Immediate and Ongoing
3.	Event Management	Coordinate with WAC, Theatre Squared, and area businesses to implement agreed upon event management strategies, such as prepaid and valet parking. Monitor and support expansion of services as needed.	Immediate and Ongoing
4.	Create a Residential Parking Benefit District & Continue to Research Demand-Responsive Pricing	Form stakeholder group to discuss recommendations for residential parking program (mixed use parking and/or Residential Benefit District proposals). Form stakeholder group to begin discussion on current utilization, permit programs, current rates, and rate change recommendations from Study. Meet with Downtown business stakeholders to discuss minimum pricing for smart meters and consider incorporating pay by space/plate system in lots downtown.	Spring, 2018

5.	Upgrade Technology & Event Management	Updated enforcement software and hardware are needed to alleviate reliance on expiring AS400 system and to pave way for integration with future pay by plate and License Plate Recognition (LPR) enforcement as well as “first-ticket free” enforcement capability. Integrate mobile credit card payment capability with new enforcement software for event parking.	Spring, 2018
6.	Customer Service	Develop a communication and outreach plan for parking constituents (UA community, business community, visitor's bureau, chamber of commerce) and continually update educational materials, maps, and website to reflect new agreements and available technologies.	Summer, 2018
7.	Upgrade Technology	Research options for pay-by-phone (or current mobile payment vendor) in private lots and Downtown Business District.	Winter, 2018
8.	Streamline Signage	Enhance customer service by re-designing consistent, easy to understand rate signage for publicly owned and privately owned lots. Identify areas to install additional parking wayfinding signage.	Spring, 2019
9.	Multimodal Improvements	Study feasibility of shuttle to remote parking and work with transit providers to determine potential routes. Work with transit providers to include current remote parking destinations located near transit stops in their mapping.	Fall, 2019
10.	Multimodal Improvements	Work with Transportation to develop a Sidewalk Plan with the goal of improving walkability in the downtown and creating intentional signed and lighted links from Downtown Business District to Entertainment District.	See Annual Sidewalk Plan

Fayetteville Parking Master Plan Implementation Schedule:

PHASE 2: January, 2019 – December, 2021

GOAL: Consolidating parking programs between the Entertainment and Downtown Business Districts, upgrading enforcement strategies and equipment, improved event management, and transportation demand strategies will lead to sustained improvements in the overall parking experience.

	<u>RECOMMENDATION</u>	<u>ACTION ITEM</u>
1.	Residential Benefit Improvement District	Recommend system and earmark funding for projects consistent with stakeholder group input. Begin work on projects as funding becomes available.
2.	Streamline Permit Program	Ensure employee and other permit programs are equitably priced in Entertainment and Downtown Business Districts and recommend changes consistent with stakeholder group input.
3.	Multimodal Improvements	Work with transit providers to consider subsidizing trips for residents living near transit stops and to update routes to include remote parking facilities.
4.	Future Development	Work with Planning and Development Services to develop TDM toolkit for developers. Draft and adopt TDM language as necessary, including shared parking ordinances and unbundled parking requirements. Review development code to determine if changes are needed to fee in-lieu programs or other TDM strategies such as parking cash-out programs, bike share/car share memberships, and bicycle facilities.
5.	Recommend New Rate Structure and Time Limits	Recommend rates and time limits consistent with stakeholder group input.
6.	Upgrade Technology	Recommend smart meter installation consistent with stakeholder group input.
7.	Upgrade Technology	Recommend pay-by-plate enforcement method in Entertainment District and Downtown Business Districts and integrate LPR readers as funding is available.
8.	Event Management	Continue improving event management as new technology allows.

Fayetteville Parking Master Plan Implementation Schedule:

PHASE 3: January, 2022 – December, 2023

GOAL: A commitment to superior customer service and ensuring that parking is available and easy to find.

	<u>RECOMMENDATION</u>	<u>ACTION ITEM</u>
1.	Continue to Research Demand-Responsive Pricing	Consider allowing Parking Management control over rate changes to achieve measurable availability goals and draft and update code to set maximum rates and defined availability goals.
2.	Continue to Research Demand-Responsive Pricing	Continue to incorporate private lots into availability based pricing system consistent with stakeholder group input.
3.	Upgrade Technology	Outfit LPR enforcement cameras for one enforcement vehicle.
4.	Residential Benefit Improvement District	Continually invest residential district revenues into identified projects as funding is saved up.
5.	Increase Available Supply	Work with special event organizers to consider if the use of streets for event space rather than parking lots is a preferred policy to pursue
6.	Future Development	Support Bike Share and Car Share opportunities through reserved parking and requirements in new development. Continue and improve Shuttle/Transit partnership.
7.	Multimodal Improvements	Continue installation of walkability improvements and intersection infrastructure.
8.	Increase Available Supply	Work toward a goal of making 80% of the total parking supply within the study area open and available to the public in some form (e.g. traditional parking, valet services, shared parking agreements).



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

Resolution: 68-16

File Number: 2016-0104

RFQ #15-08 NELSON/NYGAARD CONSULTING ASSOCIATES, INC.:

A RESOLUTION TO AWARD RFQ #15-08 AND AUTHORIZE A CONTRACT WITH NELSON/NYGAARD CONSULTING ASSOCIATES, INC. IN THE AMOUNT OF \$584,978.00 FOR THE DEVELOPMENT OF A TRANSPORTATION MASTER PLAN AND DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY REPORT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$14,740.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Resolution No. 221-13, which was passed on November 5, 2013, expressed the intent of the City Council to fund the development of an updated Transportation Plan.

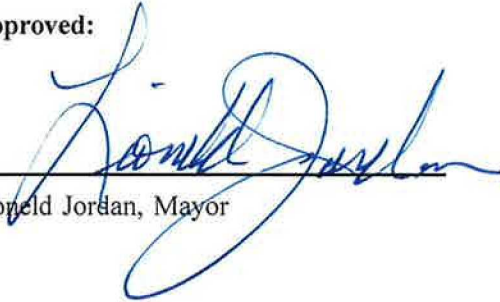
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards RFQ #15-08 and authorizes a contract with Nelson/Nygaard Consulting Associates, Inc. in the amount of \$584,978.00 for the development of a Transportation Master Plan and Downtown/Entertainment District Parking and Mobility Report, and further approves a project contingency in the amount of \$14,740.00.

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.

PASSED and APPROVED on 3/15/2016

Approved:


Lionel Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk Treasurer





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0104

Agenda Date: 3/15/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 1

RFQ #15-08 NELSON/NYGAARD CONSULTING ASSOCIATES, INC.:

A RESOLUTION TO AWARD RFQ #15-08 AND AUTHORIZE A CONTRACT WITH NELSON/NYGAARD CONSULTING ASSOCIATES, INC. IN THE AMOUNT OF \$584,978.00 FOR THE DEVELOPMENT OF A TRANSPORTATION MASTER PLAN AND DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY REPORT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$14,740.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Resolution No. 221-13, which was passed on November 5, 2013, expressed the intent of the City Council to fund the development of an updated Transportation Plan.

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 RFQ #15-08 and authorizes a contract with Nelson/Nygaard Consulting Associates, Inc. in the amount of \$584,978.00 for the development of a Transportation Master Plan and Downtown/Entertainment District Parking and Mobility Report, and further approves a project contingency in the amount of \$14,740.00.

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

City of Fayetteville Staff Review Form

2016-0104

Legistar File ID

3/15/2016

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

Chris Brown

2/26/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Contract with Nelson\Nygaard Consulting Associates, Inc. in the amount of \$584,978.00 for development of a transportation master plan and downtown/entertainment district parking and mobility report, approval of a budget adjustment in the amount of \$100,000, and approval of a contingency amount of \$14,740.

Budget Impact:

4470.9470.5314.00; 1010.6600.5315.00

Professional Services/Contract Services

Account Number

Fund

14021.1

Transportation Master Plan

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 499,718.00

Funds Obligated \$ -

Current Balance \$ 499,718.00

Does item have a cost? No

Item Cost \$ 584,978.00

Budget Adjustment Attached? No

Budget Adjustment \$ 100,000.00

Remaining Budget \$ 14,740.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 15, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Director of Development Services

FROM: Chris Brown, P.E., City Engineer *CB*

DATE: February 26, 2016

SUBJECT: **Transportation Master Plan/Downtown and Entertainment District Parking and Mobility Study-Contract with Nelson\Nygaard Consulting Associates, Inc.**

RECOMMENDATION:

Staff recommends approval of a contract with Nelson/Nygaard Consulting Associates, Inc. for development of a Transportation Master Plan and a Downtown/Entertainment District Parking and Mobility Report, in the total amount of \$584,978, including \$489,978 for the overall master plan, and \$95,000 for the focus area parking study. The City Council Transportation Committee reviewed the Master Transportation Plan scope at their February 23rd meeting and recommended approval of the overall master plan scope by a vote of 3-0. (The parking study scope was not available for review at the Committee meeting.)

A budget adjustment in the amount of \$100,000 from the general fund reserve balance is also requested to fund the parking study portion of the project. Finally, a contingency fund in the amount of \$14,740 to allow for additional items of work and/or expenses that may arise during the project is requested.

BACKGROUND:

In 2013, the City Council passed Resolution 221-13, expressing the intent to fund an updated Transportation Plan in the amount of up to \$500,000.

In 2014, staff began the process of procuring a consultant using the City's consultant selection procedures, with the intent of bringing a proposed contract and budget adjustment to the City Council. However, during negotiations with the selected consultant, it became apparent that the work scopes developed by the consultant were not in line with the City's vision for the project, and negotiations were ended with the consultant.

The City re-initiated the consultant procurement process in 2015, and on December 29th, 2015, a selection committee consisting of City staff members and City Council Member Matthew Petty selected the team of Nelson Nygaard Consulting Associates, Inc. and Garver, Inc. to provide consulting services for the Transportation Master Plan.

Following the selection of the consulting team, the City recognized the need to add an additional task in the Transportation Master Plan that provides detailed analysis of Parking and Mobility in the Downtown and Entertainment District areas. The purpose of this study would be to analyze

parking inventory and utilization as well as existing and future demand and recommend refinement to existing parking management strategies and system design.

CONSULTANT BACKGROUND AND QUALIFICATIONS:

Nelson\Nygaard Consulting Associates (with Garver, Inc. as their sub-consultant) was chosen over 4 other consultant teams that submitted statements of qualifications. Nelson\Nygaard is a 123 person firm specializing in transportation planning for all modes of transportation. Their statement of qualifications lists such projects as a mobility and parking study in New Orleans, complete streets design guideline development in Chicago, participation in moveDC, Washington D.C.'s long range transportation plan, and leading an in-progress master planning effort in Boston. Locally, they are in the final stages of completing a Campus Transportation Plan for the University of Arkansas.

Nelson\Nygaard was also the lead consultant on the NACTO Urban Street Design Guide, a manual that has been adopted by numerous cities nationwide and provides a new set of standards for creation of city streets that are more safe and inviting, and provide service to all modes of transportation. This manual has recently been adopted by the City as a reference document in our Minimum Street Standards Manual.

The Nelson Nygaard project team for this includes Project Manager Jason Schrieber, Deputy Project Manager Lisa Jacobson, Zabe Bent, and Boris Palchik, among others. Mr. Schrieber has spent time in Fayetteville serving as Principal in Charge of the University of Arkansas Transportation Master Plan, and Ms. Jacobson is the Project Manager for the UA project.

The local team from Garver includes Ron Petrie and Jeff Webb, both of which have managed multiple projects for the City, the latest being the Spring Street Parking Deck. Mr. Petrie's past experience as the Fayetteville City Engineer gives him insight into the challenges and constraint the City's transportation system faces, which will be a valuable asset to the team.

Excerpts from the project team's Statement of Qualifications, which provide additional detail, resumes, and past experience on similar projects, are attached.

TRANSPORTATION MASTER PLAN SCOPE DISCUSSION:

Exhibit "A" to the contract is the scope of work which details the tasks to be completed by the consulting team. After initial kickoff meetings, and establishment of detailed goals and objectives, the consulting team will review the City's existing codes, policies, master plans, and other data in order to fully understand the existing conditions of the City's transportation systems. Once the initial review is completed, a "Mobility Facts Book" will be delivered, that will summarize existing conditions and provide a review of best practices from peer communities.

Public Participation will be an integral part of the plan development. Using the Mobility Facts Book and other outreach materials, the consultant will host multiple workshops throughout the project, and will develop a website and online interaction tools in order to engage as many citizens as possible across all demographics and in all areas of the City.

Using the existing conditions analysis and the information gathered during the public involvement process, the consultant will identify network needs across all modes of transportation, and will develop lists of issues and opportunities within the City's transportation system. Ultimately the final plan will be developed with both broad recommendations of policy and overall direction of multimodal mobility for the City, along with detailed project priorities, and strategies for implementation of the plan. Critical deliverables with the final plan include:

- Planning and design policy recommendations

- Tools for evaluation and prioritization of projects
- Implementation and Financial Plans

PARKING AND MOBILITY SCOPE DISCUSSION

Task 5.8 of the scope of work (attached as Exhibit "A" to the contract) details the parking study tasks to be completed by the consulting team. After initial kickoff meetings (which will be scheduled in conjunction with Transportation Master Plan kickoff) the consulting team will review existing studies, data and mapping. Next Nelson/Nygaard will conduct a detailed parking system inventory and evaluate existing utilization and use that data to perform a future parking demand analysis and evaluate parking expansion needs.

The consultant team will also conduct a thorough review of existing parking management and system design and develop a suite of parking management options including supply and demand management strategies and administration and customer service improvements. The Downtown and Entertainment Districts will be evaluated as separate districts but the strategies developed will either apply to both or be modified appropriately for each context. Public input will be integral to the Parking & Mobility Study with workshops, surveys and up to six meetings with stakeholders.

SCHEDULE AND FEE

Nelson Nygaard has scheduled this work to be completed over a period of approximately 15 months. This schedule will be modified and updated as the project progresses. The overall plan and the parking study will progress separately, but consultant visits, public meetings, and final plan development will be scheduled together to minimize travel costs and other expenses. The schedule is attached as Exhibit "B" to the contract.

The proposed fee for the work scope detailed above is \$584,978, of which \$489,978 is allocated for the overall master plan, and \$95,000 is allocated for the parking study. Detailed fee information is also attached to this memo.

A contingency amount of \$14,740 is also requested, to allow for additional items of work and/or expenses that may arise during the project.

BUDGET/STAFF IMPACT:

This project will be funded from the Transportation Master Plan project budget. Currently this project has \$499,718 in funds available; a budget adjustment in the amount of \$100,000 is needed to provide the full project funding. The general fund reserve balance is the proposed source of funding for the additional amount.

Attachments:

Proposed Contract with Ex. A Scope of Work Ex. B Schedule
 Fee Spreadsheets
 Budget Adjustment
 Purchase Order Request
 Additional Consultant Information
 Resolution 221-13



City of Fayetteville, Arkansas
Contract for Transportation Master Planning
And Parking Analysis Services

This contract executed this 15 day of March 2016, between the City of Fayetteville, Arkansas, and Nelson\Nygaard Consulting Associates, Inc. In consideration of the mutual covenants contained herein, the parties agree as follows.

WITNESSETH:

WHEREAS, the City of Fayetteville has previously determined that it has a need for a Transportation Master Plan; and

WHEREAS, the City of Fayetteville is also in need of a detailed downtown and entertainment district parking analysis and plan; and

WHEREAS, the City of Fayetteville, after soliciting statements of qualifications for such services pursuant to City of Fayetteville RFQ 15-08 (herein after referred to as Request for qualifications or RFQ), has awarded this contract to Nelson\Nygaard Consulting Associates, Inc.; and

WHEREAS, Nelson\Nygaard Consulting Associates, Inc. has represented that it is able to satisfactorily provide these services according to the terms and conditions of the RFQ, which are incorporated herein by reference, and the terms and conditions are contained herein;

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

1. **Services to be Performed:** Nelson\Nygaard Consulting Associates, Inc. hereby agrees to provide the City with transportation planning and parking analysis services, as requested and more specifically outlined in the RFQ, this agreement, and the attached Exhibit "A" *Scope of Work*.

2. **Time of Service:** Time is of the essence in this Agreement, and services shall be performed as identified in the Timeline found in Exhibit "B" attached hereto, subject to revisions mutually agreed upon.

3. **Compensation:** As compensation for Nelson\Nygaard Consulting Associates, Inc. providing services to the City as described herein, the City shall pay Nelson\Nygaard Consulting Associates, Inc. an amount not to exceed

\$584,978.00 inclusive of out-of-pocket expenses, based on the submission of invoices for work completed and properly authorized. The fee will be payable as follows:

Nelson\Nygaard Consulting Associates, Inc. shall submit invoices at minimum 1 month intervals to the City. The invoices shall include charges for all labor and costs in accordance with Contract.

Payment will be made for hours worked at standard hourly rates in effect at the time work is performed, plus reimbursable expenses. Reimbursable expenses include travel expenses, purchase of material, and other direct expenses, including work performed by subcontractors. Payment for reimbursable expenses shall be at actual cost, supported by paid invoices or other acceptable documentation of expenses.

The City agrees to pay all approved invoices within thirty (30) days of receipt. The City shall not be obligated to pay any invoices which are not in accord with the terms of this Contract.

Nelson\Nygaard Consulting Associates, Inc. reserves its rights to stop all work on this project if, at anytime, an approved invoice remains unpaid for a period exceeding sixty (60) days.

4. **Insurance:** Nelson\Nygaard Consulting Associates, Inc. shall provide and maintain in force at all times during the term of the services contemplated herein insurance for Workers' Compensation, Commercial General Liability, Automobile Liability, and Professional Liability. Such policies shall be issued by companies authorized to do business in the State of Arkansas. Evidence of such coverage is to be submitted with contract approval. Minimum amount for Commercial General Liability and Professional Liability is \$1,000,000 aggregate. Notwithstanding any other provision, Nelson\Nygaard Consulting Associates, Inc. will not be required to include City as an additional insured on its Professional Liability coverage.

5. **Term of Agreement:** Services performed pursuant to this Contract shall commence upon execution of this agreement and continue for the period specified in the Timeline in Exhibit "A" attached hereto, unless canceled or terminated within thirty (30) days written notice by either party. Nelson\Nygaard Consulting Associates, Inc. will be compensated for services performed in accordance with the terms of this Contract prior to the effective date of termination.

6. **Amendment of Contract:** This Contract may be amended only by mutual agreement of the parties.

7. **Legal Compliance:** Nelson\Nygaard Consulting Associates, Inc. is responsible for full and complete compliance with all applicable laws, rules, regulations and licensing requirements imposed by any public authority having jurisdiction.

8. **Approval of Agent:** The City reserves the right to require Nelson\Nygaard Consulting Associates, Inc. to replace the assigned agent with another agent of the same company if, in the opinion of the City staff, the agent is not rendering or is incapable of rendering the quality of service and cooperation required.

9. **Auditable Records:** Nelson\Nygaard Consulting Associates, Inc. shall maintain such accounts and records in connection with its performance of services for the City as may reasonably be required by the City. Nelson\Nygaard Consulting Associates, Inc. shall, at any reasonable time during the term and for a period of one year following the completion of work under the contract, afford the City's agents and auditors reasonable facilities and access for examination and audit of its records pertaining to its performance and shall, upon request by the City, produce and exhibit all such records.

10. **Assignment and Subcontracting:** Nelson\Nygaard Consulting Associates, Inc. shall perform this contract. In the event of a corporate acquisition and/or merger, Nelson\Nygaard Consulting Associates, Inc. shall provide written notice to the City within thirty (30) business days of such notice of 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 Proposer, which has disclosed its intent to assign or subcontract in its response to the RFQ, without exception shall constitute approval for purposes of this Agreement. No assignment or additional subcontracting shall be allowed without the prior written consent of the City.

11. **Cancellation:** Either party reserves the right to cancel this Contract, without cause, by giving thirty (30) days' notice of the intent to cancel, or with cause if at any time either party fails to fulfill or abide by any of the terms or conditions specified.

Failure of Nelson\Nygaard Consulting Associates, Inc. to comply with any of the provisions of this contract may be considered a material breach of contract and shall be cause for termination of the contract at the discretion of the City of Fayetteville. In the event of such a breach, the City of Fayetteville will promptly notify Nelson\Nygaard Consulting Associates, Inc. which will have five (5) days to cure the failure to City's satisfaction.

In the event that sufficient budgeted funds are not available for a fiscal period, the City shall notify Nelson\Nygaard Consulting Associates, Inc. of such occurrence and the Contract shall terminate on the last day of the then current fiscal period without penalty or expense to the City. The City reserves the right to terminate within the thirty (30) day notice because of budgetary issues.

12. **Indemnification:** Nelson\Nygaard Consulting Associates, Inc. shall indemnify, pay the cost of defense, including but not limited to attorneys' fees, and hold harmless the City from all suits, actions or claims of any character brought on account of any injuries or damages received or sustained by any person, persons, or property by or from the said negligence of Nelson\Nygaard Consulting Associates, Inc.; or by, or in consequence

of any neglect in safeguarding the work; or on account of any negligent act or omission, neglect or misconduct of Nelson\Nygaard Consulting Associates, Inc.; or by, or on account of, any claim or amounts recovered under the Workers' Compensation Law or of any other laws, by-laws, ordinances, order of decree, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Fayetteville. The first ten dollars (\$10.00) of compensation received by Nelson\Nygaard Consulting Associates, Inc. represents specific consideration for this indemnification obligation.

Furthermore, Nelson\Nygaard Consulting Associates, Inc., in performing its obligations under this contract, is acting independently and the City assumes no responsibility of liability for the Nelson\Nygaard Consulting Associates, Inc.' acts or omissions to third parties, and Nelson\Nygaard Consulting Associates, Inc. shall agree to indemnify and hold harmless, the City, its officers and employees against any and all claims, lawsuits, judgments, costs and expenses for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by Nelson\Nygaard Consulting Associates, Inc.' breach of the terms or provisions of contract, or by any negligent act or omission of Nelson\Nygaard Consulting Associates, Inc., its officers, agents, employees, or invitee, in the performance of this contract; except that the indemnity specified in this paragraph shall not apply to any liability resulting from the sole negligence of the City, its officers, or employees. In the event of joint and concurrent negligence of both Nelson\Nygaard Consulting Associates, Inc. and the City, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Arkansas, without, however, waiving any governmental immunity available to the City under Arkansas law and without waiving any defense of the parties under Arkansas law. This paragraph is solely for the benefit of Nelson\Nygaard Consulting Associates, Inc. and the City and is not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

13. **Governing Law & Jurisdiction:** Legal jurisdiction to resolve any disputes shall be Washington County, Arkansas with Arkansas law applying to the case.

14. **Severability:** The terms and conditions of this agreement shall be deemed to be severable. Consequently, if any clause, term, or condition hereof shall be held to be illegal or void, such determination shall not affect the validity of legality of the remaining terms and conditions, and notwithstanding any such determination, this agreement shall continue in full force and effect unless the particular clause, term, or condition held to be illegal or void renders the balance of the agreement impossible to perform.

15. **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 (if the total cost of the contract with such proposed changes, modifications or amendments does not exceed the approved City of Fayetteville, AR

Contract for Transportation Master Planning Services (RFQ 15-08)

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contract price including any approved project contingency) or the City Council (if the total contract cost with such proposed changes, modifications or amendments exceeds the approved contract price including any approved project contingency) in advance of the change in scope, cost or fees.

16. **Freedom of Information Act:** 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, Nelson\Nygaard Consulting Associates, Inc. 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.

17. **Documents Comprising Contract:** The contract shall include this Agreement for Transportation Master Planning services, as well as the following documents, which are attached:

- a. Exhibit "A" Scope of Services
- b. Exhibit "B" Fayetteville TMP Schedule

If there is a conflict between the terms of this Agreement and the above referenced documents, the conflict shall be resolved as follows: the terms of this Agreement shall prevail over the other documents, and the terms of the remaining documents shall be given preference in their above listed order.

WITNESS OUR HANDS THIS 15 DAY OF march, 2016.

NELSON\NYGAARD CONSULTING ASSOCIATES, INC.

By: Paul A. Jewel

Printed Name & Title

President
+
CEO

CITY OF FAYETTEVILLE, ARKANSAS

Lionel Jordan
LIONEL JORDAN, Mayor

ATTEST:

Chris Fletcher
Name Chris Fletcher

ATTEST:

Sondra E. Smith
Sondra Smith, City Clerk

116 New Montgomery Street, Suite 500
Business Address

San Francisco CA 94105
City, State & Zip Code

Date Signed: 26 Feb 2016

Date Signed: March 17, 2016



City of Fayetteville, AR

Transportation Master Plan Project

Exhibit A - SCOPE

TASK 1 PROJECT INITIATION

1.1 *Project Kick-Off Meeting*

The Consultant will meeting with City staff, any key stakeholders identified by the City, and potentially a Steering Committee to discuss the final scope of work and project schedule, establish communication protocols, coordinate preparation activities, and collect studies, data, and other information that will be used throughout the project. During the kick-off, the Consultant will conduct a brainstorming session to clarify key roles, schedules, community event types / dates/ locations, and consistent graphics elements for outreach materials.

1.2 *Final Scope of Work and Project Schedule*

Based on the discussions at the project kick-off meeting and follow-up correspondence, the Consultant will work with the City to finalize the Scope of Work and Project Schedule, including the Community Outreach Schedule.

DELIVERABLES: Meeting Notes
Final Scope of Work and Project Schedule

TASK 2 VISION, GOALS, OBJECTIVES

Knowledge of the community's values is necessary to effectively produce network typologies, design standards, measurement tools, and an implementation plan. The Consultant will incorporate the goals of the City Plan 2030, Downtown Master Plan, and other guiding documents. The Consultant will also talk to citizens, stakeholders and elected officials about how the transportation plan can improve their lives through and inclusive public participation process that receives input from sometimes disengaged users and from all areas of the city, not just special interest groups and downtown areas (see Task 4 for details). With robust public input, designs for transportation solutions can be tailored entirely to the community context and preferences. Such a system is only effective, however, if the solutions are reflective of Fayetteville's values. A small (as small as possible), tailored set of community-based project goals will be developed during Task 4 before any network priorities are set. This process will necessarily involve and inform key stakeholders who may not fully appreciate the community's vision, such as AHTD, large institutions and employers, and members of the community itself.

The overall goals, when set, will lead to a set of measurable evaluation criteria in Task 7 designed to meet the objectives included in the Request for Qualifications. These measures will encompass choice modes of travel such as bus, bicycling, bikeshare, walking, carshare, taxi, scooter, etc. with careful attention paid to the need to balance automobile throughput against other community needs.

DELIVERABLES: Goals Statement Measurement, Prioritization Framework and Criteria

TASK 3 EXISTING CONDITIONS

The following subtasks are intended to be conducted in parallel with overlapping input and feedback informing each subtask's analysis and conclusions.

3.1 *Review of City Codes, Policies, Standards, and Design Guidelines*

The Consultant will conduct a review of all appropriate municipal codes and ordinances that support or should support plan development, as well as other broader goals identified early in Task 2. These go beyond standard elements such as vehicle lane dimensions, crosswalk standards, curb ramp designs, other traffic, street or sidewalk elements and extend further into elements such as parks and recreation, parking regulations, land use and growth policies, development regulations, , and citywide zoning. In addition, the Consultant will work with City staff to fully understand existing street design, evaluation, and implementation practices across applicable City divisions, as well as curb management practices.

3.2 *Review of How Streets Are Classified*

Traditional roadway functional classification is an ordering system that defines “the part that any particular road or street should play in serving the flow of trips through a network.” Functional classification, by most definitions, is mono-modal; it focuses on one type of traffic, in this case, motorized vehicles. Classification systems that are more relevant to settings like Fayetteville should include non-driving modes and non-travel uses of streets that allow for flexibility in street design.

The Consultant will conduct a review of Fayetteville’s existing circulation patterns, capacity (planning level), traffic volumes, and non-motorized usage to identify how these factors align with the classification of existing streets. This information will guide recommended street typologies developed in Task 6, considering community-based criteria on circulation, environmental protection, neighborhood livability, land use, and other factors to provide additional context sensitivity. Doing so will help ensure that Fayetteville’s streets are planned and designed to serve a variety of uses and not simply vehicular movement.

3.3 *Review of Street Cross-Sections*

Based on information provided by the City, a close review of the City’s Master Street Plan cross sections and field reconnaissance, the Consultant will develop a spatial map of the City’s street widths with overlays of existing traffic volumes, land use, and density. This effort will feed into Task 3.2 above and help to develop Complete Streets typologies and design guidance in Task 6, where the Consultant will highlight areas that show opportunities for repurposing of right-of-way and areas with constrained street width (areas, for instance, that can potentially be addressed by adding to the pedestrian realm through easements or during development projects).

An important part of this subtask will be evaluating curb management practices throughout the city and especially in downtown where the Master Plan calls for changes to parking management practices. On-street parking can greatly impact the environment for motorists, bus drivers, bicyclists, and pedestrians depending on where it is placed relative to street width, design speed, cross-streets, and adjacent land uses. The Consultant will identify where parking or its management conflicts with broader study goals and the implementation of complete streets.

3.4 *Transit System Evaluation*

The Consultant will draw upon its established understanding of local transit systems to develop a cost-effective evaluation of City opportunities based on current and likely bus transit operations in Fayetteville. The Consultant already has a firm understanding of ridership patterns and service productivity from its work at the University of Arkansas, including underlying system strengths and weaknesses and proposed routing changes. The Consultant will prepare evaluations of the context around transit stops and routes, including infrastructure assessments, amenities, walking environment, connectivity to land uses, etc. The analyses will use existing data as available, including service characteristics, ridership volumes and patterns, compatibility with other street functions, amenities, and other factors relevant to the creation of Complete Streets.

3.5 *Level of Service and Multimodal Analysis*

Traditionally, motor vehicle Level of Service (MVLOS) standards have been focused solely on vehicle delay and travel time, and they may therefore have a detrimental effect on non-motorized users and on the implementation of Complete Streets. Multimodal Level of Service (MMLOS) has been adopted by some communities as a new performance standard. However, the high data requirements of MMLOS may be limiting for some jurisdictions.

As part of this task, the Consultant will provide an evaluation of how MMLOS can be applied in Fayetteville. The Consultant will then present its full recommendations on Level of Service standards or alternative performance metrics that should be adopted by the City of Fayetteville.

To develop guidelines for street standards and typologies, the Consultant will then conduct the preferred analysis on as many streets in Fayetteville as the methodology allows within the approved budget. The methodology should be conducted by the City now and in the future as a way to prioritize future streets projects and project elements according to the final community-based criteria.

The Consultant team will analyze no less than six major corridors, and at least 24 intersections (specific corridors to be determined in Task 1.2).

3.6 *Geographic Information System Geodatabase*

Benefitting from existing in-house GIS data and skills, the Consultant will quickly develop a base geodatabase of the City's streets that will eventually contain recommended typologies and eventually be a City-maintained asset, incorporated into other planning initiatives in the future. The team will focus significant effort on compiling and reviewing multimodal transportation data. While all of the following elements may not be readily available for the expected budget, the Consultant will work with the City to incorporate as much static and field information as possible, including but not limited to:

- Sidewalk coverage: conditions
- ADA deficiencies
- Curb ramp locations: compliance status
- Signalized intersections; phasing & timing
- Turning movement counts
- AADT volumes
- Crash locations
- Transit stops, shelters, and routes
- Recent boarding counts

The Consultant will deliver this GIS database as early in the project as possible since it forms the basis for much analysis in later tasks, but the Consultant is expected to continue to add to it throughout, incorporating recommendations and results from performance measurement tools at later stages.

3.7 *Fayetteville Mobility Facts Book*

The Consultant will produce a highly-accessible report on all above existing conditions that can be loaded to a project website and distributed as a complete package. This format is an alternative to the unwieldy and overwhelming technical existing conditions reports that are of little use to anyone but well-informed staff.

The Fayetteville Mobility Facts Book would be a product of field study and review of existing conditions through data analysis, outreach, interviews and review of past planning efforts. The Facts Book will also provide a review of best practices from relevant peer communities. It will be designed with a graphic, internet-

ready focus, employing maps, illustrations, and photo imagery. The information it contains will serve as the content basis for much of the outreach program. It will be linked to existing data sources where possible.

DELIVERABLES: City Policies and Ordinances Memo
Street Classification Memo
Street Widths Memo
Level of Service and Multimodal Analysis Memo
Transit Evaluation Memo
GIS Geodatabase
Fayetteville Mobility Facts Book

TASK 4 ON-GOING PUBLIC PARTICIPATION

Prior to outreach, the Consultant will consult the City for initial stakeholder contacts, possible mobile workshop and community meeting locations, and consistent graphics elements for outreach materials. The process described below represents the initial proposal for outreach, based on successful public outreach on other projects. These details and the actual meeting schedule will be refined based on input from the City, Steering Committee, and other key stakeholders. At all times the intent of the outreach will be to receive input from sometimes disengaged users and from all areas of the city, not just special interest groups and downtown areas.

4.1 Public Education Campaign and Outreach Materials

The Consultant will develop a public education campaign and outreach materials to educate the community about planning for Complete Streets. Implementation of Complete Streets can be a significant paradigm shift for some residents, so educational materials will emphasize why it is important to balance all modes of transportation and how this balance is achieved. This task and the materials will be developed and refined in close collaboration with City staff.

4.2 Mobile Workshops

The core of the outreach strategy will utilize the “mobile workshop” concept, allowing integration with existing events, rather than creating a whole new outreach effort. The preferred format employs interactive maps, guides, and touchpad-based input tools stationed at a simple table with visible pop-up tent, all quickly packed into and out of a van. By being mobile, the team can ensure the outreach campaign receives input from sometimes disengaged users and from all areas of the city. The purpose of focusing on mobile workshops, rather than a static location, is to engage as diverse of a population as possible, including diverse geographies.

The first two substantial public engagement efforts will be mobile:

1. **Values Mobile Workshop** serves as a welcome and public kickoff for the project. It will include a project overview and be focused on participant input on the goals and objectives for the project. During the workshops, participants will have hands-on exercises to prioritize values and highlight areas of opportunity and concern.
2. **Concepts Mobile Workshop** will be the forum where the Consultant presents preliminary concepts and alternatives for street and network typologies, cross-sections, and evaluation criteria. This workshop should be scheduled midway through the project. The mobile format will include both educational materials as well as provide opportunity for participant input.

These mobile workshops assume 3-4 consultant staff with assistance from the City in up to 10 locations total.

The mobile workshop exercises will be replicated in online versions (Task 4.4) to maximize participation.

4.3 *Community Workshop*

A community workshop represents the major public involvement event necessary to review the draft Transportation Master Plan components and to share and solicit feedback from the public on draft plans. It could follow a charrette process, where the meetings for plan reviews, and much of the final production work, takes place in a compressed period – sometimes even a few days. It is recognized that Fayetteville citizens are familiar and comfortable with this format as evidenced by other recent planning initiatives.

This **Draft Plan Workshop** will present the Draft Transportation Master Plan. Citizen input at this meeting is anticipated to be primarily public comment and map markup to confirm that the input provided at earlier meetings is incorporated into the document.

4.4 *Community Survey*

Surveys reach community members who are unwilling or unable to attend workshops. The survey will include questions about vision and goals as well as specific items related to policy and street design. The survey is not intended to be a statistically significant and is instead fun, brief, and informative. It will be distributed in paper, by email, on social media, and via the City's website in a format to be finalized in coordination with the City.

4.5 *Project Website and Social Media*

An effective project website will help fill in the gaps for those who cannot or who choose not to attend meetings and provide up-to-date study information while soliciting feedback in-between meetings. The project website provides a fast and simple way to keep up to date with the project. The website provides a single location for study announcements, updates, contact information, meeting results, and work products. Social media will supplement this by providing frequent updates and link users to the project website.

DELIVERABLES: Workshop Notes
Survey and Results Memo
Project Website and Social Media
Education and Outreach Materials

TASK 5 IDENTIFYING NETWORK NEEDS

Building directly upon the existing conditions review of Task 3 and the public input developed during Task 4, the Consultant will work with City staff and potentially a Steering Committee to identify key areas of need in Fayetteville's streets (both topical and geographical). Key questions to be asked are:

- Where must we improve street user safety?
- Where should we work hardest to enhance the City's bicycle/pedestrian friendliness?
- Where do barriers to transit, bicycling, and walking need to be overcome?
- Where can we increase and incentivize multimodal opportunities?
- Where are additional street linkages, intersection improvements (both capacity and safety), and other capacity improvements needed?

As issues and likely opportunities are identified, the Consultant will also identify the tradeoffs they represent. For example, proposed improvements such as cycle tracks or rapid bus treatments would require that more roadway space be used for transit and bikes, with less for regular traffic. This road capacity trade-off may benefit congestion in general but directly affect a subset of drivers on targeted corridors. A major issue for this study will be how far the city is willing to accept these trade-offs to shift to alternative modes.

5.1 *Street Opportunities*

Fayetteville's street system is its front door. Every building, plaza, and open space abuts a street, and most places are reliant on streets for direct access. The quality and condition of streets is, therefore, of paramount concern to most residents, whether they be a motorist, cyclist, walker, or transit rider.

The Consultant will focus on locations where a mix of modes is not seen because the street is too threatening for anything besides cars or through buses. The Consultant will also identify clear system gaps, conflicts, pinch points, and other barriers to seamless and safe movement by all modes and illustrate these as a "gap analysis."

Particular consideration will be given to policies that influence the demand for driving. Many communities have recognized that dramatic shifts to alternative modes of transportation are possible with the right set of public and private incentives, including:

- Parking pricing/cash-out
- Free rides home
- Web-enabled ridesharing
- Car-sharing
- Bike-sharing
- Flex-hours
- Secure bicycle parking

Vehicular congestion and safety analysis will be performed to identify needed improvements, through better signal timing, revised lane utilization, additional linkages, improvements to roadway geometry, construction of additional capacity, or other structural or non-structural improvements.

5.2 *Transit Opportunities*

Transit improvements provide one of the best opportunities to shift very large number of travelers out of single-occupancy automobiles, allowing streets to transform. After the transit service evaluation, the Consultant will evaluate community-based options to address identified opportunities. These may include:

- Sources of Operational Delay
- Stop Consolidation to make transit service faster
- Bus Stop and Area Improvements
- Land Uses and Zoning

5.3 *Bicycling Opportunities*

As it works with the City and Steering Committee to focus on preferred street typologies, the Consultant will work to identify biking improvements to resolve the gaps in the system identified by the Active Transportation Plan that can enhance bicycling. These may not only resolve facility gaps but intersection delays, needed lighting, conflicting vehicle movements, and information and wayfinding gaps. Some of the strategies that can further enhance Fayetteville's streets and intersections for bikers include:

- Bicycle boulevards
- Cycle tracks
- Median lanes
- Bike signals
- Bike jug-handles
- Bus-bike lanes

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- Shared-use markings
- Contra-flow lanes
- Multi-use paths
- Bike stations

The Consultant will work with the City and committee to test these strategies and how they might fill gaps in Fayetteville by showing how best practice examples from around the country have been applied.

5.4 *Pedestrian Opportunities*

Several pedestrian design principles should be maintained in Fayetteville, as described below. These will be assessed citywide during this task.

