

CITY OF SPRINGDALE  
Committee Agendas  
Monday, September 17<sup>th</sup>, 2012  
Multi-Purpose Room #236  
City Administration Building  
Meetings begin at 5:30 p.m.

Ordinance Committee:

1. **Discussion** of sign visibility ordinance, presented by, Mike Overton, Chairman of the Ordinance Committee. **Pg's 1-2**
2. **Discussion** on allowing laying hens in residential areas of the city, requested by Tiffany Selvey, presented Jeff C. Harper, City Attorney. **Pg's 3-8**
3. **Discussion** regarding permitting of garage sales of non-profits, presented by Kathy Jaycox, Councilwoman. **Pg 9**
4. **An Ordinance** amending the graffiti removal ordinance, presented by Sam Goade, Director of Public Works. **Pg's 10-15**

Street & CIP Committee:

5. **Discussion** on the procurement of Engineering Services, presented by Alan Pugh, Chief Engineer.
6. **A Resolution** replacement trees for Corps of Engineers Permitted projects, presented by Alan Pugh, Chief Engineer. **Pg's 16**
7. **An Ordinance** for street dedication for Joyce Jones, presented by Patsy Christie, Director of Planning and Community Development.
8. **An Ordinance** to waive competitive bidding for the purchase of box culverts for Hylton Road, presented by Sam Goade, Director of Public Works. **Pg's 17-21**

Parks & Rec Committee:

9. **A Resolution** supporting adoption of the Northwest Arkansas Razorback Greenway Operations and Management Plan, presented by Patsy Christie, Director of Planning and Community Development. **Pg. 22**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SEC. 98-63(d)(5) OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS TO CREATE A SPECIAL VISIBILITY DISTRICT AS ALLOWED BY ARKANSAS LAW; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.**

**WHEREAS, the City Council for the City of Springdale, Arkansas finds that it is in the best interest of the City of Springdale to create a special visibility district located at the intersection of I-540 running west on Dearing Road to 56<sup>th</sup> Street;**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Sec. 98-63(d)(5) is hereby amended as follows:**

**ARTICLE III. - CONSTRUCTION AND PLACEMENT**

**Sec. 98-63. - Zone restrictions.**

- (d) **General commercial (C-2); thoroughfare commercial (C-5), large product retail sales district (C-6). No signs are permitted except those exempt per section 98-36 (subject to section 98-61), and:**
- (1) **Each lot or parcel shall contain, for each separately licensed business located thereon, no more than:**
- a. **One nonflashing, projecting or wall sign per building frontage. The sign area shall not exceed 300 square feet. Sign height shall not exceed 60 feet;**
  - b. **One nonflashing, freestanding sign no larger than 400 square feet per sign face with a maximum height of 60 feet, except no freestanding signs are allowed within 300 feet of the right-of-way of the "Don Tyson Parkway," within 300 feet of the right-of-way of Wagon Wheel Road from 40th Street to Robins Road, within 300 feet of the right-of-way of Huntsville Avenue from Harris Street east to Butterfield Coach Road, or within 300 feet of the right-of-way of Butterfield Coach Road from Huntsville Avenue to the "Don Tyson Parkway," except for a monument sign, and any such monument sign so located on the "Don Tyson Parkway," on Wagon Wheel Road from 40th Street to Robins Road, on Huntsville Avenue from Harris Street east to Butterfield Coach Road or on Butterfield Coach Road from Huntsville Avenue to the "Don Tyson Parkway shall have a maximum height of eight (8) feet. However, at the intersection of the "Don Tyson Parkway" with the cross streets of 48th Street, Thompson, or Highway 265, an otherwise lawful freestanding sign shall be allowed to be located on property abutting these cross streets as long as the freestanding sign is located a distance of at least 150 feet from the right-of-way of the "Don Tyson Parkway;" at the intersection of Butterfield Coach Road with the cross street of East Robinson (412 East Highway), an otherwise lawful freestanding sign shall be allowed to be located on property abutting East Robinson as long as the freestanding sign is located a distance of at least 150 feet from the right-of-way of Butterfield Coach;**

That which stricken through is deleted; that which is underline is added.

- c. One real estate sign. The sign area shall not exceed 32 square feet. Any billboard, freestanding sign, wall or projecting sign duly permitted hereunder may advertise real estate.
- (2) Each lot or parcel with street frontage may have one nonflashing, freestanding sign no larger than 400 square feet per sign face for use by all businesses located on any adjacent property, provided the adjacent property owner has a separately licensed business and a properly executed and recorded easement or lease agreement, or is the owner of the property on which the sign is to be located.
- (3) Each lot or parcel shall contain no more than one billboard per every 1,320 feet of frontage on a public thoroughfare, or fraction thereof.
- (4) Each lot or parcel shall contain no more than one temporary sign or banner.
- (5) Special visibility district: The special visibility district consists of a district determined by the planning commission and designated on the zoning map by ordinance enacted by the city council, in which signs of a maximum height of 100 feet and maximum sign face area of 300 square feet shall be allowed. It is hereby declared that a special visibility district is located at the intersection of I-540 running west on Dearing Road (soon to be renamed Don Tyson Parkway) to 56<sup>th</sup> Street. This special visibility district shall extend to a depth of 700 feet from the right of way on the north side of Dearing Road (soon to be renamed Don Tyson Parkway) and 700 feet from the right of way on the south side of Dearing Road (soon to be renamed Don Tyson Parkway). Signs in this special visibility district shall have a maximum height of 100 feet and shall have a maximum sign face of 300 square feet. Such sign shall be allowed for each business entity located on each parcel, containing a minimum of one acre in area. For each parcel containing a minimum of three acres in area, a sign advertising a minimum of three business entities on said parcel may have a combined sign face area of 800 square feet and a height of 100 feet in lieu of three individual signs advertising three separate business entities with a height of 100 feet and a maximum sign face area of 300 feet each.

**Emergency Clause.** It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED:

\_\_\_\_\_  
Jeff C. Harper, City Attorney

ROBERT

**Sec. 6-228. - Keeping poultry generally.**

All poultry within the corporate limits of the city shall be maintained in suitable houses, pens or other enclosures by the owner or person having responsibility for the care and maintenance of the poultry.

(Code 1982, § 4-86; Code 1997, § 10-196)

State law reference— Cruelty to animals, A.C.A. § 5-62-101.

**Sec. 6-230. - Running at large.**

- (a) It shall be unlawful for any person to permit or allow any domesticated fowl to run at large within the corporate limits of the city. It shall be lawful to keep poultry flocks of any size in A-1 zones of the city, so long as they are confined.
- (b) It shall be lawful for any person to keep, permit or allow any fowl within the corporate limits of the city in all other zones, except A-1, under the following terms and conditions:
- (1) No more than four hens shall be allowed for each single-family dwelling. No birds shall be allowed in multifamily complexes, including duplexes.
  - (2) No roosters shall be allowed.
  - (3) There shall be no outside slaughtering of birds.
  - (4) All fowl must be kept at all times in a secure enclosure constructed at least two feet above the surface of the ground.
  - (5) Enclosures must be situated at least 25 feet from the nearest neighbor's residence.
  - (6) Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.
  - (7) Persons wishing to keep fowl within the city must obtain a permit from the office of the city clerk after an inspection and approval by the office of animal control, and must pay an annual fee as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the city council from time to time.
- (c) Subsection (b) of this section is not intended to apply to the ducks and geese in Lake Atalanta Park, nor to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to poultry kept in areas of the city which are zoned A-1.
- (d) Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of the ordinance from which this article is derived.