- Connectivity
- Safety
- Accessibility
- Traffic Engineering Elements
- Landscaping and Aesthetics

While the Consultant brings national experts at evaluating walking systems, it will rely heavily on the input of the public for finding the best opportunities. The Consultant will be clear about its approach to pedestrian design as part of educating the public about the improvements that can happen in their neighborhoods.

5.5 *Land Use and Urban Design Opportunities*

The demand for any form of transportation rests solely with the land uses that generate residential, commute, shopping, and tourist trips. The Transportation Master Plan must emphasize the types of land uses that support alternative modes in order to inform the upcoming City Plan 2030 process. Typically, multimodalism increases when following these basic land use principles, which will be explored with the City, Steering Committee, and other stakeholders:

- Creating a matching live-work mix locally
- Providing a sufficient mix of affordable locally-serving retail
- Increasing residential density
- Promoting a horizontal and vertical mix of uses
- Concentrating density near transit nodes
- Limiting the geography for exclusive residential use
- Integrating a minimum but restricted amount of open space

5.6 *Livability and Economics*

The effect of the transportation costs is a principle factor in mode choice. For the average motorist, the perceived cost to drive is simply the cost of gasoline, and in most instances, this is less than the equivalent transit fare. However, this cost entirely ignores the tremendous amount of hidden subsidies for automobile travel such as insurance premiums, registration costs, taxes, and maintenance. More progressive cities have realized the true value of the land occupied by excess road and parking surface by reclaiming this space for infill development; thus reducing vehicle trips while offsetting growing budget deficits.

The Consultant will work with the City, the Steering Committee, and the public to reveal the real economics of parking and transportation as part of identifying possible regulatory opportunities that will promote vehicle trip reduction in Fayetteville. In the downtown especially, this will be closely tied to a parking management strategy that addresses merchant and business perceptions about the need to preserve parking supply.

5.7 *Sustainability and Carbon Emissions*

At the forefront of recent transportation debates has been the impact of greenhouse gas (GHG) emissions on global climate change. Recent debate has minimized public fears somewhat, even though the scientific community is nearly unanimous in its conclusions about the ill-effects of tailpipe emissions on the planet. Other local impacts of GHGs include increased asthma rates along high-volume roadways, incidence of cancer pockets near Interstates, local smog effects, and water pollution from particulate runoff.

Furthermore, the extra space needed to accommodate automobile travel and parking means greater building heating and cooling costs due to reduced density; increased remote pollution impacts from paving materials production; and greater fossil fuel consumption and utility distribution costs to serve auto-oriented land uses.

The Consultant will work with the City and the Steering Committee to identify clear policy and infrastructure gaps that are contributing to adverse climate change.

5.8 *Downtown and Entertainment District Parking and Mobility Study*

Focus area parking and mobility study scope and sub-tasks are included in detail at the end of Transportation Master Plan scope.

DELIVERABLES: Streets Needs Memo
 Biking Needs Memo
 Walking Needs Memo

Land Use and Urban Design Memo
Livability and Economic Memo
Sustainability and Carbon Emissions Memo

TASK 6 STREETS PLAN

6.1 *Development of a Street Typology/Prioritization*

The Consultant will work with City staff to identify “families” of streets based on accepted utilization, context, land use, and other measures. Building on the Master Street Plan Cross Sections, the Consultant will develop conceptual cross-sections for each family as well as conceptual plan views in areas where families intersect. Proposed solutions to better accommodate all users (pedestrians, bicyclists, transit, and motor vehicles) - as deemed appropriate based on the context of the street - will be shown for each family, including features such as curb-and-gutter, bulb-outs, medians, lane markings, parking space marks, crosswalks, driveways, sidewalks, bike lanes and other bike facilities, transit facilities, and streetscape features.

6.2 *Establishment of Design Standards and Green Streets Network*

The Consultant will use the Task 3 existing conditions analysis, street typology recommendations, and Task 5 needs analysis to develop a comprehensive design guideline manual that includes, but is not limited to, all improvements relating to pedestrian and bicycle facilities, street lighting, transit stops, on-street parking, utilities, landscaping and signage. This manual will recommend revisions to city codes, policies, standard drawings, design guidelines, and City signage, as reviewed in Task 3. The design guidelines are anticipated to include recommendations related to a range of factors such as lane widths for motor vehicles and bike lanes, pedestrian realm (sidewalks and furniture zones), street trees and other landscaping, lighting (pedestrian-scale and roadway), intersection design details (corner radii, curb extensions, signal displays and timing, etc.), transit-supportive streetscape design, medians, islands, and pedestrian refuges, parking lane treatments, parking management practices, traffic calming and roundabouts.

These design guidelines will include design modules and overlays for each of the street types that allow for the integration of design features associated with Low Impact Development in the “Green Streets Network,” the downtown zone, or other identified focus areas. For instance, the incorporation of green streets features into an urban main street environment will require a different design approach from that for a street lined by single-family residences.

6.3 *Transit Service Improvements*

The Consultant will complete a series of recommended improvement plans for Razorback Transit and Ozark Regional Transit that work to meet the goals outlined in Task 2, is reflective of the needs collected in Task 5, relates to existing and new transit-oriented development areas, and complements the streets typology and design standards. Service improvements will be summarized according to normal measures used by the local providers, such as total service hours. Capital improvements such as shelters, benches, and other passenger amenities are expected to be incorporated as part of the street design standards. Recommended improvements also will include coordinated policies as they relate to parking pricing, demand management, transit-oriented development opportunities, other forms of transit (including transportation network providers), and transit information. While it is expected that the majority of

recommendations will be for the existing fixed route bus system, the Consultant will also provide high-level recommendation for demand-responsive service and future fixed-guideway plans (bus rapid transit, light rail, streetcar, etc.)

6.3 *City Coordination Plan*

Implementing Complete Streets in Fayetteville will require notable changes to City policy, regulations, and governance. The Consultant will work closely with City staff to lay the groundwork for Departmental policy changes, re-evaluating roles, budgets and authority. The City Coordination Plan will be supported by performance criteria derived in Task 7. Change of this scale can be difficult and incremental, but the opportunity to rejuvenate City policies is tremendous given the potential and interest in pushing for growth and change in Fayetteville.

DELIVERABLES: Street Typology/Prioritization Networks
Green Streets Network
Transit Services Improvements
Streetscape Design Guidelines
City Coordination Plan

TASK 7 PERFORMANCE AND MEASUREMENT TOOLS

For this task, the Consultant will develop a set of performance and measurement tools that can be used to evaluate the quality of City streets and impacts of future projects. Based directly on the goals and criteria developed in Task 2 as prioritized during public outreach (Task 4), the measures will be multimodal in nature and reflect community-based considerations of land use, health impacts, safety based on public input. While the accepted measures will be used to finalize the Master Plan, the tools that utilize these measures are intended to live on with City staff for future planning efforts.

These tools may include:

- **Automobile Movement Compensator** – Candidate road projects could be tested. Measures should acknowledge that throughput is not the same as delay (i.e. a skinny street or intersection can handle as much throughput as a wide road that is poorly managed, but the skinny street has safer speeds that may mean greater – but acceptable – delay).
- **Bicycle & Pedestrian Evaluation Tools** – One of the most insightful and current evaluation criteria is from the League of American Bicyclists, which named Fayetteville as a bicycle friendly community in 2010. The League's evaluation is goal-focused and contains dozens of performance measures that could be considered as part of a City evaluation tool. A GIS-integrated method for prioritizing sidewalk improvements should also be developed.
- **Transit Evaluation Tool** – Leveraged by best practices across the country, this tool would evaluate system changes with simple quantitative criteria (peak passenger load, travel time factor, hours of service, etc.) and qualitative factors (comparison to other future transit service, land use plans, zoning, etc.).
- **Street Design Assessment** – This tool would include assessments of sidewalk characteristics, location and quality of crosswalks, signing and protective measures, compensated spatially based on proximity to key land uses, such as schools, transit stations/stops, and activity centers.

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- **Health and Safety Evaluator** – This tool would assess linkages between physical infrastructure and health by considering factors such as emissions, VMT, crash rates, vehicle speeds, sound impacts, and other variables.
- **Economic Evaluator** – This tool would evaluate the potential economic benefits of a project and relate those to long-term municipal revenue growth, individual wealth creation, and more equitable allocation of costs and benefits.

Any of the above tools can be supplemented, modified, and tailored to Fayetteville's needs, based on the prioritized goals and needs that are identified. All are intended to be part of regular planning activities and to be easily maintained by City staff for years to come.

DELIVERABLES: Performance and Measurement Toolkit
Evaluation of Recommended Projects

TASK 8 FINAL PLAN

8.1 *Draft Transportation Master Plan*

The Consultant will work with City staff to develop an outline of the report based on the findings from Tasks 2 through 5 and the recommendations of Task 6. The Consultant will then assemble the Draft Transportation Master Plan and guide it through a review process involving City staff and the public. Based on the comments and feedback received, the Consultant will produce a final version and present it to City leadership.

Following the evaluation of streets and improvement projects versus the performance and measurement tools during Task 7, public feedback will help to confirm that the right projects and typologies are rising to the top. During these sessions the Consultant will also begin to discuss funding constraints and opportunities to gain a sense of whether there are enough highly desirable projects to expand the pool of funding.

Following the input received at the prioritization sessions, the Consultant will assemble the results into a final draft. The plan will include street standards, street typologies, possible capital projects, City policy recommendations, City policy positions regarding partner agency projects, and other elements described above. This includes recommendations on travel demand management, parking policy, traffic and bicycle system enforcement, community education, etc. The Consultant will recommend practical steps toward implementation, bringing experience from other communities that have had success with various programs and providing insight regarding the keys to their success.

9.2 *Draft Implementation Strategy*

Successful plan implementation is the greatest challenge for any planner. With so much at stake for Fayetteville, the Transportation Master Plan cannot run the risk of being an end point, regardless of how well-developed, documented, and implementable it might appear. While the Transportation Master Plan must have a forward-thinking vision that ensures it is only the beginning of a process, the Plan must be well-grounded in the realities that City staff, lawmakers, business-owners, and landowners must face every day. The Plan's **Capital Plan** will be accompanied by a real on-going Maintenance and Operations Cost Program that acknowledge the realities stakeholders will face once the Plan is complete. The implementation steps and timeline will be grounded in a sequence that is realistic, given time, budgets, and regulatory constraints.

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Nonetheless, the Transportation Master Plan process should create the kind of motivation and support from all internal and external stakeholders necessary to keep implementation on track.

The Implementation Strategy will include three components for each recommended initiative: a Capital Plan, a Maintenance and Operations Cost Program, and a Financial Plan. The Strategy also will identify the parties that will be responsible for implementation and funding. The Financial Plan will outline the costs associated with each individual project, as well as potential costs and strategies for long-term Citywide projects. For example, the Consultant will likely quantify the costs for the development of a completed citywide bicycle network, but that network would be implemented over a period of years. In this case, the Consultant would also propose annual funding levels that would allow the system to be developed over a set number of years.

For each of these measures, the Consultant will also propose potential funding sources. This may mean becoming involved in community discussions on topics about revenue capture, such as tax increment financing, that relate to local funds. It will mean helping Fayetteville understand the latest Federal funding programs as well as State of Arkansas priorities.

Once recommendations are prioritized, the Consultant will develop the Implementation Strategy that incorporates a Capital Plan, Maintenance and Operations Cost Program, and Financial Plan, and includes details such as the following elements:

- Specific implementation steps for each recommendation
- Thresholds or triggers to undertake actions - for example, public streetscape projects that will couple with privately constructed new network
- Responsibilities for each action
- The level of effort that will be required
- Interrelationships between activities and agencies
- Recommended travel demand management policies (both public and private) along with the potential for Transportation Management Association (TMA) structures.

A Draft Implementation Strategy will be circulated to City staff and key stakeholders as established by the City. Comments will be solicited, and comments received will be reviewed with the City. Appropriate modifications will be made to the Draft Report.

9.3 *Final Plan*

The Final Mater Plan will convey the recommended mobility policy, related strategies, and priority projects for the City of Fayetteville. The report will be detailed to include a work program broken down by year along with costs and schedules, as well as broad, including recommendations of policy and overall direction of multimodal mobility for the City. Detailed implementation and financial considerations may be in a separate document for City consumption.

DELIVERABLES: Draft Plan
 Implementation & Financial Strategy
 Final Plan

5.8 Downtown and Entertainment District Parking and Mobility Study Scope of Work

TASK 5.8.1 EXISTING PARKING FACILITIES SUPPLY AND DEMAND

A. *Kick-off and Background*

Project Initiation

Nelson\Nygaard can use the citywide Transportation Master Plan effort kick off meeting to begin the parking study effort. At the kick-off meeting, the Consultant will work to identify exact study area boundaries.

Plan Review

Nelson\Nygaard will work with City staff to identify and collect all relevant and available data, reports, and studies related to parking in Fayetteville, including but not limited to:

- **City studies and reports:** downtown parking studies, economic development plans, Entertainment District studies, etc.
- **Parking data:** digital files of parking inventory and regulations data by block and by lot, as available
- **Parking management practices:** enforcement practices, revenues and expenses, parking technology information, permit information, specialized parking arrangements (i.e. event, employee, resident permit parking, etc.), parking signage location inventory and locations
- **Land use information:** existing, proposed, and expected future land use information, including type and gross square footage for all buildings in the study areas
- **Regulations:** zoning code, related City ordinances
- **Geographic Information Systems (GIS) files:** a specific list of GIS shapefiles will be requested

B. *Parking Inventory and Utilization*

Parking Inventory

Utilizing in-house Geographic Information Systems (GIS) skills and experience, the Consultant will build on existing parking inventory information provided by the City. The Consultant will work with the City to conduct a full field inventory to verify existing public on- and off-street data. The Consultant and the City will add to the public parking facility inventory by adding all privately owned parking facilities, excluding private driveways and lots fewer than five spaces.

The Consultant will build a GIS shapefile and develop parking inventory maps that include the private and public on- and off-street facilities, including elements such as regulations, permits, enforcement period, special use restrictions, compliance with parking ordinances, and price (when applicable). All data will be collected by block face for on-street and by individual for off-street lots. All information will be geocoded and submitted to the City.

Parking Utilization

Nelson\Nygaard is well practiced at leading, conducting, and analyzing parking utilization data. More importantly, Nelson\Nygaard presents this data in a way that is easy for stakeholders and the public to understand how the parking system is being utilized, where the hotspots are, and places that are underused. This data is critical to reflecting back to Fayetteville stakeholders how parking actually functions.

The Consultant will train City staff to conduct field surveys of parking accumulation and utilization for all identified publicly and privately owned parking lots and all on-street parking within the study area to identify the vacancy rates throughout typical days, including loading zones, bus stops, and other "live" areas. These surveys will establish the peak daily parking accumulation and daily utilization for the study area's parking.

The Consultant agrees that adequate parking utilization data is a necessary component to building sound analysis and recommendations. It recommends focusing data collection efforts when public school and the University of Arkansas are in session, on non-holiday days. At minimum, the City (working with the Consultant) will conduct:

- One (1) full weekday utilization counts, from 7am - 9pm (unless otherwise discussed), likely a Wednesday and/or Thursday
- One (1) full weekend utilization counts, from 9am - 11pm (unless otherwise discussed), on a Saturday

If the City would like more sample utilization counts, the Consultant can conduct them on a time and materials basis (through an add-on task), or the Consultant will provide materials and train City interns or staff to conduct the counts. The Consultant will provide all data collection materials and training to City staff; the Consultant will be available in person if needed for the primary utilization count day.

The Consultant will develop detailed maps of parking supply versus utilization for Fayetteville to identify patterns of use over time and space.

C. Existing and Future Parking Demand Analysis

Evaluation of the Existing Conditions

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

Evaluation of Parking Expansion Needs

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

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

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

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

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

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

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

D. Stakeholder and Public Participation

Nelson\Nygaard understands that parking utilization data alone does not tell the whole story of the parking situation in town. Hearing from residents, employees, customers, visitors, commuters, and others on the day-to-day and seasonal parking issues helps to paint a more complete picture. As well as hearing first-hand why parking works in some parts of downtown and not work in others, what signage is confusing, or whether or not time limits impact behavior; substantially aids in determining how the downtown's parking functions for different users of the system. The Consultant will engage the users of Fayetteville's parking system via three primary

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methods: stakeholder interviews, public workshop (followed by a public meeting in Task 3), and an online survey.

Stakeholder Interviews

To help inform the project, the Consultant will coordinate and conduct up to six (6) interviews and meetings with identified stakeholders. Stakeholders may include City of Fayetteville staff, downtown and Entertainment District merchants, small business owners, Chamber of Commerce, key property owners, employers, developers, neighborhood groups, and others. The City may decide to include individual interviews with specific interviewees or “key stakeholders” with input from the project Consultant.

Public Workshops

The Consultant will integrate parking study elements into the proposed Transportation Master Plan public outreach efforts.

Online User Survey

To gain a better understanding of the way parking is used in Fayetteville, the Consultant can create an online user survey accessible from the City’s website, local newspapers, city email lists, and other sources, as identified by City staff. Information collected from surveys will be used to identify use patterns, perceptions of the parking system, and the potential willingness to accept changes. The goal is to get as many completed surveys as possible from a diverse set of users.

These surveys will specifically address the following end-user issues for groups such as shoppers, diners, employees, commuters, residents, and tourists through questions including:

- Demographic information
- Parking location
- Parking location preference
- Parking turnover/length of stay
- Reasons influencing location selection
- Final destination
- Purpose of visit
- Perception of parking availability
- Perception of parking costs & price sensitivity
- Awareness of alternate parking locations
- Use of alternate parking locations
- Conditions for use of alternate parking locations
- Awareness of alternate mode options

Deliverables Technical Memorandum #1: Parking Supply and Demand

TASK 5.8.2 REVIEW CURRENT MANAGEMENT STRUCTURE

A. Document Current Management Practices

Parking Management

Nelson\Nygaard will work with City staff to identify and collect all relevant and available data, reports, and studies related to parking and relevant transportation programs in Fayetteville.

The Consultant will work closely with City staff to identify and document:

- Parking permit sales and pricing structure (historical and current)
- Specialized parking arrangements (i.e., event, valet, resident permit parking, etc.)
- ADA access
- Equipment and technology
- Enforcement and revenue collection, including staffing, responsibilities, routes and protocols, and schedules
- Existing Transportation Demand Management (TDM) programs
- Planned transit service improvements
- Planned pedestrian safety improvements
- Expected new bicycle facilities, including dedicated lanes and parking
- Planned vehicular traffic circulation improvements, including evaluation of one-way to two-way conversions
- Parking violation fees and fines, including associated revenues and expenses by category
- Parking-related zoning ordinance

B. Document Supportive Elements that Impact Parking Management

Many blocks in Fayetteville are wonderful places to walk, with many downtown destinations under a five-minute walk from each other. The City's recent development projects are expected to add to the sidewalk-level activity. However, challenges such as topography and proximity of major destinations can be a barrier to a "park once" effort.

Every motorist becomes a pedestrian upon exiting the car. Thus, the Consultant will evaluate how a "parker" would access destinations from parking locations throughout the study areas on foot, based on both on-the-ground observation and national statistics. This will include the identification of specific barriers to walking such as distance, topography, incomplete or inadequate sidewalk networks, lengthy or dangerous intersection crossings, vehicular circulation barriers, land use mix, and more.

Deliverables Technical Memorandum #2: Current Management Structure

TASK 5.8.3 RECOMMENDED PARKING MANAGEMENT STRATEGIES AND SYSTEM DESIGN

A. Initial Parking Management Strategies

Based on Task 1 and Task 2 findings, Nelson\Nygaard will develop a suite of parking management alternatives that will be evaluated and vetted with the City. Parking management strategies

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include supply-side options (additional off-street parking, shared parking, striping efficiencies, etc.), demand-side options (pricing adjustments, wayfinding/signage, real-time parking information, time limit adjustments, transportation demand management strategies, etc.), and administration & customer service (permit programs, policy strategies, management structure, etc.).

The Downtown and Entertainment District will be evaluated as separate districts, but the strategies developed will either apply to both or be modified appropriately for each context. The plan could consider strategies including:

- **Pricing strategies:** appropriate on-street and off-street pricing, event or evening pricing, leasing of private spaces (shared parking), graduated parking rates, etc.
- **Parking regulatory strategies:** appropriate parking time limits, shared parking, parking benefit districts, etc.
- **Parking technologies:** use of smart parking meters, kiosks, pay by cell technology, electronic permits, etc.
- **Parking permit programs:** employee permits and residential parking stickers/permits
- **Supportive parking strategies:** regulatory or information signage, information distribution, bike and pedestrian access, transit improvements, transportation demand management (TDM), enforcement practices, curb management, etc.
- **Parking information program:** wayfinding signage, directional signage, regulatory signage, permit information, online visitor information, major destination/special event parking practices, etc.
- **Optimization of existing supply and additional supply:** structured parking, shared parking of private lots, reconfiguration of public lots, etc.

B. *Public Input to Refine Initial Parking Management Strategies*

The Consultant will use the Transportation Master Plan's outreach process to vet initial recommendations. This process is critical to refine ideas and strategies with everyday system users. The recommendations will be presented as a draft set of ideas, open to public input. The input will be incorporated as appropriate, and used to create a preferred parking management plan.

The Consultant will first present draft options to the City for review and will incorporate comments/input into the strategy options. The revised set of strategies will then be presented to key stakeholders, such as the merchant/downtown business community, likely in a morning meeting, and then to the general public as part of the Transportation Master Plan.

C. *Draft and Final Parking Management Strategies and System Design*

Draft Parking Plan

Based on a single set of consolidated non-conflicting comments, the Consultant will refine the draft strategies into a draft Parking Management Plan that includes summaries of all work from Tasks 1, 2, and 3. The plan will include:

- Study process
- Key findings

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- Appropriate maps, charts, and diagrams
- Case studies from comparable communities and national best practices
- Strategies/recommendations that are focused on sound parking management principles to support downtown vitality
- Timeframe for immediate, short- and long-term actions
- Planning-level capital cost estimates, where applicable
- A planning-level pro forma with expected revenue and expenses, based on recommendations

The budget assumes a draft will be submitted for one (1) round of revisions before moving on to creating a final document.

Final Parking Plan

The final report, along with all maps, graphics, presentation materials, and other materials will be submitted to the City as raw electronic files and PDF formats.

In addition to a series of technical memorandums, presentations, and an electronic final report, the deliverables will also include all parking data collected in ArcGIS format, HTML text, graphics for the City's website, and electronic copies of presentation and meeting materials.

Final Presentations

The Consultant will present the final plan to the core City team and the City government (Mayor and City Councilors) as part of the Transportation Master Plan.

Deliverables Draft and Final Reports

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FEE SUMMARY

TASK	LABOR	DIRECT	TOTAL
PM/QA/QC	\$9,720		\$9,720
Project Initiation	\$11,080	\$3,375	\$14,455
Vision, Goals and Objectives	\$5,890	\$0	\$5,890
Existing Conditions	\$78,282	\$0	\$78,282
Ongoing Public Participation	\$53,932	\$21,700	\$75,632
Identifying Network Needs	\$84,942	\$0	\$84,942
Streets Plan	\$95,412	\$0	\$95,412
Performance Measurement Tools	\$49,818	\$0	\$49,818
Final Plan	\$74,052	\$1,775	\$75,827
Parking and Mobility	\$93,770	\$1,230	\$95,000
TOTAL	\$556,898	\$28,080	\$584,978

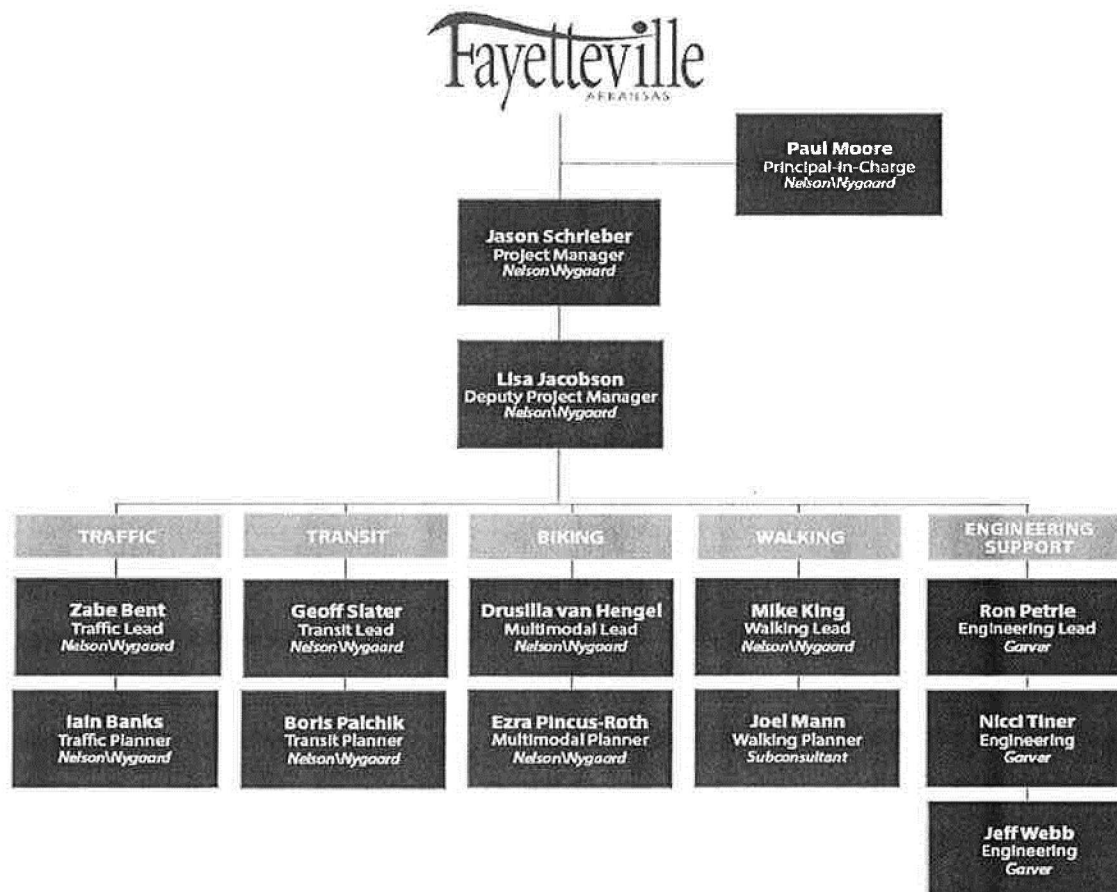
Nelson\Nygaard Labor Costs																Subconsultant Costs										Total Labor Hours	Total Labor Costs	Total Direct Expenses	Total Costs
Lisa Jacobson Senior Associate	Zabe Bent Principal 3	Geoff Slater Principal 5	Drusilla van Hengel Principal 4	Michael King Principal 6	Iain Banks Senior Associate	Boris Palchik Senior Associate	Pincus Roth Associate 2	Joel Mann Senior Associate	Associate 2 Associate 2	Associate 1 Associate 1	GIS Services GIS Services	Communications	Accountant	Ralph DeNisco Principal 3	Elizabeth Cohen Associate 3	Garver					Garver Labor								
																Garver													
																Ron E-6	Nicki E-6	Jeff Webb E-4	Engineer E-2	Technician T-1									
47 93	64 46	74 38	69 42	82 64	47 93	51 24	31 40	47 93	31 40	26 45	49 59	36 36	36 36	64 46	42 98														
1145.00	1195.00	1225.00	1210.00	1250.00	1145.00	1155.00	1145.00	1145.00	1145.00	1150.00	1110.00	1110.00	1110.00	1195.00	1130.00														
16													32			52	\$6,680					0	\$0	52	\$6,680		\$6,680		
												8				16	\$3,040					0	\$0	16	\$3,040		\$3,040		
8	8						8									32	\$6,160	8	8			16	\$3,840	48	\$9,000		\$9,000		
4					2	2	2	2								14	\$2,080					0	\$0	14	\$2,080		\$2,080		
12	8	0	0	0	2	2	10	2	0	0	0	0	0	0	0	46	\$7,240	8	8	0	0	0	16	\$3,840	62	\$11,080	\$3,375	\$14,455	
8	4					2	8			8		4				38	\$4,930	4				4	\$960	42	\$5,890		\$5,890		
8	4	0	0	0	0	2	8	0	0	8	0	4	0	0	0	38	\$4,930	4	0	0	0	4	\$960	42	\$5,890	\$0	\$5,890		
4									14							22	\$2,750	4		2	8	14	\$2,162	36	\$4,912		\$4,912		
2	8				4					8						22	\$3,160	2	2		8	32	44	\$4,088	66	\$7,188			
4	12		4	4	8											42	\$7,100	4	4	8	12	32	60	\$6,748	102	\$13,848			
6						8	4	12	16	24						74	\$8,510					0	\$0	74	\$8,510		\$8,510		
6	8				12				16	24						74	\$8,280	4	4	24	50	80	162	\$16,838	238	\$28,128			
6									14			20				42	\$6,620					8	8	\$560	50	\$6,180			
12	4				4				24			6				60	\$8,260	4	2	8		8	22	\$3,256	82	\$11,516			
40	30	0	4	4	28	8	4	12	62	56	20	6	0	0	0	336	\$44,830	16	12	42	76	160	310	\$35,652	646	\$78,282	\$0	\$78,282	
12							12		18	32		8				84	\$8,680					0	\$0	84	\$8,680		\$8,680		
16							24			32						88	\$10,520	12			24	24	60	\$7,224	148	\$17,744			
8	8						16			24						64	\$7,840	8			8	16		\$2,808	80	\$10,648			
8							16			8	16					52	\$5,560					0	\$0	52	\$5,560		\$5,560		
12							8		24	16		40				104	\$11,300					0	\$0	104	\$11,300		\$11,300		
56	8	0	0	0	0	0	76	0	48	120	0	48	0	0	0	302	\$43,900	20	0	0	32	24	76	\$10,032	468	\$53,932	\$21,700	\$75,632	
20	24		4	4	10				12	18	8					116	\$16,130	4	8	16	20	28	76	\$9,572	192	\$27,702			
16					4	8			16	16	24	8				100	\$12,780					0	\$0	100	\$12,780		\$12,780		
8	2		16						10	16	4					60	\$8,580					0	\$0	60	\$8,580		\$8,580		
16	4			20	4			32	16	16	8					124	\$19,000					0	\$0	124	\$19,000		\$19,000		
16	4										8					36	\$6,520					0	\$0	36	\$6,520		\$6,520		
4							8	8	16		2					40	\$4,740					0	\$0	40	\$4,740		\$4,740		
8							8	16	8	2						48	\$5,620					0	\$0	46	\$5,620		\$5,620		
																0	\$0					0	\$0	0	\$0		\$0		
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16	24		2	2	24	2	24			40	8					152	\$20,510	4			16	16	36	\$3,856	188	\$24,466			
4	36		8	8	36	2			70	32						206	\$26,110	8			16	24	46	\$5,376	254	\$33,486			
4	4				4	40		24	80	40	24					224	\$26,860					0	\$0	224	\$26,860		\$26,860		
12									20			24				72	\$9,640	4				4		\$960	76	\$10,600			
28	64	0	10	10	64	44	24	24	170	112	32	24	0	0	0	654	\$85,220	16	0	0	32	40	88	\$10,192	742	\$95,412	\$0	\$95,412	
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20	16	0	16	8	16	10	60	16	0	0	60	16	0	0	0	260	\$36,770	24	16	0	8	8	50	\$11,048	316	\$49,818			
24	16						32				8	32				120	\$16,260	12	12		8		32	\$6,548	162	\$24,908			
20	24				24	8	32		6	24						176	\$25,400	16	8	8	24	24	80	\$11,200	256	\$36,760			
8	4						20				12					70	\$8,780	8	4		4	4	20	\$3,624	90	\$12,384			
62	44	0	0	0	24	8	84	0	6	26	5	46	0	0	0	376	\$52,440	36	24	8	36	28	132	\$21,612	508	\$74,052			
340	200	0	50	40	152	82	274	118	402	414	160	154	32	0	0	2,694		130	68	200	288	756		3,452					
\$49,300	\$40,580	\$0	\$10,500	\$11,500	\$22,040	\$12,710	\$26,030	\$17,110	\$38,190	\$46,420	\$27,600	\$18,940	\$3,520	\$0	\$0	\$382,220	\$31,200	\$16,320	\$10,362	\$22,866	\$20,160		\$100,908	\$463,128	\$28,850	\$584,978			

City of Fayetteville - Purchase Order Request (PO)						Requisition No.:		Date:	
(Not a Purchase Order)								2/26/2016	
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.						P.O Number:			
Vendor #:		Vendor Name: Nelson\Nygaard Consulting Associates, Inc.				Mail ☒ YES ☐ NO		Legistar#: 2016-0104 Expected Delivery Date:	
Address: 116 New Montgomery St., Suite 500				FOB Point:		Taxable ☐ YES ☒ NO			
City: San Fransisco		State: CA		Zip Code: 94105		Ship to code:		Quotes Attached ☐ YES ☐ NO	
Requester: Chris Brown				Requester's Employee #: 2695		Extension: 8207			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Professional Services	1		489,978.00	\$489,978.00	4470.9470.5314.00	14021.1		
2	Contract Services	1		95,000.00	\$95,000.00	1010.6600.5315.00	14021.1		
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: \$584,978.00			
						Tax: \$0.00			
						Total: \$584,978.00			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____									

PROJECT TEAM ORGANIZATION

ORGANIZATION CHART

The proposed staffing for this project is described in the organization chart below. Core team member's cameos are included right after. Detailed resumes for each member of the team are provided in Appendix A.



KEY PERSONNEL

Paul Moore, Principal, Nelson\Nygaard | Role: Principal-In-Charge



Paul Moore oversees and manages major urban design, land use and transportation planning, and engineering projects. He has over 25 years of experience in developing major transportation and transit planning projects, small area planning and redevelopment studies, traffic engineering and design manuals and studies, and livable transportation solutions. He has national experience with clients including Pittsburgh, Atlanta, Los Angeles, Miami, Memphis, Albuquerque, and Omaha, NE, among many others.

Paul specializes in working with communities who want to use transportation spending as a tool to make broad community improvements. Paul has spoken at and led workshops with communities focused on transportation and its broad impacts for the ULI Rose Fellowship (Oakland, CA), Quebec Ministry of Health, University of Southern California, Georgia Tech Healthy Places Research Group, Texas Christian University, Toronto Strategy Institute, and the Meeting of the Minds conference (Portland).

Transportation Master Plan
City of Fayetteville, AR

Jason Schrieber, Principal, Nelson\Nygaard | Role: Project Manager



Jason leads Nelson\Nygaard's Boston multimodal practice and represents an ideal mix of progressive transportation planning knowledge, design development, and installation oversight that he has been able to channel into wide-ranging design processes for public and private clients. With almost 20 years of private and public sector experience, Jason provides multimodal planning and design skills with a unique understanding of municipal needs, private development priorities, and community concerns. Before joining Nelson\Nygaard, Jason managed transportation planning at the City of Cambridge's traffic department, permitting more than 12 million square feet of new development, including: the five million square foot North Point TOD; the three million square foot Cambridge Research Park; and the two million square foot Discovery Park. Importantly, Jason's broad transportation planning background has made him an expert at seeking a balance between all modes and developing the supportive arguments for reducing automobile dependence. He employs this knowledge both as an expert facilitator as well as an analyst and writer.

Lisa Jacobson, Sr. Associate, Nelson\Nygaard | Role: Deputy Project Manager



Lisa brings transportation planning experience in the public, private, and non-profit sectors. She focuses frequently on multimodal transportation studies, which encompass best practices for integrating flows among pedestrians, bicyclists, drivers, and transit. She has strong spatial, analytical, and quantitative skills that will contribute to the success of this project. Lisa has recently been leading university campus transportation plans where she has excelled at managing complex on-campus and town-gown outreach processes by incorporating innovative yet simple and efficient outreach methods that have become examples for many of Nelson\Nygaard's projects elsewhere. Before joining Nelson\Nygaard, Lisa was a fellow with the National Complete Streets Coalition, where she worked on federal, state, and local policies.

Zabe Bent, Principal, Nelson\Nygaard | Role: Traffic Lead



Zabe has over 12 years of experience in transportation planning and urban development, with a focus on transit service planning, complete streets and urban design, and policy design and development. During her recent tenure in the public sector, she shepherded a range of complex feasibility studies, from congestion pricing in San Francisco to BRT on high-volume, multimodal, constrained corridors. These include feasibility study and environmental clearance efforts for BRT on Geary Blvd, as well as conceptual design for Geneva BRT, which traverses three cities and two counties. She also led San Francisco's update to the long-range transportation plan and various neighborhood plans geared at near-term improvements to transit, bicycle, and pedestrian access. Zabe finds innovative ways to devise and communicate the features of projects and initiatives, critical project tradeoffs, and ultimately the solutions necessary to advance the effort to the next stage of implementation. Her portfolio includes strong coordination with local stakeholders and agency partners, local and regional transit agencies and MPOs, and federal agencies such as Federal Transit Administration (FTA) and Federal Highway Administration (FHWA), as well as public outreach to diverse, often multilingual communities.

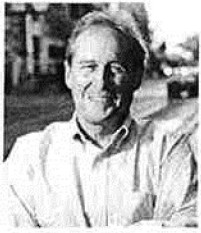
Iain Banks, PTP, Sr. Associate, Nelson\Nygaard | Role: Traffic Planner



Iain Banks, who will lead the transportation and mobility study, is a personal transportation and parking specialist with 14 years of experience, in both the private and public sector. His projects have included city-wide bicycle master plans, parking management programs, transit development plans, capital improvement programs, community planning and transit operations. Most recently in the City of Annapolis, Maryland, Iain was the lead in the City's Mobility program focusing on the interrelationships between transit operations, off-street and on-street parking resources and non-automobile facilities. This program successfully implemented a circulator bus service connecting the downtown parking garages, increasing transit ridership and garage occupancy while decreasing on-street parking demand in the local residential communities. Iain is also an expert in transit oriented development and transportation demand management plans, having completed numerous projects for the Maryland State Highway Administration, the District of Columbia, and Prince George's County, MD.

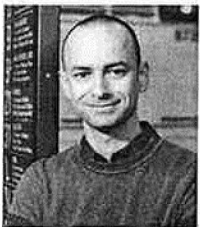
Transportation Master Plan
City of Fayetteville, AR

Geoff Slater, Principal, Nelson\Nygaard | Role: Transit Lead



Geoff is a co-lead of Nelson\Nygaard's transit practice and one of Nelson\Nygaard's most experienced and successful project managers and transit practitioners, playing a lead or leading role in many of the firm's most transformative and successful transit service design projects. Geoff brings more than 30 years of experience in the transit industry to Nelson\Nygaard. He has held senior management positions for government agencies and is well-versed in the day-to-day as well as long-range expectations for transit operators and regional planning agencies. Among his prominent recent projects are the restructuring of Port Authority transit service and Pittsburgh and a restructuring of KCATA service in Kansas City. The Port Authority project entailed one of the most comprehensive transit restructuring projects ever in the United States, while the Kansas City project, while less extensive, produced meaningful improvements throughout the system to make service better for existing riders and attract new riders at lower cost. Geoff also developed one of the country's first BRT lines (Boston's Silver Line) and brings international experience from redesigning commuter rail service throughout post-apartheid South Africa. Prior to his work in the private sector, Geoff served as Director of Planning for the MBTA, the fifth largest transit agency in the United States. In that role, he was responsible for all MBTA planning activities, including strategic planning, service planning, operations planning, and scheduling.