(Code 1982, §§ 4-88, 4-89; Code 1997, § 10-198; Ord. No. 06-100, §§ 1—4, 6-13-2006)

State law reference— Domestic fowl running at large, A.C.A. § 5-62-122.

| <u>DATE</u>         | <u>NUM</u> | <u>NARRATIVE</u>   | <u>USER</u>         |
|---------------------|------------|--|---------------------|
| 03/25/2011 20:27:51 | 5177       | CALLER ADV THIS ADDRESS HAS A CHICKEN HOUSE AND THE CHICKENS ARE VERY LOUD | Kyle Coley          |
| 03/30/2011 17:41:11 | 6071       | CALLER ADV HE IS AN EMPLOYEE THERE IS A PIT BULL IN THE CHICKEN HOUSE      | Lynlee Willbanks    |
| 05/15/2011 18:00:38 | 3052       | CALLER ADV TWO DOGS THAT ARE ROAMING AROUND ATE HER CHICKEN                | Christopher Needham |

From ROGERS PD  
CALLS SINCE 1/1/11

**Jeff Harper**

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**From:** Steve Helms [shelms@springdalear.gov]

**Sent:** Monday, August 13, 2012 1:32 PM

**To:** 'Jeff Harper'

**Subject:** Rogers chicken calls for service

I spoke with a Bud Norman from the Rogers Animal Shelter. He stated that all calls for service pertaining to animals come to them but he would not be able to provide specific numbers of calls about chickens. He did say that it was not a large volume.

8/16/2012

Fayetteville Code of Ordinances

(Code 1965, App. A., Art. 7(24); Ord. No. 1747, 6-29-70; Ord. No. 3132, 10-1-85; Code 1991, §160.094; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5271, 9-1-09)

Cross reference(s)--Parking and Loading, Ch. 172.

**164.04 Animals And Fowl**

- (A) It shall be unlawful for any person to permit or allow any domesticated animal or fowl to run at large within the corporate limits of the city.
- (B) Animals traditionally associated with the practice of livestock raising or farm animals, such as horses, goats, swine, chickens, cows and other such animals are not considered pets and are not permitted within any zoning district in the city limits, with the exception of R-A, Residential Agricultural or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right, unless otherwise stated herein.
- (C) It shall be lawful for any person to keep, permit or allow any fowl within the corporate limits of the city in all Residential zones under the following terms and conditions:
  - (1) The principal use of the property shall be a single family dwelling. No fowl shall be allowed in multi-family complexes, including two-family and three-family dwellings.
  - (2) No more than four (4) hens shall be allowed for each single-family dwelling.
  - (3) No roosters shall be allowed.
  - (4) There shall be no outside slaughtering of hens.
  - (5) All hens must be kept in a secure, fenced enclosure constructed with a minimum area of 100 square feet. All hens shall be kept in the side or rear yard, and may not be permitted in the front yard area.
  - (6) A chicken coop/roost area shall not be located closer than twenty-five (25) feet to any residential structure on an adjacent lot, and shall meet building setbacks.
  - (7) Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons.

(8) Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance.

(9) The City may further restrict the use of fowl within residential districts if it causes a public nuisance or public health issue as defined in City Codes.

(10) All regulations administered by the Animal Services Division shall be enforceable by law, and this ordinance shall not supersede or replace any regulation thereof.

(D) The above Section C is not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to fowl kept in areas of the City which are zoned R-A, Residential Agricultural, or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right.

(E) *Separation of use.* The following uses, where permitted, shall be conducted no nearer than the following stated number of feet to the boundary of an R District, or to a dwelling on the same premises.

|   |
|---|
| <b>25 FEET</b>  |
| Chicken Coop in Residential districts (from residential dwelling on adjacent lot) |

|   |
|---|
| <b>50 FEET</b>  |
| Animal hospital; serving household pets and similar small animals   |
| Commercial breeding, raising  |
| Boarding: breeding, raising, or boarding of household pets or similar small animals for commercial purposes |
| Kennel  |
| Egg farm  |

|   |
|---|
| <b>100 FEET</b>   |
| Animal hospital: serving livestock and similar animals              |
| Boarding or training of horses                                      |
| Dairy farm  |
| Poultry farm  |
| Farm: for raising cattle, goats, horses, sheep, rabbits and poultry |

|   |
|---|
| <b>200 FEET</b>   |
| Hog raising   |
| Livestock: assembly, breeding, feeding, sales or shipment |

(Code 1965, App. A., Art. 7 (3); Ord. No. 1747, 6-29-70; Code 1991, §160.078; Ord. No. 4100, §2 (Ex. A.), 6-16-98)

**Jeff Harper**

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**From:** Jason Kelley [jkelley@ci.fayetteville.ar.us]  
**Sent:** Thursday, August 16, 2012 11:12 AM  
**To:** jharper@springdalear.gov  
**Subject:** Chickens

Jeff,

I spoke with the head of our community services division which handles code enforcement issues. According to her, in the last 3 years or so that Fayetteville has allowed chickens we have received no more than 5 complaints. These complaints were either that a person had more chickens than the number allowed, or that the people had a rooster, which is not allowed.

No court citations have been issued in Fayetteville. All issues have been handled by code enforcement through informal means prior to having to proceed with formal action.

Hope this helps,

Jason Kelley

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*Jason B. Kelley*  
*Assistant City Attorney*  
City of Fayetteville, Arkansas  
113 W. Mountain St., Suite 302  
Fayetteville, Arkansas 72701  
Telephone (479) 575-8313  
Facsimile (479) 575-8315  
Email: [jkelley@ci.fayetteville.ar.us](mailto:jkelley@ci.fayetteville.ar.us)  
Website: [www.accessfayetteville.org](http://www.accessfayetteville.org)

8/16/2012

**Jeff Harper**

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**From:** Steve Helms [shelms@springdalear.gov]  
**Sent:** Tuesday, August 14, 2012 4:42 PM  
**To:** 'Jeff Harper'  
**Subject:** FW: Chicken calls

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**From:** John Hubbard [mailto:John.Hubbard@bentonville.arkansas.gov]  
**Sent:** Tuesday, August 14, 2012 4:36 PM  
**To:** Steve Helms  
**Subject:** RE: Chicken calls

Hi Steve,

Sorry for the delayed reply. I was off yesterday and just now cleaning up some email. Interesting question. We have had two chicken complaint calls this year; a total of 8 since February 2010 when we went live with New World. Hope this helps, but don't hesitate to ask a follow up. Tell Jeff hello for me.

## Captain John Hubbard

Bentonville Police Department  
[john.hubbard@bentonville.arkansas.gov](mailto:john.hubbard@bentonville.arkansas.gov)  
Phone: 479-271-3174  
Fax: 479-271-3187

*"This e-mail contains information which (a) may be PROPRIETARY IN NATURE OR OTHERWISE PROTECTED BY LAW FROM DISCLOSURE, and (b) is intended only for the use of the addressee(s) named above. If you are not the addressee, or the person responsible for delivering this to the addressee(s), you are hereby notified that reading, copying, or distributing this e-mail is prohibited. If you have received this e-mail in error, please contact the sender immediately."*



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**From:** Steve Helms [mailto:shelms@springdalear.gov]  
**Sent:** Monday, August 13, 2012 12:48 PM  
**To:** John Hubbard  
**Subject:** Chicken calls

Yes you saw right. City Attorney Jeff Harper wanted me to attempt to obtain calls for services for anything relating to chickens. I told him I didn't know if it would be possible or not but I would ask. He would like to have records from January 2011 to present if it is possible.