Boris Palchik, Sr. Associate, Nelson\Nygaard | Role: Transit Planner



Boris is an experienced transit planner with more than 15 years in the public transportation industry. He has developed service plans for large and small transit systems, both as a consultant and as a staff planner for several transit agencies. Boris has worked extensively in communities that host major institutions, such as universities and military installations, and has designed transit services that improve ridership and system productivity while addressing the sometimes competing needs of various stakeholder and rider groups. At Nelson\Nygaard, Boris has led several comprehensive service analysis and service design projects including serving as Project Manager for recent transit studies in Rock Hill, SC; Hartford, CT; Wichita, KS; Bloomington-Normal, IL, and Pensacola, FL. He also has experience in scheduling, run-cutting, and Google Transit implementation projects. Prior to joining Nelson\Nygaard, Boris held senior planning positions at Denton County (TX) Transportation Authority (DCTA) and Dallas Area Rapid Transit (DART).

Drusilla van Hengel, PhD, Principal, Nelson\Nygaard | Role: Biking Lead



Drusilla will serve as principal-in-charge for this effort. Dru has over 20 years of transportation planning and operations experience, including 10 years of research. She focuses on bicycle and pedestrian master planning and project development, project evaluation, healthy communities, and safe routes to schools and parks. Her academic background and public sector work in land development, traffic operations, and community planning provide a unique perspective and rich depth of experience that has benefitted clients from Chicago to rural eastern Washington. While working for the City of Santa Barbara, Dru's efforts doubled the number of bike lanes, initiated the Safe Routes to School Program, and earned the City both Walk Friendly and Bicycle Friendly Community Status.

Ezra Pincus-Roth, Associate, Nelson\Nygaard | Role: Biking Planner



Ezra has more than seven years experience working in municipal policy and urban planning. His expertise is rooted in interpreting government accessibility standards and transit-oriented planning practices. His experience in transportation planning, including the assessment of bus stop compliance with ADA guidelines for the Massachusetts Bay Transportation Authority, a comprehensive review of Bay Area station area plans and EIRs, and mobility management studies for state and county governments. While a management and budget analyst with the City of New York's Parks Department, Ezra monitored agency compliance with ADA standards and City ordinances across all public facilities and parklands.

Transportation Master Plan
City of Fayetteville, AR

Michael King, RA, Principal, Nelson\Nygaard | Role: Walking Lead



Michael has more than 20 years of experience helping transportation agencies prioritize investments to meet long-term community goals for livability, mobility, access, safety, and economic development. He served as project manager for the Lake Tahoe Basin's Regional Transportation Plan, which programmed transportation investments over a 20-year timeframe. His previous work for the City of San Francisco's Municipal Transportation Agency, Vancouver TransLink, and Bay Area Rapid Transit (BART) included developing performance measures and assessing return on investment from alternative scenarios. He is currently managing a study for BART that will account for the need for major investments in state of good repair and new capacity, model the consequences of failing to make these investments, and lay out the District's case to regional stakeholders for a new revenue measure. He is also contributing to a regional transit fare equity study now underway for the San Francisco Bay Area's Metropolitan Transportation Commission.

Joel Mann, AICP, Sr. Associate, Nelson\Nygaard | Role: Walking Planner



Joel is a planner with 10 years of experience in transportation planning and transportation-focused contributions to development codes, comprehensive plans, and community master plans. Joel's career pursuits have grown from an intersection of personal passions and commitments, including bicycle and pedestrian mobility, streets as vital urban public spaces, and use of public resources to provide the best possible returns for citizens and their quality of life. He has had extensive experience in plans that feature changes to streets as cornerstone elements of placemaking and quality of life, such as road diets, one-way to two-way conversions, and strategic improvements to key intersections along corridors. He understands the dynamics of traffic and street design within the context of community needs and is skilled at explaining the technical elements of transportation decision-making in accessible language that increases community awareness and builds trust in project recommendations.

Ron Petrie, PE, Project Manager, Garver | Role: Engineering Lead



Ron is a senior project manager with 24 years of engineering experience. His responsibilities include managing the local government transportation team, which involves team member management, project quality control, and client representation at public meetings. His previous experience includes serving as the City of Fayetteville's City Engineer, managing a staff of 22 employees with an operating budget of \$1.2 million and an average yearly capital improvement budget of \$10.2 million for transportation, drainage, and water and sewer infrastructure improvements. His responsibilities included representing engineering issues at the council, street committee, and water and sewer committee meetings as well as to the public and local media.

Nicci Tiner, PE, PTOE, Senior Project Manager, Garver | Role: Engineering



Nicci is a senior project manager who is responsible for managing Garver's Traffic Team. She has 26 years of engineering experience. Her project experience includes traffic signal design; planning studies to determine existing and future needs for cities and to prioritize improvement projects for short-, mid-, and long-term; traffic studies that include intersection analysis, weave capacity, trip generation, interchange justification analysis, and signal warrant analysis; and maintenance of traffic plans for bridge, interstate, highway, and urban street construction.

Jeff Webb, PE, Transportation Engineer, Garver | Role: Engineering



Jeff Webb is a transportation engineer with 15 years of engineering experience. Jeff's responsibilities include project design, coordination, review, cost estimation, and oversight. His project experience includes new and reconstructed roadway, drainage, site, airport, water, and wastewater design.

Jeff has served as interim city engineer and staff engineer for cities in Arkansas and Texas and has worked on major projects involving numerous city street and drainage improvements. Jeff also leads a team that manages Garver's CAD standards, including development and implementation of best practices and new procedures to automate or improve work flows. Jeff is also responsible company-wide maintenance and implementation of Newforma, a software-based project management tool.

SPECIALIZED AND PAST EXPERIENCE

NELSON\NYGAARD

GoBOSTON 2030

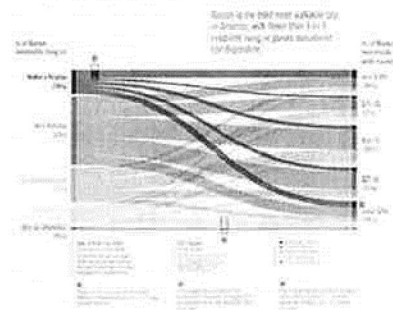
2014-ONGOING

Client: Boston Transportation Department – Boston, MA
Contact: Vineet Gupta, Director of Policy and Planning, 617-635-2756, vineet.gupta@cityofboston.gov

Boston is a world class city, an old city, and in many ways, an adolescent city. The Boston region is home to some of the most innovative brains in technology that have ever lived; Facebook, Bridj, and Zipcar were all born here. And yet the city struggles to manage the narrow, winding streets of its medieval stronghold.

The city faces a number of challenges: How can it marry new technologies with old infrastructure to maintain the mobility demanded by all? How can the city build a bold future, when climate change may knock it all down? How can a city known for working class neighborhoods and Ivy League alumni continue to provide a place, and opportunities for all? What role can transportation play in the future?

How Easy Is It to Walk?



These are among the many questions at the heart of the GoBoston 2030 initiative. A planning process like none other in the history of Boston, GoBoston is a grassroots up, sky-high down planning initiative. The plan builds from ideas generated in Boston's most innovative and inclusive public engagement strategy – the "question campaign," which created direct input from over 5,000 unique members of the Boston region who broadened planners' perspectives, established new City goals, and challenged political leadership in new ways. By focusing on the values of the traveling public rather than the capacity of known infrastructure, Go Boston 2030 is charting a new course for engaging the mobility revolution. Supported by an unrivaled database of trips across all modes, including shared cars and shared bikes, cross-tabulated with detailed demographic sets from the Dukakis Institute, Nelson\Nygaard is not only documenting Boston's mobility in cutting-edge ways, we are inserting community-based values directly into the mobility networks of the future. In this manner, Nelson\Nygaard can model how the technological "disruptors" that will change how transportation is planned, accessed and delivered will affect the region in the near term (five years) and in the next generation (15 years).

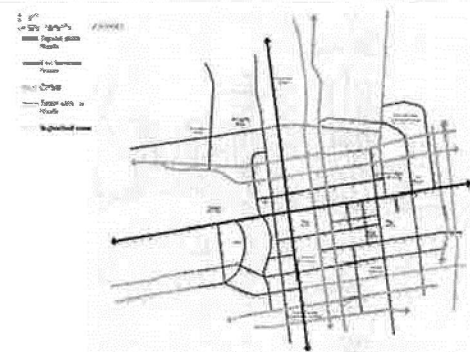
Nelson\Nygaard is serving as the lead planners for Go Boston 2030, working through close collaboration with concurrent processes that crafted public engagement and digested amazing quantities of "big data" to inform both current patterns and future conditions. GoBoston is, at present, a work in progress. It is, however, one of the visionary planning efforts that ask the right questions to ensure that we are investing in ways that solve the problems of tomorrow rather than outmoded approaches to address the issues of today.

CONNECT COLUMBUS

2014-ONGOING

Client: City of Columbus – Columbus, OH
Contact: Patti Austin, City Planning & Operations Administrator, 614-645-3111, PAAustin@columbus.gov

Columbus is among one of the nation's largest and fastest growing cities. However, despite its status in terms of population size and continued growth, Columbus remains the largest city in the U.S. without any form of rail transportation. Driving remains one of the most convenient and attractive forms of transportation for commuters. With approximately four out of every five Columbusites, driving commuters have the advantage of a relatively short commute time and an abundance of low-cost parking options. Columbus continues to offer a rapid auto commute, but few other options for getting around compared to peer cities. The City has recognized the need to modernize their transportation system and approach in investing in multimodal transportation options to support desire growth and economic activity.



Transportation Master Plan

City of Fayetteville, AR

Nelson\Nygaard is leading a team to develop a vision for the future of transportation in Columbus that will build on these efforts and create a cohesive investment strategy to guide the city forward. The plan, entitled Connect Columbus, is a bold and strategic endeavor to recapture and envision the mobility desires and needs of the City while enhancing equitable, healthy, and sustainable transportation access between the places where people live, work, and play. This process has been grounded in participatory community events and workshops that are meant to catch attention, raise awareness, and even meet the community where they are. These events have included a series of week-long, charrette workshops that are open to the public, as well as a number of mobile workshops intended to reach broader and non-traditional public meeting audiences.

Although scope of this project is broad and community and stakeholder driven, the final plan will produce a series of policies, guidelines, and plans that help define, prioritize, and guide Columbus to implementing realistic goals and projects. Final deliverables from this plan will include a Columbus transportation factbook, Complete Street design guidelines, street typologies and classifications, and a multimodal transportation system plan. The Nelson\Nygaard team is currently wrapping up the last of the weeklong workshops and is in the process of collecting potential project candidates and creating evaluation metrics from which to evaluate the projects during the fall of 2015.

UNIVERSITY OF ARKANSAS CAMPUS TRANSPORTATION PLAN

2014-ONGOING

Client: University of Arkansas – Fayetteville, AR

Contact: Jill Anthes, Campus Planner 479-575-3371, janthes@uark.edu

With current enrollment at over 26,000 students, representing 32 percent growth since 2008, and the population of Fayetteville increasing by over a quarter over the last decade, the University of Arkansas knew its traditional approaches to transportation were failing. New garages were not satisfying complaints from the campus population, remote parking was overwhelming key transit stops, and scooters became the noisy solution to difficult intersections and narrow sidewalks. The University hired Nelson\Nygaard to redefine solutions with a user-first approach, rather than an infrastructure-first approach.



Rather than just counting vehicles and pedestrians, Nelson\Nygaard designed a broad outreach program to understand why affiliates were avoiding the bus, upset about abundant parking, and finding more conflict than benefit from bicycling. A campus wide survey received over 5,000 responses, and a three-day publicized workshop brought in a wealth of inputs and details, including unnoticed daily travel needs and locations where improvements were needed. The survey helped identify that student and faculty/staff populations desired greater price flexibility to respect their need to park in different campus locations depending on each day's schedule, allowing Nelson\Nygaard to devise a tiered pricing system. A review of bus rider needs led to an updated transit system design that re-oriented bus service around providing more direct service to campus, minimizing travel time, and interlining service to maximize efficiencies. Finally, affiliates expressed the need to make walking and biking safer and easier. The team proposed several campus gateway design interventions to both keep cars moving and prioritize crossings from campus to adjacent neighborhoods. Using Nelson\Nygaard's parking and transportation demand management model, the University is currently weighing the impact of recommended programmatic and infrastructure improvements on revenues and mode shift.

DOWNTOWN ROCHESTER MOBILITY PLAN

2009-2010

Client: City of Rochester – Rochester, MN

Contact: Richard Freese, P.E., Public Works Director / Traffic Engineer, 507-328-2400, rfreese@rochestermn.gov

In coordination with a major Land Use Master Plan process, managed by Sasaki Architects, Nelson\Nygaard developed mode split targets set to ensure downtown can grow gracefully while accommodating almost twice the volume of peak hour travel. The accomplishment of these goals will lead to the reduction of over 20 full blocks of surface parking or four to five full block parking structures. Nelson\Nygaard first created a series of fact sheets that offered residents and stakeholders an easy way to understand commuting patterns, parking management, the bicycle and pedestrian environment, and existing transit operations.



Transportation Master Plan

City of Fayetteville, AR

Shaped by community input, the Mobility Plan is guided by principles of sustainability, active and healthy transportation, and international economic competitiveness. We created a typology for downtown streets, ensuring that the character and function of each street is balanced to provide safe and reliable access for all modes. We developed a parking and TDM element and a bike network plan. Responding to Rochester's future rail aspirations, the plan also identifies potential corridors for bringing streetcar and light rail into downtown.

As a result of Nelson\Nygaard's work on the Mobility Master Plan, the City was awarded the Walk Friendly Communities Bronze-level achievement. The award specifically notes the Pedestrian Action Plan, use and continual update of the Pedestrian Environmental Quality Index tool, and the implementation of leading pedestrian intervals in the CBD (as recommended by Nelson\Nygaard) as reasons for their designation.

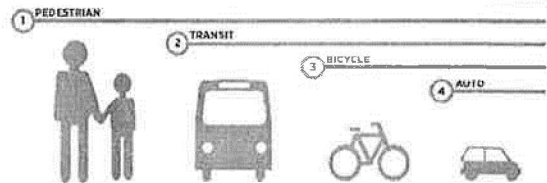
CHICAGO COMPLETE STREETS DESIGN GUIDELINES

2011-2012

Client: Consortium to Lower Obesity in Chicago in Chicago Children – Chicago, IL

Contact: Luann Hamilton, Deputy Commissioner, 312-744-1987, Luann.Hamilton@cityofchicago.org

Chicago is the first large city in the nation to decisively place pedestrians in its street design hierarchy while also providing safe access for bicyclists, transit users, and automobiles. In 2013, the Chicago Department of Transportation released Complete Streets Chicago, led by Nelson\Nygaard.



The Chicago DOT and the Consortium to Lower Obesity in Chicago Children contracted Nelson\Nygaard to develop policies and processes that will deliver complete streets that will cater to all users. The project included a series of stakeholder interviews, inter-agency workshops and discussions, policy directives, working groups, and training sessions. This process ensured that key processes and elements of the project would be internally championed by Chicago DOT staff, to ensure that complete streets indeed would be implemented within the City.

The final design guidelines includes a variety of critical street design elements including project development process, level of service standards, design vehicle, speed limits, turns on red, street and building typology, legal status, and crash mapping.

"We all want better, safer streets," says Chicago DOT Commissioner Gabe Klein. "This effort will bring the City closer to this goal."

LONG RANGE MULTIMODAL PLAN

2012-ONGOING

Client: Consortium to Lower Obesity in Chicago in Chicago Children – Chicago, IL

Contact: Luann Hamilton, Deputy Commissioner, 312-744-1987, Luann.Hamilton@cityofchicago.org

moveDC is Washington DC's Long Range Transportation Plan to determine modes, projects, and policies for every street within the city for the next 30 years. The Plan will set the long-term vision and implementation actions as DDOT continues to build a world class, sustainable transportation system in a growing and evolving city. In addition to important regional connections, the entire transportation network of the District of Columbia will be considered during the moveDC plan. Each mode of transportation will be evaluated and considered as a part of the development of the multimodal transportation plan, in order to accommodate significant projected growth in population and employment without negatively impacting residents', employees', and visitors' ability to travel around the city and best meet Washington DC's goals of livability, environmental sustainability, and economic competitiveness.



Nelson\Nygaard is leading the pedestrian, bicycle, transit, parking, and Transportation Demand Management elements of the plan, as well as authoring the plan's policy guide. The moveDC draft plan was recently released for public review and can be reviewed at www.wemovedc.org.

Transportation Master Plan
City of Fayetteville, AR

DOWNTOWN DEVELOPMENT DISTRICT MOBILITY AND PARKING STUDY

2008-2009

Client: Downtown Development District (DDD) – New Orleans, LA

Contact: Henry R. Charlot, Jr., 504-561-8927, HCharlot@neworleansdowntown.com

In March 2008, the Downtown Development District (DDD) hired Nelson\Nygaard to lead a team of consultants to prepare a Mobility and Parking Plan for the French Quarter, CBD, Warehouse District, and Marigny Triangle neighborhoods. The plan included sections on mobility policies, site/intersection improvements, and transportation demand management Strategies. Nelson\Nygaard led the mobility element of the study, with a focus on developing a sustainable, multimodal, "Park Once" approach that would both enhance the pedestrian experience and reduce parking demand pressure within these destination-rich, historic districts. Walker Parking Consultants led the parking element of the plan.

Nelson\Nygaard began the mobility review by walking the study area extensively, first with stakeholders and then in survey teams, to identify underperforming components of key mobility networks. Common constraints identified included: poor sidewalk design and upkeep; poor crosswalk design, alignment, and signal support; lack of visual and physical riverfront connections; under-investment in transit stop facilities and placement; and significant bicycle network gaps.

Participants in the field surveys identified assets and opportunities to address existing constraints. The assets formed the basis for Nelson\Nygaard's recommended policies to be applied throughout the study area, including: incorporation of existing neutral grounds (medians) to improve crossings; shortening crossings and calming traffic through curb realignments and re-timing signals; encouraging private investment in sidewalk design and maintenance; providing public valet parking and a parking shuttle to shift demand to under-utilized facilities; improved transit connections; and enhanced wayfinding investments to emphasize transit, walking, and cycling opportunities across the study area.

To emphasize the interconnectedness inherent in many of these strategies, Nelson\Nygaard identified a series of eight transformative, site-specific improvement plans at key multimodal nodes in the study area.

GARVER

CATO SPRINGS ROAD

2006-2013

Client: City of Fayetteville – Fayetteville, AR

Contact: Chris Brown, PE, City Engineer. (479) 575-8207, cbrown@fayetteville-ar.gov

Garver performed traffic studies, design and property surveys, conceptual design, and final design services to improve Cato Springs Road from School Avenue to Razorback Road. The street was reconstructed and widened, including curb and gutter and drainage improvements. The typical section is two lanes (with three lanes at appropriate intersections) with curb and gutter and sidewalks on both sides with variable green space.

Garver also provided engineering services to relocate water and sewer facilities along Cato Springs Road. The water relocations included 5,500 linear feet of primarily 8-inch water lines, and the sanitary sewer relocations included 200 linear feet of 8-inch gravity sewer lines.

Environmental studies consistent with NEPA were included and required completing a Tier III Categorical Exclusion (environmental documentation). This work entailed conducting a stream/wetland delineation; coordinating with the U.S. Fish and Wildlife Service regarding threatened or endangered species, the State Historic Preservation Office regarding cultural resources, and USACE regarding impacts to waters of the United States; and addressing pertinent information related to floodplains, noise levels, hazardous waste, prime farmland, water quality, and other potential impacts associated with the project. USACE coordination involved obtaining a jurisdictional determination of "waters of the U.S." and obtaining a Section 404 Nationwide Permit regarding impacts to waters of the United States.

MOUNT COMFORT ROAD

2006-2011

Client: City of Fayetteville – Fayetteville, AR

Contact: Chris Brown, PE, City Engineer, 479-575-8207, cbrown@fayetteville-ar.gov

Mount Comfort Road, a minor arterial street, was widened for 1.5 miles to improve the link between rapidly developing residential areas and I-49 and to provide better service to two public schools located off Mount Comfort Road. Garver provided professional engineering services to study and design improvements to Mount Comfort Road from I-49 to Ruppel

Transportation Master Plan
City of Fayetteville, AR

Road, approximately 8,000 linear feet; relocate and replace Shiloh Drive with new street construction, approximately 2,600 linear feet; and widen the AHTD ramp, approximately 600 linear feet.

Garver's services included a traffic study, three alternate schematic designs for public involvement meetings, complete design, permitting, bidding, and construction-phase administration. Garver's role also included coordination with the City, the public, and AHTD.

The two-lane road without curb and gutter was expanded to four lanes, and the project incorporated sidewalks, bike lanes, drainage upgrades, turning lanes, and intersection realignments. Improvements also included new traffic control signals at four intersections, off-site drainage improvements, and extensive water and sanitary sewer relocations. The water relocations included 4,400 linear feet of primarily 12-inch water lines, and the sanitary sewer relocations included 5,600 linear feet of primarily 8-inch gravity sewer lines.

An essential element in helping traffic flow better involved improving Mount Comfort Road's connection with I-49, which meant redesigning the way multiple legs of traffic interact. This required widening an I-49 off-ramp, relocating the frontage road to provide additional separation with the I-49 ramps, and moving Deane Solomon Road to interact with a secondary street.

During the construction phase, Garver initiated steps to recycle and reuse waste material to save the City money and resources. Garver's Construction Administration and Observation Team worked with the Contractor to recycle the milled asphalt and reuse excavated material as fill for a future street project adjacent to the site. This included utilizing approximately 5,000 cubic yards of excavated soil in collaboration with plans to extend connecting Ruppel Road.

In addition, a field change during construction added five-foot-wide bike lanes on each side of the road for a mile. The bike lane connects with trails in the City of Fayetteville's trails system.

FRISCO MULTI-USE TRAIN

2012-2013

Client: City of Fayetteville – Fayetteville, AR

Contact: Chris Brow, PE, City Engineer. 479-575-8207, cbrown@fayetteville-ar.gov

Garver provided surveying, design, property acquisition documents, bidding, and construction-phase services for the Frisco Trail. Improvements included extending the Frisco Trail from Martin Luther King, Jr. Boulevard to the trail located in Walker Park, including 0.5 miles of a 12-foot-wide trail with lighting, a 120-foot tunnel under Martin Luther King Jr. Boulevard, two prefabricated bridges, and a pedestrian hybrid beacon crossing at Highway 71B.

During the planning phase, Garver evaluated several alternative trail alignments with a cost analysis to provide design recommendations. The planning phase also included evaluating the crossings of two major arterials, which included evaluating an at-grade crossing, a pedestrian bridge, and a pedestrian tunnel.

Based on the evaluations, recommendations were made to proceed with a tunnel under Martin Luther King Jr. Boulevard and an at-grade crossing of Highway 71B. Two creek crossings were studied to determine the most economical trail crossings, including evaluating an abandoned railroad truss superstructure. Based on the findings of the study, it was determined that a prefabricated bridge be installed at both crossings.

The tunnel under the five-lane arterial, Martin Luther King Jr. Boulevard, consisted of 120 feet of a 12-foot-wide by 10-foot tall prefabricated box culvert complete with drainage, lighting, and retaining walls on all approaches. A detailed traffic control plan was developed to allow for minimal disruption of traffic during construction.

The design of the at-grade crossing of the five-lane arterial, Highway 71B, included a signal warrant analysis for a pedestrian crossing to allow trail users to safely cross this busy roadway. Based on the results of the study, a pedestrian hybrid beacon was recommended and approved by the Arkansas State Highway and Transportation Department.

Based on the findings during the planning phase, Garver designed two prefabricated trail bridges with overall lengths of 81 feet and 71 feet over creeks within designated FEMA floodplains. The design consisted of the end abutments and associated foundations of the bridge structure, hydrology and hydraulic modeling to ensure a no rise of the designated base flood elevations, wetland delineations, and permitting with the U.S. Army Corps of Engineers.

ADDITIONAL BACKGROUND

GLENDALE DOWNTOWN MOBILITY STUDY

2005-2006

Client: City of Glendale Planning Department – Glendale, CA

Contact: Alan Loomis, Principal Urban Designer, 818-548-2140, aloomis@ci.glendale.ca.us

Developing a new comprehensive citywide set of street types and performance measures for streets was a primary focus of the study. Nelson\Nygaard identified a citywide Primary Transit Network: a system of fast, frequent, and reliable transit lines connecting the City's planned growth areas. Primary Transit Streets are designed to support both of Metro's rapid bus lines, the City's own Beeline buses, and future rail service. To implement the transit network, Nelson\Nygaard identified new Quality of Service measures for transit, focused on the customer's experience rather than mere operational efficiency. Finally, Nelson\Nygaard created an analytical framework for helping the City balance the needs of all modes—automobiles, transit, pedestrians, bicyclists, and freight—in each street depending upon its urban context.



The Downtown Mobility Study was adopted unanimously by the Glendale City Council in early 2007. Since the adoption of the plan, Nelson\Nygaard has continued to work with the City of Glendale in project implementation. Recommended parking policies have been implemented in downtown Glendale, resulting in a reduction from 100% occupancy on Brand Boulevard to 85% with a concurrent increase in garage occupancy. Local improvement districts have been implemented and changes in parking code have been enacted, including reducing many parking minimums and introducing an in-lieu fee program. This successful program is often touted by Professor Donald Shoup in his presentations describing successful parking policy changes in smaller cities. This project won several awards: American Planning Association Award for Comprehensive Planning in a Large Jurisdiction and the Southern California Association of Governments President's Excellence Award in Visionary Planning for Mobility, Livability, Prosperity and Sustainability.

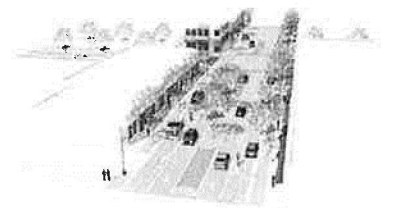
DAVENPORT IN MOTION – TRANSPORTATION MASTER PLAN

2009-2011

Client: City of Davenport – Davenport, IA

Contact: Matthew G. Flynn, Senior Planning Manager, 563-326-7743, mflynn@ci.davenport.ia.us

Nelson\Nygaard developed a comprehensive master plan for Davenport. The methodology for this document takes into account Davenport's unique river culture and status as the economic and cultural hub of the Quad-cities. Prior to the release of the completed master plan, the consultant team produced a transportation Fact Book that provides public representatives, policymakers, and citizens an accessible document that outlines existing conditions for all aspects of the transportation system, guiding principles for the City's transportation future, best practices, and other topical considerations such as environmental impacts of transportation and using active transportation strategies to promote public health. This document has assisted in educating stakeholders on the many complex transportation issues at hand while providing best practices in developing a multimodal transportation system.



The Davenport in Motion process provided the City with more than its first ever comprehensive transportation plan; Davenport in Motion is visionary plan for creating a world class multimodal system in a post-industrial city in the American heartland. To help the City implement this multimodal vision, Nelson\Nygaard developed a set of street types and design guidelines, action plan priorities for the development of a comprehensive bicycle network, transit system development recommendations, and parking management guidelines.

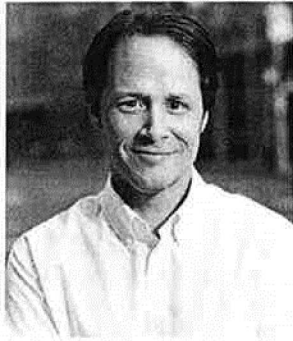
This project won the 2011 American Planning Association-Iowa Chapter Excellence Award for Best Practice.

APPENDIX A

Key Staff Resumes

Paul Moore

Principal



Paul Moore is involved in the oversight and management of major urban design, land use and transportation planning and engineering projects. He has more than 25 years of experience in developing major transportation and transit planning projects, small area planning and redevelopment studies, traffic engineering and design manuals and studies, and livable transportation solutions.

EDUCATION

B.S, Civil Engineering, Georgia Institute of Technology

EXPERIENCE

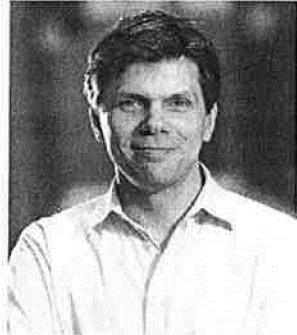
Nelson\Nygaard Consulting Associates, Inc.

Principal, 2012–Present

- **Multimodal Transportation Plan, Louisville, KY.** Project Manager for the development of a strategic multimodal transportation plan to understand and address the current and future transportation needs within Louisville Metro.
- **Multimodal Transportation Plan, Madison, WI.** Project Manager for a citywide transportation plan considering improved transit options, better parking management and building upon the City's Platinum level bike system.
- **Eastside Community Transportation Framework Plan, South Pasadena, CA.** Led the development of high level recommendations for multi-modal projects that could improve quality of life in the subregion.
- **Pomona Corridor Specific Plans, Pomona, CA.** Transportation Lead for these plans for three corridor land use/transportation plans. Recommendations for vehicle, bicycle, parking and greenspace elements were included.
- **Link Spokane, Spokane, WA.** Project Manager for an update to the transportation chapter of the City's comprehensive plan. The effort included updating of the City's traffic impact and concurrency standards and development of new complete street design standards.
- **Memphis Riverside Drive, Memphis, TN.** Worked to analyze the conversion of traffic lanes along Memphis' riverfront to bike facilities and on-street parking. The project was implemented.
- **Cycle Track Analysis, Greenville, SC.** Led technical analysis of a project to convert one lane of a state route through downtown Greenville to a multi-use "cultural corridor" connecting the City's arts campus to downtown and cultural venues.
- **Innovate Albuquerque, Albuquerque, NM.** Lead for the transportation component of this redevelopment that will bridge the gap between downtown Albuquerque and the University of New Mexico.
- **Mariner's Mile Corridor Plan, Newport Beach, CA.** Transportation planner for a multi-modal team tasked with suggesting a more livable, walkable design for this stretch of the Pacific Coast Highway.
- **MOVEPGH, Pittsburgh, PA.** Project Manager of a citywide transportation plan for Pittsburgh. This plan addressed the challenge of an established city with aging infrastructure and substantial funding challenges. The plans also include development of the street design guideline and a world-class bicycle plan.
- **Connect Columbus Transportation Plan, Columbus, OH.** Project Manager for a comprehensive, multi-modal transportation plan including updates to the street and access management standards.
- **West Haywood Master Plan, Asheville, NC.** Transportation lead for a form-based code of this redeveloping corridor. Recommendations included parking regulation and bike/pedestrian improvements.
- **Rivers of Grass Greenway, Miami, FL.** Managed transportation analysis of a multi-use trail corridor stretching across Florida from the Gulf Coast to Miami. Paul provided expertise in coordination with DOT, quantification of trip reduction potential and transportation demand management policy.

Jason Schrieber, AICP

Principal



Jason has become a specialist in understanding how individual travel behaviors are influenced by physical and economic attributes often overlooked in transport systems. By improving pedestrian delay and bicycle accommodation, he has helped cities attract people away from their car. By revealing the cost of parking, he has changed employer and institutional calculus on how employees commute. Working for municipalities, businesses and universities, Jason has advanced wholesale changes to parking pricing, developed demand management programs for new development and helped cities create new ordinances to control trips in places like Portland ME, Denver CO, and Yale University

EDUCATION

Bachelor of Science, Urban Planning
University of Massachusetts, Amherst

EXPERIENCE

Nelson\Nygaard Consulting Associates Inc.

Principal, 2006–Present

- **University of Arkansas Transportation Plan Update, Fayetteville, AR.** Project manager for updating UA's transportation plan, including strategies to better connect new off-campus housing with the campus core, determining right-of-way for competing modes across the historic campus, and more strategic investments in multimodal hubs.
- **GoBoston 2030, City of Boston Mobility Plan, Boston, MA.** Serving as the lead planner for Go Boston 2030, working through close collaboration with concurrent processes that crafted public engagement and digested amazing quantities of "big data" to inform both current patterns and future conditions.
- **Grounding McGrath: Determining the Future of the Route 28 Corridor, Massachusetts Department of Transportation, Somerville, MA.** Part of a multi-disciplinary team to conduct a conceptual planning study effort to determine the future of the Route 28 Corridor. Worked on right-of-way and intersection designs.
- **Boston Off-Street Parking Policy, Boston Transportation Department and Air Pollution Control Commission, Boston, MA.** Adding expertise to a comprehensive analysis of existing parking management in Boston as well as the development of parking policy changes, Jason is applying his extensive experience in other cities to Boston. The project also includes the creation of Boston's first comprehensive parking database, designed as an open source, integrated government and public information platform.
- **Medford Square Intersection Redesign, Medford MA.** As part of a parking demand assessment for a garage feasibility study led by MassDevelopment, revealed that walking improvements could bring as many vacant spaces within reach as a new garage would, helping to reprioritize infrastructure efforts in the square. Included a redesign of a major intersection to dramatically improve PLOS.
- **Elm Street Crosswalks, Smith College, Northampton, MA.** Led the planning, conceptual design, and design development for six major pedestrian crossings on State Route 9 through the historic heart of campus. Through an inclusive charrette process, Nelson\Nygaard developed a mixed traffic calming, signing and education strategy acceptable to public works and public safety departments in the City. Construction was completed in 2010 and has spawned a push for similar treatments elsewhere in the City.
- **Somerville Bow Street Reverse Angle Parking Services, City of Somerville, Somerville, MA.** Developed program to design and implement reverse angle parking on Bow Street in Union Square to calm traffic, add parking supply, provide a bike facility, and smooth operations in a growing area of the City.
- **Bridge Street Corridor, City of Dublin, Dublin Ohio.** Coordinated a team of planners and designers to develop a complete streets network of varying cross-section "families"; detailed profiles; parking, transit, and biking strategies and networks; and progressive models to support the plan.

Lisa Jacobson

Senior Associate



Lisa Jacobson has transportation planning experience in the public, private, and non-profit sectors. Lisa has played a primary supporting role on a variety of projects, focusing on multimodal transportation planning projects, leading data collection, mapping, and market research efforts, as well as developing recommendations. Before joining Nelson\Nygaard, Lisa was a fellow with the National Complete Streets Coalition, where she worked on federal, state, and local policies to encourage street design to incorporate all users, regardless of age and ability. Lisa's work at the Coalition was recently published in an AARP report, "Planning Complete Streets for an Aging America."

EDUCATION

Master of City and Regional Planning, Concentration in Transportation, University of Pennsylvania
Bachelor of Arts, International Affairs, The George Washington University

EXPERIENCE

Nelson\Nygaard Consulting Associates Inc.

Senior Associate, 2013-Present; Associate Project Planner, 2012-2013, Associate, 2010-2012; Intern, 2009

Multimodal Transportation Projects

- **Saint Paul Parking Study, Saint Paul, MN.** Analyzed existing parking inventory and utilization study to develop an inventory based on a combination of existing data and stakeholder input, the team collected parking utilization information: on-street data were collected by field visits; analyzed the City's parking data in the context of growth models for future scenarios and reviewed how this growth is shaped by the parking-related elements of the Zoning Code. All of this was then taken into consideration to develop strategies to improve the downtown parking system and support the ongoing growth in downtown Saint Paul.
- **Kendall and Central Square (K2C2) Planning Study, Cambridge, MA.** Reviewed and enhanced Cambridge's progressive transportation and sustainability policies to promote transit use, biking, and walking in growing districts in Cambridge.
- **Innovation Square Parking Analysis and Strategy, Gainesville, FL.** Analyzed existing parking facilities, created a district specific parking ratio matrix, documented the location and timeline for temporary surface parking, outlined the impact of transportation demand management strategies, and explored the use of existing facilities such as nearby downtown parking decks.
- **Providence I-95 Development District Design Frameworks Plan, Providence, RI.** Shared parking and complete streets design for the area that remains from the I-195 relocation project.
- **Chicago Children's Memorial Hospital Redevelopment TDM, Chicago, IL.** Developed a TDM plan, shared parking strategy, and trip generation estimate to supplement KLOA's traffic analysis.
- **Grounding McGrath: Determining the Future of the Route 28 Corridor, Somerville, MA.** Worked on evaluating the future use and potential removal of elevated portions of the roadway to enhance livability, environmental health, and transportation access and mobility for all modes of travel.
- **GoBoston 2030, City of Boston Mobility Plan, Boston, MA.** Serving as analyst for Go Boston 2030, working through close collaboration with concurrent processes that crafted public engagement and digested amazing quantities of "big data" to inform both current patterns and future conditions.
- **Centre City Redevelopment, Edmonton Alberta.** Data analyst for the transportation planning and design for a new 30,000 person infill "city within a city" upon former airport lands. Included carbon-neutral plan of new LRT, tram, bus, bikeways, and parking management systems fits within a complete streets "family" oriented around new open space and water features that meet at a dense mixed-use town center.

Zabe Bent

Principal



Zabe Bent has over 14 years of experience in multimodal transportation planning and urban development. She is skilled at project management, conceptual design, transit planning, and evaluation processes. A former Principal Planner at the San Francisco County Transportation Authority, she managed a range of efforts including the City's congestion pricing feasibility study, the update to the long range countywide transportation plan, as well as various bus rapid transit studies. Zabe also offers insight on developing and funding initiatives as they move toward implementation.

EDUCATION

MST, Urban Transportation Systems, Massachusetts Institute of Technology, 2004
MCP, International Development & Regional Planning, Massachusetts Institute of Technology, 2003
BA, Pan African Studies, Architecture, Barnard College, Columbia University, 1996
Languages: French (proficient), Spanish and Italian (working knowledge), Arabic (some knowledge)

EXPERIENCE

Nelson\Nygaard Consulting Associates, Inc.
Principal, 2014–Present

Complete Streets Planning and Design

- **Broadway Complete Streets Plan, Sacramento, California (2014-ongoing).** Project manager focused on advancing a complete streets vision for one of Sacramento's key multimodal corridors. The vision plan considers improved safety for pedestrians, cyclists, transit riders, and motorists as they traverse diverse neighborhoods, requiring a combination of conceptual design, traffic circulation analysis, and outreach activities across multiple neighborhood, business, agency, and advocacy groups.
- **Geneva-Harney Bus Rapid Transit Feasibility Study, San Francisco (2013-ongoing).** Project manager of this study to evaluate BRT alignments and rail concepts, in order to deliver improved transit service to underserved areas and to provide new connections to areas targeted for land use growth and redevelopment. Project includes multi-jurisdictional coordination among three cities and multiple transit providers, as well as coordinated outreach.

Transit Planning

- **LAVTA Comprehensive Operations Analysis, Livermore-Amador Valley Transit Authority, Livermore, CA (2015-ongoing).** Deputy project manager for LAVTA's generational update to operations to increase system ridership and improve underperforming Rapid services. The effort includes compiling systemwide operations analysis, board and stakeholder coordination, public outreach activities, with a particular focus on improving Rapid corridor performance.