I hope all is well with you and yours.

Thanks.

8/16/2012

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ARTICLE 6, SEC. 2.14 OF THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, TO BETTER DEFINE THE RULES AND REGULATIONS FOR GARAGE SALES WITHIN THE CITY OF SPRINDALE, ARKANSAS; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.**

WHEREAS, the City Council for the City of Springdale, Arkansas finds that it is necessary to amend Article VI, Sec. 2.14 of the Zoning Ordinance to clarify when a permit is necessary for a garage sales, yard sales, and rummage sales within the city;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the following amendments are hereby made to the Zoning Ordinance:

SECTION 1: Sec. 2.14 concerning garage sales and yard sales is hereby amended as follows:

**ARTICLE 6. – SUPPLEMENTARY DISTRICT REGULATIONS**

**Sec. 2. – Residential districts in general.**

**2.14 Garage sales, and yard sales, and rummage sales.** Permits for garage sales, yard sales, and rummage sales ~~and garage sales~~ shall be valid for not more than two (2) consecutive days and shall not be granted for the same location more than two (2) times during any calendar year. Any person or organization authorized under this section that ~~it is necessary that anyone conducting~~ conducts a yard garage sale, rummage yard sale or garage rummage sale shall obtain a permit before conducting such sale unless the property in which the sale takes place is properly zoned for such purposes and a business license has been obtained as required under this Code. Such sales must only take place on residential property of the owner or on property owned by a charitable or non-profit organization. Application for a permit for a garage sale, yard sales, and rummage sales ~~and garage sales should~~ shall be made to the building inspector, and the building inspector ~~he~~ shall issue permits subject to the above conditions after payment of a fee of \$10.00 ~~as determined by the city.~~ Garage Sales, yard sales, and rummage sales conducted on school property by organizations affiliated with the school are exempt from the permit requirements set out herein.

~~The permit fee for yard sales, rummage sales, and garage sales shall be \$10.00.~~

SECTION 2: **Emergency Clause.** It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED:

\_\_\_\_\_  
Jeff C. Harper, City Attorney



# Public Works Department

## Streets and Public Facilities

In recent weeks it has become apparent that our graffiti abatement program, although successful, could use some enhancements to make it more efficient to remove unsightly and potentially dangerous markings off of public and private property.

In the current ordinance we have had to leave it up to property owners/renters or leasehold agents to give permission to remove unsightly graffiti off of their property. But, in some cases it has been very difficult if not nearly impossible to find or contact someone responsible for the property. So the graffiti goes unattended even though the Police Department has investigated it and we have been sent a work order to remove it. Without a signed abatement form we are unable to address the issue. In a recent study, we found 37 properties in 4 hours that have not been addressed, (see attached pictures), many of which we have been unable to find contact information for. Some of the reasons for this is; foreclosure, abandonment, unknown property owners, etc.

We are asking you to approve the revisions we have made to the current ordinance that will allow the Public Works Department to promptly and professionally remove graffiti so that we can keep graffiti tagging to a minimum to discourage future incidents.

Thank you,  
Missha Wagoner

That which is underlined is added and that which is stricken through is deleted

Ordinance Number \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS RELATED TO GRAFFITI TO PROVIDE AN IMMEDIATE AND PRACTICAL METHOD TO COMBAT THE EFFECTS OF GRAFFITI VANDALISM ON PUBLIC AND PRIVATELY OWNED STRUCTURES AND REAL PROPLERTY WITHIN THE CITY OF SPRINGDALE, ARKANSAS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council for the City of Springdale, Arkansas finds that graffiti located on any real property, including structures such as fences or walls, is a public nuisance and destructive of the rights and values of property owners as well as the entire community; and

**WHEREAS**, in order to prevent graffiti and to provide an immediate and practical method to be cumulative with and in addition to all other remedies available at law, of combating the effects of graffiti vandalism on public and privately-owned structures and real property values, degrades the community, causes an increase in crime, is inconsistent with the City's property maintenance goals and aesthetic standards, is a nuisance, and, unless it is quickly removed from public and private property, results in other properties becoming the target of graffiti;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the Code of Ordinances of the City of Springdale, Arkansas regarding graffiti are hereby amended as follows:

**Sec. 42-91. Defined**

- (a) Graffiti means and includes any unauthorized inscription, word, figure or design or collection thereof, which is marked, etched, scratched, painted, drawn or printed on any structure or other facility, regardless of the nature of the material of that structural component.
- (b) Spray paint is any paint or pigmented substance in an aerosol or similar spray container.

**Sec. 42-72. Declaration as unsightly and a nuisance.**

The existence of graffiti on buildings, ~~or on~~ structures, such as fences or walls, or utility poles or boxes, located upon public or privately owned property viewable from a public or quasi-public place within the city is detrimental to property values, degrades the community, causes an increase in crime, is inconsistent with the city's property maintenance and aesthetic standards, and is declared to be a nuisance.

**Sec. 42-93. Right of city to remove**

- (a) Whenever the city becomes aware, or is notified and determines that graffiti is so located on the exterior of a building, ~~or structure~~, such as fences or walls, or utility boxes or poles, on public or privately owned property viewable from a public or quasi-public place within the city, the city shall be authorized to use public funds for the removal of same, or for the painting of same, but shall not authorize or undertake

to provide for the painting of any more extensive area than where the graffiti is located, unless the director of Public Works, or his designee, determines that a more extensive area is required to be repainted in order to avoid an aesthetic disfigurement to the neighborhood or community.

- (b) All incidents of graffiti shall be reported to the police department, who will investigate the crime and will notify the owner of the property or the property owner's agent and/or any leasehold tenant or utility company, concerning the city's graffiti removal program. The police department shall also provide information on how to make contact with the department of public works, for the removal of the graffiti. The police department shall also notify the department of public works of the exact location of the graffiti and the name of the person to be contacted. In the event the owner of the property or the property owner's agent and/or leasehold tenant or utility company, can not be reached, after a period of 7 days of receiving the complaint, the department of public works will then have the right to enter upon private property to the extent necessary to take corrective action.
  
- (c) Upon notification by the police department concerning the necessity to remove the graffiti, the department of public works shall make contact with the owner of the property or the property owner's agent, and/or any leasehold tenant and request that they sign a graffiti abatement identification and permission form, allowing the department of public works to enter on the property and remove the graffiti. The document will release the city, its officers, agents and employees of and from any and all liability, claims, demands, causes of action, or obligations of whatsoever arising out of or in any way related to entry upon the property and for the removal of the graffiti. In the event the owner of the property or the property owner's agent and/or leasehold tenant or utility company can not be reached, after a period of 7 days of receiving the complaint and multiple attempts to contact, the department of public works will then have the right to enter upon private property to the extent necessary to take corrective action.
  
- (d) In the event the owner of the property or the property owner's agent, and/or any leasehold tenant refuses to sign the document which authorizes the city to remove the graffiti, the city, through the code enforcement division, shall give or cause to be given notice to the owner of the property or the property owner's agent, and/or any leasehold tenant, to take corrective action and remove the graffiti from the property within seven (7) days from the date the notice is served.
  
- (e) In the event that graffiti is discovered and reported on private property such as, buildings, structures, such as fences or walls, utility poles or boxes, and after thorough investigation by the police department, where it is not reasonable to find the property owner or the property owner's agent and/or leasehold tenant or utility company, and since removal of graffiti in a timely manner is necessary, the department of public works will then have the right to enter upon private property to the extent necessary to take corrective action.