Long-Range & Multimodal Planning

- **Alameda Countywide Transportation Plan, Alameda County, California (2015-ongoing).** Principal-In-Charge of effort to update 30-year blueprint to guide investment in the County's transportation system. The Plan will be a synthesis of ongoing mode-specific modal plans, a multidisciplinary evaluation framework, focus groups and white papers on key topics, including equity analysis, freight transportation needs, effects of land use, etc.

PREVIOUS EXPERIENCE

San Francisco County Transportation Authority

Principal Transportation Planner, 2007–2012; Senior Transportation Consultant/Planner, 2005–2007

- **Mobility, Access & Pricing Study, San Francisco.** Project manager responsible for all aspects of analysis, interagency coordination, and outreach for a feasibility study of congestion pricing. Study included coordinating pricing schemes with major investment packages to accommodate demand shifts, and several related studies, including survey of spending patterns by modal choice, focus groups, and microsimulation of key transit corridors.
- **Geary Corridor Bus Rapid Transit, San Francisco.** Delivered the Geary Corridor BRT Feasibility Study and launched its environmental analysis as Project Manager for a BRT project serving one of the highest ridership bus corridors in the Western US. Includes rail-ready analysis, multilingual outreach to diverse populations, and coordination with transit providers for 4-classes of service and local planning and development agencies.

IAIN J. BANKS, PTP

Senior Associate



Iain Banks is a transportation planner and engineer with 14 years of experience. Iain brings a holistic approach to transportation evaluation bringing expertise in traffic analysis, bicycle and pedestrian planning, transit operations, and parking management. Iain's projects have included campus master plans, development project reviews, city-wide bicycle master plans, city-wide parking programs, transit development plans, capital improvement programs, community planning and data analysis. Iain brings experience in both the public and private sectors, most recently serving as transportation planner for the City of Annapolis, Maryland where he was responsible for the city's transit system, active transportation networks, parking properties, and development review. Iain has familiarity in working with the Maryland State Highway Administration and other state, county, and municipal transportation authorities.

EDUCATION

Master of Science, Transportation Engineering and Planning, University of Southampton, England, 2001
Bachelor of Arts in Geography, University of Portsmouth, England, 2000

EXPERIENCE

Nelson\Nygaard Consulting Associates, Inc.

Senior Associate, 2014–present

- **Midcity East Livability Plan, Washington, DC.** Award-winning plan to address and preserve local neighborhood safety, vitality and community access in a core downtown area inundated by commuter traffic. Plan enhances place, environment and community while preserving regional network.
- **Herndon Metrorail Station Access Management Plan Fairfax County, VA.** Senior Associate. This included analysis of the pedestrian and bicycle access and facility recommendations to the pending Herndon Metrorail Stations in Virginia as part of the WMATA Silver Line extension.
- **Urbanized Area Transit Implementation Study, City of Rock Hill, SC.** Deputy Project Manager. This on-going project will include some combination of service modifications, expansion of existing service, and new service options that includes portions of the local, express, trolley, and BRT recommendations from previous study efforts.
- **Public Square Design and Implementation Cleveland, OH.** Analysis of roadway and transit system impacts associated with new development and transit enhancements; expansion of current and planned bicycle facilities and walk networks to support vibrant central place.
- **Prince George's Plaza Transit Development Area, MD.** TOD plan for economic emphasis area of Prince George's County, MD. Plan transforms suburban arterial into vibrant multimodal spine that supports rich network of comfortable and inviting streets, expanded commercial development and housing.

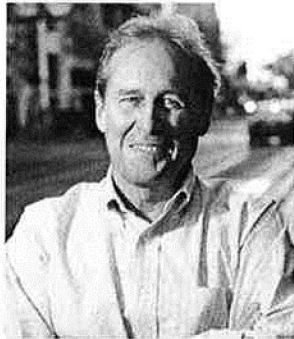
City of Annapolis Dept. of Transportation, Annapolis, Maryland

Personal Transportation and Parking Specialist/Transportation Planner, 2009–2014

- Project Manager for the City's first Bicycle Master Plan. This included procurement of the grant to fund the plan as well as managing the project from community interaction to finalization and Council approval.
- Project Manager for the implementation of the City's shuttle service linking the downtown City Dock with the City owned parking facilities.
- Implementation and analysis of the City's Transit Development Plan for its fixed route transit system.
- Management, administration and reporting of the Department's Federal and State Grant Funding program, overseeing a budget of \$2.0million in grant funds.
- Development, management and administration of the Department's annual \$5 million budget covering all facets of the department's services – transit, parking, taxi services, bicycle & pedestrian planning.

Geoff Slater

Principal



Geoff Slater has extensive experience throughout the United States and internationally that he brings to all of his projects, many of which have transformed transit services from very basic operations to mature, dependable transit systems. Geoff is nationally recognized as an effective and innovative service planner. Notable projects include a complete transformation of Pittsburgh's transit service to provide better service at the same cost, the development of one of the country's first BRT lines (Boston's Silver Line), and the redesign of commuter rail service throughout post-apartheid South Africa.

EDUCATION

Bachelor of Science, Civil Engineering, University of Massachusetts-Lowell, MA

EXPERIENCE

Nelson\Nygaard Consulting Associates Inc.

Principal, 2007–Present

- **Transit Master Plans** to identify, evaluate, and determine effective strategies for the provision of improved transit services. These studies typically involve multiple modes and address service, institutional, and financial issues. Recent and ongoing projects include Transit Master Plans for the Nashville MTA, the Middle Tennessee RTA, and Fort Worth's the T, the Metro Providence Transit Enhancement Study, and the George Washington Region Transit Policy Plan in the Fredericksburg, VA area.
- **Bus Service Planning**, including the redesign of existing services, market analyses, the development of service improvements, passenger ridechecks and surveys, the assessment of customer demand, and cost estimation. Recent projects include a complete redesign of Pittsburgh's transit system, the redesign of bus service in Pittsburgh, Kansas City, Memphis, Miami, and Providence, RI, the development of bus service improvements for Peoria, AZ, a transit feasibility study for Pinal County, AZ, and bus operations planning for Sky Harbor Airport in Phoenix, AZ.
- **Bus Rapid Transit**, including the development of Boston's Silver Line, which was one of the nation's first BRT lines. More recent BRT projects include the development of nine new Rapid Bus lines in Pittsburgh, a new BRT line in Providence, RI, and the examination of BRT options for Peoria, AZ.
- **Rail Planning**, including the development of new services and improvements to existing lines and systems. Recent projects include a streetcar feasibility study for Saint Paul, MN, the development of new streetcar lines in Kansas City, Minneapolis, and Providence, RI, improvements to Pittsburgh's light rail service, a light rail feasibility study in Peoria, AZ, an evaluation of the use of DMUs on the MBTA's Fairmount Line in Boston, MA.

PREVIOUS EXPERIENCE

Jacobs Engineering/Edwards and Kelcey/KKO and Associates

Manager of Transit Planning, 2006–2007; Senior Associate, 1997–2006

- Managed and conducted a variety of transit studies in North America and overseas designed to develop effective new transit services and to improve existing systems, with a particular focus on rail, bus, and BRT services.

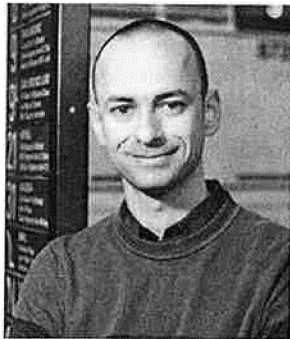
Massachusetts Bay Transportation Authority, Boston, MA

Director of Planning, 1993–1996

- Directed planning activities for the MBTA, the sixth largest transit agency in the United States, providing a mix of rapid transit, light rail, bus, commuter rail, ferry, and paratransit services. Responsible for both technical and policy aspects of short range service planning, long range capital planning, development of new services, assessment of existing services, and the development of improved methods to improve service quality and delivery. Also responsible for environmental compliance, community affairs, and scheduling.

Boris Palchik

Senior Associate



Boris Palchik has more than 15 years of experience in the transit field. He has developed service plans for both large and small transit systems with a focus on improving ridership and system productivity. Boris takes a holistic approach to service development by addressing route and schedule deficiencies, as well as the overall passenger experience in terms of wayfinding, data availability, and bus stop environments. Boris also specializes in Google Transit implementation, schedule run-cutting, and site-specific transit planning for universities and airports.

EDUCATION

Master of City and Regional Planning, University of Texas at Arlington
Bachelor of Civil Engineering, University of Texas at Austin

EXPERIENCE

Nelson\Nygaard Consulting Associates, Inc.

Senior Associate, 2010–Present

KEY PROJECTS

- **Comprehensive Operational Analysis**, Connect Transit (Bloomington-Normal, IL) - Current
- **Campus Transportation Plan, University of Arkansas** (Fayetteville, AR) - Current
- **Portland Hub Link Feasibility Study**, City of Portland (Portland, ME) - Current
- **Transit Performance Analysis**, Wichita Transit (Wichita, KS) - Current
- **Campus Transportation Plan, University of North Texas** (Denton, TX) - Current
- **RFATS Transit Study**, Rock Hill-Fort Mill Area Transportation Study (Rock Hill, SC) - Current
- **Comprehensive Transit Service Analysis for the Greater Hartford Area**, Capital Region Council of Governments (Hartford, CT) - Current
- **CATA Comprehensive Strategic Plan**, Central Arkansas Transit Authority (Little Rock, AR) - Current
- **ECAT Comprehensive Operations Analysis**, Escambia County Area Transit (Pensacola, FL) - 2015
- **St. John's University Plan**, St. John's University (Queens, NY) - 2014
- **New York Downtown Connection Study**, Alliance for New York (New York, NY) - 2014
- **Mid-Coast Maine Transit Study**, Knox County (Rockland, ME) - 2014
- **Comprehensive Service Analysis Study**, Pioneer Valley Transit Authority (Springfield, MA) - 2014
- **Google Transit Implementation Training**, Denton County Transportation Authority (Lewisville, TX) - 2013
- **Dallas/Fort Worth International Airport Transit Access Study**, North Central Texas Council of Governments (Arlington, TX) - 2013
- **Public Transportation Study**, County of Sussex (Newton, NJ) - 2011

PREVIOUS EXPERIENCE

Denton County Transportation Authority (DCTA), Lewisville, TX—Senior Planner, 2008–2010

Dallas Area Rapid Transit (DART), Dallas, TX—Service Planner III, 2004–2008

Drusilla van Hengel, PhD

Principal



Drusilla van Hengel has over 20 years of transportation planning and operations experience, including 10 years of research. Her consulting experience focuses on bicycle and pedestrian master planning and project development, project evaluation, healthy communities, and safe routes to schools and parks. Her efforts while working for the City of Santa Barbara doubled the number of bike lanes, initiated the Safe Routes to School Program, and earned the City both Walk Friendly and Bicycle Friendly Community Status. Dru's academic background and public sector work in land development, traffic operations, and community planning provides a unique, perspective and rich depth of experience that has benefited clients from Chicago to rural eastern Washington.

EDUCATION

MBA, Sustainable Business, Bainbridge Graduate Institute, 2008
PhD, Social Ecology, University of California, Irvine, 1996
MA, Social Ecology, University of California, Irvine, 1993
BA, Psychology and Biology, Dartmouth College, 1985

EXPERIENCE

Nelson\Nygaard Consulting Associates Inc.
Principal, 2014–Present

- **City of Calgary Design Consulting Services for Various Bikeway Projects (Calgary, AB)** – Dru is currently providing support services for ten projects and leading the conceptual design for five corridors (Bowness Road NW, Edmonton Trail NW, Northmount Drive NW, 20 Street NW, and Mount Royal University). The work also includes facilitation at city stakeholder meetings, development of design options, multi-modal evaluation, and peer review.
- **Santa Monica Pedestrian Action Plan.** The Santa Monica Pedestrian Action Plan draws from empirical analyses and community engagement to recommend citywide and location specific actions that will improve safety, access to transit, and overall walkability. While working with Alta Planning + Design, Dru provided project management and oversaw each step of the process, including the coordination of four subconsultants, the City Manager's Office, and a multi-department project task force. Dru conducted the collision analysis, and managed the development of priority policy, practice, program and project recommendations holding the community and staff goals as paramount throughout. Dru continues to manage the project through a subconsulting agreement with Nelson Nygaard.
- **Various Rural Wisconsin Bicycle and Pedestrian Plans.** Dru advised the Shawano County Bicycle Pedestrian Plan, Kenosha County Comprehensive Bike Plan, and Whitewater Bicycle and Pedestrian Master Plan. They were transitioned to her for project management because of personnel changes, until each plan's adoption. The three Wisconsin State funded plans established blueprints for increasing the recreational, tourism, and utilitarian trips in these communities.
- **Brookings Transportation System Plan Update, City of Brookings OR.** While at Alta, Dru helped the City negotiate a contract with the State of Oregon Department of Transportation that enabled its Transportation System Plan update to focus on improving conditions for bicycling and walking as a priority. Dru led the evaluation of existing bicycle and pedestrian conditions and conducted field review and workshops before coming to Nelson\Nygaard. The client's satisfaction with this work resulted in a request to renegotiate the contract in such a way that Dru would stay on the team through the project's completion. Dru serves as the Principal in Charge on this project, providing strategic advice, concept development, and quality assurance as a subconsultant to Parametrix.
- **Clackamas County Active Transportation Plan (Clackamas County, OR) 2014** Dru served as project advisor on this project assisting in the development of an evaluation framework for selecting active transportation routes.

Ezra Pincus-Roth

Associate I, Boston, MA

Project Role: Deputy Project Manager



With nationwide experience in municipal and regional policymaking, Ezra Pincus-Roth channels a passion for providing safe and effective transportation options for all people. His expertise is rooted in interpreting government accessibility standards and transit-oriented planning practices. His experience covers many facets of transportation planning, including parking studies for universities, accessible bus stop designs, and mobility management studies for state and county governments.

Previously, Ezra worked as a management and budget analyst for the New York City Parks Department, a consultant for the San Francisco Foundation, and a research fellow for Reconnecting America.

EDUCATION

Master of City Planning, Transportation and Land Use, University of California, Berkeley, CA, 2013
Bachelor of Arts, Politics, Oberlin College, OH, 2008

EXPERIENCE

Nelson\Nygaard Consulting Associates Inc.

Associate, 2014–Present; Intern, 2013–2014

- **Planning and Engineering Services, Massachusetts Bay Transportation Authority (Various), 2014.** Managed data collection and analysis behind a bus stop placement and spacing study in South Boston, as well as a bus shelter placement study throughout Somerville, Cambridge, and Watertown. These studies required field measurements and analysis to ensure bus stop modifications were always compliant with agency design guidelines and Americans with Disabilities Act (ADA) standards.
- **Bus Transit to Workplace Study, Shelby County (Memphis, TN), 2013-2014.** Wrote and edited segments of the final report, particularly the profiles of accessibility and mobility options in Memphis area job centers. Conducted additional GIS analysis as needed.
- **Statewide Mobility Management System Analysis and Implementation Plan, Idaho Transportation Department Division of Transportation Performance (Boise, ID), 2014.** Wrote a chapter of the final report summarizing the current landscape of mobility management initiatives at the state and regional level throughout the United States-- giving particular attention to transportation services for special-needs populations, including the elderly and disabled.
- **Transportation and Parking Study, University of Wisconsin (Milwaukee, WI), 2013-2015.** Coordinated all analysis and client correspondence associated with a comprehensive study of an urban research university's traffic circulation, transit operations, parking occupancy, transportation demand management practices, and bicycle/pedestrian infrastructure. He designed a series of pilot street improvements on an arterial road running through the heart of campus.
- **Boston University Transportation Demand Management, Boston University (Boston, MA), 2014-2015.** Led data analysis and graphic design elements of this plan to help remedy the transportation impacts following the closure and redevelopment of multiple campus parking facilities.
- **University Parking & Transportation Master Plan, University of Kentucky (Lexington, KY), 2013-2015.** Wrote memoranda summarizing the existing conditions and future opportunities of transportation demand management (TDM) programs and practices on campus. He also coordinated efforts to model current and future transportation demand based on a variety of scenarios and strategies.
- **Binghamton University Transportation and Parking Study, Binghamton University (Binghamton, NY), 2013-2014.** Using existing GIS analysis, prepared graphics of transit service and parking pricing strategies for the final report. Also co-wrote sections of the final report's recommendations.
- **Savannah Downtown Parking and Mobility Strategic Plan, Chatham County Metropolitan Planning Commission, (Savannah, GA), 2015-ongoing.** Contributing to data analysis, GIS production, and team coordination behind this comprehensive review and plan for parking in one of America's great historic districts and destinations.

Michael R. King

Principal



Michael King plans, draws, designs and writes about complete and sustainable streets and networks. His 20+ year career has arced from traffic calming in New York City, to protected bicycle lanes along BRT routes in Guangzhou, to pedestrian safety in Mexico City, to the USDOT Safe Routes to School Task Force, to shared streets in Santa Monica, to Real Intersection Design workshops, to street design in Abu Dhabi, to road diets in St. Louis, to Complete Streets Chicago, to NACTO's Urban Street Design Guide, to tactical urbanism in Rio de Janeiro. In 2013, Michael was awarded the APBP Private Sector Professional of the Year.

EDUCATION

Master of Architecture, Columbia University, New York City, NY, 1992
Bachelor of Arts, Architecture, Washington University, St. Louis, MO, 1987
Washington University, Urban Design Studio, Barcelona, Spain, 1987

EXPERIENCE

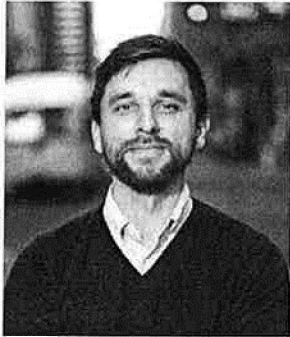
Nelson\Nygaard Consulting Associates Inc.
Principal 2004–Present

DESIGNED, PLANNED, STUDIED, ANALYZED

- Ann Arbor Street Design Framework Plan, 2015 - project advisor
- Promoting Socially Sustainable Transport through Improving Nonmotorized Transport in Vientiane (Laos), Medan (Indonesia) and Davao (Philippines), Asian Development Bank, 2015 - designer and technical advisor
- Temple University Landscape Master Plan and Traffic Analysis, Philadelphia PA, 2014 - project team
- Traffic Circulation and Gateways to the City's Downtown, New Rochelle NY, 2014 - project manager
- Spring Street 2-way Conversion, Ossining NY, 2013 - project manager
- New Haven Bicycle and Pedestrian Gap Analysis, New Haven CT, 2009– project principal
- Bus Rapid Transit non-motorized access planning, Asian Development Bank, Yichang (China), 2012 – project team
- Regional Transportation Strategy, TransLink, Vancouver BC, 2012 – project team
- Minnesota Avenue Redesign, Washington DC, 2012 – project team
- Farragut Square Pedestrian Safety and Access Study, Washington DC, 2011 – project principal
- Fifth Ward Bicycle and Pedestrian Conceptual Plan, Houston TX, 2011– project principal
- Bus Rapid Transit station area planning, Asian Development Bank, Ulanbaatar (Mongolia), 2011 – project team
- Route 34 Road Diet, New Haven CT, 2011 - technical advisor
- Improvement of Pedestrian Safety and Movement in Al Ain (UAE), 2011 – technical project manager
- Manchester Road Corridor Master Plan, St Louis MO, 2011 – project team
- State of Rio de Janeiro (Brasil) Non-motorized Transportation Master Plan, 2011 – project team
- Pedestrian Safety at Bus Stops Study, North Jersey Transportation Planning Authority, 2011 - principal in charge
- World Bank Low-Carbon Urban Transport Initiative, Wuhan (China), 2011 – project team

Joel F. Mann, AICP

Associate



Joel is a planner with 10 years of experience in transportation planning and transportation-focused contributions to development codes, comprehensive plans and community master plans. His career pursuits have grown from an intersection of personal passions and commitments, including bicycle and pedestrian mobility, transit systems as key layers of a community's civic infrastructure, and use of public resources to provide the best possible returns for citizens and their quality of life. Joel has worked both as a master planner for private land developers and as a corridor and transportation planner primarily for public agencies. He has developed expertise in bicycle and pedestrian planning, transportation policy, and street design and has applied this to jurisdiction-wide transportation policies and plans, small-area sector plans and corridor studies, and implementation programs for developing, funding, and advancing capital projects.

EDUCATION

Master of Regional Planning, University of North Carolina at Chapel Hill, 2003
B.A., Urban Studies, New College of Florida, 2001

EXPERIENCE

Nelson\Nygaard Consulting Associates Inc.
Associate, 2013–Present

SELECTED PROJECT EXPERIENCE

Comprehensive Transportation Plans

- **Connect Atlanta Plan, Atlanta, GA.** The City of Atlanta's first-ever modern comprehensive transportation plan, which focused on accommodating urban growth through improved connectivity, walkability and transit investment. Joel was the lead project planner on this effort and developed the plan's bicycle route framework, resulting in many of the Core Connection bicycle routes currently being advanced in Atlanta today. He was also closely involved in identifying recommended capital projects and developing plan policies.
- **Omaha Transportation Plan, Omaha, NE.** The city's first coordinated planning effort for transportation projects and policies, this plan coordinated with parallel citywide efforts to minimize environmental footprint and encourage reinvestment in the central city. Joel developed project ideas for bicycle and pedestrian connectivity and led the prioritization of projects for plan implementation.

Transportation Support for Sector Plans and Development Master Plans

- **Downtown Lowell Master Plan, Lowell, MA.** Led a series of redevelopment opportunities and public realm enhancements that were considered with regard to added vehicle trips, changes to traffic flow and circulation, street capacity and traffic signal timing and design.
- **Rockville Pike Neighborhood Plan, Rockville, MD.** Joel contributed to this vision-led redevelopment plan for a maturing suburban commercial corridor by coordinating transportation impact analysis and recommendations for enhanced street network, safety-based bicycle and pedestrian improvements.
- **Livable Claiborne Communities Plan, New Orleans, LA.** Senior Planner for this plan that explored potential transportation futures for a principal thoroughfare corridor in New Orleans, Louisiana and linking these futures to economic and community development opportunities.

RON PETRIE, PE

Public Involvement; Roadway Design

Ron Petrie is a senior project manager with 24 years of engineering experience. His responsibilities include managing the local government transportation team, which involves team member management, project quality control, and client representation at public meetings. His previous experience includes serving as the City of Fayetteville's City Engineer, managing a staff of 22 employees with an operating budget of \$1.2 million and an average yearly capital improvement budget of \$10.2 million for transportation, drainage, and water and sewer infrastructure improvements. His responsibilities included representing engineering issues at the council, street committee, and water and sewer committee meetings as well as to the public and local media.

Ron interpreted and enforced drainage regulations and drainage criteria for the installation of public drainage systems by private developers, managed FEMA floodplain regulations within City limits, and administered NPDES MS4 Phase II Stormwater permit acquisition and Stormwater Nutrient Reduction Plan creation. Ron's responsibilities also included supervising the City trails coordinator position that provided design, land acquisition, and construction management of an average of four miles of multi-use trails per year, including portions of Scull Creek Trail, Frisco Trail, Lake Fayetteville Trail, Hamstring Creek Trail, Clabber Creek Trail, Town Branch Creek Trail, and the St. Paul Trail.

Fayetteville Comprehensive Transportation Plan, Fayetteville, Arkansas

City engineer during the development and implementation of the Comprehensive Transportation Plan, resulting in an actionable Capital Improvements plan for short and long-term improvements. The plan also provided policy recommendations that resulted in implementation of a city-wide traffic calming program. Responsibilities included management of the consultant, assistance in data collection, and presenting the study findings at public meetings. Responsibilities for implementation of the plan included developing the transportation bond program for constructing all identified short-term improvements.

Cato Springs Road, Fayetteville, Arkansas

Senior project manager responsible for supervising the project design team providing roadway widening and reconstruction improvements. This project also included designing water/sewer line relocations and coordinating with all franchise utilities to accommodate the improvements. Utility coordination included holding joint meetings with all affected utilities at the conceptual, preliminary, and final stages of design; developing a relocation corridor; and preparing a general utility easement for the corridor.

Mount Comfort Road, Fayetteville, Arkansas

City engineer responsible for developing the project scope and cost estimates and managing the City's staff and the consulting firm (Garver) as well as the design, surveying, and construction phase services. Responsibilities also included serving as a representative for engineering issues at the public involvement meetings, city council, and street committee meetings.

Education

Bachelor of Science in
Civil Engineering

Professional Registrations

Professional Engineer
AR, 9113
OK, 24233

Affiliations

American Public Works
Association

Arkansas Society of
Professional Engineers

The Arkansas Academy of Civil
Engineering

JEFF WEBB, PE

Roadway Design

Jeff Webb is a transportation engineer with 15 years of engineering experience. Jeff's responsibilities include project design, coordination, review, cost estimation, and oversight. His project experience includes new and reconstructed roadway, drainage, site, airport, water, and wastewater design.

Education

Bachelor of Science in
Civil Engineering

Professional Registrations

Professional Engineer
AR, 12051

Jeff has served as interim city engineer and staff engineer for cities in Arkansas and Texas and has worked on major projects involving numerous city street and drainage improvements. Jeff also leads a team that manages Garver's CAD standards, including development and implementation of best practices and new procedures to automate or improve work flows. Jeff is also responsible company-wide maintenance and implementation of Newforma, a software-based project management tool.

Cato Springs Road, Fayetteville, Arkansas

Transportation engineer responsible for the conceptual design phase of this project. Responsibilities included reviewing all horizontal/vertical geometry, grading, and major drainage.

Johnson Road, Springdale, Arkansas

Transportation engineer responsible for overseeing the design of the roadway and drainage improvements, creek channelization and box culvert crossings, and sidewalk and multi-purpose trail provisions. Responsibilities also included developing technical specifications and contract documents; coordinating with the City of Springdale, utility companies, and state and local review agencies; and overseeing the bidding and construction phases.

26th Street, Rogers, Arkansas

Transportation engineer responsible for developing the final plans. Responsibilities included setting horizontal and vertical alignments; overseeing drainage calculations and storm drainage design, pavement markings, and utility relocations; developing technical specifications and construction cost estimates; and coordinating with utilities.

26th Street Multi-Use Trail, Rogers, Arkansas

Transportation engineer responsible for designing and converting a 5-foot sidewalk to an 8-foot trail during the construction of the 26th Street improvements, including the design of grading and drainage to accommodate the trail, coordination and checking for conflicts with utility companies, checking for additional need for right-of-way and easements, and coordination with the City of Rogers.

McClure Avenue, Lowell, Arkansas

Transportation engineer responsible for overseeing the design of street and drainage improvements, including coordination with the owner and geotechnical engineer.

NICCI TINER, PE, PTOE

Traffic Analysis/Design

Nicci Tiner is a senior project manager who is responsible for managing Garver's Traffic Team. She has 26 years of engineering experience. Her project experience includes traffic signal design; planning studies to determine existing and future needs for cities and to prioritize improvement projects for short, mid, and long term; traffic studies that include intersection analysis, weave capacity, trip generation, interchange justification analysis, and signal warrant analysis; and maintenance of traffic plans for bridge, interstate, highway, and urban street construction.

Cato Springs Road, Fayetteville, Arkansas

Lead traffic engineer responsible for a traffic study at the intersections of Cato Springs Road at Razorback Road and at School Avenue. The objective of the study was to evaluate the need for traffic signals at the two intersections and to recommend geometric improvements at the intersections.

Mount Comfort Road, Fayetteville, Arkansas

Lead traffic engineer responsible for the traffic study for six intersections and the signalization plans for four intersections. The study included trip generation calculations, geometric analyses, and signal warrant analyses.

Norman Comprehensive Transportation Plan, Norman, Oklahoma

Senior project manager responsible for reviewing the existing conditions with regard to the adequacy of the roadway system, traffic signal system, sidewalks, and parking within the City of Norman.

Bentonville City-Wide Traffic Study, Bentonville, Arkansas

Project manager responsible for a city-wide traffic study in Bentonville. The study included evaluating city standards, performing a preliminary analysis to identify 14 intersection projects, performing a detailed analysis of these 14 intersections, and providing recommendations for future long-term corridor projects. Additional duties included presenting the results of the study to the Planning Commission and the City Council.

Program Manager for AHTD Connecting Arkansas Program, Statewide, Arkansas

Lead traffic engineer responsible for traffic forecasting for all projects. Additional responsibilities include overseeing the review of IARs from other consultants and review of signal and signing plans.

Education

Bachelor of Science in
Civil Engineering

Professional Registrations

Professional Engineer
AR, 8141
MS, 15025
TX, 97087
MO, 2008025196
TN, 106896
OK, 20572
KS, 16904
AL, 24001

Professional Traffic Operations
Engineer, 520

Affiliations

Deep South Institute of
Transportation Engineers

Institute of Transportation
Engineers

Missouri Valley Institute of
Transportation Engineers,
President, 2004 - 2005

Oklahoma Transportation
Engineers Association

West Little Rock Rotary Club

RESOLUTION NO. 221-13

A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO FUND A TRANSPORTATION PLAN IN THE AMOUNT OF \$250,000.00 TO \$500,000.00

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

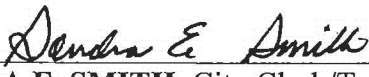
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to fund a Transportation Plan in the amount of \$250,000.00 to \$500,000.00.

PASSED and **APPROVED** this 5th day of November 2013.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville Staff Review Form

**City Council Agenda Items
and
Contracts, Leases or Agreements**

11/5/2013

City Council Meeting Date
Agenda Items Only

Peter Nierengarten
Submitted By

Division

Sustainability & Strategic Planning
Department

Action Required:

The purpose of this resolution is to express intent to fund a Transportation Plan for Fayetteville in the amount of approximately \$250,000 – \$500,000.

N/A

Cost of this request

N/A

Category / Project Budget

N/A

Program Category / Project Name

N/A

Account Number

N/A

Funds Used to Date

N/A

Program / Project Category Name

N/A

Project Number

N/A

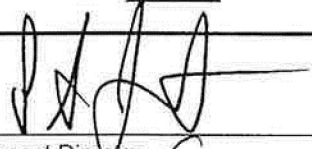
Remaining Balance

N/A

Fund Name

Budgeted Item

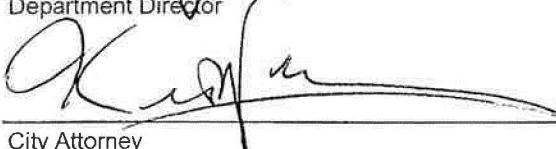
Budget Adjustment Attached


Department Director

10/18/13
Date

Previous Ordinance or Resolution #

Original Contract Date:


City Attorney

10/18/18
Date

Original Contract Number:


Finance and Internal Services Director

Finance and Internal Services Director

10-21-2013

Date

Received in City 10-13-13 P01:55 RCVD
Clerk's Office


Chief of Staff

Chief of Staff

10-21-2013

Date

Received in
Mayor's Office


Mayor

Mayor

10/21/13
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan

Thru: Don Marr, Chief of Staff

CC: Jeremy Pate, Development Services Director
Chris Brown, City Engineer *CB*
Paul Becker, Finance Director *PB*

From: Peter Nierengarten, Sustainability & Strategic Planning Director *PW*

Date: October 18, 2013

Subject: Fayetteville Transportation Plan

PURPOSE

The purpose of this resolution is to express intent to fund a Transportation Plan for Fayetteville in the amount of approximately \$250,000 – \$500,000. This plan would be developed in partnership with the University of Arkansas.

BACKGROUND

In 2003 the City of Fayetteville contracted with Bucher, Willis & Ratliff (BWR) in the amount of \$222,382 to conduct a Citywide Traffic and Transportation Study. This study included the development of master street plan cross-sections, multi-modal transportation policies, a traffic calming policy, an access management policy, a development assessment policy, a smart growth policy, traffic analysis and project costs and prioritization. Recommendations from this study have helped guide three phases of transportation bonds for street improvements in Fayetteville. The third phase of the transportation bonds are planned to be issued in the fourth quarter of 2013.

In 2005 the University of Arkansas contracted with Martin, Alexiou & Bryson in the amount of \$520,000 to develop a Campus Transportation Plan. The University's Plan included a parking plan, a travel demand management plan, recommendations for all modes of transportation (transit, walking, biking and automobiles) and recommended improvements to streets. The University of Arkansas is currently developing a Request for Qualifications for a consultant to update their 2005 Campus Transportation Plan, develop and implement transportation policies, analyze parking fees, site their next parking garage and recommend locations for park and ride facilities.

Recognizing the impact that the University of Arkansas has on transportation within Fayetteville, there would be benefits and efficiencies if the University and City Transportation plans were well coordinated. Consulting services should address similar scope items and require coordinating and collaboration on items such as transit, data collection and parking. This arrangement would be spelled in each organization's respective consultant contract.

Considering the direct link between transportation and land use in cities, a new or updated Transportation Plan for the City of Fayetteville should serve the land use goals in City Plan 2030. A plan with an emphasis on transit and active transportation (walking and bicycling) would empower the City to realize the six goals of City Plan 2030. In addition this plan could serve as a blue print for future transportation bond funding.

RECOMMENDATION

Approve a resolution of intent to fund a \$250,000 – 500,000 Fayetteville Transportation Plan. The scope for the City's Transportation Plan could include:

- An update of the 2003 BWR Traffic and Transportation Study
- Review of Pedestrian/Bicycle Limitations and Recommendations for Safety Improvements
- Public Participation
- Transit Route Recommendations
- Recommendations for Transit Center Locations
- Identification and prioritization of Transit Oriented Development (TOD) Opportunities
- Identification and prioritization of Redevelopment Opportunities Thoroughfares
- The development of a Complete Streets Policy
- A review of Minimum Street Standards and Master Street Plan Cross Sections and Traffic Calming Policy
- The develop of congestion management strategies/policies and Bond Funding Prioritization

The detailed scope and budget for the project would be negotiated with the selected consultant and the completion of the RFP process.

BUDGET IMPACT

Approximately \$250,000 of leftover funds from recently completed street projects is currently available in the Sales Tax Capital Fund. If the cost of the project exceeds \$250,000, additional funding could be provided from the Street Right of Way/Intersection/Cost Sharing project within the Sales Tax fund or from other sources.

RESOLUTION NO. _____

**A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO
FUND A TRANSPORTATION PLAN IN THE AMOUNT OF \$250,000.00 TO
\$500,000.00**

**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 expresses
its intent to fund a Transportation Plan in the amount of \$250,000.00 to \$500,000.00.

PASSED and APPROVED this 5th day of November 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

Budget Year	Division: Engineering	Adjustment Number
2016	Dept.: Development Services	
	Requestor: Chris Brown	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

\$100,000 for the parking portion of a Transportation Master Plan.

	COUNCIL DATE:	3/15/2016
	LEGISTAR FILE ID#:	2016-0104
	Kevin Springer	
	2/24/2016 5:22 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]

City of Fayetteville Staff Review Form

2017-0225

Legistar File ID

N/A

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Paul Libertini

4/21/2017

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of contract Amendment No. 1 to the Transportation Master Plan and Downtown/Entertainment District Parking and Mobility Report which requires the Mayor's signature. Amendment No.1 adds the additional tasks of digitizing and mapping Sunday parking and Wilson Park utilization counts, and a memorandum addressing the development of the West Lot. The cost of Amendment No. 1 is \$7,245 which increases the total study cost to \$592,223.

Budget Impact:

1010.090.6600-5315.00 (\$4500)

General Misc./Sales Tax Capital Imprvmnt.Non

4470.800.8820-5314.00 (\$2745)

Departmental.Str Imprvmnts

Account Number

Fund

14021.1

Transportation Master Plan

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 259,629.00

Funds Obligated \$ 245,544.51

Current Balance \$ 14,084.49

Does item have a cost? Yes

Item Cost \$ 7,245.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 6,839.49

V20140710

Previous Ordinance or Resolution # 68-16

Original Contract Number: 2409

Approval Date:

4-28-17

Comments:



STAFF MEMO

TO: Mayor Lioneld Jordan

THRU: Don Marr, Chief of Staff
Andrew Garner, City Planning Director
Chris Brown, City Engineer

FROM: Paul Libertini, Staff Engineer *PL*

DATE: April 21, 2017

SUBJECT: Transportation Master Plan and Downtown/Entertainment District Parking and Mobility Report - Contract Amendment No. 1

RECOMMENDATION:

Staff recommends approval of contract Amendment No. 1 to the Transportation Master Plan and Downtown/Entertainment District Parking and Mobility Report which requires the Mayor's signature.

BACKGROUND:

In 2013, City Council passed Resolution 221-13, expressing the intent to fund an updated Transportation Plan in the amount of up to \$500,000.

On March 15, 2016, City Council passed Resolution 68-16 authorizing a contract with Nelson\Nygaard Consulting Associates for the development of a Transportation Master Plan and Downtown/Entertainment District Parking and Mobility Report in the amount of \$584,978.

DISCUSSION:

Amendment No. 1 adds the additional tasks of digitizing and mapping Sunday parking and Wilson Park utilization counts, and a memorandum addressing the development of the West Lot. The cost of Amendment No. 1 is \$7,245 which increases the total study cost to \$592,223.

BUDGET/STAFF IMPACT:

This amendment will be funded from the contingency funds set aside in the Transportation Master Plan project budget.

Attachments:

Contract Amendment No. 1 – Nelson\Nygaard
Resolution 68-16
Resolution 221-13



April 20, 2017

Re: Contract Amendment No. 1 – Transportation Master Plan and Downtown and Entertainment District Parking and Mobility Study

Whereas Nelson\Nygaard Consulting Associates, Inc. and City of Fayetteville previously entered an agreement dated 15th of March, 2016 ("Agreement"), and by this first amendment desire to amend the terms and conditions of this Agreement in consideration of the ongoing promises and obligations of the parties and hereby agree as follows: Nelson\Nygaard continues to recognize that the Parking Study is complex and requires significant education for both targeted stakeholders as well as the general public. To address these concerns, the original scope of the study evolved significantly from what was originally envisioned to necessitate additional deliverables. These additional tasks are outlined below, and a detailed report by hours and cost is attached and incorporated by reference herein. These tasks have exhausted the budget that was originally available to produce a final report and presentation.

- Digitizing and mapping Sunday parking utilization counts and Wilson Park utilization counts
- Development of West Lot memorandum

The total overage for these additional tasks is \$7,245. Exhibit A is expanded to include the services set forth herein, and the amount not to exceed in Article 3 is increased by \$7,245.00 to \$592,223.00. All other terms of the original contract including hourly pay rates remain unchanged.

In witness whereof, the parties have executed this amendment by their authorized signatories effective as of the date first written above.

Nelson\Nygaard Consulting Associates, Inc.

By: Paul Gavel

Name: Paul A. Gavel

Title: Managing Director

Attest: Chris Fletcher

Name: Chris Fletcher

Nelson\Nygaard Consulting Associates, Inc.
116 New Montgomery Street, Suite 500
San Francisco, CA 94105

Date Signed: 4/20/2017

City of Fayetteville, Arkansas

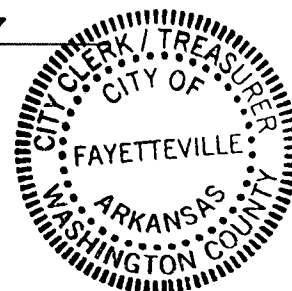
By: Lionel Jordan

Lionel Jordan, Mayor

Attest: Sondra E. Smith

Sondra Smith, City Clerk

Date Signed: 4-28-17



FAYETTEVILLE PARKING AND MOBILITY STUDY
City of Fayetteville

ORIGINAL PARKING STUDY BUDGET:

Fayetteville TMP Budget 2/24			Nelson\Nygaard Labor Costs							NN Labor Hours Cost	
			Paul Moore	Jason Schrieber	Lisa Jacobson	Associate 1	GIS Services	Ralph DeNisco	Elizabeth Cohen		
			Principal 7	Principal 4	Senior Associate 1	Associate 1	GIS Services	Principal 3	Associate 3		
			Base Rate	89.26	69.42	47.93	26.45	49.59	64.46	42.98	
Overhead	175.00%	156.20	121.49	83.88	46.28	86.78	112.81	75.21			
Profit	10%	24.55	19.09	13.18	7.27	13.64	17.73	11.82			
Total Billing Rate		\$270.00	\$210.00	\$145.00	\$80.00	\$150.00	\$195.00	\$130.00			
Task Description											
PARKING AND MOBILITY STUDY											
Task Description											
5.8.1 A	Project Management, Kick Off and Background		10	10	12		8	6	46	\$6,850	
5.8.1 B	Parking Inventory and Utilization		6	12	30	24		24	96	\$12,120	
5.8.1 C	Existing and Future Parking Demand Analysis		4	16	40		2	24	86	\$9,870	
5.8.1 D	Stakeholder and Public Participation		12	16	12		4	24	68	\$9,700	
5.8.2 A	Document Current Management Practices		6	8			2	24	40	\$5,930	
5.8.2 B	Document Supportive Elements that Impact Parking Mgmt		4	8	12		4	12	40	\$5,300	
5.8.3 A	Initial Parking Management Strategies		12	16	40		4	24	96	\$11,940	
5.8.3 B	Public Input to Refine Initial Strategies		12	12				18	42	\$6,600	
5.8.3 C	Draft and Final Strategies and Design + Deliverables		30	44	20		4	80	178	\$25,460	
TOTAL P&M TASK HOURS		0	98	142	166	24	28	236	692		
TOTAL P&M TASK COST		\$0	\$20,180	\$20,380	\$13,280	\$3,600	\$5,460	\$30,680		\$93,770	

UPDATED PARKING STUDY BUDGET

Fayetteville TMP Budget 2/22/2017			Nelson\Nygaard Labor Costs							NN Labor Hours Cost		Percent Original Complete	
			Paul Moore	Jason Schrieber	Lisa Jacobson	Associate 1	GIS Services	Ralph DeNisco	Elizabeth Cohen				
			Principal 7	Principal 4	Senior Associate 1	Associate 1	GIS Services	Principal 3	Associate 3				
			Base Rate	89.26	69.42	47.93	26.45	49.59	64.46	42.98			
Overhead	175%	156.20	121.49	83.88	46.28	86.78	112.81	75.21					
Profit	10%	24.55	19.09	13.18	7.27	13.64	17.73	11.82					
Total Billing Rate		\$270.00	\$210.00	\$145.00	\$80.00	\$150.00	\$195.00	\$130.00					
Task Description													
PARKING AND MOBILITY STUDY													
Task Description													
5.8.1 A	Project Management, Kick Off and Background		10	10	12		8	6	46	\$6,850	\$6,850	100%	
5.8.1 B	Parking Inventory and Utilization (Out of scope: Digitizing and mapping Sunday parking utilization counts and Wilson Park parking utilization counts)		6	24	30	28		32	120	\$15,500	\$12,120	128%	
5.8.1 C	Existing and Future Parking Demand Analysis (Out of scope: West Lot Memorandum)		10	25	40		2	34	111	\$13,735	\$9,870	139%	
5.8.1 D	Stakeholder and Public Participation		12	16	12		4	24	68	\$9,700	\$9,700	100%	
5.8.2 A	Document Current Management Practices		6	8			2	24	40	\$5,930	\$5,930	100%	
5.8.2 B	Document Supportive Elements that Impact Parking Mgmt		4	8	12		4	12	40	\$5,300	\$5,300	100%	
5.8.3 A	Initial Parking Management Strategies		12	16	40		4	24	96	\$11,940	\$11,940	100%	
5.8.3 B	Public Input to Refine Initial Strategies		12	12				18	42	\$6,600	\$6,600	100%	
5.8.3 C	Draft and Final Strategies and Design + Deliverables		30	44	20		4	80	178	\$25,460	\$25,460	100%	
TOTAL P&M TASK HOURS			0	102	163	166	28	28	254	741			
TOTAL P&M TASK COST			\$0	\$21,420	\$23,638	\$13,280	\$4,200	\$5,460	\$33,020		\$101,016	\$93,770	108%



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

Resolution: 68-16

File Number: 2016-0104

RFQ #15-08 NELSON/NYGAARD CONSULTING ASSOCIATES, INC.:

A RESOLUTION TO AWARD RFQ #15-08 AND AUTHORIZE A CONTRACT WITH NELSON/NYGAARD CONSULTING ASSOCIATES, INC. IN THE AMOUNT OF \$584,978.00 FOR THE DEVELOPMENT OF A TRANSPORTATION MASTER PLAN AND DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY REPORT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$14,740.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Resolution No. 221-13, which was passed on November 5, 2013, expressed the intent of the City Council to fund the development of an updated Transportation Plan.

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

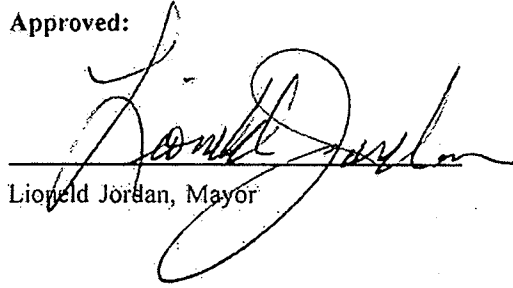
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards RFQ #15-08 and authorizes a contract with Nelson/Nygaard Consulting Associates, Inc. in the amount of \$584,978.00 for the development of a Transportation Master Plan and Downtown/Entertainment District Parking and Mobility Report, and further approves a project contingency in the amount of \$14,740.00.

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.

PASSED and APPROVED on 3/15/2016

File Number: 2016-0104
Resolution: 68-16

Approved:


Lionel Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk Treasurer





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0104

Agenda Date: 3/15/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 1

RFQ #15-08 NELSON/NYGAARD CONSULTING ASSOCIATES, INC.:

A RESOLUTION TO AWARD RFQ #15-08 AND AUTHORIZE A CONTRACT WITH NELSON/NYGAARD CONSULTING ASSOCIATES, INC. IN THE AMOUNT OF \$584,978.00 FOR THE DEVELOPMENT OF A TRANSPORTATION MASTER PLAN AND DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY REPORT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$14,740.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Resolution No. 221-13, which was passed on November 5, 2013, expressed the intent of the City Council to fund the development of an updated Transportation Plan.

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 RFQ #15-08 and authorizes a contract with Nelson/Nygaard Consulting Associates, Inc. in the amount of \$584,978.00 for the development of a Transportation Master Plan and Downtown/Entertainment District Parking and Mobility Report, and further approves a project contingency in the amount of \$14,740.00.

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.

RESOLUTION NO. 221-13

A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO
FUND A TRANSPORTATION PLAN IN THE AMOUNT OF \$250,000.00 TO
\$500,000.00

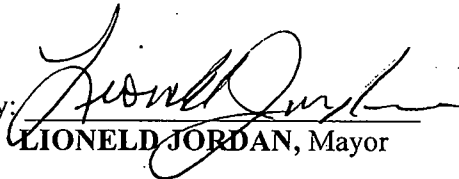
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

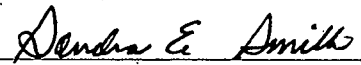
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses
its intent to fund a Transportation Plan in the amount of \$250,000.00 to \$500,000.00.

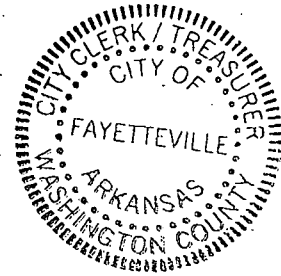
PASSED and APPROVED this 5th day of November 2013.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer





City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0132

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 8

SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT 0.04 ACRES:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SELL ABOUT 0.04 ACRES OF CITY PROPERTY SOUTH OF GEORGE'S MAJESTIC LOUNGE AND WEST OF THE RAILROAD TRACKS TO THE HIGHEST OR BEST BIDDER

WHEREAS, the City of Fayetteville owns an approximately 0.04-acre parcel of land in Downtown Fayetteville south of George's Majestic Lounge and west of the West Avenue Parking Lot but separated from the City-owned lot by the railroad tracks; and

WHEREAS, on December 5, 2017, the City Council passed Resolution No. 264-17, which determined that the property is no longer required for corporate purposes and authorized the sale of this property by competitive bidding; and

WHEREAS, the City has followed the new competitive bidding requirement set forth in Act 470 of 2017, which amended Ark. Code Ann. §14-54-302 regarding the sale, lease, purchasing, and disposal of municipally owned real property, in order to sell this parcel to a person or entity that will develop the property in a manner that meets the City's economic development goals, provide jobs, and generate revenue for the City.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Land Sale Agreement, deed, and any other documents necessary to convey the 0.04-acre parcel to the highest or best bidder.

City of Fayetteville Staff Review Form

2018-0132

Legistar File ID

3/6/2018

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

DEVIN HOWLAND

2/16/2018

ECONOMIC DEVELOPMENT (050)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

APPROVAL OF A RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY, APPROXIMATELY .04 ACRES (PARCEL 765-01745-001, TRACT A) LOCATED IN DOWNTOWN FAYETTEVILLE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget

\$ -

V20180209

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Devin Howland, Director of Economic Vitality

DATE: February 16, 2018

SUBJECT: A resolution authorizing the sale of City of Fayetteville Arkansas Property, .04 acres located in Downtown Fayetteville to the highest or best bidder

RECOMMENDATION:

Approval of a resolution authorizing the sale of City of Fayetteville, Arkansas property, approximately 0.04 acres (Parcel 765-01745-001, Tract A) located in Downtown Fayetteville, to the highest or best bidder.

BACKGROUND:

Following the Fayetteville City Council's direction in December, Staff proceeded to assess the property, identifying the necessary boundaries to retain access to drainage facilities. An appraisal was ordered, and Bid 18-20 was published on January 29th at 8:00AM. The bid is set to close on February 20, 2018 at 2:00PM.

DISCUSSION:

Bid 18-20 proposes the sale of parcel 765-01745-001, Tract A in Downtown Fayetteville.

City Code §34.27 establishes requirements regarding public notice and procedure for the sale of real property owned by the City of Fayetteville. City staff has performed all necessary public notification procedures in compliance with this city ordinance (documentation attached). Additionally, the City Council must establish that this land is no longer needed for municipal purposes. As a purpose of the Commerce District is to encourage economic development that generates revenue for the City by providing new and expanded services, and finding that there is no identified use for the subject property for municipal purposes, this land is no longer needed for municipal purposes.

BUDGET/STAFF IMPACT:

Land sale revenue will be paid to the fund that maintains ownership of the land.

Attachments:

- Bid 18-20
- Proof of Public Notice
- Proof of first class mail to property owners

- Proof of prominently displayed sign on the property
- Location Map



**CITY OF
FAYETTEVILLE
ARKANSAS**

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain St.
Fayetteville, AR 72701
Phone: 479.575.8220

TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

INVITATION TO BID: Bid 18-20, Sale of Property – Tract A, Parcel 765-01745-001

DEADLINE: Tuesday February 20, 2018 before 2:00:00 PM, Local Time

DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Les McGaugh, lmcgaugh@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: 01/28/18 and 1/29/2018

INVITATION TO BID

Bid 18-20, Sale of Property – Tract A, Parcel 765-01745-001

No late bids shall 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 required field and shall supply all information requested; failure to do so may be used as basis of rejection.

NOTICE TO ALL INTERESTED PARTIES:

Any interested party is strongly encouraged to register as such by notifying Les McGaugh, via e-mail at lmcgaugh@fayetteville-ar.gov. When registering, interested parties shall submit primary contact information including, company name, primary contact name, phone number, and e-mail address. All bids will be distributed electronically from the City of Fayetteville Purchasing Division. **All contacts listed as an interested party will be sent any addendums or changes to the terms and conditions of the sale.**

BID PACKAGE INCLUDES THE FOLLOWING DOCUMENTS:

- 1 – Bid Specifications (11 pages)
- 2 – Appendix A: Property Information (1 page)

*Additional files added as addendums are issued. Addendums will be directly e-mailed to all interested parties and posted on the City's website.

ADDENDUMS WILL BE POSTED AT: <http://fayetteville-ar.gov/bids>

Bidders & interested parties shall assume all responsibility for receiving updates & addenda issued. Failure to acknowledge addenda issued as instructed can result in bid rejection.

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City of Fayetteville
Invitation to Bid
Bid 18-20, Sale of Property – Tract A, Parcel 765-01745-001
Advertisement 1 of 2
Legal Section, Classification 1210

The City of Fayetteville, Arkansas is accepting sealed bids for the sale of Tract A, Parcel 765-01745-001, in Washington County. **All questions or site visit appointments shall be directed to Les McGaugh at lmcgaugh@fayetteville-ar.gov.**

All sealed bids are due by **Tuesday, February 20, 2018 before 2:00 PM, local time** and shall be received on City bid documents and forms. All bids are due before the time stated. No late bids shall be accepted. Bids will be opened and read aloud immediately following the stated deadline.

To download a bid package and to receive additional information on the property, go the City's website at www.fayetteville-ar.gov/bids. The City reserves the right to reject any and all bids and to waive formalities deemed to be in the City's best interest. The City also reserves the right to sell this property based on the best interest of the City as deemed by the Fayetteville City Council, which may include but is not limited to the intended use of a potential bidder.

The sale of this property is intended to be considered and discussed at City Council meeting to be held on Tuesday, March 06, 2018 at 5:30 PM, local time in Room 219 of City Hall, 113. W Mountain, Fayetteville, AR 72701.

City of Fayetteville, AR

By: Les McGaugh

P: 479.575.8220

lmcgaugh@fayetteville-ar.gov

TDD (Telecommunications Device for the Deaf): (479) 521-1316

Date of advertisements (classification 1210): 01/29/18

Advertisement Location: Northwest Arkansas Times / Democrat Gazette

City of Fayetteville
Invitation to Bid
Bid 18-20, Sale of Property – Tract A, Parcel 765-01745-001
Advertisement 2 of 2
Real Estate Block Advertisement

Invitation to Bid

*Bid 18-20, Sale of Property –
Tract A, Parcel 765-01745-001*

The City of Fayetteville, Arkansas is accepting sealed bids for this property. Property is being sold in as-is condition with no warranty.

All sealed bids are due by **Tuesday, February 20, 2018 before 2:00 PM, local time per bidding documents. No late bids shall be accepted. Public bid opening to immediately follow.**

For full information, visit www.fayetteville-ar.gov/bids. The City reserves the right to award based on the best interest of the City.

The sale of this property is intended to be considered and discussed at City Council meeting to be held on Tuesday, March 06, 2018 at 5:30 PM, local time in Room 219 of City Hall, 113. W Mountain, Fayetteville, AR 72701. **All questions and inspection appointment requests shall be directed to Les McGaugh.**



CITY OF
FAYETTEVILLE
ARKANSAS

TERMS AND CONDITIONS

Sale of Public Owned Property "Tract A", Parcel 765-01745-001

1.0 Basic Terms and Conditions

- 1.1 The City of Fayetteville is selling currently owned City property via **sealed bid process**. This sale affects the following property:
 - 1.1.1 "Tract A", Parcel # 765-01745-001 Fayetteville, AR
- 1.2 This sale is being handled through the City's Purchasing Division. All bids/offers shall be **sealed** and submitted to the City of Fayetteville Purchasing Division located at 113 W. Mountain, Room 306, Fayetteville, AR 72701 prior to Tuesday, February 20, 2018 before 2:00 PM local time. No bids shall be accepted in any other manner.
- 1.3 All sealed bids shall be submitted on accompanied forms in this packet, provided by the City of Fayetteville Purchasing Division.
- 1.4 Bidder, Buyer, and to whom the property is transferred to shall be one in the same. Bids shall be submitted in the same name as the individual or entity purchasing the property.
- 1.5 Properties are currently owned by the City of Fayetteville, Arkansas.
- 1.6 This property shall close upon coordination with title companies.
- 1.7 All properties are being sold as-is and do not include any warranties of any kind. The City will NOT make any repairs including but not limited to repairs to the property, drainage issues, etc.
- 1.8 The City shall pay its own closing costs. Buyer/Bidder shall pay their respective closing costs as well. The City of Fayetteville shall not pay for any portion or amount of the buyer's/bidder's closing costs.
- 1.9 No minimum bid amount is established. The City is currently awaiting an appraisal for this property. After bid closing the City shall evaluate bids according to the appraisal. If the appraisal is received before bid deadline, the City will release that information via addendum.
- 1.10 Lead-based paint disclosure: The City shall provide a Lead-Based Paint Disclosure, as required by Federal Law, if any subject property or any improvements were constructed before 1978.
- 1.11 Buyer/Bidder agrees to hold offer firm for a period not to exceed sixty (60) calendar days.
- 1.12 The City of Fayetteville will not pay any commission fees for any real estate agent.
- 1.13 **City Council Approval:**
 - 1.13.1 **After bids have been received by the deadline**, the sale of this property is intended to be considered and discussed at public City Council meeting to be held on Tuesday, March 06, 2018 at 5:30 PM, local time in Room 219 of City Hall, 113. W Mountain, Fayetteville, AR 72701. This is a public meeting.

- 1.14 The City of Fayetteville reserves the right to sell this property based on the best interest of the City as deemed by the Fayetteville City Council, which may include but is not limited to the intended use, community benefit, purchase price and other considerations as presented by the Bidder.
- 1.15 The City reserves the right to reject all bids and offers.

2.0 Advertising Outreach

- 2.1 Primary source for all information is the City of Fayetteville website at www.fayetteville-ar.gov. Advertising and outreach will also be distributed through:
 - 2.1.1 Advertising in the legal section of the Northwest Arkansas Democrat Gazette
 - 2.1.2 Block ad advertising in the Real Estate section of the Northwest Arkansas Democrat Gazette

3.0 Inspection

- 3.1 Interested parties are strongly encouraged to inspect prior to bidding.
- 3.2 On-site inspections shall be coordinated with Les McGaugh, lmcgaugh@fayetteville-ar.gov. Inspections are non-mandatory.
- 3.3 The City shall not be responsible for any accidents, injuries, etc. during inspection or any other viewing of the property.

4.0 Property Details: Tract A, Parcel # 765-01745-001

- 4.1 Bidders are required to bid on all acreage
- 4.2 0.0387741 Acres, Tract A, Parcel # 765-01745-001
- 4.3 Current Zoning: MSC (Main Street Center)
- 4.4 For full details on this property refer to Appendix A.

5.0 Bid or Offer Guarantee Requirements

- 5.1 All bids/offers for properties shall be accompanied by and include one of the following items:
 - 5.1.1 Letter of Prequalification
 - 5.1.1.1 Shall be from a financial institution such as a bank or credit union
 - 5.1.1.2 Shall include the bid price for each property
 - 5.1.2 Letter of Credit
 - 5.1.2.1 Shall be from a financial institution such as a bank or credit union
 - 5.1.2.2 Shall include the bid price for each property

6.0 Transfer of Property

- 6.1 Property will transfer after final closing documents are processed and signed by both parties through a local title company.
 - 6.1.1 Each party shall hire and pay for their own title work.
- 6.2 The transfer of the property shall be made to the Bidder/Buyer as approved by the City of Fayetteville. Such conveyance shall be made in fee simply absolute by general warranty deed.
- 6.3 The City shall provide the final buyer evidence of good title by:
 - 6.3.1 Abstract of title
 - 6.3.2 Title insurance for the same amount bid

7.0 Special Conditions

- 7.1 Only the item described herein is included in the sale regardless of what else is pictured.
- 7.2 Pursuant to Arkansas Code Annotated §22-9-203 the City of Fayetteville encourages all qualified small, minority and women's 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's business enterprises.
- 7.3 Any expenses incurred with the preparation and submission of bids or offers, 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.
- 7.4 Legal jurisdiction to resolve any disputes shall be in Washington County, Arkansas with Arkansas law applying to the case.
- 7.5 The successful bidder agrees to indemnify the City and hold it harmless from and against any and 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.
- 7.6 Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.575.8220 no later than seven (7) calendar days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.
- 7.7 Any uncertainties shall be brought to the attention of the City of Fayetteville Purchasing Division 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 sale of properties included. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.
- 7.8 Bidder will expressly assume all dangers, risks and hazards regarding the building(s) and shall release, protect, indemnify and hold harmless the City of Fayetteville, its agents, employees and assigns from and against any and all claims, demands, causes of action and damages of any kind, including but not limited to, attorney's fees and litigation costs resulting from any accident, incident or occurrence arising out of or in any way resulting from the actions of the bidder.
- 7.9 The City of Fayetteville reserves the right to reject any or all bids or offers, to waive formalities or irregularities in any bid or offer, and to solicit for new bids or offers.
- 7.10 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.
- 7.11 In the event a survey is needed, it shall be at the sole expense of the bidder.
- 7.12 In the event a survey or other legal document deems the acreage different than 9.6 acres, the sale price shall be adjusted by the unit price per acre bid.

8.0 Attachments to this Package

8.1 Information posted with this sale at www.fayetteville-ar.gov

8.2 Additional attachments on the auction page and hereby included with this packet:

8.2.1 Appendix A – Property Information

Bid 18-20, Sale of Property – Tract A, Parcel 765-01745-001

Bid Form

Bid 18-20, Sale of Property - Tract "A"

BID FORM

Name of Bidder: _____

EXECUTION OF BID: Any Conditions of Sale shall be provided by Bidder sealed with offer/bid. The bid form provided in this document shall be completed in its entirety. Bidders will not be allowed to make corrections to bid after the bid deadline.

Bid Disclaimer: The City of Fayetteville reserves the right to sell this property based on the best interest of the City as deemed by the Fayetteville City Council, which may include but is not limited to the intended use, community benefit, purchase price, conditions of sale, and other considerations. Due to the fact City Council will be evaluating the sale of this property, Bidders are encouraged to completely fill out the bid form. Alterations in bid will not be allowed after the bid deadline; therefore, Bidders are encouraged to bid on most favorable terms available.

Section A: Purchase Price (from Bidder to the City)

Description	Approximate acreage		Price Bid Per Acre		*Total Bid
Parcel- 765-01745-001	0.0387741	x	\$ _____	=	\$ _____ Payable to the City of Fayetteville, AR

* Total Bid shall be calculated based on the approximate acreage multiplied by the price bid per acre. In the event the closing process of this property results in a different calculation for acreage, the sale price shall be adjusted by the price bid per acre.

Section B: Intended Use

Describe the Bidder's intended use for the property based on the price offered

Section C: Community Benefit

Describe any benefits to the community known or expected based on bid

Section D: Conditions of Sale

List any conditions of this sale from the Bidder

Section E: Other

List any additional factors the Bidder discloses to the City of Fayetteville

EXECUTION OF BID -

Any Conditions of Sale shall be provided by Bidder sealed with offer/bid.

Upon signing this Bid, the bidder certifies:

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. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.
3. 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.
4. 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.
5. 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.

_____ 1.) NO KNOWN RELATIONSHIP EXISTS

_____ 2.) RELATIONSHIP EXISTS (Please explain): _____

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

***NAME OF BIDDER:** _____

***D/B/A or Corporation Name** _____

***ADDRESS:** _____

***CITY:** _____ ***STATE:** _____ ***ZIP:** _____

***PHONE:** _____ **FAX:** _____

***E-MAIL:** _____

***BY: (PRINTED NAME)** _____

***AUTHORIZED SIGNATURE:** _____

***TITLE:** _____

DUNS NUMBER: _____ CAGE NUMBER: _____

*TAX ID NUMBER: _____

* COMPANY SEAL (if applicable):

Acknowledge Addendums:

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this 13th day of February, 2018, and addressed as follows:

Name: Brian Crowne Holdings, LLC
Street: 15469 Hale Rd.
City, State, Zip: Elkins, AR 72727

Name: W. Dickson St. Development Co.
Street: 5 N. West Ave.
City, State, Zip: Fayetteville, AR 72701

Name: Forum, LLC.
Street: 605 W. Dickson St, Ste. 201
City, State, Zip: Fayetteville, AR 72701

Name: Tagon Corp.
Street: PO Box 1223
City, State, Zip: Fayetteville, AR 72702-1223

Name: AR & MO Railroad
Street: 306 E. Emma Ave.
City, State, Zip: Springdale, AR 72764

Name: _____
Street: _____
City, State, Zip: _____

Andrew Harrison



City File No. /Name: ADM 18-6112



February 12, 2018

Re: Public Notice – Bid 18-20, Sale of Property- Tract A, Parcel 765-01745-001

Dear Property Owner:

Please be aware that the Fayetteville City Council will consider a Resolution and Contract to sell about 1,689 sq. ft. of land (parcel 765-01745-001, Tract A) it owns on N. Powerhouse Avenue.

The property currently contains no structures. It is zoned MSC, Main Street Center. To view the bid, please visit <http://fayetteville-ar.gov/Bids> and click on Bid 18-20.

This possible sale will be considered by the City Council during its 5:30 p.m. meeting held on March 6, 2017 in Room 219 of City Hall, located 113 W. Mountain Street.

If you wish to learn more about this proposed sale, please contact Devin Howland, Director of Economic Vitality at 479-575-8221. You may also attend the March 6, 2017 City Council meeting and ask questions or make comments when this resolution is presented for City Council consideration.

Sincerely,

Devin Howland
Director of Economic Vitality
City of Fayetteville, Arkansas

CERTIFICATE OF SIGN POSTING



I, Andrew Harrison

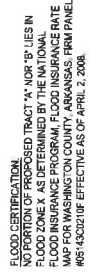
*attest that the above sign was posted on Monday, Feb 12 adjacent to
Powerhouse Ave.*

A handwritten signature in black ink, appearing to read "A. Harrison".

(signature of person completing the sign posting)

City File: ADM 18-6112

Scale: 1" = 20'

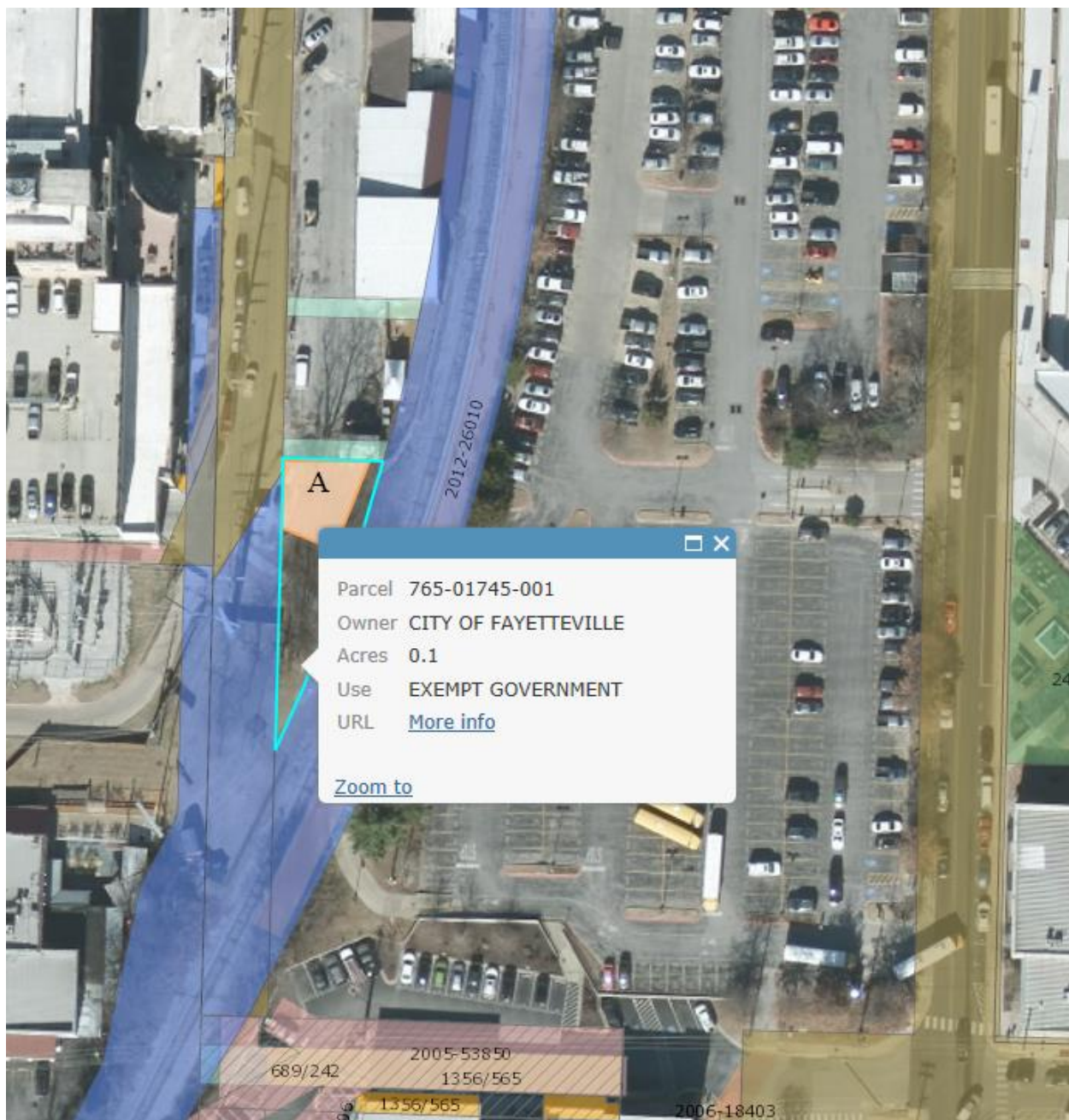


CITY PLAT PAGE: 484

BEGINNING AT A POINT THAT IS SOUTH 03°01'17"WEST 280.30 FEET FROM THE NORTH-WEST CORNER OF SAID BLOCK SEVEN (7), SAID POINT BEING ON THE WEST LINE OF SAID BLOCK; THENCE LEAVING SAID WEST LINE OF SAID BLOCK; THENCE SOUTH 87°03'28"WEST 43.96 FEET, THENCE SOUTH 24°04'28"WEST 54.68 FEET, THENCE NORTH 77°00'51"WEST 24.69 FEET TO THE WEST LINE OF SAID BLOCK SEVEN (7), THENCE ALONG SAID WEST LINE NORTH 03°01'17"EAST 46.70 FEET TO THE POINT OF BEGINNING, CONTAINING 1,689 SQUARE FEET, MORE OR LESS.

BEGINNING AT A POINT THAT IS SOUTH 03°01'17"WEST; 327.20 FEET
POINT BEING ON THE WEST LINE OF SAID BLOCK; THENCE LEAVING
SAID POINT BEING ON THE WEST LINE OF SAID BLOCK; THENCE NORTH
WEST SINE SOUTH 77°06'S1"E EAST 74.69 FEET; THENCE NORTH
WEST SINE SOUTH 88°02'E EAST 54.68 FEET; THENCE NORTH 18°02'
WEST TO THE WEST RIGHT-OF-WAY LINE OF THE ARKANSAS AND MISSOURI
RAILROAD, SAID RIGHT-OF-WAY BEING OFFSET 25 EQUIDISTANT AN
PARALLEL OF THE CENTRAL LINE OF SAID RAILROAD, THENCE ALONG
SAID RIGHT-OF-WAY ALONG A NON-TANGENT CURVE TO THE RIGHT
HAVING AN ARC LENGTH OF 103.30 FEET, A RADIUS OF 942.42 FEET,
AND A CHORD BEARING AND DISTANCE OF SOUTH 29°48'16"
ALONG A COMPOUND CURVE TO THE RIGHT HAVING AN ARC LENGTH
OF 47.88 FEET, A RADIUS OF 1,180.20 FEET, AND A CHORD BEARING
AND DISTANCE OF SOUTH 25°09'24"E THENCE 47.88 FEET TO THE WEST
LINE OF SAID BLOCK SEVEN (7); THENCE ALONG SAID WEST LINE
NORTH 03°01'17"WEST 95.91 FEET TO THE POINT OF BEGINNING,
CONTAINING 2.114 SQUARE FEET, MORE OR LESS.

TRACT "B" - 2.134 Sq. Ft.





City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0131

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 9

SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .1 ACRES:

A RESOLUTION TO SELL ABOUT 0.1 ACRES OF LAND AT THE NORTHWEST CORNER OF SOUTH RAZORBACK ROAD AND SLIGO STREET TO JOHN CHRISTOPHER LOONEY AND MYRIAH DAWN JOHNSON FOR \$5,000.00

WHEREAS, the City of Fayetteville currently owns 0.1 acres at the northwest corner of South Razorback Road and Sligo Street that is excess property acquired during the construction of South Razorback Road; and

WHEREAS, John Christopher Looney and Myriah Dawn Johnson own the land immediately west of the City's parcel and are in the process of acquiring another small parcel of excess right-of-way from the State of Arkansas just north of the City's parcel, and they have offered the City \$5,000.00 for the 0.1-acre parcel; and

WHEREAS, the State of Arkansas obtained an appraisal for its 0.05-acre parcel to the north and using the valuation per square foot established by that appraisal, the City's parcel would appraise for approximately \$3,300.00; and

WHEREAS, the property is currently undeveloped and is no longer needed for any municipal purpose.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Land Sale Agreement (attached to this Resolution and made a part hereof) for the sale of about 0.1 acres to John Christopher Looney and Myriah Dawn Johnson for \$5,000.00, finds that the property is not needed for municipal purposes and should not be rezoned, and authorizes Mayor Jordan to sign the Land Sale Agreement, Warranty Deed and any other documents necessary to convey this 0.1-acre parcel.

City of Fayetteville Staff Review Form

2018-0131

Legistar File ID

3/6/2018

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Devin Howland

2/16/2018

ECONOMIC DEVELOPMENT (050)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

APPROVAL OF A RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY, APPROXIMATELY .1 ACRES (PARCEL 765-08374-000) LOCATED WEST OF RAZORBACK ROAD AND NORTH OF SLIGO STREET TO JOHN CHRISTOPHER LOONEY AND MYRIAH DAWN JOHNSON FOR \$5,000.

Budget Impact:

Account Number

N/A

Fund

N/A

Project Number

Project Title

Budgeted Item? No

Current Budget

Funds Obligated

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached?



Budget Adjustment

Remaining Budget

\$ -

V20180209

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF MARCH 6, 2018

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Devin Howland, Director of Economic Vitality
DATE: February 16, 2018

SUBJECT: A resolution authorizing the sale of City of Fayetteville Arkansas Property, .1 acres located west of Razorback Road and north of Sligo Street

RECOMMENDATION:

Approval of a resolution authorizing the sale of City of Fayetteville, Arkansas property, approximately .1 acres (Parcel 765-08374-000) to John Christopher Looney and Myriah Dawn Johnson for \$5,000.

BACKGROUND:

The property is currently undeveloped. The City was recently approached by Chris Looney and Myriah Johnson to purchase the property. Chris Looney and Myriah Johnson own .8 acres property to the northwest of the City owned land and recently acquired .1 acres of land from the Highway Department immediately north of the City owned land. Their plans include the development of a duplex on the property. The property is currently zoned Neighborhood Services Limited.

Chris Looney and Myriah Johnson's offer letter includes a purchase price of \$5,000 and a commitment to not use the any of the current trees on the City owned property toward their tree preservation requirements.

DISCUSSION:

In September of 2017, Chris Looney and Myriah Johnson purchased 0.05 acres of land, immediately to the north of the land in question, from the Arkansas State Highway and Transportation Department for \$1,650. An appraisal was conducted in August of 2017 for the land owned by the Highway department which established the value of \$1,650 or \$.74 per square foot. Utilizing the appraisal, the property has a market value of \$3,300. Their offer of \$5,000 is more than market valuation of the property.

City Code §34.27 establishes requirements regarding public notice and procedure for the sale of real property owned by the City of Fayetteville. City staff has performed all necessary public notification procedures in compliance with this city ordinance (documentation attached). Additionally, the City Council must establish that this land is no longer needed for municipal purposes. As a purpose of the Commerce District is to encourage economic development that

generates revenue for the City by providing new and expanded services, and finding that there is no identified use for the subject property for municipal purposes, this land is no longer needed for municipal purposes.

BUDGET/STAFF IMPACT:

The acquisition of the property was 80% Federally funded, therefore at least 80% of the compensation received by the City would need to be applied to another Federal-Aid project located in the City of Fayetteville.

Attachments

- Offer Letter to the City of Fayetteville
- Survey of Property
- Public Notification
- Land Sale Contract
- Property Appraisal for Arkansas State Highway Department
- Arkansas State Highway Department Meeting Minutes
- Tree Survey

January 31, 2018

To Mayor Jordan, Don Marr, and the City Council:

Re: Corner of Sligo Rd. and S. Razorback Rd.

My name is Chris Looney and I am a landowner in the City of Fayetteville. I own ± 80 acres of undeveloped land that is off Sligo Rd., which is right off of Hwy 112/South Razorback Rd in the Fayette Junction Area. In purchasing the land last year and working with the City of Fayetteville planning staff, we uncovered a fixable error in the city GIS maps and online Washington county maps. The maps showed my wife and I's tract to connect to the corner of S. Razorback Rd and then along it for approximately 130 ft. Naturally, this is what drew us to the property initially, but through our survey, we realized that this wasn't legally included in our property (which is Parcel No. 765-08374-001). The small triangular piece turned out to be owned by the City of Fayetteville and was acquired when the city was expanding Razorback Rd. The piece I am referencing is the Part of Lot 8 that is on the other side of the ROW and is outside of the maintenance area. I have left surveys of this piece and all the surrounding parcels with Mr. Devin Howland at the mayor's office for all to see. Regardless of not owning this corner parcel, we went through with the purchase of our property with the hopes that we can work together alongside the City of Fayetteville to purchase the other piece to make a useable piece of property.

Because the corner is not included in our land, this prevented us from much further planning for the site with the City staff and any actual cleaning of the site as well. We completely understand that any and all construction and clearing has to be approved through the city and the urban forester, which is why we have walked the property with Lee Porter to receive guidance on this matter. We have also attached a tree survey that we received last week as we wanted to understand what was on the property so we can plan accordingly. We want to keep as many trees as we can and also to plant as many as we can around the property lines to the west and the north.