**Sec. 42-94. City's right to take corrective action**

If the owner of the property or the property owner's agent and /or leasehold tenant or utility company refuses to give the city authorization to remove the graffiti and the graffiti is not removed in the required time provided by the previous section in the article, then the city shall have the right to enter upon private property to the extent necessary to take corrective action. The city may then seek the cost of the graffiti removal from the property owner and /or leasehold tenant or utility company including the filing of a lien on the property to cover the city's costs pursuant to Sec. 42-78, 42-79, and 42-80 of Code of Ordinances of the city.

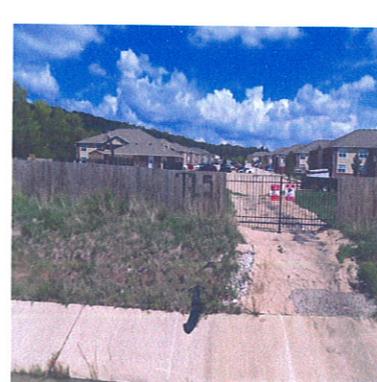
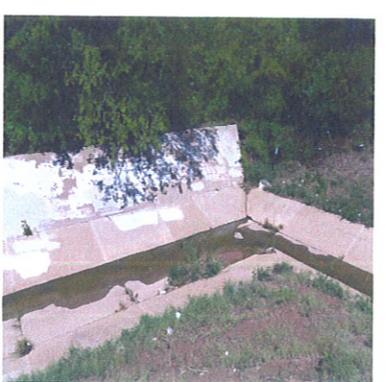
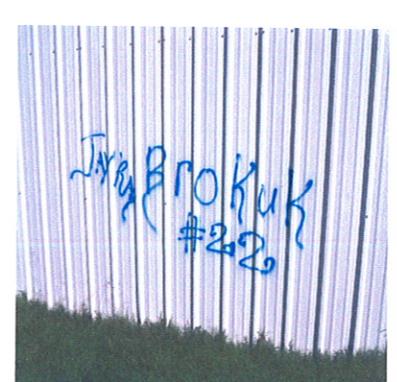
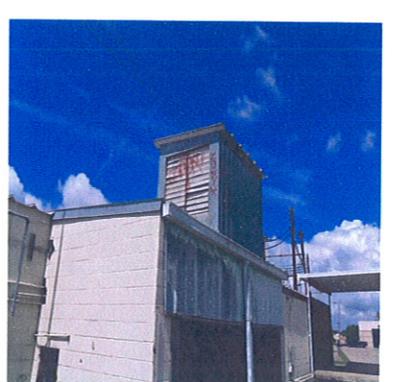
**Sec. 42-95. Possession of spray paint and markers.**

Possession of spray paint and markers with the intent to make graffiti is prohibited. No person shall carry an aerosol spray paint can or broad tipped indelible marker with the intent to make graffiti.

**Sec. 42-96. Unlawful acts.**

- (a) It shall be unlawful for any person to sell or offer for sale to any person under 18 years of age any spray paint or hobby kit or any similar kind of kit containing spray paint.
- (b) No person may sell or offer to sale spray paint to any other person unless the buyer presents evidence of his or her identity and age.





**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING PURCHASE OF REPLACEMENT TREES FOR CORP OF ENGINEERING PERMITTED PROJECTS.**

**WHEREAS**, the City of Springdale is planning to replant trees within the mitigation areas of two Bond projects located at the Clear Creek crossing of Don Tyson Parkway (BP-0500) and at the Brush Creek crossing of Har-Ber Avenue (BP-0402);

**WHEREAS**, the Corp of Engineering 404 permits require replacement of dead trees to provide for a survival rate of 70% for each project location at the conclusion of the fifth year of monitoring;

**WHEREAS**, all of these project locations are entering the final two year monitoring period and the majority of the original tree plantings have died due to drought and other conditions;

**WHEREAS**, upon purchase of 100 (5 gallon) trees at \$35 each, Public Works personnel will prepare all planting locations and volunteers are scheduled to assist with planting the trees;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that: the Mayor and City Clerk do hereby authorized the purchase of 100 (5 gallon) trees for \$35 each totaling an amount of up to \$3,500.00 plus any applicable taxes.

**PASSED AND APPROVED** this \_\_\_\_\_ day of September, 2012.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jeff C. Harper, City Attorney

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO WAIVE COMPETITIVE  
BIDDING FOR THE PURCHASE OF BOX CULVERTS  
FOR HYLTON ROAD**

**WHEREAS**, the City of Springdale is currently working to extend Hylton Road and this extension will require the acquisition of several box culverts, and

**WHEREAS**, concrete box culverts are very heavy and transportation increases with distance making it expensive to transport for any great distance, and

**WHEREAS**, the Public Works Director has obtained two quotes from two local manufactures and is recommending the lower quote from Scurlock Industries of Fayetteville, AR in the amount of \$114,487.56, and

**WHEREAS**, Arkansas Code 14-58-303 states, "The governing body, by ordinance, may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical";

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that**

**Section 1.** This Council finds that due to the limited number of insurance companies that manufacture culverts and the transportation costs associated with their delivery box culverts from , competitive bidding is not feasible or practical and is hereby waived on the purchase of box culverts from Scurlock Industries in the amount of \$114,487.56 plus taxes.

**Section 2. Emergency Clause.** It is hereby declared that an emergency exists, and this ordinance being necessary for the immediate preservation of the health, safety, and welfare of the citizens of Springdale, Arkansas, shall be effective immediately upon passage and approval.

**EMERGENCY CLAUSE PASSED AND APPROVED** this 25<sup>th</sup> day of September, 2012

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Jeff C. Harper, City Attorney



# Public Works Department

Streets and Public Facilities

## MEMORANDUM

**Date:** September 11, 2012  
**To:** Wyman Morgan  
**From:** Sam Goade  
**RE:** Ordinance to waive competitive bidding for purchase of materials  
**CC:** Mayor Doug Sprouse

We are ready to start the pre-construction process for the box culvert bridge on Hylton Road. I have attached two (2) quotes for the required box culverts. The quotes are as follows:

- |   |              |
|---|--------------|
| 1. Scurlock Industries of Fayetteville, Inc.          | \$114,487.56 |
| 2. Hanson Pipe & Precast, Inc., Little Rock, Arkansas | \$237,600.00 |

McGoodwin, Williams and Yates, Inc., the design engineers for the Hylton Road Project, have reviewed the box culvert specifications submitted by Scurlock and Hanson. Both the specifications from Scurlock and Hanson meet the requirements for the bridge. Both quotes are F.O.B. to the job site. A total of sixty-nine (69) box culverts (414 lineal feet) are required for construction of the bridge. The Scurlock culverts weight 22,399.8 pounds each for a total weight of 1,545,586 pounds or 772.8 tons for the entire shipment. The Hanson box culverts weight 32,400 pounds each for a total weight of 2,235,600 pounds or 1,117.8 tons for the entire shipment. Because of the weight of the materials and the associated cost to ship the box culverts to the job site, it would not be reasonable to bid the materials from a manufacturing site hundreds of miles from Springdale. I believe the Hanson quote is based on manufacturing the box culverts at their Ft. Smith, Arkansas plant. The Scurlock box culverts are manufactured in Fayetteville.

Time is of the essence as well since we are quickly approaching the phase of the road construction project that includes construction of the bridge. Also, we need to give the supplier at least a 30-day lead time to manufacturer the box culverts including the time for the concrete to cure such that they can be handled without damage to the box culverts.

I am requesting that we waive competitive bedding for the reasons stated above and authorize Scurlock Industries to manufacture and ship the required box culverts to the jobsite where they will be set in place. I recommend that an ordinance to that effect be composed and placed on the next available Ordinance Committee for discussion with a recommendation to forward to the full Council with a recommendation for approval.

---

269 E. Randall Wobbe Lane, Springdale, Arkansas 72764

Phone: 479.750.8135

Fax: 479.750.8504



**Scurlock Industries**  
*of Fayetteville, Inc.*  
 P.O. BOX 1082 · 3725 SOUTH MCCOLLUM  
 AVENUE  
 FAYETTEVILLE, AR 72702

Order Number: 0007086  
 Order Date: 9/4/2012  
 Customer Number: 03-QUOTE

Sold To:  
 NW ARKANSAS QUOTE

Ship To:  
 Hylton Rd Improvements  
 Springdale, AR

Confirm To:

| Customer P.O.   | Ship VIA | F.O.B.  | Terms   |            |        |            |
|---|----------|---------|---------|------------|--------|------------|
|   |          |         | NET 30  |            |        |            |
| Item Number   | Unit     | Ordered | Shipped | Back Order | Price  | Amount     |
| MISC-LF   | LF       | 414.00  | 0.00    | 0.00       | 276.54 | 114,487.56 |
| 12'x3' Box Culverts 0'-5' of fill, Rebar Exposed on Ends, Weight per 6' section 22399.8 lbs |          |         |         |            |        | Whse: 000  |

Materials listed have been tested, inspected, approved and stamped in accordance with the reinforced Concrete pipe (RCP) plant certification procedure and conform to AHTD specifications.

The furnished "Miscellaneous Precast Concrete Products" listed above conform to AHTD specifications in accordance with the "Certification Acceptance Procedure" IAW AHTD's current QPL 606.022

Net Order: 114,487.56  
 Less Discount: 0.00  
 Freight: 0.00  
 Sales Tax: 0.00  
 Order Total: 114,487.56  
 Less Deposit: 0.00  
 Order Balance: 114,487.56

**Scurlock Industries** Accepted By

This quote: good for 60 days; based on entire order.

1  
 P.O. BOX 1500  
 800 W. JOHNSON  
 JONESBORO, AR 72403  
 (870) 935-5913

2  
 P.O. BOX 1078  
 3401 W. COMMERCIAL  
 SPRINGFIELD, MO 65801  
 (417) 862-5088

3  
 P.O. BOX 1082  
 3725 S. MCCOLLUM AVE.  
 FAYETTEVILLE, AR 72702  
 (479) 521-0504

4  
 P.O. BOX 257  
 600 NEWMAN RD.  
 NORTH MIAMI, OK 74358  
 (918) 542-1884

Quote #: PD-9612  
Date: 9/6/2012  
Project: Hylton Road Impvms  
Contr: City of Springdale  
Attn: Sam Goade  
PII: 479-601-4270  
Email: [sgoade@springdalecar.gov](mailto:sgoade@springdalecar.gov)



**ALREADY DISCOUNTED QUOTE**

| <u>QTY</u> | <u>UM</u> | <u>SIZE</u>   | <u>DESCRIPTION</u>   | <u>PRICE</u> | <u>EXT PRICE</u> |
|------------|-----------|---------------|----------------------|--------------|------------------|
| 66         | EA        | 12" X 3' X 6' | PRECAST BOX CULVERTS | \$3,600.00   | \$237,600.00     |

**\*CONTRACTOR TO POUR SKEW IN THE FIELD\***

RCH gasket to conform to AASHTO M-198 specifications

Prices are committed only on this project and are subject to change 30 days from bid date, after which time a fuel surcharge may be added due to the volatility of fuel prices

Freight: F.O.B. Jobsite unless otherwise noted.

Taxes: Appropriate taxes to be added

Terms: Net 30 days with approved credit

Changes in elevations will impact pricing

Contractor may be required to pour inverts in some structures

Castings NOT included unless otherwise noted.

structure prices are contingent on total quantity purchased per size.

Precast pricing / availability is subject to final engineering review of plans and approval.

Thank you

Pat Dry  
Sales Representative  
Cell: 501-765-1411

THIS OFFER OF SALE IS CONDITIONED UPON BUYER'S ACCEPTANCE OF THE SALES CONTRACT TERMS AND CONDITIONS CONTAINED ON THE REVERSE SIDE HEREOF and is subject to Seller's acceptance of Buyer's credit qualifications.

**RESOLUTION NO. 12 \_\_\_\_**

**A RESOLUTION SUPPORTING ADOPTION OF THE NW ARKANSAS RAZORBACK GREENWAY OPERATIONS AND MANAGEMENT PLAN**

**WHEREAS**, the City of Springdale has reviewed the NW Arkansas Razorback Greenway Operations and Management Plan as applicable to sections of the Greenway that extend through the City of Springdale's municipal jurisdiction and;

**WHEREAS**, the purpose of the Operations and Management Plan is to define the maintenance, management and operation requirements associated with the off-road and on-road Greenways facilities and lands that are located within the City of Springdale and;

**WHEREAS**, public lands, and land acquired through the use of greenway easements that will be managed by the City of Springdale, are part of the Razorback Greenway, and;

**WHEREAS**, the Plan has been reviewed and approved by the City Departments that are responsible for maintaining, managing and operating the lands and facilities of the Greenway.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Springdale, AR

that:

- a. The NW Arkansas Razorback Greenway Operations and Management Plan is acceptable and approved by the City of Springdale, and;
- b. This Plan will be used to guide future municipal maintenance, management and operational activities associated with the lands and facilities of the Razorback Greenway within the City of Springdale.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_, by the

**City of Springdale, Arkansas**

---

(Doug Sprouse, Mayor)

Attest: \_\_\_\_\_  
(Denise Pearce, City Clerk)

Northwest Arkansas Razorback Greenway



# Operations and Management Plan

City of Springdale, Arkansas

**FINAL DRAFT**

September, 2012

Adopted by the City of Springdale \_\_\_\_\_, 2012

**DRAFT – September 2012**  
**City of Springdale, Arkansas**  
**Northwest Arkansas Razorback Greenway**  
**Operations and Management Plan**

## **1. Overview**

### **1.1 Project Description and Objectives**

The mission of this Operations and Maintenance Plan is to promote a well-maintained, well-groomed, safe, secure and pleasant-to-use Razorback Greenway shared-use public trail. The Greenway corridor will be an asset to the City of Springdale and a good neighbor to surrounding public and private properties, businesses and landscapes. The standard of care and quality will be consistent across the multiple jurisdictional boundaries of Northwest Arkansas. Springdale agrees to maintain the Razorback Greenway to the regional standards defined herein.

The term *operations and maintenance* refers to specific day-to-day tasks as well as the longer term remedial functions and programs performed to assure resources and facilities of the Greenway are kept in good usable condition. This begins with sound design, durable components, and a comprehensive management plan. In addition, community groups, residents, business owners, developers and other stakeholders will continue to be engaged in the long-term stewardship of the resources preserved and enhanced by the Razorback Greenway as it extends through the City of Springdale.