At this time, we would hope you consider our property issue and approve what would be required for the City of Fayetteville to convey the West Part of Lot 8 to my wife and me at its fair market value. At this time, we would be willing to pay the City of Fayetteville, \$5,000.00 USD, for the parcel in question and we would also like to propose that we would be unable to use any of the current trees on the city parcel for our tree canopy requirements if the city sells the parcel to us. In hopes to show that our offered amount is well and above the market value of the parcel in question, I have attached the appraisal of a very similar parcel that is immediately north of this piece. If using the calculation values from the appraisal, the west part of lot 8 parcel would be worth $4,396 \text{ sf} \times \$0.74/\text{sf} = \$3,250.04$. Our offer price is considerably more than what market value appears to be for the parcel, but we feel that \$5,000 is appropriate and fair in this case. If there is a reason or regulation where it must be purchased at market value, we will of course adjust our offer.

I think it is also very important to note that we have acquired Parcel No. 765-08375-003, which is the connecting parcel along S. Razorback Rd that the above mentioned appraisal was for. We have worked

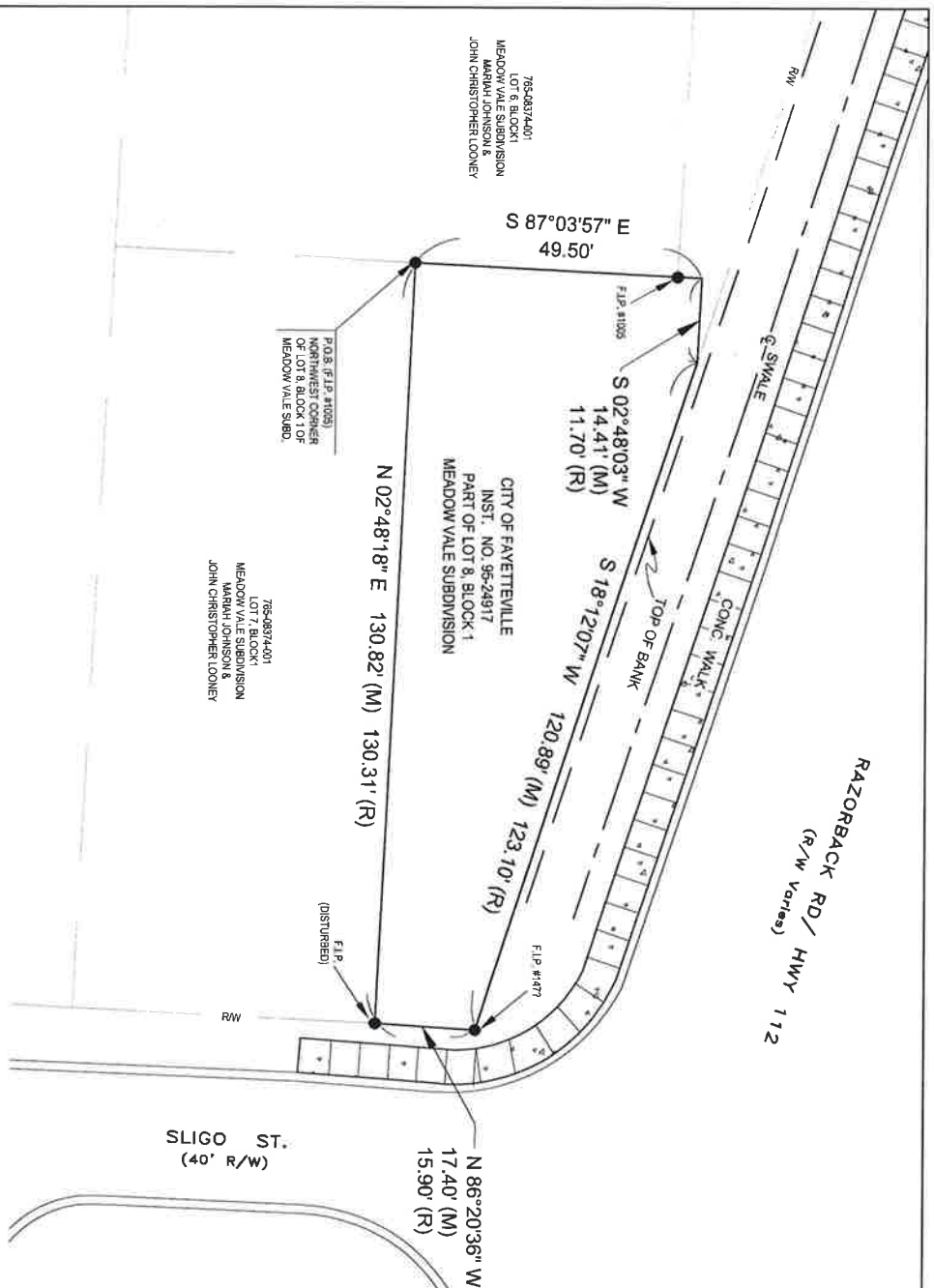
closely alongside the Arkansas State Highway Commission and ARDOT since last February to acquire this parcel. With this parcel becoming our property as well, we close in the corner of South Razorback Rd. and Sligo Rd.-which is the piece we would like to purchase from the City. We hope that you see what we do and that it would make sense to clean up these properties from a legal description standpoint and sell us the corner to make it one whole tract. If you have any questions for us, please contact us and I would be more than glad to meet you in person or at a future council meeting if that would be preferred. I want to work alongside the City to make this come together. I have left a copy of this parcel's survey with Devin Howland as well.

Not that its needed for you to consider our request, but My wife and I love Fayetteville and want to make it our forever home one day. I graduated from the U of A in 2007 and return every year multiple times as my family is intertwined with the school with multiple generations graduating from the University and living in Arkansas. I was also Big Red and Ribby, two of the U of A mascots, and my wife learned her love of music from the music department at the U of A so as you can see our passion runs deep. We love Fayetteville and will always strive to keep it as fantastic as it is while also putting in our efforts to make it better for the future too. Along with this letter, we have included many materials to the city to show what we were thinking about doing with the property.

We hope that you review the attached materials, and that you will approve our request to convey the property to us at the price we offered or at the market value. We look forward to hearing from you and working with you to complete this process and the overall Fayette Junction Master Plan.

Respectfully,

John C. Looney "Chris" and Dr. Myriah D. Johnson



CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this 15th day of February, 2018, and

addressed as follows:

Name: Randy Bolinger
Street: 2219 S. Coleman Ave.
City, State, Zip: Fayetteville, AR 72701

Name: Rock Holdings, LLC
Street: PO Box 9311
City, State, Zip: Fayetteville, AR 72703

Name: University Rentals, LLC
Street: PO Box 1444
City, State, Zip: Fayetteville, AR 72702

Name: James & Carol Hawkins
Street: 12 E. 28th Circle
City, State, Zip: Fayetteville, AR 72701

Name: Myriah Johnson & John Looney
Street: 1207 Walter St.
City, State, Zip: Gainesville, TX 76240

Name: _____
Street: _____
City, State, Zip: _____

Andrew Harrison



(signature of person completing the mailing)

City File No. /Name: 18-6124



February 15, 2018

Re: Public Notice – ADM 18-6124, Sale of Property-Parcel 765-08374-000

Dear Property Owner:

Please be aware that the Fayetteville City Council will consider a Resolution and Contract to sell about .1 acre of land (parcel 765-08374-000) it owns on S. Razorback Road.

The property currently contains no structures. It is zoned NS-L, Neighborhood Services Limited. Planned use is for a duplex.

This possible sale will be considered by the City Council during its 5:30 p.m. meeting held on March 6, 2017 in Room 219 of City Hall, located 113 W. Mountain Street.

If you wish to learn more about this proposed sale, please contact Devin Howland, Director of Economic Vitality at 479-575-8221. You may also attend the March 6, 2017 City Council meeting and ask questions or make comments when this resolution is presented for City Council consideration.

Sincerely,

Devin Howland
Director of Economic Vitality
City of Fayetteville, Arkansas

CERTIFICATE OF SIGN POSTING



I, Andrew Harrison

attest that the above sign was posted Feb 15, 2018__adjacent to Razorback & Sligo Rds.

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

(signature of person completing the sign posting)

City File No. 18-6124

02/16/18

Arkansas Democrat-Gazette

10:03 AM

Receipt

Arkansas Democrat-Gazette

Account 5182985

Name CITY OF FAYETTEVILLE

Credit Card

Phone 479-521-7700

Type Visa

Address 113 W MOUNTAIN

Num

Auth 090621

Expire: /

City FAYETTEVILLE

State AR

Zip 72701

Country Code US

Start 02/18/18	Paytype	CC	Issues 1
Stop 02/18/18	Rate Code	NL4	Class 1230
Copy PH. Razorback Rd			

Amount 65.36

Rep 285

Tax 0.00

Ad # 74434394

Ad shown is not actual print size

Amount Paid 65.36

Paytype Credit Card

168 Words

Payment Due 0.00

Balance 0

Ad Size 1

cols x3.08 inches

Receipt No C33112

Received by _____

Date _____

Customer Receipt

02/16/18

Arkansas Democrat-Gazette

10:03 AM

Arkansas Democrat-Gazette

Account 5182985

Name CITY OF FAYETTEVILLE

Credit Card

Phone 479-521-7700

Type Visa

Address 113 W MOUNTAIN

Num

Auth 090621

Expire: /

City FAYETTEVILLE

State AR

Zip 72701

Country Code US

Start 02/18/18	Paytype	CC	Issues 1
Stop 02/18/18	Rate Code	NL4	Class 1230
Copy PH. Razorback Rd			

Amount 65.36

Rep 285

Tax 0.00

Ad # 74434394

Ad shown is not actual print size

Amount Paid 65.36

Paytype Credit Card

168 Words

Payment Due 0.00

Balance 0

Ad Size 1

cols x3.08 inches

Receipt No C33112

Received by _____

Date _____

NOTICE OF PUBLIC HEARING
A meeting of the City of Fayetteville City Council will be held on March 6, 2018 at 5:30 p.m. in room 219, Fayetteville Administration Building at 113 W. Mountain Street, Fayetteville, Arkansas 72701. The following item is required to be published in the local newspaper pursuant to the Code of Ordinances of the City of Fayetteville and will be heard at the March 6, 2018 Fayetteville City Council meeting.

18-6124: SALE OF MUNICIPALLY OWNED REAL PROPERTY 642c. Submitted by CITY STAFF for property located WEST OF S. RAZORBACK ROAD AND NORTH OF SLIGO STREET. The Fayetteville City Council is considering the sale of about 1 acres it owns WEST OF S. RAZORBACK ROAD AND NORTH OF SLIGO STREET to John Christopher Looney and Myriah Dawn Johnson for \$5,000. The proposed use of the property is a duplex. This possible sale will be considered by the City Council during its March 6, 2017 meeting at 113 W. Mountain Street, Room 219.

74434394 Feb. 16, 2018

NOTICE OF PUBLIC HEARING
A meeting of the City of Fayetteville City Council will be held on March 6, 2018 at 5:30 p.m. in room 219, Fayetteville Administration Building at 113 W. Mountain Street, Fayetteville, Arkansas 72701. The following item is required to be published in the local newspaper pursuant to the Code of Ordinances of the City of Fayetteville and will be heard at the March 6, 2018 Fayetteville City Council meeting.

18-6124: SALE OF MUNICIPALLY OWNED REAL PROPERTY 642c. Submitted by CITY STAFF for property located WEST OF S. RAZORBACK ROAD AND NORTH OF SLIGO STREET. The Fayetteville City Council is considering the sale of about 1 acres it owns WEST OF S. RAZORBACK ROAD AND NORTH OF SLIGO STREET to John Christopher Looney and Myriah Dawn Johnson for \$5,000. The proposed use of the property is a duplex. This possible sale will be considered by the City Council during its March 6, 2017 meeting at 113 W. Mountain Street, Room 219.

74434394 Feb. 16, 2018

LAND SALE AGREEMENT

This Land Sale Agreement is made and entered into by and between the City of Fayetteville, Arkansas, a municipal corporation of the State of Arkansas (hereinafter "City" or "Fayetteville") and John Christopher Looney and Myriah Dawn Johnson ("Purchasers").

The City of Fayetteville agrees to sell a parcel of about 0.1 acres at the northwest corner of South Razorback Road (Highway 112) and Sligo Street to Purchasers for FIVE THOUSAND DOLLARS (\$5,000.00) and Purchasers' performance of all of the terms, conditions and promises set forth in this Agreement.

Purchasers agree to pay to the City of Fayetteville FIVE THOUSAND DOLLARS (\$5,000.00) for this 0.1-acre parcel and to perform all of the terms, conditions and promises set forth later in this Agreement.

TERMS AND CONDITIONS

1. *Sale*

Subject to existing easements and rights of way and subject to the terms and conditions, mutual promises and covenants of this Agreement, the City of Fayetteville agrees to sell a parcel of about 0.1 acres (hereinafter the "**Property**") located at the northwest corner of South Razorback Road (Highway 112) and Sligo Street by warranty deed to Purchasers for the amount of FIVE THOUSAND DOLLARS (\$5,000.00). This Property is shown on the map attached as Exhibit A and is legally described as follows:

Part of Lot 8, Block 1 of Meadow Vale Subdivision of part of the Southwest Quarter of the Southeast Quarter of Section 20, T-16-N, R-30-W, Washington County, Arkansas, more particularly described as follows:

Beginning at the Northwest corner of the Lot 8, Block 1 of Meadow Vale Subdivision of part of the Southwest Quarter of the Southeast Quarter of Section 20; thence South 87 degrees 08 minutes 33 seconds East along the North line of Lot 8, Block 1 of the Meadow Vale Subdivision a distance of 49.50 feet to the Northeast corner of Lot 8, Block 1 of Meadow Vale Subdivision; thence South 02 degrees 16 minutes 16 seconds West along the East line of Lot 8, Block 1 of Meadow Vale Subdivision a distance of 11.70 feet to a point on the Westerly proposed right of way line of proposed Razorback Road. Thence South 18 degrees 22 minutes 30 seconds West along said proposed right of way line a distance of 123.10 feet to a point on the Northerly existing right of way line of Sligo Street; thence North 87 degrees 08 minutes 39 seconds West along said existing right of way line a distance of 15.90 feet to a point on the Southwest corner of Lot 8, Block 1 of Meadow Vale Subdivision; thence North 02 degrees 30 minutes 38 seconds

East along the West line of Lot 8 Block 1 of Meadow Vale Subdivision a distance of 130.31 feet to the point of beginning and containing 4,460 square feet more or less.

2. *Purchase*

Subject to the terms and conditions, mutual promises and covenants of this Agreement, Purchasers agree to buy the Property for FIVE THOUSAND DOLLARS (\$5,00.00) to be paid to the City of Fayetteville on or before the Closing Date by certified check or cashier's check.

3. *Closing Date and Place*

Closing shall occur within 60 days following the date this Agreement has been executed by both parties unless extended by mutual agreement of the parties in writing. The Closing shall occur at 113 West Mountain Street, Fayetteville, Arkansas in a room supplied by the City of Fayetteville.

4. *Date of Possession*

Possession of the Property shall be delivered to Purchasers on the Closing date free of any tenancies or other third party possessory rights.

5. *Tree Preservation Requirements*

Purchasers agree that any trees located on the Property shall be excluded from and shall not be used to meet the Percent Minimum Canopy requirements as set forth in the Fayetteville Unified Development Code for any development on the Property or adjacent parcels.

6. *Deed and Other Documents*

On the Closing date, the City of Fayetteville shall convey marketable and insurable title to the Property by general warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided in this Agreement, subject only to current real estate taxes, if any (to be apportioned between the parties) and existing easements. Purchasers shall be responsible for any revenue stamps resulting from this transaction and all recordings fees for the deed and other documents that need to be filed.

7. *Risk of Loss*

Risk of loss as to the Property shall remain with the City of Fayetteville until the Closing date.

8. *Purchasers' Due Diligence*

Purchasers shall have thirty (30) days from the approval of this agreement to enter upon the Property to conduct any surveying, testing or inspection it deems necessary to ensure the Property will be appropriate for the construction and use for its facility. If Purchasers discover any problems that would adversely impact its development and use of the Property for its facility, Purchasers

shall notify the City which is granted sixty (60) days to remediate any problem. The City may also terminate this Agreement without penalty rather than remediating any problem or issue discovered by Purchasers. Likewise, if the City does not remediate the problem, Purchasers may terminate this Agreement without penalty or proceed under this Agreement to accept the property without resolution of the problem.

9. *Notices*

Notices required by this Agreement shall be in writing and shall be delivered to:

John Christopher Looney and
Myriah Dawn Johnson
1207 Walter Street
Gainesville, TX 76240

City of Fayetteville
ATTN: Mayor's Office
113 W. Mountain Street
Fayetteville, AR 72701 72701-6083

10. *Authority*

Each of the undersigned individuals represent and warrant that they are authorized to enter into this Agreement on behalf of their respective entities and that execution hereof will bind the entities to this Agreement.

11. *Counterparts*

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same agreement.

12. *Facsimile*

For purposes of executing this Agreement, a facsimile signature shall be as effective as an actual signature.

13. *Applicable Law*

This Agreement shall be construed and enforced in accordance with the laws and public policies of the State of Arkansas.

14. *Survival*

The representations, warranties, and agreements of the parties contained herein shall survive the Closing and shall not be merged into the Closing, instead surviving as though all warranties,

representations, covenants and agreements made in this Agreement were incorporated into the Warranty Deed delivered by the City of Fayetteville to Purchasers as if set out word for word.

15. *No Waivers*

The waiver by either party hereto of any condition or the breach of any term, covenant or conditions herein contained shall not be deemed to be a waiver of any other condition or of any subsequent breach of the same or of any other term, covenant or condition herein contained.

16. *Time of Essence*

Time is of the essence in this Agreement.

17. *Invalidity*

If for any reason any term or provision of this Agreement shall be declared void and unenforceable by any court, it shall only affect such particular term or provision of this Agreement and the balance of this Agreement shall remain in full force and effect and shall be binding upon the parties hereto.

18. *Complete Agreement*

All understandings and agreements heretofore existing between the parties are merged into this Agreement that alone fully and completely expresses their agreement. This Agreement may be changed only in writing signed by both of the parties hereto and shall apply to and bind the successors and assigns of each of the parties hereto and shall not merge with the deed delivered to Purchasers at closing.

PURCHASERS

**CITY OF FAYETTEVILLE,
ARKANSAS**

Date: _____

Date: _____

By: _____
MYRIAH DAWN JOHNSON

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
JOHN CHRISTOPHER LOONEY

By: _____
Sondra E. Smith, City Clerk

**SURPLUS PROPERTY APPRAISAL
FOR
ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT**

JOB NO. 040039 PROJECT NO: N/A COUNTY: Washington TRACT NO: 25R
LOCATION: Hwy. 71 – 15th St. (Fayetteville) (F), Route 112 Section 0
FEE OWNER: Arkansas Highway Commission
ADDRESS: P.O. Box 2261 Little Rock, AR 72203
ESTATE APPRAISED: Fee Simple
AREA OF SUBJECT PROPERTY: 2,198± sf (0.05± ac)
(Legal Description Attached)

MARKET VALUE CONCEPT

Market Value may be defined as follows: The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus.

PURPOSE OF APPRAISAL

The purpose of this appraisal is to estimate the Fair Market Value of the within described property.

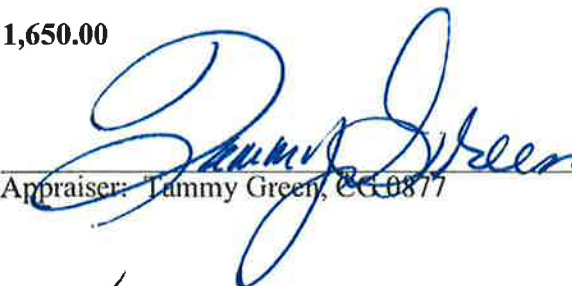
PREMISE AND LIMITING CONDITIONS

1. The sketch map, construction plans, and/or tract descriptions furnished the Appraisal Section by the Engineering Section are correct.
 2. The attached legal description is correct and reflects the fee owner and all holders of less than fee interests in the property.
 3. Information, dates, estimates and opinions contained in this report were obtained from sources considered to be reliable. However, no liability for them can be assumed or guaranteed.
-

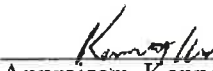
Each of the undersigned states that she/he is not interested in the property appraised, or the sale thereof; that she/he believes herself/himself to be well informed concerning the value of the property appraised; and that the fair market value of the property as of the 27th day of July, 2017 is:

\$ 1,650.00

8/3/2017
Date


Appraiser: Tammy Green, CG 0877

8/3/2017
Date


Appraiser: Kenneth Redus, CR 2011

2/3/2017
Date


Appraiser: Nathan Broytes, CR 2884

QC: 

CERTIFICATE - SURPLUS PROPERTY

We hereby certify:

That we have personally inspected the property herein appraised, that we have made a personal field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were as represented by the photographs contained in said appraisal.

That to the best of our knowledge and belief the statements contained in the appraisal herein set forth are true, and the information upon which the opinions expressed therein are based is correct; subject to the limiting conditions therein set forth.

That the existence of potentially hazardous material used in the construction or maintenance of any structures, and/or the existence of hazardous materials or hazardous waste, which may or may not be present on the property, was not observed by us; nor do we have any knowledge of the existence of such materials on or in the property. The appraisers, however, are not qualified to detect such substances. The existence of hazardous materials or potentially hazardous waste material may have an effect on the value of the property.

That such appraisal has been made in conformity with the appropriate State laws, regulations and policies and procedures applicable to appraisal of surplus property.

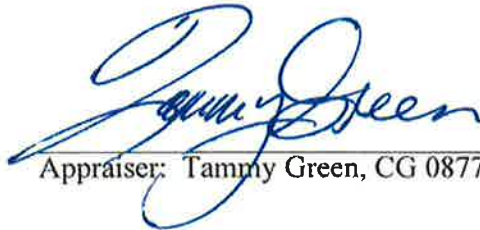
That neither our employment nor our compensation for making this appraisal and report are in any way contingent upon the values reported herein.

That we have no direct or indirect present or contemplated future personal interest in such property.

That we have not revealed the findings and results of such appraisal to anyone other than the proper officials of the State Highway and Transportation Department of said State or officials of the Federal Highway Administration, and we will not do so until so authorized by said State Officials, or until we are required to do so by due process of law, or until we are released from this obligation by having publicly testified as to such findings.

That in our opinion, the Fair Market Value of the subject property as of the 27th day of July, 2017 is \$1,650.00 based on our independent appraisal and the exercise of our professional judgment.

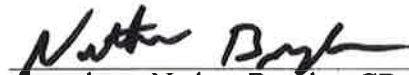
8/3/2017
Date


Appraiser: Tammy Green, CG 0877

Date

Appraiser: Kenneth Redus, CR 2011

8/3/2017
Date


Appraiser: Nathan Broyles, CR 2884

I hereby certify:

That I have not personally inspected the property herein appraised, that I have not made a personal field inspection of the comparable sales relied upon in making said appraisal.

That to the best of our knowledge and belief the subject and the comparable sales relied upon in making said appraisal were as represented by the photographs contained in said appraisal.

That our opinion of value is limited to the examination to the information and analysis presented within the appraisal report. The data contained within the appraisal report has not been independently confirmed and I have not identified additional market data to consider. The appraiser(s) reserves the right to modify his opinion of value if any of the information used is proven to be false or otherwise in error.

That our determination of the fair market value has been reached independently, based on the review of the market data contained within and supported by the attached documented appraisal report.

That to the best of our knowledge and belief the statements contained in the appraisal herein set forth are true, and the information upon which the opinions expressed therein are based is correct; subject to the limiting conditions therein set forth.

That the existence of potentially hazardous material used in the construction or maintenance of any structures, and/or the existence of hazardous materials or hazardous waste, which may or may not be present on the property, was not observed by us; nor do I have any knowledge of the existence of such materials on or in the property. The appraiser(s), however, are not qualified to detect such substances. The existence of hazardous materials or potentially hazardous waste material may have an effect on the value of the property.

That such appraisal has been made in conformity with the appropriate State laws, regulations and policies and procedures applicable to appraisal of surplus property.

That neither our employment nor our compensation for making this appraisal and report are in any way contingent upon the values reported herein.

That I have no direct or indirect present or contemplated future personal interest in such property. _____

That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the State Highway and Transportation Department of said State or officials of the Federal Highway Administration, and I will not do so until so authorized by said State Officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

That in our opinion, the Fair Market Value of the subject property as of the 27th day of July is \$1,650.00 based on our independent appraisal and the exercise of our professional judgment.

8/3/2017
Date


Appraiser: Ken Redus CR 2011

Appraiser:

Job:

Tract:

Narrative Description

The subject property contains 2,198± square feet or 0.05± acre as per the legal description provided. It is a triangular lot within a platted subdivision known as Meadow Vale Subdivision. The subdivision is located along South Razorback Road within the city limits of Fayetteville, Arkansas in Washington County.

The subject is Part of Lots 5 and 6 in Block 1 of Meadow Vale Subdivision (a.k.a. Lot 25R) and has a physical location just north of the northwest corner of the intersection of Sligo Street and South Razorback Road. According to the city zoning ordinance, the subject is zoned RMF-24 (Residential Multi-Family, 24 Units Per Acre).

According to the AHTD Right of Way map, the lot has approximately 104.02± feet of frontage along South Razorback Road on its west side. It has a depth along the northern property line of 35.55± feet and a depth along the southern property line of 8.32± feet. The western property line measures 100.23± feet.

Access is available from Razorback Road, but it was not developed at the time of inspection. The site has a level topography and appears to have adequate drainage. According to USGS Soil Maps, the subject property has a soil composition that includes Leaf silt loam. According to FEMA Flood Map 05143C0220F effective 05/16/2008, the subject property is located in Zone X, which is outside the flood plain area. At the time of inspection, the entire tract was wooded with no apparent improvements or bodies of water on site.

The subject's area is serviced by typical urban utilities including phone, electric, water, sewer, gas, and cable tv. The area is serviced by typical urban services including police and fire protection, and trash pick-up.

Due to the subject's insufficient size coupled with the triangular shape, it not developable as an independent lot. Therefore, the subject property is suitable only for assemblage to an adjoining lot.

**MARKET DATA APPROACH
(Whole Property)
COMPARISON WITH SUBJECT PROPERTY**

SALE	1	2	3
Date of Sale	March 2017	December 2012	March 2017
Size in Square Feet	41,437±	10,019±	16,200±
Sales Price	\$49,000	\$20,000	\$25,000
Unit Price	\$1.18/sf	\$2.00/sf	\$1.54/sf

ADJUSTMENT FACTORS

Conditions of Sale	Market	Market	Market
Improvement(s)	-0-	-0-	-0-
ADJUSTED SALES PRICE	\$1.18/sf	\$2.00/sf	\$1.54/sf
Time	-0-	-0-	-0-
Location	-0-	-0-	-0-
Utility	(\$0.59/sf)	(\$1.00/sf)	(\$0.77/sf)
Topography	-0-	-0-	-0-
Utilities	-0-	-0-	-0-
INDICATED UNIT VALUE	\$0.59/sf	\$1.00/sf	\$0.77/sf

Time:

There was no evidence found to indicate a significant change in property values in the subject's neighborhood during the past five years. Therefore, an adjustment for time was not considered to be necessary.

Utility:

The subject lot includes the area remaining after the acquisition for construction of Razorback Road. This remainder is insufficient in size for development as an independent lot. Therefore, it's only use would be for assemblage purposes. Based on ArDOT studies for the effect on value of properties purchased for assemblage purposes, the comparable sales were adjusted 50% to reflect the effect that would likely be found in the market.

CORRELATION OF INDICATED VALUES:

Sales 1 and 2 used in the table above represent sales of buildable lots within the subject's subdivision. Sale 1 adjoins the subject property on the western and southern sides. Sale 3 is a developable lot located in a different subdivision in the subject's neighborhood. All of these properties have similar zoning classifications and are adjacent to multi-family developments. Although they are all within the subject's immediate area, Sale 1 physically adjoins the subject property and was considered most like the subject with regard to location. Sales 2 and 3 were considered to be most like the subject with regard to size. The transfer of Sales 1 and 3 occurred this year and were considered to be most relevant with regard to time. For these reasons, all three of the sales were given weight in determining an estimate of value for the subject tract. The adjusted prices reflect the likely effect on the market value that the subject's limitations present. The range of indicated values is between \$0.59/sf and \$1.00/sf. The estimated current assemblage value of the subject property is \$0.74/sf, applied as follows:

ESTIMATED LAND VALUE:

2,198± sf @ \$0.74/sf = \$1,632.02 rounded to \$1,650.00

Photographs



Whole Property Looking Northwest 7/27/2017



Street Scene Looking North Along Highway So. Razorback Road 7/27/2017

Addendum

Area Data

Legal Description

Aerial View Maps

Comparable Sales Location Map

Comparable Sales

Assessor's Record Information

Fayetteville City Zoning Map

FEMA Flood Map

USGS Soil Map

ArDOT Assemblage Studies

JOB 40039
TRACT 25R

LEGAL DESCRIPTION

Part of Lots 5 and 6, Block 1 of Meadow Vale Subdivision of part of the Southwest Quarter of the Southeast Quarter of Section 20, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Starting at the Southwest Corner of Lot 6, Block 1 of Meadow Vale Subdivision of part of the Southwest Quarter of the Southeast Quarter of Section 20; thence South $87^{\circ} 08' 33''$ East along the South line of Lot 6, Block 1 of Meadow Vale Subdivision a distance of 94.05 feet for the point of beginning; thence North $03^{\circ} 11' 48''$ East a distance of 100.23 feet to a point on the North line of Lot 5, Block 1 of Meadow Vale Subdivision; thence South $87^{\circ} 08' 27''$ East along the North line of Lot 5, Block 1 of Meadow Vale Subdivision a distance of 35.55 feet to a point on the Westerly proposed right of way line of proposed Razorback Drive; thence South $18^{\circ} 22' 30''$ West along said proposed right of way line a distance of 104.02 feet to a point on the South line of Lot 6, Block 1 of Meadow Vale Subdivision; thence North $87^{\circ} 08' 33''$ West along the South line of Lot 6, Block 1 of Meadow Vale Subdivision a distance of 8.32 feet to the point of beginning and containing 2,198 square feet more or less.

JOB 040039
HWY. 71-15TH. ST.
WASHINGTON COUNTY
LOCATION SKETCH
TRACT 25R



© 2016 Google

Imagery Date: 2/15/2017 36°02'59.18" N 94°10'43.16" W elev 1242 ft eye alt 21641 ft

1995



TRACT 25R

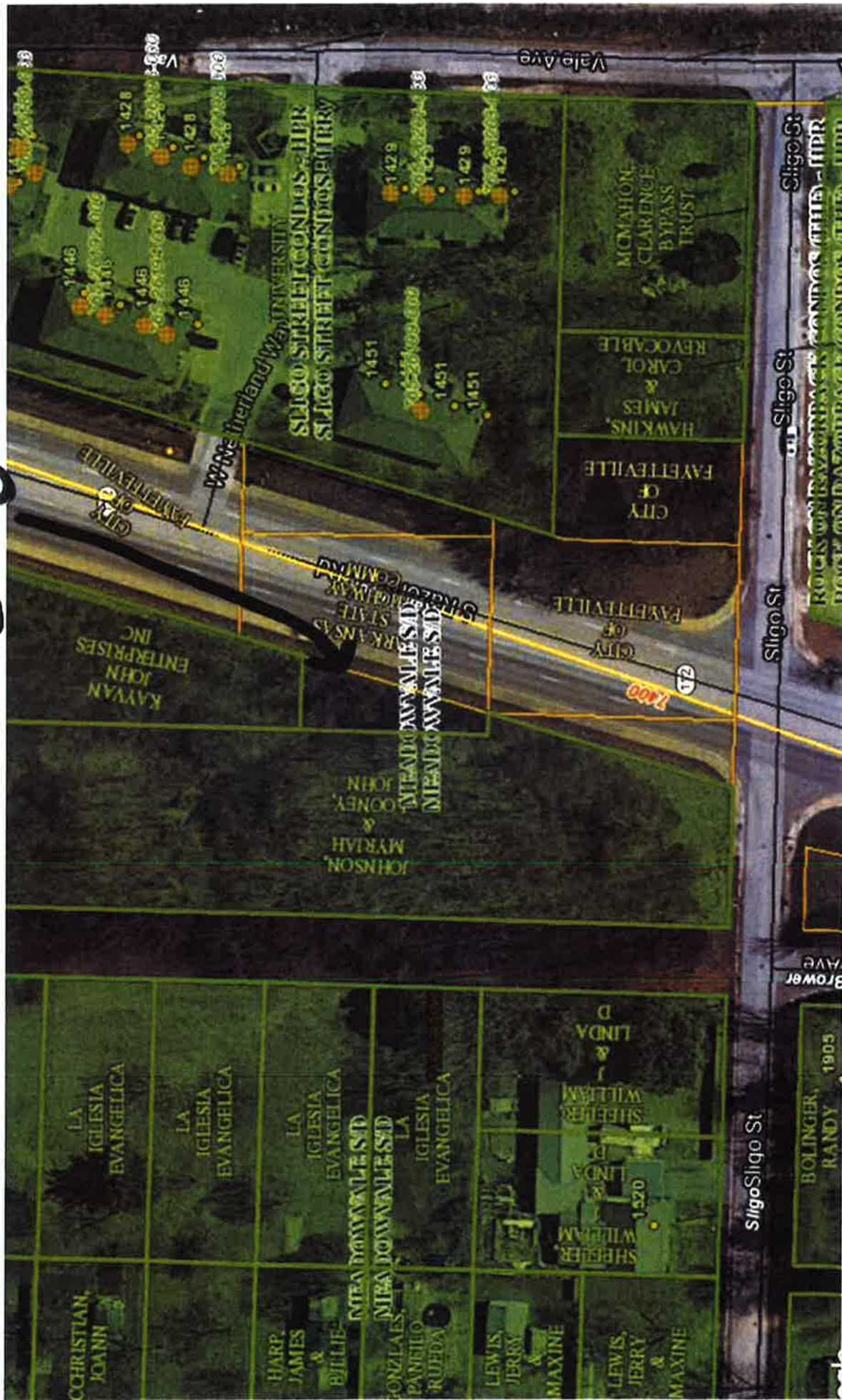
JOB 040039
HWY. 71-15TH. ST.
WASHINGTON COUNTY
LOCATION SKETCH
TRACT 25R

© 2016 Google

Imagery Date: 2/15/2017 36°02'40.13" N 94°10'56.35" W elev 1234 ft eye alt 2126 ft

1994

Subject



[illegible]

COMPARABLE SALE 1

GRANTOR: Deborah L. Johnson (f.k.a. Deborah L. Bolinger)
GRANTEE: Myriah Johnson & John Looney, H/W
DATE: 3/25/2017
CONSIDERATION: \$49,000
RECORDED Bk. 2017 Pg. 9338
VERIFICATION: N/A
MOTIVATION: Investment
USE (DATE OF SALE): Vacant Land
USE NOW: Vacant Land
FRONTAGE: 75±ft along Sligo Street; 135±ft along So. Razorback Road
SHAPE: Almost rectangular
SOIL TYPE: Silty loam
ACCESS: From Sligo Street
SIZE: 0.95± ac or 41,437± sf
PER UNIT: \$51,579/ac or \$1.18/sf
REV. STAMPS: \$161.70
FINANCING: Typical
ZONING: NS-L (Neighborhood Services-Limited)
H & B USE: Multi-Family Residential
DEPTH: 430±ft along western property line
DRAINAGE: Appears adequate
UTILITIES: All city
LEGAL DESC: West ½ of Lots 1-6 & All of Lot 7, Block 1, Meadow Vale Subdivision
LOCATION: At the northwest corner of Sligo Street & So. Razorback Road, Fayetteville
TOPOGRAPHY: Level to undulating
REMARKS:



JOB: 040039 Surplus Tr 25R
COUNTY: Washington
SALE: 1

COMPARABLE SALE 2

GRANTOR: Betty Bohannon Family Revocable Trust
GRANTEE: Clarence McMahon Bypass Trust
DATE: 12/19/2012
CONSIDERATION: \$20,000
RECORDED Bk. 2012 Pg. 38882
VERIFICATION: N/A
MOTIVATION: Investment
USE (DATE OF SALE): Vacant Land
USE NOW: Vacant Land
FRONTAGE: 130±ft along Sligo Street; 95±ft along Vale Avenue
SHAPE: Rectangular
SOIL TYPE: Silty loam
ACCESS: From Sligo Street or Vale Ave – not developed
SIZE: 0.23± ac or 10,018± sf
PER UNIT: \$86,963/ac or \$2.00/sf
REV. STAMPS: \$66.00
FINANCING: Typical
ZONING: RMF-24 (Residential Multi-Family-24 units per acre)
H & B USE: Multi-Family Residential
DEPTH: 95±ft along western property line
DRAINAGE: Appears adequate
UTILITIES: All city
LEGAL DESC: East 130' of Lot 13, Block 1, Meadow Vale Subdivision
LOCATION: At the north corner of Sligo Street & Vale Avenue, Fayetteville
TOPOGRAPHY: Level to undulating
REMARKS:



JOB: 040039 Surplus Tr 25R
COUNTY: Washington
SALE: 2

COMPARABLE SALE 3

GRANTOR: Jane M. Combs
GRANTEE: Anderson Investments, LLC
DATE: 3/1/2017
CONSIDERATION: \$25,000
RECORDED Bk. 2017 Pg. 6720
VERIFICATION: N/A
MOTIVATION: Investment
USE (DATE OF SALE): Vacant Land
USE NOW: Vacant Land
FRONTAGE: 108±ft along So. Garland Avenue
SHAPE: Rectangular
SOIL TYPE: Silty loam
ACCESS: From So. Garland Ave.
SIZE: 0.37± ac or 16,200± sf
PER UNIT: \$67,222/ac or \$1.54/sf
REV. STAMPS: \$82.50
FINANCING: Typical
ZONING: RSF-8 (Residential Single Family-8 units per acre)
H & B USE: Two-Family Residential
DEPTH: 150±ft
DRAINAGE: Appears adequate
UTILITIES: All city
LEGAL DESC: Part of the S ½, SW ¼, SW ¼, Sec 21, T16N, R30W, Fayetteville Outlots
LOCATION: 1918 So Garland Avenue, Fayetteville
TOPOGRAPHY: Level to slightly sloping
REMARKS: It appears that there was previously a dwelling on this site



JOB: 040039 Surplus Tr 25R
COUNTY: Washington
SALE: 3



Parcel: 765-08375-003

Prev. Parcel: 765-08375-002

Washington County Report

ID: 42977

As of: 7/31/2017

Property Owner

Name: ARKANSAS STATE HIGHWAY
COMM

Mailing Address: PO BOX 2261
LITTLE ROCK, AR 72203

Type: (EG) Ex. Government

Over 65 Freeze: No

Tax Dist: (011) FAYETTEVILLE SCH, FAY

Size (Acres):

Extended Legal: FOR 1995: PT LOTS 5 & 6 BLOCK 1

Property Information

Physical Address: RAZORBACK

Subdivision: MEADOWVALE S/D

Block / Lot: 001 / --

S-T-R: 20-16-30

Market and Assessed Values:

	Estimated Market Value	Full Assessed (20% Mkt Value)	Taxable Value
Land:			
Building:			0
Total:			

Taxes:

Estimated Taxes:	\$0
Homestead Credit:	\$0

Note: Tax amounts are estimates only. Contact
the county tax collector for exact amounts.