The Razorback Greenway plan envisions a continuous multi-use, non-motorized corridor accommodating bikes, pedestrians, roller-skaters, wheelchairs and other human-propelled uses. The Greenway extends approximately 8.1 miles through the City: from Lake Fayetteville, along Powell and Park, and through the downtown along Spring Creek, to Lake Springdale, and then along Silent Grove Road to the Springdale/Lowell municipal boundary. (see map on next page). The Greenway corridor includes and incorporates: parks, feature areas, plazas, open spaces, streams and wetlands, as well as cultural and interpretive elements.

### **1.2 The Jurisdictions and Partners**

The Razorback Greenway will traverse six jurisdictions including: Bentonville; Springdale; Lowell; Springdale; Johnson and Fayetteville. In addition, portions of the trail will run within, or proximate to, State of Arkansas and the United States Department of Transportation rights-of-way. Most of the trail corridor will be off-street though some portions will be on-street accommodating bicycles on the roadway and pedestrians on sidewalks. Because the trail and the greenway corridor includes streets, streams, parks and other spaces, multiple departments and agencies within these jurisdictions will also be engaged; including parks, streets, storm drainage, police and fire/rescue agencies.



While each major jurisdiction has its own operations and maintenance departments, a key to a sustainable quality greenway over the length of the corridor will be a consistency of standards, cooperation and coordination amongst the communities and building enduring partnerships engaging both public and private sector leadership. While some of the jurisdictions already have a history of existing trails and greenway management, for others the Razorback Greenway will represent the first major trail/greenway maintenance obligation and there will be a need for capacity building and diversification of skills and resources to meet this challenge in those communities. This report provides guidelines and strategies to help address this need of both coordination and capacity.

### **1.3 Guiding Principles of Quality/Cost-Effective Trail Management**

The trail and greenway system should be viewed and maintained as a world-class public resource. Indeed it will become *infrastructure* similar to the street system, park system or utility networks serving the communities for generations to come. The following guiding principals will help assure the preservation of a first class system:

1. Good maintenance begins with sound planning and design.
2. Foremost protect life, property and the environment.
3. Promote and maintain a quality outdoor recreation and transportation experience.
4. Maintain quality control and standards.
5. Develop a management plan that is reviewed and updated annually with tasks, operational policies, standards, as well as routine and remedial maintenance goals.
6. Conduct regular inspections and keep complete records.
7. Maintain an effective, responsive public feedback system and promote public participation.
8. Be a good neighbor to adjacent properties.
9. Operate a cost effective program with sustainable funding sources.
10. The City agrees to maintain membership on a regional committee of respective agencies and jurisdictions that are situated along the length of the Razorback Greenway to establish, adopt and implement a uniform program of trail management.

The operations and management plan for Razorback Greenway provides baseline information for tasks that need to undertaken by the City of Springdale and its project partners. This plan recommends a series of work items and tasks that need to be completed in order to maintain the Razorback Greenway Trail system as an attractive, safe, and enjoyable amenity. The following defines key aspects of facility management, beginning with operational policies, followed by facility management, land management, safety, security, emergency response and risk management.

The Razorback Greenway traverses three different types of environments: parkland owned by local government, urban land that is either within public ownership or will be acquired as public access and use easements, and private land where greenway easements have

been acquired by the City for the purpose of public access. This management and operations plan addresses lands associated with the Razorback Greenway.

| <b>Longevity of Greenway Facilities</b> |                |
|---|----------------|
| Mulch                                   | 1 to 3 years   |
| Granular Stone                          | 7 to 10 years  |
| Asphalt                                 | 10 to 20 years |
| Concrete                                | 20 years +     |
| Boardwalk                               | 15 to 20 years |
| Bridge/Underpass/Tunnel                 | 50 years +     |

| <b>NW Arkansas Razorback Greenway</b> |                                       |
|---------------------------------------|---------------------------------------|
| <b>Springdale Sections</b>            |                                       |
| <b>List of Project Elements</b>       |                                       |
| 1                                     | Trailhead at Sanders Avenue           |
| 2                                     | Trailhead at Lake Springdale          |
| 3                                     | 1.0 Miles of Cycle Track              |
| 4                                     | 3.0 Miles of Shared Use Trail         |
| 5                                     | 4.1 Miles of Sidepath Trail           |
| 6                                     | Six (6) Pedestrian Bridges            |
| 7                                     | One Railroad Underpass                |
| 8                                     | One Underpass at Highway 71B          |
| 9                                     | One Cantilevered Boardwalk Trail      |
| 10                                    | One Underpass at Shiloh Street        |
| 11                                    | Restroom Building at Sanders Avenue   |
| 12                                    | Portable Restrooms at Lake Springdale |
| 13                                    | Irrigation and Landscape Plantings    |
| 14                                    | Magnolia Gardens Landscape Plantings  |
| 15                                    | Terraced overlook on Spring Creek     |
| 16                                    | 3.0 Miles of Livestock Fencing        |
| 17                                    | Trail lighting                        |
| 18                                    | Eight major roadway crossings         |
| 19                                    | Driveway crossings                    |
| 20                                    | Pedestrian Signalization              |
| 21                                    | Two Safe Routes to School Crossings   |
| 22                                    | School plaza/parent waiting area      |

## **2. Operations and Maintenance Functions**

### **2.1 Overview of Functional Areas**

The functional landscapes that are part of the Razorback Regional Greenway, located within the City of Springdale, are:

- 1) Powell Street Corridor from Lake Fayetteville to Caudle Avenue
- 2) Park Street Corridor from Caudle Avenue to Spring Creek
- 3) Spring Creek from Park Street, through downtown Springdale, to Lake Springdale

- 4) JB Hunt Elementary School from Pump Station Road to Silent Grove Road
- 4) Silent Grove Road Corridor from JB Hunt Middle School to Goad Springs Road
- 5) Goad Springs Road Corridor from Silent Grove Road to Lowell Municipal Boundary

## **2.2 Maintenance—Routine, Remedial and Seasonal Defined**

*Routine Maintenance* refers to the routine tasks of trail sweeping, trash and debris removal, sign replacement, weed control, tree and shrub trimming and other regularly scheduled activities. Routine maintenance also includes minor repairs and replacement such as fixing cracks and potholes or repairing a broken hand railings or fences.

*Remedial Maintenance* refers to correcting significant defects as well as repairing, replacing or restoring major components that have been destroyed, damaged, or significantly deteriorated during the life of the project. Some items (“minor repairs”) may occur on a five to ten year cycle such as repainting, seal coating asphalt pavement or replacing signage. Major reconstruction items will occur over a longer period or after an event such as a flood. Examples of major reconstruction remedial maintenance include stabilization of a severely eroded hillside, repaving a significant stretch of the trail surface, repaving a street used for biking or replacing a footbridge. Remedial maintenance should be part of a long-term capital improvement plan.

*Seasonal Maintenance*—In addition to the routine and remedial categories there are seasonal tasks that should be performed as needed. Designated maintenance crews should remove leaf debris, etc. from all network facilities as soon as possible.

## **2.3 Components That Are Maintained**

Following are the key components of the Razorback Greenway System:

- Off-Street Shared-Use Trails
- Off-Street Side Trails
- Trail-Related Corridors (such as landscaping, vegetation and viewsheds adjacent to the trail.)
- On-Street Bicycle and Pedestrian Facilities (such as bike lanes, cycle tracks and bike routes)
- Associated Natural Resource Areas (such as streams, woodlands, wetlands and other natural and cultural resources proximate and associated with the trail)
- Trailheads and Access Points
- Trail-Related Park and Feature Areas (integral to the trail system)
- Associated Sidewalks (interconnecting with or adjacent to trails and on-street routes.)
- Associated Streetscapes

## **2.4 Typical operations and maintenance tasks include:**

### **In General**

- User Courtesy and Regulatory Framework/Hours of Operation
- Conflict Reduction and Resolution
- User Safety and Risk Management
- Prompt graffiti and vandalism repair
- Pest Management

- Programming and Events
- Stewardship and Enhancement
- Coordinate volunteer and adopt-a-trail/street activities
- Oversight and Coordination
- User/Neighboring Property Feedback and Response

**Off-Street Shared-Use Trails**

- Inspection
- Trail Surface Maintenance
- Sweeping
- Vegetation Management including tree and branch trimming and removal of fallen debris
- Erosion Control
- Litter and Trash Removal
- Repair Trail Structures
- Fixture and Furnishings Maintenance
- Signage and Displays, Public Art
- Lighting and signal maintenance
- Toilet Facility Service
- Remedy “Social Trails” (such as shortcuts)
- Address Detours/Disruptions (Promptly)
- Patrol and Security Services
- Accident and Incident Data Tracking
- User Feedback and Follow-up

**Trail-Related Corridors and Associated Resource Conservation Areas\***

- Inspection
- Vegetation Management
- Stream Channel/Riverbank Maintenance
- Litter and Trash Removal
- Pest Management
- Vegetation Management including Weeds and Invasive Plants
- Waterfowl and Hunting Regulation
- Monitor Dumping and Filling
- Fire Prevention
- Patrol and Security Services
- User Feedback and Follow-up

*\*The Razorback Greenway Trail corridor includes open land immediately next to, or integral with, the trail corridor. For planning purposes this is considered to be a swath up to 30’ wide. This open space may include stream corridors or other open landscapes. Resource conservation areas include wetlands, riparian areas, woodlots and other open spaces that have been set aside along the trail system.*

**Natural Surface Trails (such as foot paths, single-track “mountain” bike and nature trails) (if applicable)**

- Inspection
- Surface Repair
- Vegetation Management including tree and branch trimming and removal of debris
- Litter and Trash Removal
- Repair Structures
- Fixture and Furnishings Maintenance
- Remedy Social Trails
- Patrol and Security Services
- Accident and Incident Data Tracking
- User Feedback and Follow-up

**On-Street “Trails” (bike routes, cycle tracks and bike lanes)**

- Street Surface Upkeep and Repair
- Street Sweeping
- Repaving and Pavement Overlays
- Signage, Striping and Lighting
- Vegetation Management (including boulevards and medians)
- Bike/Pedestrian Education and Enforcement
- Lighting, striping, and signal maintenance
- Detours/Disruptions (promptly)
- Accident and Incident Data Tracking
- User Feedback and Follow-up

**Trail Related Park and Feature Areas**

- Litter and Trash Removal
- Inspection
- Mowing/Vegetation Management
- Signage, Striping and Lighting
- Signage and Displays of Public Art
- Fixture and Furnishings Maintenance
- User Feedback and Follow-up

**Sidewalk and Streetscape**

- Inspection Repair
- Sweeping
- Fixture and Furnishings Maintenance
- Signage and Displays, Public Art
- Lighting and signal maintenance
- Vegetation management including tree and branch trimming and removal of debris
- User Feedback and Follow-up

| Operations and Maintenance Tasks | Parks Department | Public Works Department | Volunteers | Arkansas Corrections | School District |
|----------------------------------|------------------|-------------------------|------------|----------------------|-----------------|
| Mowing                           | X                |                         |            |                      |                 |
| Tree & Shrub Trimming            | X                |                         |            | X                    |                 |
| Weed Control                     | X                |                         |            |                      |                 |
| Trash Removal                    | X                |                         | X          | X                    | X               |
| Trail Sweeping                   | X                |                         | X          | X                    | X               |
| Restroom Cleaning                | X                |                         |            | X                    |                 |
| Parking Lot Cleanup              | X                | X                       |            | X                    |                 |
| Drainage                         |                  | X                       |            |                      |                 |
| Picnic Area Cleanup              | X                |                         | X          | X                    |                 |
| Playground Cleanup               | X                |                         | X          | X                    | X               |
| Open Space Turf                  | X                |                         |            |                      | X               |
| Community Garden Care            | X                |                         | X          |                      |                 |
| Stream Cleanup                   |                  | X                       | X          | X                    |                 |
| Cycle Track Sweeping             |                  | X                       |            |                      |                 |
| Bike Lane Sweeping               |                  | X                       |            |                      |                 |
| Replace Signage                  | X                |                         |            | X                    |                 |
| Lighting Maintenance             |                  | X                       |            |                      |                 |
| Pedestrian Signals               |                  | X                       |            |                      |                 |
| Replace Landscaping              | X                |                         |            | X                    | X               |
| Irrigation                       | X                |                         |            |                      | X               |
| Public Art                       | X                |                         | X          |                      |                 |
| Vandalism Cleanup                | X                | X                       |            | X                    | X               |
| Graffiti Removal                 | X                | X                       |            | X                    | X               |
| Equipment Maintenance            | X                | X                       |            |                      |                 |
| Integrated Pest Mgmt             | X                |                         |            |                      |                 |
| Herbicide Application            | X                |                         |            | X                    |                 |

|                          |   |  |   |   |  |
|--------------------------|---|--|---|---|--|
| Invasive Species Removal | X |  | X | X |  |
|--------------------------|---|--|---|---|--|

### 3. Razorback Greenway Access and Use

#### 3.1 Public Access and Use

Residents and visitors shall have access to and use of the Razorback Greenway during normal hours of operation as defined herein. All access and use is governed by a Trail Ordinance (described herein). The use of the trail system is limited to non-motorized users, including hiking, bicycling, in-line skating (where provided), running, jogging, and wheelchair use. The only motorized vehicles permitted to use the pathway are those owned or licensed for maintenance purposes by the City of Springdale.

#### 3.2 Hours of Operation

The Razorback Greenway will be operated as a non-lighted (except where the City has installed and maintains trail lighting) linear park and recreation facility, and shall be open for public use from dawn to dusk, every day of the year, except as specifically designated by the City of Springdale. Residents and tourists that are found using non-lighted portions of the Greenway after dusk or before dawn shall be deemed in violation of these hours of operation and subject to fines and/or prosecution.

#### 3.3 Care and Management of the Trails

The City of Springdale shall be responsible for the care and upkeep of the trails and all lands, drainage features, signage, fences, bridges, trail heads, landscape plantings and trail amenities. This manual will govern management and operation roles and responsibilities.

#### 3.4 Fencing and Vegetative Screening Policy

The City of Springdale will work with adjacent landowners on an individual basis to determine fencing and vegetative screening requirements of the Razorback Greenway. The care of fences and screening outside of the trail right-of-way or not on publicly owned lands is the responsibility of the adjacent landowner.

#### 3.5 Trailhead Maintenance Policy

The City of Springdale will be responsible for operating, maintaining and programming activity for all trailheads that are within the City limits. The City may employ contractors, at its discretion, to perform any or all of these duties.

#### 3.6 Drainage Management Policy

The City of Springdale shall, within its rights-of-way and easement corridors, maintain all drainage channels, ditches and streams that bisect or intersect with the Razorback Greenway and shall ensure that all of these drainages are free flowing and unimpeded. Management of drainage channels and structures shall include the removal of vegetation, trash and debris that would serve to block the flow of surface waters. Under no circumstances will the trail be designed to obstruct flow so as to cause storm water to pond for more than 2 hours on adjacent property outside of these rights-of-way and corridors.