Land:

Land Use	Size	Units
	1.000	House Lot

Deed Transfers:

Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
5/23/1995	95	24933	Warr. Deed	3.30	\$100	ARKANSAS STATE HIGHWAY COMM		

Not a Legal Document.
Subject to terms and conditions.
www.datascoutpro.com

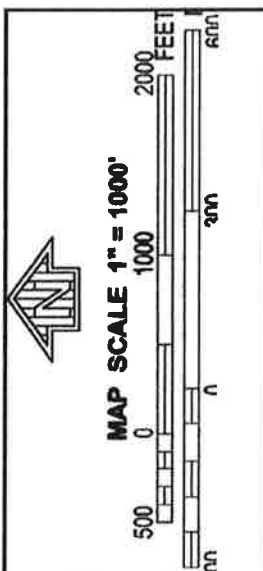
Map:



Not a Legal Document.
Subject to terms and conditions.

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NATIONAL FLOOD INSURANCE PROGRAM

FIRM

FLOOD INSURANCE RATE MAP

WASHINGTON COUNTY, ARKANSAS

AND INCORPORATED AREAS

PANEL 220 OF 575

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
WASHINGTON COUNTY	00212	0020	F
FAVETTEVILLE CITY OF	00214	0020	F
GREENLAND CITY OF	00217	0020	F

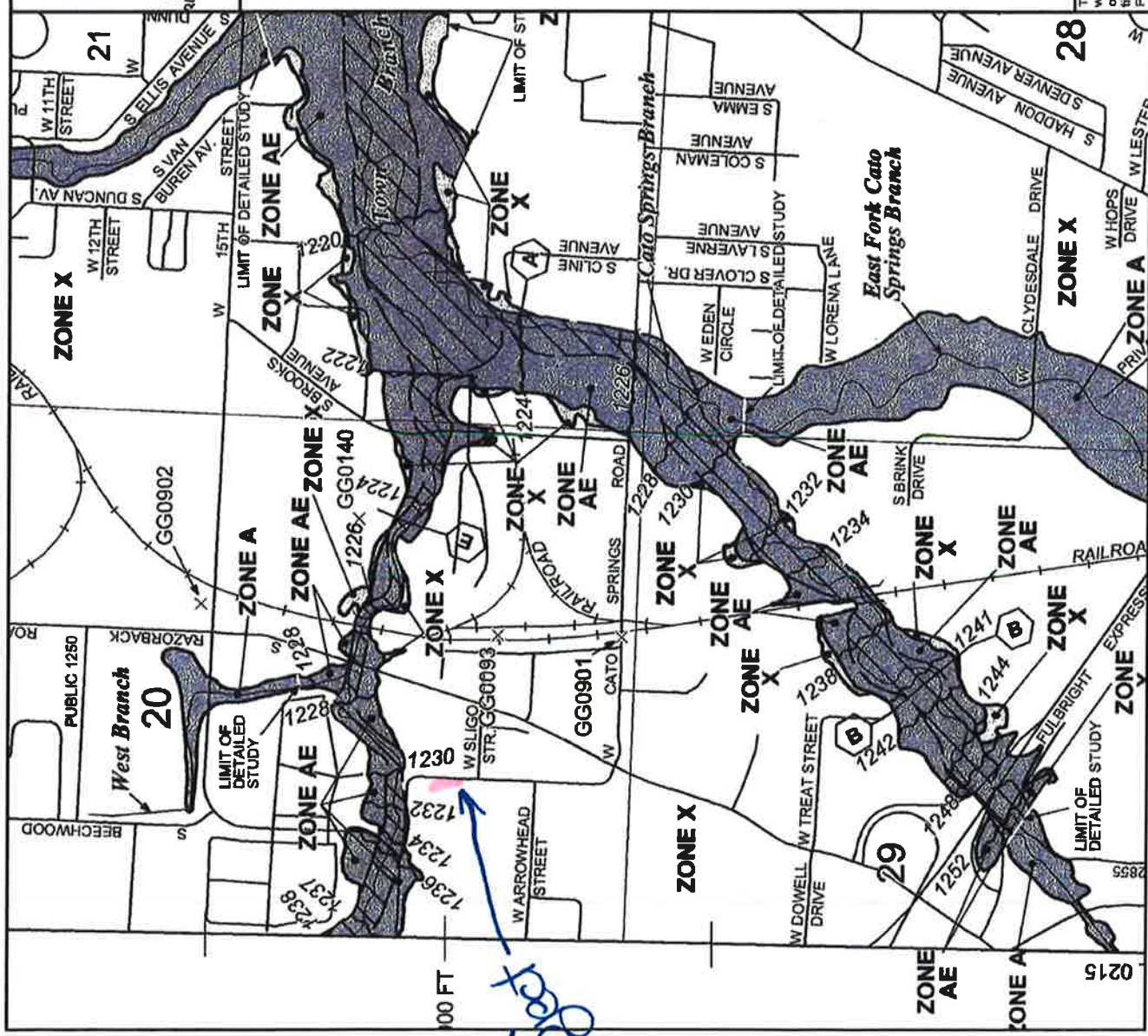
MAP NUMBER
05143C0220F

MAP REVISED
MAY 16, 2008

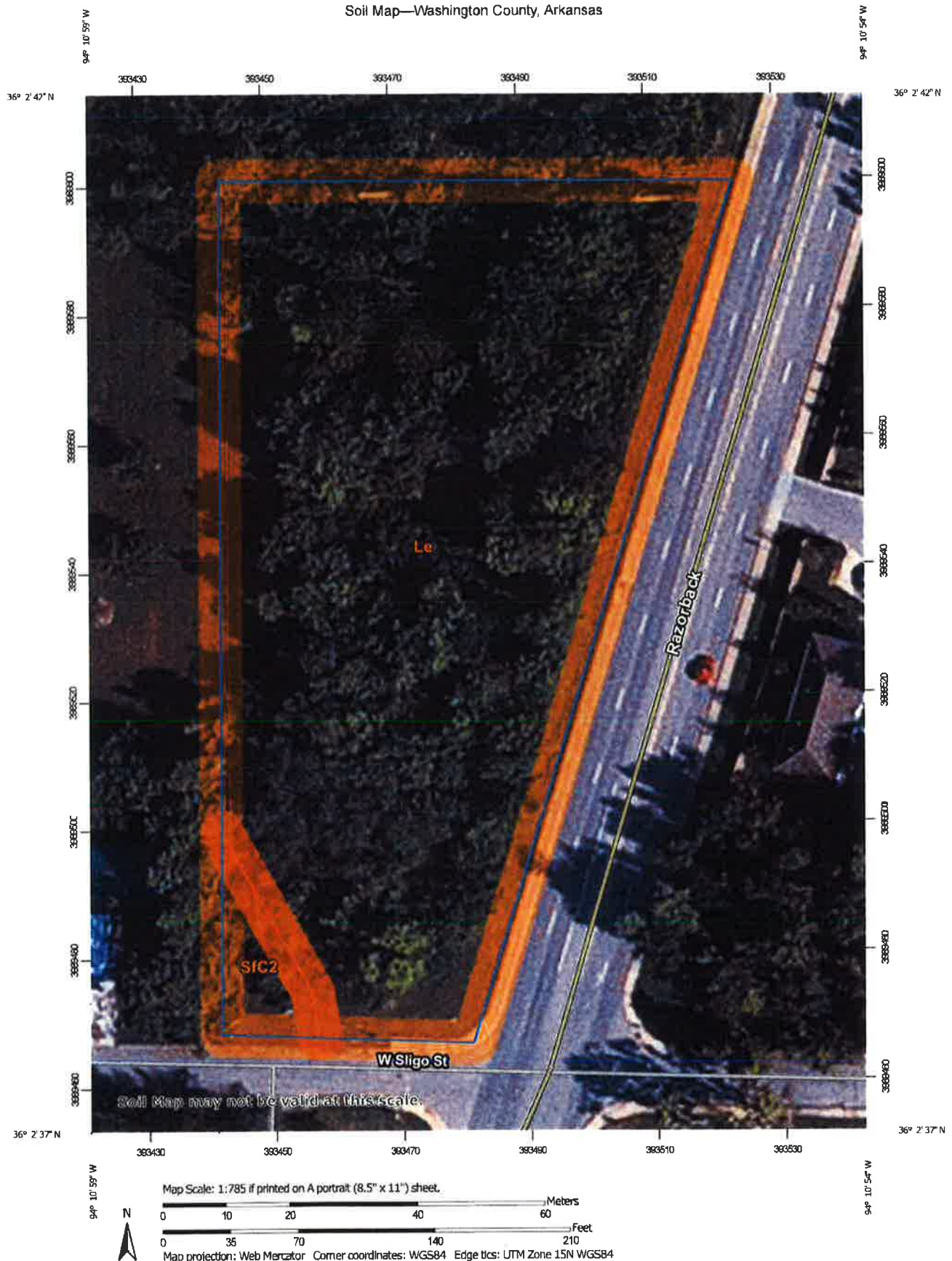
Federal Emergency Management Agency

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



Soil Map—Washington County, Arkansas



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

8/1/2017
Page 1 of 3

Soil Map—Washington County, Arkansas

MAP LEGEND

Area of Interest (AOI)		Area of Interest (AOI)
Soils		Soil Map Unit Polygons
		Soil Map Unit Lines
		Soil Map Unit Points
Special Point Features		
		Blowout
		Borrow Pit
		Clay Spot
		Closed Depression
		Gravel Pit
		Gravelly Spot
		Landfill
		Lava Flow
		Marsh or swamp
		Mine or Quarry
		Miscellaneous Water
		Perennial Water
		Rock Outcrop
		Saline Spot
		Sandy Spot
		Severely Eroded Spot
		Sinkhole
		Slide or Slip
		Sodic Spot
		Spoil Area
		Stony Spot
		Very Stony Spot
		Wet Spot
		Other
		Special Line Features
Water Features		
		Streams and Canals
Transportation		
		Rails
		Interstate Highways
		US Routes
		Major Roads
		Local Roads
Background		
		Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Arkansas
Survey Area Date: Version 13, Sep 28, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 19, 2010—Oct 30, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Washington County, Arkansas (AR143)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Le	Leaf silt loam	1.9	96.6%
SfC2	Savannah fine sandy loam, 3 to 8 percent slopes, eroded	0.1	3.4%
Totals for Area of Interest		2.0	100.0%

Assemblage and/or Land-Locked Property Value

Historically, assemblage values have been observed, by this appraiser, to be well below the market value of similar but not impaired properties, (e.g., see Assemblage and/or Land-Locked Property Value, Job 001966, Available Access (Timberland) Matched Paired Analysis, Job 001934, Available Access (Timberland) Matched Paired Analysis, Job 020357, and Comparisons for Assemblage, Job 060579, and Comparisons for Assemblage, Commercial and Residential, Job 020314, as follows. Given the following data and analysis from various markets around the state, the appraiser concludes that an assemblage value indication would be applicable, estimated in the 15% - 50% range as compared to similar property with good or unrestricted utility.

EPSIII/ELL/SAM

Assemblage and/or Land-Locked Property Value Residential Development Highest and Best Use Project #001966

On **Project #001966** (Spring, 2009), it was verified through our sales research:

Sale 21 (102.7±ac) was sold for \$14,216/ac.

Sale 22 (52.56±ac), was sold for \$4,033/ac.

(Sale 22 was a sell off from Sale 21 and was an Assemblage and/or Land-Locked property sale)

This matched paired analysis is indicating an Assemblage and/or Land-Locked Property Value (Residential Development Highest and Best Use) of 28%.

EPSIII

**AVAILABLE ACCESS (TIMBERLAND)
MATCHED PAIRED ANALYSIS*
Project # 001934**

Sale 37T @ \$820/ac and Sale 20 @ \$1,188/ac = +31.0%

Sale 37T @ \$820/ac and Sale 48 @ \$1,325/ac = +38.1%

Sale 2 @ \$875/ac and Sale 20 @ \$1,188/ac = +26.3%

Sale 2 @ \$875/ac and Sale 48 @ \$1,325/ac = +40.0%

Sale 8 @ \$450/ac and Sale 20 @ \$1,188/ac = +62.1%

Sale 8 @ \$450/ac and Sale 48 @ \$1,325/ac = +66.0%

Sale 39A @ \$680/ac and Sale 20 @ \$1,188/ac = +42.8%

Sale 39A @ \$680/ac and Sale 48 @ \$1,325/ac = +48.7%

Sales 20 and 48 represent tracts with Good access.

Sales 2 and 37T represent tracts with Fair to Average access.

Sales 8 and 39A represent Assemblage tracts with Poor access.

Based on the above analysis it appears that fair to average access property could have a market value 25 – 40% less than similar properties with good access; and assemblage tracts with poor access properties could have a market value 40 – 60% less than similar properties with good access.

*Note: Sale 37T and 48 were each adjusted for the value of timber indicated by the Grantee as indicated on each sale.

EPSIII

**AVAILABLE ACCESS (TIMBERLAND)
MATCHED PAIRED ANALYSIS*
Project # 020357**

Average to Good

Sale 19 @ \$1,223 and Sale 15a @ \$1,377 = 11%

Sale 19 @ \$1,223 and Sale 24 @ \$1,421 = 14%

Sale 19 @ \$1,223 and Sale 48 @ \$1,523 = 20%

Sale 20 @ \$1,327 and Sale 15a @ \$1,377 = 4%

Sale 20 @ \$1,327 and Sale 24 @ \$1,421 = 7%

Sale 20 @ \$1,327 and Sale 48 @ \$1,523 = 13%

Sale 22 @ \$1,311 and Sale 15a @ \$1,377 = 5%

Sale 22 @ \$1,311 and Sale 24 @ \$1,421 = 8%

Sale 22 @ \$1,311 and Sale 48 @ \$1,523 = 14%

From 4% to 20% with an Average Difference of 11%

Fair to Good

Sale 2 @ \$988 and Sale 15a @ \$1,377 = 28%

Sale 2 @ \$988 and Sale 24 @ \$1,421 = 30%

Sale 2 @ \$988 and Sale 48 @ \$1,523 = 35%

Sale 13 @ \$936 and Sale 15a @ \$1,377 = 32%

Sale 13 @ \$936 and Sale 24 @ \$1,421 = 34%

Sale 13 @ \$936 and Sale 48 @ \$1,523 = 39%

From 28% to 39% with an Average Difference of 33%

Poor (Assemblage Tracts) to Good

Sale 14 @ \$591 and Sale 15a @ \$1,377 = 57%

Sale 14 @ \$591 and Sale 24 @ \$1,421 = 58%

Sale 14 @ \$591 and Sale 48 @ \$1,523 = 61%

Sale 18 @ \$577 and Sale 15a @ \$1,377 = 58%

Sale 18 @ \$577 and Sale 24 @ \$1,421 = 59%

Sale 18 @ \$577 and Sale 48 @ \$1,523 = 62%

Sale 42 @ \$758 and Sale 15a @ \$1,377 = 45%

Sale 42 @ \$758 and Sale 24 @ \$1,421 = 47%

Sale 42 @ \$758 and Sale 48 @ \$1,523 = 50%

Poor (Assemblage Tracts) to Good Continued

Sale 32 @ \$468 and Sale 15a @ \$1,377 = 66%

Sale 32 @ \$468 and Sale 24 @ \$1,421 = 67%

Sale 32 @ \$468 and Sale 48 @ \$1,523 = 69%

Sale 33 @ \$529 and Sale 15a @ \$1,377 = 62%

Sale 33 @ \$529 and Sale 24 @ \$1,421 = 63%

Sale 33 @ \$529 and Sale 48 @ \$1,523 = 65%

From 45% to 69% with an Average Difference of 59%

Sales 15a, 24, and 48 represent timberland tracts with Good access.

Sales 19, 20, and 22 represent timberland tracts with Average access.

Sales 2 and 13 represent timberland tracts with Fair access.

Sales 14, 18, 32, 33 and 42 represent timberland Assemblage Tracts with Poor access.

Based on the above analysis it appears that average access property could have a market value 5 – 15% less than similar properties with good access; fair access properties could have a market value 25 – 35% less than similar properties with good access and assemblage tracts with poor access could have a market value 50 – 60% less than similar properties with good access.

***Note: Values utilized for each sale were based on the land only contributory value adjusted for 5% Time (Sale 22 Land Only Value was also adjusted -150 for Motivation).**

EPSIII

COMPARISON FOR COMMERCIAL ASSEMBLAGE

JOB: 60579

Sale	Sale 06	Sale 05	Sale 04
Date of Sale	2-20-2008	9-28-2005	3-30-2007
Size	75,010±s.f.	87,120±s.f.	110,825±s.f.
Sales Price	\$515,000	\$750,000	\$1,389,000
Unit Price	\$6.87/s.f.	\$8.61/s.f.	\$12.53/s.f.

ADJUSTMENT FACTORS

Cond. of Sale			
Improvement		-2.87	
Adjusted Sale Price	\$6.87/s.f.	\$5.74/s.f.	\$12.53/s.f.
Time	+0.65	+1.38	+1.88
Indicated Unit Value	\$7.52/s.f.	\$7.12/s.f.	\$14.41/s.f.

CORRELATION OF INDICATED VALUES:

The three sales shown above are located in or near the U.S. Hwy. 167 corridor in northern Pulaski County, Arkansas, and may be found in the Sales Brochure for Job 060579. The sales were adjusted on a per unit basis for improvements at the time of sale, and market appreciation (time) at an annual rate of 6%. Sale 04 is considered to have good accessibility. Sale 04 is located at the intersection of Smokey Lane and E. 46th Street, just off Landers Rd. Sales 05 and 06 are considered to have limited accessibility, given the one-way service roads, and their relative position to off-ramps. Paired sales analysis between Sales 05 and 06 with Sale 04, indicated between 48% to 51% difference for limited access at the northern end of the commercial corridor.

Support for the adjustment for fully controlled access is found in the paired sales analysis of Sales 01, 02 and 03. These sales are in connection with the Glenn Ridge Crossing development south of the Colonel Glenn Rd. along Interstate 430 in Little Rock, Arkansas. These sales may also be found in the Sales Brochure for Job 060579. After adjustments for expenditures after purchase (dirt-work) and size, the sales indicated between 19% to 38% discount for lack of access. These comparisons indicate that it is reasonable to conclude that purchases made for assemblage purposes would bring approximately 40 - 50% of market value.

ELL

COMPARISON FOR COMMERCIAL ASSEMBLAGE

Job 020314

SALE	Sale 45	Sale 48-B	Sale 77
Date of Sale	May 8, 2000	September 28, 2005	March 20, 2003
Land Size	35,430±s.f.	38,333±s.f.	20,473±s.f.
Improvement Size	N/A	N/A	N/A
SALES PRICE	\$10,000	\$38,000	\$30,000

ADJUSTMENT FACTORS

Conditions of Sale			
ADJUSTED SALES PRICE	\$0.28/s.f.	\$0.99/s.f.	\$1.47/s.f.
Time	+0.04	+0.05	+0.00
INDICATED VALUE	\$0.32/s.f.	\$1.04/s.f.	\$1.47/s.f.

\$1.04	\$1.47
\$0.32	\$0.32
\$0.72	\$1.15
69%	78%
AVERAGE	74%

CORRELATION OF INDICATED VALUES:

The three sales are of similarly located vacant lots on at hwy 167 in Grant County, near the community of Ico, Arkansas and found for the Sales Brochure for **Job 020314**. Sale 45 was purchased for the specific purpose of assemblage and there is no road/highway frontage. Sales 48-b and 77 were purchased in order to develop. Time was the only adjustment deemed necessary. Time was calculated on a 5% annual rate for Commercial Property. This comparison indicates that purchases made purely for assemblage purposes bring about 74% less than the expected of the market value.

Appr: adjustments: assemblage: SAM

COMPARISON FOR RESIDENTIAL ASSEMBLAGE

Job 020314

SALE	5	30	32
Date of Sale	December 30, 1999	November 20, 1997	October 31, 2001
Land Size (acres)	3.85	3.17	1.21
Improvement Size	N/A	N/A	N/A
SALES PRICE	\$25,000	\$19,000	\$4,000

ADJUSTMENT FACTORS

Conditions of Sale			
ADJUSTED SALES PRICE	\$6,494/ac	\$5,994/ac	\$3,306/ac
Time	N/A	N/A	N/A
INDICATED VALUE	\$6,494/ac	\$5,994/ac	\$3,306/ac

\$6,494/ac	\$5,994/ac
\$3,306/ac	\$3,306/ac
\$3,188/ac	\$2,688/ac
49%	45%
Average:	47%

CORRELATION OF INDICATED VALUES:

The two sales are of similarly located vacant lots on AR. Hwy 167 in Grant County, near the community of Ico, Arkansas and found for the Sales Brochure for **JOB 020314**. Sale 32 is unable to perk by itself, and therefore is suitable only for assemblage purposes. An owner of an adjacent property purchased Sale 32 as an assemblage property. Sale 5 and Sale 30 were purchased in order to develop. No adjustments were deemed necessary. This comparison indicates that purchases made purely for assemblage purposes bring about 47% of the market value expected.

Appr: adjustments: assemblage: SAM

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
LITTLE ROCK, ARKANSAS

September 14, 2017

ADMINISTRATIVE CIRCULAR NO. 2017-12

TO: ALL DIVISION HEADS AND DISTRICT ENGINEERS

We are transmitting herewith for your information and records a copy of the Minutes of the Commission Meeting in Little Rock, AR on September 6, 2017.

After making a careful review of these proceedings, please take appropriate action through designated lines of authority to forward the carrying out of any orders applying to your respective divisions and districts.



Scott E. Bennett
Director of Highways
and Transportation

c: Commission

MINUTES OF THE MEETING
OF THE
ARKANSAS STATE HIGHWAY COMMISSION

September 6, 2017

Following is the record of proceedings of the Arkansas State Highway Commission in Little Rock, Arkansas, September 6, 2017. Members present were:

Dick Trammel, Chairman
Thomas B. Schueck, Vice Chairman
Robert S. Moore, Jr., Member
Alec Farmer, Member
Philip Taldo, Member

2017-071 IT IS ORDERED that a meeting of the Arkansas State Highway Commission be opened at 9:30 a.m., September 6, 2017.

2017-072 WHEREAS, the Purchasing Committee has awarded purchases on July 19, 2017 and August 7, 2017, in the amount of \$887,717.05 and \$2,132,994.60, respectively, totaling \$3,020,711.65, and supply and service contracts, in accordance with authority previously conveyed, all of which have been documented by official minutes which are of record in the files of the Commission and Equipment and Procurement Division.

NOW THEREFORE, IT IS ORDERED that the action of the Purchasing Committee be ratified and confirmed in all particulars.

2017-073 WHEREAS, the Department utilizes automated planning, design, proposal management, letting and bid management, and construction pay estimate management systems to provide technical support in the development of highway projects; and

WHEREAS, the American Association of State Highway and Transportation Officials' (AASHTO) AASHTOWare software products provide the needed systems required by the Department.

2017-073 - Continued

NOW THEREFORE, the Director is authorized to enter into the annual licensing agreement for the AASHTOWare products.

2017-074

WHEREAS, the Highway System in Arkansas facilitates safe mobility, economic development, and tourism enhancement throughout the State; and

WHEREAS, public information and education activities play an important role in providing the citizens of our State with pertinent information relative to the issues facing the Commission and Department; and

WHEREAS, the Arkansas Good Roads Foundation serves as an effective group to provide this information and education to transportation stakeholders, elected officials, and the public.

NOW THEREFORE, the Director is authorized to make a contribution of \$30,000 to the Arkansas Good Roads Foundation for its public information and education activities for State Fiscal Year 2018.

2017-075

WHEREAS, it has been determined that improvements are warranted to enhance safety at the 20 railroad crossings indicated on the attached list; and

WHEREAS, Federal-aid Rail-Highway Crossing Safety funds are eligible for these improvements.

NOW THEREFORE, the Director is authorized to proceed with improvements at these crossings as funds become available subject to the following conditions:

- Maintenance of the signals and surfaces shall be performed by the Railroad Company at no cost to the State.
- All required right-of-way shall be furnished at no cost to the State.

2017-076

WHEREAS, the Arkansas Strategic Highway Safety Plan (2017) identified the full deployment of an improved crash data system (eCrash) as a priority safety strategy; and

WHEREAS, the Arkansas State Police (ASP) has been assisting local law enforcement agencies in upgrading their computer systems to allow for the implementation of the eCrash system; and

WHEREAS, the eCrash system implementation has been slow due to funding limitations; and

WHEREAS, a speedy deployment of the eCrash system will be highly beneficial to the safety of our transportation system; and

WHEREAS, Federal-aid safety funds are eligible for these improvements.

NOW THEREFORE, the Director is authorized to partner with the ASP to assist local law enforcement agencies in upgrading computer systems for the eCrash system.

2017-077

WHEREAS, the Commission acquired in fee, property from four different owners as noted on sheets two and three of the right of way map for Job No. 4460 Sec 3, Shibley Grade Separation at Alma; and

WHEREAS, Crawford County, Arkansas, has requested that a portion of said highway be transferred to it pursuant to Arkansas Code Ann. § 27-65-109, for the transportation purposes; and

WHEREAS, the District Engineer for District Four, desires to transfer the responsibility of maintenance to the County, as a portion of the road has been abandoned and closed by the County; and

WHEREAS, the Commission's interest in that requested portion of Job No. 4460 Sec 3 that is the subject of the County's request is more specifically described as follows:

Part of the East half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 10, part of the West half of the Southwest Quarter of Section 11, part of the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 15

all in Township 9 North, Range 31 West, Crawford County, Arkansas, more particularly described as follows:

BEGINNING at a point being used as the Quarter corner of Sections 10 and 15 also being on the Northerly right of way line of I-40 as established by AHTD Job 4460 Sec. 3; thence North 64°34'57" East along said right of way line a distance of 322.62 feet to a point; thence North 66°29'51" East along said right of way line a distance of 900.00 feet to a point; thence North 66°29'51" East along said right of way line a distance of 1,580.44 feet to a point; thence North 34°36'13" East along said right of way line a distance of 158.98 feet to a point; thence North 02°42'34" East along said right of way line a distance of 76.40 feet to a point; thence North 12°19'45" East along said right of way line a distance of 203.46 feet to a point; thence South 87°17'26" East along said right of way line a distance of 5.30 feet to a point; thence South 00°43'29" West along said right of way line a distance of 277.17 feet to a point; thence South 87°17'26" East along said right of way line a distance of 41.10 feet to a point; thence South 00°43'29" West along said right of way line a distance of 65.60 feet to a point; thence South 86°23'56" East along said right of way line a distance of 75.56 feet to a point on the Northerly control of access of I-40 as established by AHTD Job 4460 Sec 3; thence South 63°17'51" West along said C of A a distance of 88.36 feet to a point; thence South 62°25'34" West along said C of A a distance of 148.48 feet to a point; thence South 66°06'58" West along said C of A a distance of 129.95 feet to a point; thence South 66°37'03" West along said C of A a distance of 229.41 feet to a point; thence South 66°33'37" West along said C of A a distance of 230.58 feet to a point; thence South 66°44'30" West along said C of A a distance of 282.83 feet to a point; thence South 66°45'54" West along said C of A a distance of 369.15 feet to a point; thence South 65°09'27" West along said C of A a distance of 118.20 feet to a point; thence South 66°25'43" West along said C of A a distance of 255.82 feet to a point; thence South 66°29'25" West along said C of A a distance of 133.47 feet to a point; thence South 65°59'22" West along said C of A a distance of 229.78 feet to a point; thence South 67°37'26" West along said C of A a distance of 111.53 feet to a point; thence South 66°49'19" West along said C of A a distance of 222.93 feet to a point; thence South 66°47'13" West along said C of A a distance of 129.03 feet to a point; thence South 66°19'33" West along said C of A a distance of 92.56 feet to a point; thence South 66°09'33" West along said C of A a distance of 127.37 feet to a point; thence South

66°12'32" West along said C of A a distance of 107.41 feet to a point; thence South 66°34'40" West along said C of A a distance of 162.42 feet to a point; thence South 66°40'06" West along said C of A a distance of 220.41 feet to a point; thence along a curve to the right, having a radius of 1,188.26 feet a distance of 454.66 feet, having a chord bearing of South 79°18'36" West for a distance of 451.89 feet to a point; thence North 89°43'42" West a distance of 398.97 feet to a point; thence North 00°16'18" East a distance of 65.00 feet to a point on the Northerly right of way line of I-40 as established by AHTD Job 4460 Sec. 3; thence South 89°44'56" East along said right of way line a distance of 417.31 feet to a point; thence North 87°20'13" East along said right of way line a distance of 78.37 feet to a point; thence North 80°27'16" East along said right of way line a distance of 191.24 feet to a point; thence North 71°02'03" East along said right of way line a distance of 177.70 feet to a point; thence North 68°36'49" East along said right of way line a distance of 291.96 feet to the POINT OF BEGINNING and containing 6.62 acres or (288224 sq. ft.) more or less as shown on plans prepared by the AHTD referenced as Job 4460 Sec 3. 11/29/16 DJH

NOW THEREFORE, upon receipt of a proper resolution from the Crawford County, the Director is authorized to enter into a transfer agreement for the above described property pursuant to Minute Order 2012-008, conditioned upon the County's continued maintenance of the property interest herein transferred for said highway purposes, and provided that in the event the Crawford County fails to use and maintain the property described herein, or abandons same, then the transfer agreement shall, upon 30 days notice, be terminated, and all interest transferred shall revert to the Commission.

2017-078

WHEREAS, the Arkansas State Highway Commission (Commission) acquired property known as Tract No. 25R from Charles Masterson and Ada Masterson, husband and wife, for Job No. 040039, by Warranty Deed dated April 4, 1995, and filed of record on May 23, 1995, as Document No. 95024933, in the Circuit Clerk's office for Washington County, Arkansas; and

WHEREAS, John Looney and Myriah Johnson have requested to purchase Tract No. 25R, which the District Engineer for

District 4 has determined is not now, nor in the foreseeable future will be, needed for highway purposes; and

WHEREAS, this tract was acquired as surplus by the Commission and is exempt from reacquisition by the former owner under Ark. Code Ann. §27-67-322. John Looney and Myriah Johnson offered to purchase this tract for ONE THOUSAND SIX HUNDRED FIFTY AND NO/100 DOLLARS (\$1,650.00), the fair market value by three Commission appraisers.

WHEREAS, the Commission acquired Tract No. 25R for ONE HUNDRED AND NO/100 DOLLARS (\$100.00), which the tract is more particularly described as follows:

Part of Lots 5 and 6, Block 1 of Meadow Vale Subdivision of part of the Southwest Quarter of the Southeast Quarter of Section 20, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Starting at the Southwest Corner of Lot 6, Block 1 of Meadow Vale Subdivision of part of the Southwest Quarter of the Southeast Quarter of Section 20; thence South 87° 08' 33" East along the South line of Lot 6, Block 1 of Meadow Vale Subdivision a distance of 94.05 feet for the point of beginning; thence North 03° 11' 48" East a distance of 100.23 feet to a point on the North line of Lot 5, Block 1 of Meadow Vale Subdivision; thence South 87° 08' 27" East along the North line of Lot 5, Block 1 of Meadow Vale Subdivision a distance of 35.55 feet to a point on the Westerly proposed right of way line of proposed Razorback Drive; thence South 18° 22' 30" West along said proposed right of way line a distance of 104.02 feet to a point on the South line of Lot 6, Block 1 of Meadow Vale Subdivision; thence North 87° 08' 33" West along the South line of Lot 6, Block 1 of Meadow Vale Subdivision a distance of 8.32 feet to the point of beginning and containing 2,198 square feet more or less.

NOW THEREFORE, the above-described property is declared surplus and upon receipt and consideration of the sum of ONE THOUSAND SIX HUNDRED FIFTY AND NO/100 DOLLARS (\$1,650.00) from John Looney and Myriah Johnson, the Chairman of the Commission is authorized and directed to execute a Quitclaim Deed

conveying the right, title, interest or equity of the above-described property to John Looney and Myriah Johnson, husband and wife; and hereby releasing the same from the State Highway System, that the Right of Way Division is directed and authorized to record a copy of this Minute Order and the Quitclaim Deed in the records of Washington County, Arkansas; and, if necessary, the right of way shall be remonumented to reflect the boundaries designated herein. Any Federal-Aid funds from this disposal shall be credited to Federal-Aid Funds or otherwise credited as permitted by Federal Law.

2017-079

WHEREAS, the Department maintains certain drives on the University of Arkansas at Monticello campus as part of the Institutional Drives System; and

WHEREAS, the University has revised their traffic plan resulting in the addition of certain drives within the campus.

NOW THEREFORE, IT IS ORDERED that upon official notification by the Deputy Director and Chief Engineer, drives totaling approximately 0.16 miles, as shown on the attached sketch, are hereby added to the Institutional Drives System as a portion of State Highway 871, Section 1.

2017-080

WHEREAS, IN FAULKNER COUNTY, IN THE CITY OF CONWAY, a project to relocate a portion of Highway 25, Section 0, is nearing completion; and

WHEREAS, the City of Conway has passed Resolution No. R-11-50 agreeing to accept ownership of the bypassed portion of Highway 25, Section 0, in accordance with Arkansas Code Annotated § 14-301-102; and

WHEREAS, Faulkner County has passed Resolution No. 11-06, agreeing to accept ownership of the bypassed portion of Highway 25, Section 0, in accordance with Arkansas Code Annotated § 14-301-102.

NOW THEREFORE, IT IS ORDERED that upon official notification by the Deputy Director and Chief Engineer, the following changes are hereby made to the State Highway System as shown on the attached sketch.

- The bypassed portion of Highway 25, Section 0 is hereby removed from the State Highway System.
- U.S. Highway 64 Spur, Section 8S, will be redesignated as Highway 25, Section 0.
- The newly constructed portion of roadway built by Job 080397 is hereby added to the State Highway System as Highway 25, Section 0.

2017-081

WHEREAS, IN FAULKNER COUNTY, IN THE CITY OF CONWAY, Minute Order 2004-012 adopted the *Highway 64/Highway 65 Connection (Conway) Study* as a guide for future project development; and

WHEREAS, the City of Conway has requested an update of this study.

NOW THEREFORE, the Director is authorized to proceed with updating this feasibility study of an improved connection between Highway 64 east and Highway 65 north in Conway.

2017-082

WHEREAS, IN GARLAND COUNTY, the City of Hot Springs, Garland County, and the Department have identified a need to study the Highway 270 interchanges at Highway 270B, Highway 70/70B, Highway 88, and Highway 7, in the City of Hot Springs; and

WHEREAS, Garland County and the City of Hot Springs have expressed interest in partnering with the Department to study these interchanges; and

WHEREAS, a comprehensive study of all four interchanges, including a portion of Highway 7, is needed to identify feasible and

2017-082 - Continued

reasonable alternatives that would provide congestion relief and improve safety for motorists and pedestrians.

NOW THEREFORE, the Director is authorized to enter into the necessary partnering agreements for completion of the study.

FURTHERMORE, upon the completion of the study, warranted improvements will be considered for funding as future Statewide Transportation Improvement Programs are developed.

2017-083

WHEREAS, IN PERRY COUNTY, local officials and community leaders have requested a study to determine the need for and feasibility of raising a portion of Highway 60 west of the Arkansas River; and

WHEREAS, flooding of Highway 60 west of the Arkansas River for approximately one-half mile has been an ongoing problem; and

WHEREAS, it has been determined that this flooding could be alleviated by improvements that include raising this portion of Highway 60.

NOW THEREFORE, the Director is authorized to conduct a study to determine the need for and feasibility of raising a portion of Highway 60 west of the Arkansas River.

2017-084

WHEREAS, IN CRAIGHEAD COUNTY, the City of Jonesboro has expressed interest in partnering with the Department on various state highway projects within the City as shown on the attached list; and

WHEREAS, the City of Jonesboro has agreed to contribute \$7.81 million in partnering funds towards these projects included in the 2016-2020 Statewide Transportation Improvement Program (STIP); and

WHEREAS, as part of the partnering commitment, Highway 141, Section 0 and a portion of Highway 226, Section 3, as shown

2017-084 - Continued

on the attached sketch, will be removed from the State Highway System upon completion of Job 100657, I-555 - Hwy. 49 (Commerce Dr. Extension) (Jonesboro).

NOW THEREFORE, the Director is authorized to enter into the necessary agreements with the City of Jonesboro and to proceed with surveys, plans and construction of improvements upon receipt of a resolution from the City and as funds become available.

2017-085

WHEREAS, the Federal Lands Access Program (FLAP) provides funding to improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands; and

WHEREAS, the Department applied for and was awarded FLAP funding to improve Highway 8 from Black Springs to Caddo Gap; and

WHEREAS, the Department must enter into an agreement with FHWA Eastern Federal Lands Highway Division to establish roles and responsibilities for implementation of the project.

NOW THEREFORE, the Director is authorized to enter into any necessary agreements with Eastern Federal Lands Highway Division and to proceed with surveys, plans, and construction of a project to improve this segment of Highway 8.

2017-086

WHEREAS, the City Council of Alma, by Resolution 2017-9, has requested a bridge on Highway 162, within the City Limits of Alma, be named in honor of Bill Blasingame; and

WHEREAS, the Arkansas Highway Commission has adopted guidelines for the installation of commemorative signs by Minute Order 2014-023 and the City's request meets these guidelines.

NOW THEREFORE, the Director is authorized to permit the installation of signs in each direction at the ends of the bridge on Highway 162, as requested by the City, in accordance with Commission Policy.

2017-087

WHEREAS, the Highway Commission, by Minute Order 2014-109, adopted a policy to conduct snow and ice removal operations; and

WHEREAS, in order to achieve acceptable results on Highway 27, District 8 personnel have identified the need for a satellite salt storage facility in the mountainous area of Van Buren County; and

WHEREAS, District personnel have located a tract of land suitable for the location of this facility.

NOW THEREFORE, the Director is authorized to proceed with the purchase of the property needed for the construction of a satellite salt storage facility on Highway 27 in northern Van Buren County.

2017-088

WHEREAS, the Arkansas State Highway Commission will accept bids on the following projects at the October 11, 2017 letting; and

JOB NO.	DISTRICT	COUNTY	JOB NAME	ROUTE	APHN
040750	04	WASHINGTON & CRAWFORD	HWY. 59 SLIDE REPAIR (WASHINGTON & CRAWFORD COS.) (S)	59	Y
080423	08	VAN BUREN	BEE BRANCH - NORTH (S)	65	Y
090501	09	NEWTON	HWY. 7 SLIDE REPAIR (NEWTON CO.) (S)	7	Y
100822	10	CRAIGHEAD	HENSON RD. RR SIG. UPGRADE & TRAFFIC SIG. (JONESBORO) (S)	91	Y
012288	VAR	VARIOUS	LOW-COST SAFETY IMPVTS. (DISTS. 5, 6, 8 & 9) (S)	VAR	Y
C72003	04	WASHINGTON	FARMINGTON DOUBLE SPRINGS RD. IMPROVEMENTS (S)	---	-
BR5007	03	NEVADA	WILSON CREEK STR. & APPRS. (S)	---	-
BR6507	04	SEBASTIAN	BRANCH OF VINEYARD CREEK STR. & APPRS. (S)	---	-
BR6812	01	ST. FRANCIS	FIRST CREEK STR. & APPRS. (S)	---	-

WHEREAS, a thorough bid review and analysis is undertaken by the Department to ensure that only those projects are awarded which are judged to be in the best interests of the State; and

WHEREAS, the right is retained to reject any or all proposals, to waive technicalities, or to advertise for new proposals, also as judged to be in the best public interests of the State; and

WHEREAS, the Commission desires to expedite work on these important projects; and

WHEREAS, in accordance with Amendment 42 of the Arkansas Constitution, Section 6, as well as other laws of this State, the Commission has the authority to delegate certain powers to the Director of Highways and Transportation.

NOW THEREFORE, upon the contractors furnishing the necessary performance and payment bonds and submitting all additional information required for the above mentioned projects, the Director is hereby authorized to enter into contracts and supplemental agreements for any projects deemed to be in the best interests of the State.

FURTHERMORE, the Director is authorized to reject any or all proposals, to waive technicalities, and/or to advertise for new proposals whenever deemed to be in the best interests of the State.

Chairman Dick Trammel opened the meeting by welcoming everyone in attendance. He also recognized and complimented Vice Chairman Tom Schueck for the recent article in Arkansas Business titled "The Influencers: Tom Schueck of Lexicon, Inc."

MOTION

Commissioner Alec Farmer moved, Commissioner Philip Taldo seconded and the motion passed to approve the Minutes from the previous Commission Meeting of July 26, 2017.

MOTION

Commissioner Robert Moore moved, Commissioner Alec Farmer seconded and the motion passed to submit three (3) applications to receive INFRA (Infrastructure for Rebuilding America) Grants, Federal Fiscal Years 2017-2018. The following projects are:

- 30 Crossing in Pulaski County
- Highway 70 - Sevier St. (I-30) in Saline County
- Interstate 69 in Drew and Desha Counties

MOTION

The Commission approved Minute Order 2016-074 on July 13, 2016, to authorize the Department to advertise for consultant services for On-Call Consultant Data Collection Services. Commissioner Alec Farmer moved, Vice Chairman Tom Schueck seconded and the motion passed to accept the Staff's recommendation to enter into negotiations with the following two (2) firms:

Pavement Performance Data and Imagery Collection
Fugro Roadware, Inc. - Austin, Texas

Model Inventory of Roadway Element (MIRE) Data Collection
Pathway Service, Inc. - Tulsa, Oklahoma

MOTION

After Director Bennett presented the highlights of the Act 1 Section 19 Report - Draft Rules for the Distribution of Highway Funds and Prioritization of Highway Construction Projects, Commissioner Alec Farmer moved, Vice Chairman Tom Schueck seconded and the motion passed to submit the proposed rules to the Highway Commission Review and Advisory Subcommittee of the Legislative Council by October 1, 2017. These rules are not required to be promulgated, but shall be published after the review by the Subcommittee.

OTHER DISCUSSION ITEMS

Mike Boyd, Chief Fiscal Officer, provided the July 2017 update on state highway revenue. Mr. Boyd noted that state highway revenues to the Department from traditional sources are up a total of 14.0% (\$4.3 million) in the State Fiscal Year (SFY) 2018 compared to the same period for SFY 2017. With the revenue from the Natural Gas Severance Tax coming in higher for this year compared to last year, total revenues available are 16.5% (\$5.1 million) higher for this year. Actual state revenue received is 18.4% (\$5.6 million) above projected (budgeted) revenue for this year.

In closing, Mr. Boyd stated that July revenue from the 0.5% General Sales Tax for the Connecting Arkansas Program was 1.23% lower, (\$186,478) than projected by the Department of Finance and Administration (DF&A). Since inception this revenue source is 0.45%, or \$3.1 million, under DF&A's projections.

Director Bennett provided the latest information on the Federal highway and transit funding issues. Director Bennett noted that the passage of the FAST Act, passed in December 2015, provided increased funding over its five year term. After three Continuing Resolutions, Congress was able to pass a budget for Federal Fiscal Year 2017. The budget will provide full funding for the FAST Act until September 30, 2017. On May 23, 2017, President Trump released his full budget proposal for Federal Fiscal Year 2018 entitled "The New Foundation for American Greatness". This budget would provide full funding for the FAST Act in Federal Fiscal Year 2018. However, beginning in Federal Fiscal Year 2021, funding would be limited to revenue that is deposited into the Highway Trust Fund. This would result in a 40% reduction in the Federal-aid Highway Program.

In closing, Director Bennett stated that not only are there questions regarding future Federal-aid funding, but the source of dependable long-term State revenue to provide the match for Federal-aid funds beyond 2017 and the additional State revenue needed to adequately maintain and improve Arkansas' transportation system have not been identified.

Director Bennett gave an update on the status of the 2011 Interstate Rehabilitation Program (IRP) and Connecting Arkansas Program (CAP). The 2011 Interstate Rehabilitation Program was approved by Arkansas voters in November 2011. Under this program, the Commission has the authority to issue up to \$575 million in GARVEE bonds for Interstate rehabilitation. Three series of bonds have been issued. The first was sold in September 2012 at a par value of \$197 million (true interest cost of 1.6%) with a premium of \$33 million (total of \$230 million available for construction). The second was sold in October 2013 at a par value of \$172 million (true interest cost of 2.2%) with a premium of \$29 million (total of \$201 million available for construction). The third was sold in November 2014 at a par value of \$206 million (true interest cost of 2.1%) with a premium of \$37 million (total of \$243 million available for construction).

The Connecting Arkansas Program was approved by Arkansas voters in November 2012. Under this program, the Commission has the authority to issue up to \$1.3 billion in revenue bonds for four-lane highway construction. The first series of bonds was sold in September 2013 at a par value of \$469 million (true interest cost of 3.1%) with a

Discussion Item - Continued

premium of \$25 million (total of \$494 million available for construction). No other bond sales under this program are expected.

Director Bennett presented a summary of the apparent low bids and bidders from the August 30, 2017, Bid Letting.

Danny Straessle, Section Head of Public Information, gave a presentation of the IDrive Arkansas Cameras. On August 29, 2017, the Department added statewide cameras to IDrive Arkansas. Currently over 90 cameras are available for viewing. Video information is obtained from cameras belonging to ArDOT, TDOT, MDOT, the City of North Little Rock and KFSM-Channel 5 in Fort Smith.

Director Bennett presented a summary of the possible 2018 Initiated Act Timeline and where the Department is on the timeline. In addition, Arkansas Legislative Audit completed the audit of the Department's revenue and needs. The report was part of the discussion and will be presented to the Legislative Joint Audit Committee on September 8.

Director Bennett presented a list of upcoming meetings and events that the Commissioners and Director will be attending, including the Legislative Joint Audit Committee Meeting on September 8, AR Asphalt Pavement Assoc. Luncheon on September 14, Red River Welcome Center Dedication on September 18, and a Joint House Public Transportation/Senate Transportation, Technology, and Legislative Affairs Committee Meeting on October 26.

Director Bennett gave a brief summary of the August 9 accident where a semi-truck collided with the overpass and spilled frozen pizza along I-30 just outside the main offices. Within a day the story, and the Department's photos and tweets, had gone viral and were being featured in overseas publications.

Director Bennett reported that the Broadway Bridge was among twelve finalists announced in the 2017 America's Transportation Awards competition sponsored by the American Association of State Highway and Transportation Officials (AASHTO), AAA and the U.S. Chamber of Commerce. The project is now competing for the Grand Prize, determined by an independent panel of expert judges and the People's Choice Award, selected by the general public. He encouraged everyone to vote.

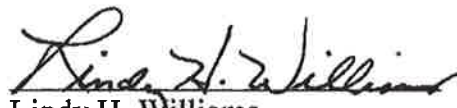
Director Bennett concluded the meeting with recognizing a couple of employees that have received awards recently:

- Sergeant James Hamrick, Arkansas Highway Police - CVSA - North American Standard Level V - Passenger Carrier Vehicle Inspection - 3rd Place
- Matt Barnett, Videographer - TransComm Skills Award - 1st Runner Up - Inside IDriveArkansas - Construction Zone Tutorial

2017-089

IT IS ORDERED that a meeting of the Arkansas State Highway Commission be closed at 12:55 p.m., September 6, 2017.

I hereby certify that the above and foregoing is a true record of the proceedings taken by the Arkansas Highway Commission at its meeting on September 6, 2017.


Lindy H. Williams
Commission Secretary

Michael Landrum

2. PARCEL #765-14877-000
CENTER, WILLIAM MASSIE IV;
CENTER, CHRISTINA NICOLE;
23 COURT CIRCLE
SAN ANTONIO, TX 78209

Mediterranean Xylem

ALL DIMENSIONS ON THIS PLAN ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

BY GRAPHIC PLOTTING ONLY. NO PORTION OF THIS
PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD
INSURANCE RATE MAP, COMMUNITY PANEL NO.
055143C0220F WHICH BEARS AN EFFECTIVE DATE OF
5/7/62/2008, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

of Symbols & Abbreviations

BOUNDARY LINE
CENTERLINE OF ROAD (C/L)
RIGHT-OF-WAY (R/W, R.O.W.)
FENCE
BUILDING SET BACK (B.S.B.)
OVERHEAD POWER LINE
TREE/TREE LINE
○ ● SET/FOUND 1/2" REBAR
① ② TELEPHONE PEDESTAL
⊗ ⊗ STORM WATER MANHOLE
⊗ ⊗ POWER POLE

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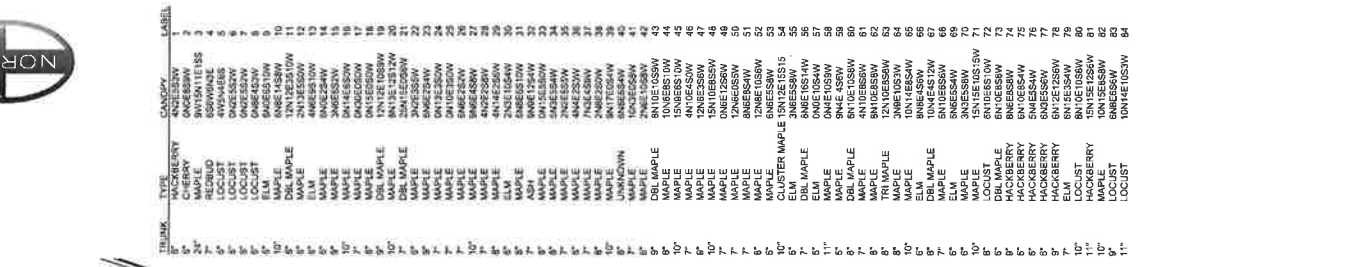
CURRENT ZONING: "NS-L" Neighborhood Services - Unimod

Survey Description

[illegible]

Dietrich Diefenbacher

PARCEL #765-06374-001
OHNSON, MYRIAH & LOONEY, JOHN
207 WALTER ST
DAINESVILLE TX 76240



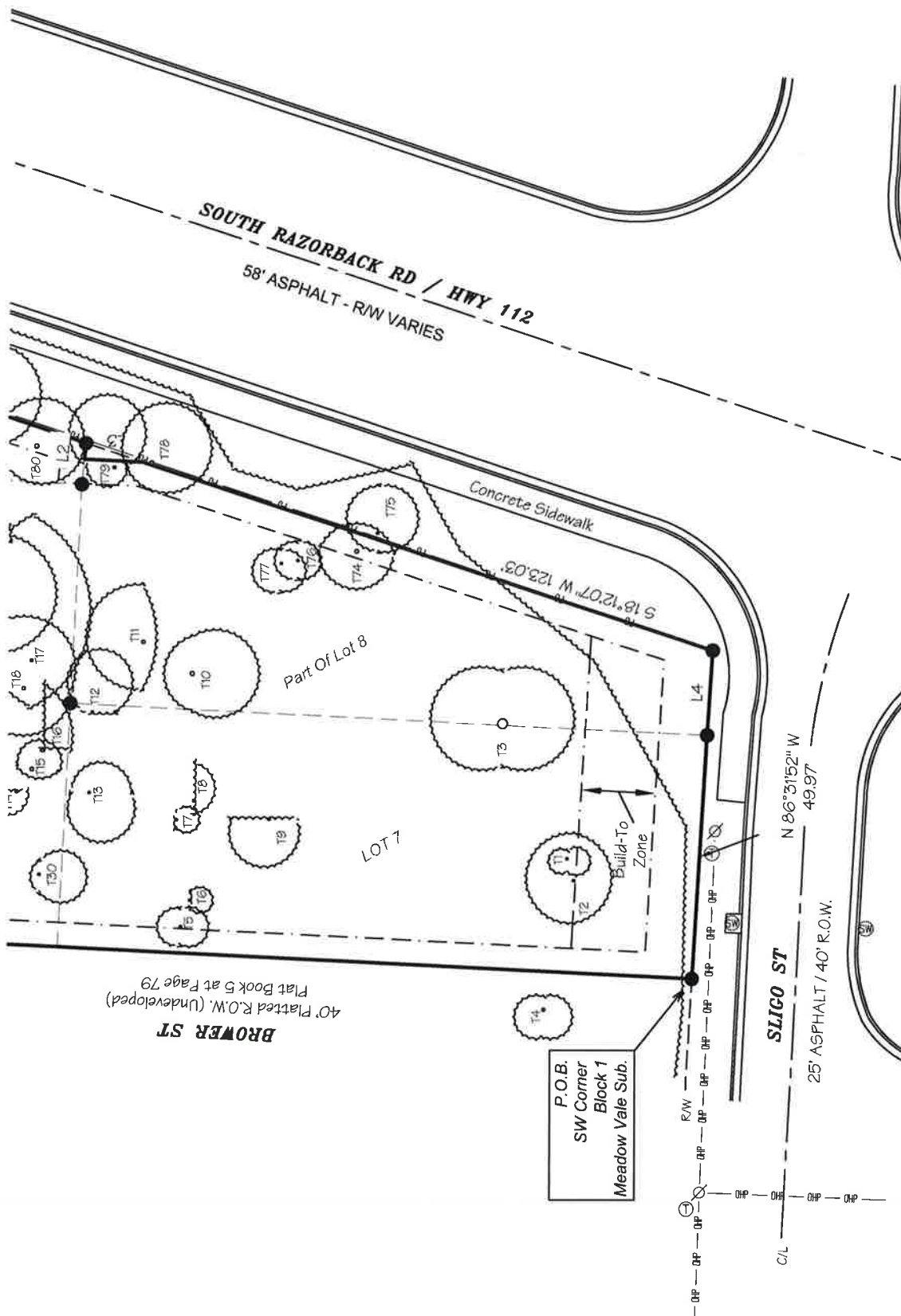
THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPOINTMENTS ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSURED THAT THIS SEAL MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

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

Certificate of Authorization № 1534		SEARCHED BY		R.S.	
JH 1/25/2018		INDEXED BY		G.C.	
COUNTY & STATE		CITY & TOWNSHIP		18-207	
WASHINGTON COUNTY, AR		CITY			
LOCATION		W. SLIGO STREET, FAYETTEVILLE, AR			
FOR THE USE AND BENEFIT OF:					
CHRIS LOONEY					





City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0139

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 10

AMEND § 74.01:

AN ORDINANCE TO AMEND § 74.01 APPLICATION OF REGULATIONS TO ADD A DEFINITION OF ROADWAY

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 the title of 74.01 from **Application of Regulations** to **Application of Regulations and Definitions**, places the existing wording in subsection (A) and enacts a new subsection (B) as follows:

“(B) As used in this Chapter, “roadway” will mean that part of the right of way between furthest curb or edge of the pavement on one side of the road to the furthest curb or edge of the pavement on the other side of the road and shall include any median between lanes of travel.”



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: **Chief Tabor**

FROM: **Kit Williams, City Attorney**

DATE: **February 22, 2018**

RE: **Definition of "roadway"**

In order to clarify that "roadway" will be understood to mean between the furthest curbs or edges of a road and will include any medians between lanes of travel, I have prepared an ordinance to amend § 74.01 to become **Applications of Regulations and Definitions** with a definition of "roadway". I believe to Police and City Prosecutor need such clear definition of roadway to better protect the safety of our citizens from endangering themselves by standing on medians on highways and arterial streets.

CHAPTER 74: PEDESTRIANS

Sections:

74.01	Application Of Regulations
74.02	Right-Of-Way In Crosswalks; Use By Pedestrians
74.03	Duty To Yield Right-Of-Way To Vehicles At Certain Places
74.04	Standing Or Walking On A State Or Federal Highway Prohibited
74.05	Standing Or Walking Within The Roadway Of Principle Arterials Prohibited Unless Permit Granted
74.06	Blind Pedestrians
74.07	Duty Of Drivers To Exercise Care With Regard To Pedestrians
74.08	Use Of Skates, Coasters And The Like; Clinging To Vehicles
74.09—74.98	Reserved
74.99	Penalty

Current law

→ **74.01 Application Of Regulations**

Pedestrians shall be subject to traffic control signals at intersections as declared in this traffic code, but at all other places pedestrians shall be accorded the privileges and shall be subject to restrictions stated in this chapter.

(Code 1965, §19-245; Ord. No. 1447, 6-7-65; Code 1991, §74.01)

74.02 Right-Of-Way In Crosswalks; Use By Pedestrians

- (A) Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.
- (B) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (C) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

- (D) Pedestrians shall move, whenever practicable, upon the right half of crosswalk.

(Code 1965, §§19-246—19-248; Ord. No. 1447, 6-7-65; Code 1991, §74.02)

74.03 Duty To Yield Right-Of-Way To Vehicles At Certain Places

- (A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to vehicles upon the roadway.



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0038

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: D. 1

AGENDA SESSION PRESENTATION BY GREG WEEKS AND STEVE CARPENTER PROVIDING
AN UPDATE ON CH2M AND RECENT ORGANIZATIONAL CHANGES



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0140

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: D. 2

AGENDA SESSION PRESENTATION, SALES TAX REPORT - PAUL BECKER



City of Fayetteville, Arkansas

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

Text File

File Number: 2018-0138

Agenda Date: 3/6/2018

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

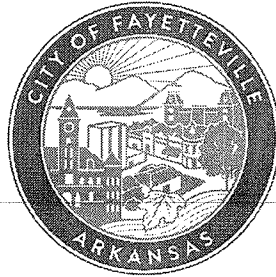
Agenda Number: D. 3

AGENDA SESSION PRESENTATION, MONTHLY ENERGY USAGE REPORT - PETER
NIERENGARTEN

The Agenda 2-21-18

City of Fayetteville, Arkansas

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



City Council Agenda Session Tentative Agenda

Tuesday, February 27, 2018

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

Kyle Smith 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:

✓

2017-0543

MONTHLY FINANCIAL REPORT - PAUL BECKER

Add Monthly Energy Usage Report - Peter
Agenda Additions

A. Consent:

A✓

2018-0013

APPROVAL OF THE FEBRUARY 20, 2018 CITY COUNCIL MEETING
MINUTES

A.✓2

2018-0112

HAZMAT SERVICES REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE
AMOUNT OF \$11,198.00 RECOGNIZING HAZMAT SERVICES REVENUE
RECEIVED FROM WASHINGTON COUNTY AND INCREASING THE
RELATED EXPENSE BUDGET

Attachments:

HAZMAT SERVICES REVENUE

BA HAZMAT SERVICES REVENUE

A.✓

2018-0133

ARKANSAS STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2017-2018 STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT FOR STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$54,693.47, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

Attachments:ARKANSAS STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT

A.✓

2018-0054

A RESOLUTION TO APPROVE AMENDMENT NO. 4 TO THE CONTRACT WITH ENVIRONMENTAL CONSULTING OPERATIONS, INC. IN THE AMOUNT OF \$61,872.00 FOR WETLANDS MITIGATION SITE MONITORING AND MANAGEMENT IN 2018

Attachments:

ENVIRONMENTAL CONSULTING OPERATIONS, INC

A.✓

2018-0127

A RESOLUTION TO AWARD RFP #17-07 AND AUTHORIZE THE MAYOR TO SIGN A ONE-YEAR CONTRACT WITH ECOSCONNECT, LLC, WITH AN OPTION TO RENEW FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS, IN THE AMOUNT OF \$12,000.00 PER YEAR FOR BACKFLOW TRACKING SERVICES

Attachments:

ECOSCONNECT, LLC

A.✓

2018-0134

GARDEN DISTRICT TOWNHOMES, LLC:

A RESOLUTION TO APPROVE AMENDMENT #1 TO THE WATER MAIN INSTALLATION COST SHARE AGREEMENT WITH GARDEN DISTRICT TOWNHOMES, LLC TO PROVIDE FOR REIMBURSEMENT OF THE COST OF MATERIALS FOR INSTALLING TWO FIRE HYDRANTS IN THE AMOUNT OF \$5,121.60

Attachments:

GARDEN DISTRICT TOWNHOMES, LLC AMENDMENT I

A.7 2018-0119

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A BOBCAT E45 EXCAVATOR WITH ATTACHMENTS FROM BOBCAT COMPANY OF WEST FARGO, NORTH DAKOTA IN THE AMOUNT OF \$69,857.30, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE THE BY TRANSPORTATION SERVICES DEPARTMENT

Attachments: BOBCAT COMPANY:

A.8 2018-0120

SUPERIOR AUTOMOTIVE GROUP:

A RESOLUTION TO APPROVE THE PURCHASE OF THREE POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS IN THE TOTAL AMOUNT OF \$95,589.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE POLICE DEPARTMENT

Attachments: SUPERIOR AUTOMOTIVE GROUP

A.9 2018-0121

LEWIS AUTOMOTIVE GROUP:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2018 DODGE RAM 1500 4WD REGULAR CAB FROM LEWIS AUTOMOTIVE GROUP OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$21,131.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE FACILITIES MANAGEMENT DIVISION

Attachments: LEWIS AUTOMOTIVE GROUP

A.10 2018-0122

WILLIAMS TRACTOR:

A RESOLUTION TO APPROVE THE PURCHASE A 2018 NEW HOLLAND RB450 4X5 DRY HAY BALER FROM WILLIAMS TRACTOR OF FAYETTEVILLE IN THE AMOUNT OF \$30,241.00 PURSUANT TO NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE WASTEWATER TREATMENT DIVISION

Attachments: WILLIAMS TRACTOR, INC.

A. 11 2018-0123

STEVE LANDERS:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOYOTA PRIUS HYBRID FROM STEVE LANDERS OF ROGERS, ARKANSAS IN THE AMOUNT OF \$23,108.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE FLEET DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: STEVE LANDERS
BA_STEVE LANDERS

A. 12 2018-0124

REPEAL RESOLUTION NO. 33-17:

A RESOLUTION TO REPEAL RESOLUTION NO. 33-17 AND AUTHORIZE THE PURCHASE OF A 2018 ELGIN CROSSWIND STREET SWEEPER FROM ENVIRONMENTAL PRODUCTS MID-SOUTH OF MEMPHIS, TENNESSEE IN THE AMOUNT OF \$251,739.20, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments: REPEAL RESOLUTION NO. 33-17

B. Unfinished Business:**B. 1 2018-0053**

RZN 17-6034 (2468 N. CROSSOVER RD./JONES):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-6034 FOR APPROXIMATELY 4.40 ACRES LOCATED AT 2468 NORTH CROSSOVER ROAD FROM RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE TO NS-L, NEIGHBORHOOD SERVICES-LIMITED

Attachments: RZN 17-6034 (2468 N. CROSSOVER RD./JONES)

This ordinance was left on the first reading at the February 6, 2018 City Council meeting. This ordinance was left on the second reading at the February 20, 2018 City Council meeting.

C. New Business:

C.1

2018-0085

RZN 17-6052 (EAST OF ROLLING HILLS DR./KEENAN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-6052 FOR APPROXIMATELY 22.59 ACRES LOCATED AT EAST OF ROLLING HILLS DRIVE AND OLD MISSOURI ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments: RZN 17-6052 (EAST OF ROLLING HILLS DR./KEENAN)

G/2

2018-0116

RZN 18-6062 (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 18-6062 FOR APPROXIMATELY 16.76 ACRES LOCATED SOUTH OF 2901 MOUNT COMFORT ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION FOR ABOUT 7.47 ACRES, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN FOR ABOUT 1.96 ACRES, AND TO R-A, RESIDENTIAL AGRICULTURAL FOR ABOUT 7.32 ACRES

Attachments: RZN 18-6062 (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST)

C.3

2018-0126

VAC 18-6075 (EAST OF DEAD HORSE MOUNTAIN ROAD/MEADOWS AT STONEBRIDGE):

AN ORDINANCE TO APPROVE VAC 18-6075 FOR PROPERTY LOCATED EAST OF 2000 BLOCK, DEAD HORSE MOUNTAIN ROAD TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: VAC 18-6075 (EAST OF DEAD HORSE MOUNTAIN ROAD/MEADOWS AT STON

C.4

2018-0130

AUTOMATED MERCHANT SYSTEMS, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT WITH AUTOMATED MERCHANT SYSTEMS, INC. FOR CREDIT CARD PROCESSING SERVICES

Attachments: AUTOMATED MERCHANT SERVICES, INC.

C. 5

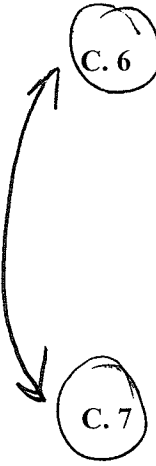
2018-0136

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$3,891,372.55 FOR THE CONSTRUCTION OF THE OLD WIRE ROAD PROTECTED BIKE LANE AND SIDEWALK PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$194,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

SWEETSER CONSTRUCTION, INC.

BA_SWEETSER CONSTRUCTION, INC.

C. 6

2018-0135

ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS:

AN ORDINANCE TO ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS INTO CHAPTER 97: PARKS AND RECREATION TO PROHIBIT SMOKING AND TOBACCO USE IN ALL CITY PARKS AND TRAILS

Attachments:

2018-0135 Legistar Packet 97.083 Smoking in Parks

C. 7

2018-0097

AMEND CHAPTER 98 & CHAPTER 50:

AN ORDINANCE TO AMEND § 98.02 DUTY OF PROPERTY OWNER AND OCCUPANT TO KEEP SIDEWALKS FREE FROM OBSTRUCTIONS, §98.04 GROWING TREES AND OTHER VEGETATION NEAR INTERSECTIONS; RIGHT-OF-WAY TO BE KEPT FREE FROM GRASS AND WEEDS, § 98.08 SPILLING OR TRACKING DEBRIS ONTO PUBLIC STREETS AND § 50.01 DEFINITIONS OF THE FAYETTEVILLE CODE, AND TO ENACT §98.09 ABATEMENT BY CITY; COSTS RESPONSIBILITY OF OWNER

Attachments:

2018-0097 Sidewalk Ordinance Amendments

C.8 2018-0117

DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN:

A RESOLUTION TO APPROVE AND AUTHORIZE MAYOR JORDAN TO PROCEED WITH PHASE ONE OF THE IMPLEMENTATION SCHEDULE FOR THE DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN DEVELOPED BY NELSON/NYGAARD CONSULTING ASSOCIATES, INC.

Attachments: DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN

C.9 2018-0132

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SELL ABOUT 0.04 ACRES OF CITY PROPERTY SOUTH OF GEORGE'S MAJESTIC LOUNGE AND WEST OF THE RAILROAD TRACKS TO THE HIGHEST OR BEST BIDDER

Attachments: SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .04 ACRES

C.10 2018-0131

A RESOLUTION TO SELL ABOUT .1 ACRES OF LAND WEST OF RAZORBACK ROAD AND NORTH OF SLIGO STREET TO JOHN CHRISTOPHER LOONEY AND MYRIAH DAWN JOHNSON FOR \$5,000.

Attachments: SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .1 ACRES:

C.10 *Put item add definitions*
D. City Council Agenda Session Presentations:

D.1 2018-0038

AGENDA SESSION PRESENTATION BY GREG WEEKS AND STEVE CARPENTER PROVIDING AN UPDATE ON CH2M AND RECENT ORGANIZATIONAL CHANGES

E. City Council Tour:

F. Announcements:

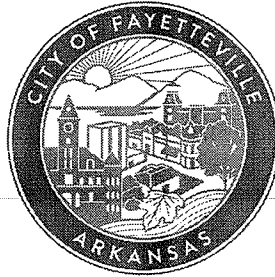
G. Adjournment

Pre Agenda Meeting 2-27-18

*City Council
Tour
March 5, 2018
Monday*

City of Fayetteville, Arkansas

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



City Council Agenda Session Tentative Agenda

Tuesday, February 27, 2018

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

Kyle Smith Ward 4

ELECTED OFFICIALS:

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. 2017-0543
MONTHLY FINANCIAL REPORT - PAUL BECKER

Agenda Additions

A. Consent:

- A.1 2018-0013
APPROVAL OF THE FEBRUARY 20, 2018 CITY COUNCIL MEETING MINUTES

- A.2 2018-0112
HAZMAT SERVICES REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$11,198.00 RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED FROM WASHINGTON COUNTY AND INCREASING THE RELATED EXPENSE BUDGET

Attachments: HAZMAT SERVICES REVENUE
BA HAZMAT SERVICES REVENUE

A.3

2018-0133

ARKANSAS STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2017-2018 STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT FOR STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$54,693.47, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

Attachments: ARKANSAS STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT

A.4

2018-0054

ENVIRONMENTAL CONSULTING OPERATIONS, INC:

A RESOLUTION TO APPROVE AMENDMENT NO. 4 TO THE CONTRACT WITH ENVIRONMENTAL CONSULTING OPERATIONS, INC. IN THE AMOUNT OF \$61,872.00 FOR WETLANDS MITIGATION SITE MONITORING AND MANAGEMENT IN 2018

Attachments: ENVIRONMENTAL CONSULTING OPERATIONS, INC

A.5

2018-0127

RFP #17-07 ECOSCONNECT, LLC:

A RESOLUTION TO AWARD RFP #17-07 AND AUTHORIZE THE MAYOR TO SIGN A ONE-YEAR CONTRACT WITH ECOSCONNECT, LLC, WITH AN OPTION TO RENEW FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS, IN THE AMOUNT OF \$12,000.00 PER YEAR FOR BACKFLOW TRACKING SERVICES

Attachments: ECOSCONNECT, LLC

A.6

2018-0134

GARDEN DISTRICT TOWNHOMES, LLC:

A RESOLUTION TO APPROVE AMENDMENT #1 TO THE WATER MAIN INSTALLATION COST SHARE AGREEMENT WITH GARDEN DISTRICT TOWNHOMES, LLC TO PROVIDE FOR REIMBURSEMENT OF THE COST OF MATERIALS FOR INSTALLING TWO FIRE HYDRANTS IN THE AMOUNT OF \$5,121.60

Attachments: GARDEN DISTRICT TOWNHOMES, LLC AMENDMENT 1

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A RESOLUTION TO AUTHORIZE THE PURCHASE OF A BOBCAT E45 EXCAVATOR WITH ATTACHMENTS FROM BOBCAT COMPANY OF WEST FARGO, NORTH DAKOTA IN THE AMOUNT OF \$69,857.30, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE THE BY TRANSPORTATION SERVICES DEPARTMENT

Attachments: BOBCAT COMPANY:

A.8 2018-0120

SUPERIOR AUTOMOTIVE GROUP:

A RESOLUTION TO APPROVE THE PURCHASE OF THREE POLICE PACKAGE CHEVROLET TAHOES FROM SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS IN THE TOTAL AMOUNT OF \$95,589.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE POLICE DEPARTMENT

Attachments: SUPERIOR AUTOMOTIVE GROUP

A.9 2018-0121

LEWIS AUTOMOTIVE GROUP:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2018 DODGE RAM 1500 4WD REGULAR CAB FROM LEWIS AUTOMOTIVE GROUP OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$21,131.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE FACILITIES MANAGEMENT DIVISION

Attachments: LEWIS AUTOMOTIVE GROUP

~~A. 10~~2018-0122

WILLIAMS TRACTOR:

A RESOLUTION TO APPROVE THE PURCHASE A 2018 NEW HOLLAND RB450 4X5 DRY HAY BALER FROM WILLIAMS TRACTOR OF FAYETTEVILLE IN THE AMOUNT OF \$30,241.00 PURSUANT TO NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE WASTEWATER TREATMENT DIVISION

Attachments:WILLIAMS TRACTOR, INC.~~A. 11~~2018-0123

STEVE LANDERS:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOYOTA PRIUS HYBRID FROM STEVE LANDERS OF ROGERS, ARKANSAS IN THE AMOUNT OF \$23,108.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE FLEET DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:STEVE LANDERSBA STEVE LANDERS~~A. 12~~2018-0124

REPEAL RESOLUTION NO. 33-17:

A RESOLUTION TO REPEAL RESOLUTION NO. 33-17 AND AUTHORIZE THE PURCHASE OF A 2018 ELGIN CROSSWIND STREET SWEEPER FROM ENVIRONMENTAL PRODUCTS MID-SOUTH OF MEMPHIS, TENNESSEE IN THE AMOUNT OF \$251,739.20, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments:REPEAL RESOLUTION NO. 33-17

✓ A. 13 2018-0136

SWEETSER CONSTRUCTION, INC.:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$3,891,372.55 FOR THE CONSTRUCTION OF THE OLD WIRE ROAD PROTECTED BIKE LANE AND SIDEWALK PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$194,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: SWEETSER CONSTRUCTION, INC.
BA SWEETSER CONSTRUCTION, INC.

B. Unfinished Business:**✓ B.1** 2018-0053

RZN 17-6034 (2468 N. CROSSOVER RD./JONES):

Tour
Scheduled

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-6034 FOR APPROXIMATELY 4.40 ACRES LOCATED AT 2468 NORTH CROSSOVER ROAD FROM RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE TO NS-L, NEIGHBORHOOD SERVICES-LIMITED

Attachments: RZN 17-6034 (2468 N. CROSSOVER RD./JONES)

This ordinance was left on the first reading at the February 6, 2018 City Council meeting. This ordinance was left on the second reading at the February 20, 2018 City Council meeting.

C. New Business:**✓ C.1** 2018-0126

VAC 18-6075 (EAST OF DEAD HORSE MOUNTAIN ROAD/MEADOWS AT STONEBRIDGE):

AN ORDINANCE TO APPROVE VAC 18-6075 FOR PROPERTY LOCATED EAST OF 2000 BLOCK, DEAD HORSE MOUNTAIN ROAD TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: VAC 18-6075 (EAST OF DEAD HORSE MOUNTAIN ROAD/MEADOWS AT STON

✓C.2

2018-0116

RZN 18-6062 (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 18-6062 FOR APPROXIMATELY 16.76 ACRES LOCATED SOUTH OF 2901 MOUNT COMFORT ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION FOR ABOUT 7.47 ACRES, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN FOR ABOUT 1.96 ACRES, AND TO R-A, RESIDENTIAL AGRICULTURAL FOR ABOUT 7.32 ACRES

Attachments:RZN 18-6062 (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST)

✓C.3

2018-0085

RZN 17-6052 (EAST OF ROLLING HILLS DR./KEENAN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 17-6052 FOR APPROXIMATELY 22.59 ACRES LOCATED AT EAST OF ROLLING HILLS DRIVE AND OLD MISSOURI ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

Attachments:RZN 17-6052 (EAST OF ROLLING HILLS DR./KEENAN)

✓C.4

2018-0130

AUTOMATED MERCHANT SYSTEMS, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT WITH AUTOMATED MERCHANT SYSTEMS, INC. FOR CREDIT CARD PROCESSING SERVICES

Attachments:AUTOMATED MERCHANT SERVICES, INC.

C.5 2018-0097

AMEND CHAPTER 98 & CHAPTER 50:

AN ORDINANCE TO AMEND § 98.02 DUTY OF PROPERTY OWNER AND OCCUPANT TO KEEP SIDEWALKS FREE FROM OBSTRUCTIONS, §98.04 GROWING TREES AND OTHER VEGETATION NEAR INTERSECTIONS; RIGHT-OF-WAY TO BE KEPT FREE FROM GRASS AND WEEDS, § 98.08 SPILLING OR TRACKING DEBRIS ONTO PUBLIC STREETS AND § 50.01 DEFINITIONS OF THE FAYETTEVILLE CODE, AND TO ENACT §98.09 ABATEMENT BY CITY; COSTS RESPONSIBILITY OF OWNER

Attachments: AMEND CHAPTER 98 & CHAPTER 50

C.6 2018-0135

ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS:

AN ORDINANCE TO ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS INTO CHAPTER 97: PARKS AND RECREATION TO PROHIBIT SMOKING AND TOBACCO USE IN ALL CITY PARKS AND TRAILS

Attachments: ENACT § 97.083 SMOKING AND USE OF TOBACCO PRODUCTS

C.7 2018-0117

DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN:

A RESOLUTION TO APPROVE AND AUTHORIZE MAYOR JORDAN TO PROCEED WITH PHASE ONE OF THE IMPLEMENTATION SCHEDULE FOR THE DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN DEVELOPED BY NELSON/NYGAARD CONSULTING ASSOCIATES, INC.

Attachments: DOWNTOWN/ENTERTAINMENT DISTRICT PARKING AND MOBILITY PLAN

~~C.8~~2018-0132

SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT 0.04 ACRES:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SELL ABOUT 0.04 ACRES OF CITY PROPERTY SOUTH OF GEORGE'S MAJESTIC LOUNGE AND WEST OF THE RAILROAD TRACKS TO THE HIGHEST OR BEST BIDDER

Attachments:SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .04 ACRES~~C.9~~2018-0131

SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .1 ACRES:

A RESOLUTION TO SELL ABOUT 0.1 ACRES OF LAND AT THE NORTHWEST CORNER OF SOUTH RAZORBACK ROAD AND SLIGO STREET TO JOHN CHRISTOPHER LOONEY AND MYRIAH DAWN JOHNSON FOR \$5,000.00

Attachments:SALE OF CITY OF FAYETTEVILLE PROPERTY ABOUT .1 ACRES:~~C.10~~2018-0139

AMEND § 74.01:

AN ORDINANCE TO AMEND § 74.01 APPLICATION OF REGULATIONS TO ADD A DEFINITION OF ROADWAY

Attachments:AMEND § 74.01**D. City Council Agenda Session Presentations:**~~D.1~~2018-0038*Will be rescheduled*

AGENDA SESSION PRESENTATION BY GREG WEEKS AND STEVE CARPENTER PROVIDING AN UPDATE ON CH2M AND RECENT ORGANIZATIONAL CHANGES

~~D.2~~2018-0140

AGENDA SESSION PRESENTATION, SALES TAX REPORT - PAUL BECKER

~~D.3~~2018-0138

AGENDA SESSION PRESENTATION, MONTHLY ENERGY USAGE REPORT - PETER NIERENGARTEN



E. City Council Tour:

4:30 Monday March 5

B.I. 2018-0053

F. Announcements:

RZN 17-6034

G. Adjournment

2468 N. Crossover
Jones