## **4. Trail Lands and Facility Management Policy**

The Razorback Greenway should be classified under this agreement as a “linear park” and will be maintained in a manner that is consistent with other park and recreation facilities. The portion of the Razorback Greenway in downtown Springdale, also known as “Shiloh Walk” will be an urban linear park consisting of urban streetscape improvements and an elevated boardwalk.

Greenway maintenance shall include the removal of all debris, trash, litter, obnoxious and unsafe human-made structures, vegetation and other foreign matter. Trail heads, points of public access, rest areas, and other activity areas shall be maintained in a clean and usable condition at all times. The primary concern for pathway maintenance shall always be public safety.

All trail facilities shall be maintained in a safe and usable manner during hours of operation. Rough edges, severe bumps or depressions, cracked or uneven pavement, gullies, rills and washed out tread surface shall be repaired immediately. Volunteer vegetation occurring in the trail tread should be removed in such a manner so that the trail surface is maintained as a continuous, even and clean surface.

## **5. Land Management**

Park land that is owned by the City of Springdale and used for Razorback Greenway, shall be governed by park and recreation management and operations policies, procedures and programs. Other public rights-of-way and private property that is accessed and used for the Greenway as part of a greenway easement shall be maintained in a condition that promotes safety and security for users and adjacent property owners.

Vegetation within the trail corridor will be managed to promote safety, serve as habitat for wildlife, buffer public use from private property, enhance water quality and preserve the unique aesthetic values of the natural landscape. Removal of native vegetation will be done with clear purpose and discretion. The objective in controlling growth of vegetation shall be to maintain clear and open lines of sight along the trail at all times, at intersections with roadways and driveways, and along roadways. Vegetation removal within the trail development zone should be accomplished to eliminate potential hazards that could occur from natural growth.

To promote safe use of the trail, all vegetation will be clear-cut to a minimum distance of 3 feet from the edge of the trail tread. Selective clearing of vegetation will be conducted, in cooperation with appropriate management agents, within a zone that is defined as being between three to ten feet from the edge of the pathway. At any point along the trail, a user will have an unobstructed view, along the centerline of the pathway, 250 feet ahead and

behind his/her position. The only exception to this policy is where terrain or trail curvature is a limiting factor.

Removal of vegetation within the trail right-of-way by an individual or agency other than the City of Springdale or its designee, is deemed unlawful and subject to fines and/or prosecution. Installation of non-native species vegetation without permission of the City of Springdale is unlawful and subject to prosecution.

### **5.1 Accurate and Organized Record Keeping**

Good record-keeping techniques are essential to a comprehensive operations and maintenance program, particularly when multiple jurisdictions are involved. This information can be used to eliminate overlap or gaps in maintenance services provided, identify levels of use, and prioritize management needs. Handheld electronic and/or digital devices and applications with GPS capability carried by field inspectors and maintenance personnel may help expedite and facilitate a more effective record keeping system where data is feed into a central source—accessible on the Web not only locally but by the other jurisdictions along the entire length of the Razorback Greenway. The record keeping template could include:

- Schedule of routine (and remedial) maintenance tasks
- Inspection reports
- List of daily activities
- Observed routine and remedial maintenance items and issues
- Hazards, incidents, safety issues observed and action taken
- Prioritization of remedial maintenance projects
- User and adjacent properties input (complaints, comments, suggestions, etc.) and follow-up
- Annual maintenance budgets and costs
- Projected costs for subsequent years (short term, medium term, and long-term)
- Internal working database for existing, planned, or proposed projects for each system—greenway, off-street, on-street, bicycle, and pedestrian

Please refer to the sample Springdale Work Order form in the Appendix of this report.

## **6. Safety and Security**

Safety is a duty and obligation of all public facility managers; therefore, as the construction documents for the Razorback Greenway are completed, appropriate local and state agencies should review these plans and specifications to ensure that they meet all current safety regulations.

### **6.1 Security and Public Safety, Risk Management and Liability Considerations**

Promoting safety and security of trail users and the security of adjacent properties should be the foremost objective of this operations and management plan. This should begin with a comprehensive risk management plan and program. The City of Springdale should

establish a coordinated plan and a coordinating committee of operations staff to promote both a uniform standard of care and to help each other by information exchange and resource sharing. Elements of this include:

- Working with respective risk management specialists, and legal counsel in each community to routinely review trail and greenway plans, operations and issues and incidents.
- Keeping good records of O&M activities and including documenting accidents, incidents, damage to adjoining properties and other issues and incidents (See “Record Keeping” above). This would be greatly facilitated using GPS locations of problems and incorporating in to GIS mapping systems. Good mapping could help identify possible “problem areas” and “incident clusters”. Cooperation by police and fire/rescue personal is vital to good documentation.

Key considerations in promoting public safety and security include:

- **Have good, current, data**—Implement a data base management system, a crime tracking system, with police for tracking the specific locations and circumstances of all incidents, such as accidents, crime and vandalism, and create a safety follow-up task force to address any problems that develop.
- **Monitor the condition of facilities**—Schedule and document frequent inspections to determine the amount of use, location, age, type of construction, and condition of railings, bridges, trail surfaces, signage, etc. Evaluate and remove all obstacles or objects that could impede facility usage such as debris, rumble strips, etc. and provide solutions such as alternative routing, removal of obstacle, etc. Follow-up with the appropriate corrective measures in a timely manner.
- **Preventative maintenance**—Watch for and identify potential safety problems such as a missing curve or stop sign, a damaged trail surface, a missing railing, leaf litter, flash flood issue, storm water drainage and/or erosion issues. Important to check for these after events like storms or construction along the trail corridor.
- **Safety and security features though planning and design**—This includes adhering to state-of-the-standards such as the *AASHTO Guide to the Development of Bicycle Facilities*; the *Manual of Uniform Traffic Control Devices*; ADA; OSHA; etc. It also includes incorporating good lines of sight, trimming vegetation and other measures to avoid hiding places and other defense-through-design techniques to help reduce crime and accidents.
- **Multi-disciplinary plan review**—All proposed plans and construction drawings should be circulated amongst the various departments and key field staff of streets and drainage departments, police and fire/rescue, and maintenance department.
- **User courtesy and conflict reduction**—Posting signs, equipping patrol persons, using brochures and Web site to educated public on trail etiquette including bicycle yield, dog on leash and safe practices (See “conflict reduction” below).
- **Way-finding and location identification**—This includes clear trail blazes, street signs at cross streets readily visible from the trail and “mile markers” located at least every 1/4 mile giving the location based on a north to south or west to east numbering starting at a single “point zero” such as a major cross street and running the entire length of the trail across jurisdictional line.

- **Patrol and enforcement**—This might be multi-jurisdictional law enforcement agents with wireless communication capability.
- **Protecting adjacent properties**—Working with adjacent landowners, tenants, and businesses to assure the trail is a good neighbor. This may include (where appropriate) security barriers, do not trespass signage, and communication with impacted neighbors.
- **Medical emergencies and rescue, response and access**—Working with police and fire/rescue for optimal emergency response including design for rescue personnel and vehicle (to accommodate up to 6.5 tons) access, incident reporting by location and location identification.
- **Address system**—Have in place an “address system” such as mile markers to identify locations for all off-road greenway facilities. On-road facilities should make use of the existing street names and adjacent property addresses. Each local emergency response office/unit should have an up-to-date map of all City greenway, bicycle, and pedestrian facilities.
- **Surveillance Technologies**—With the advent of low cost “Webcams” and similar video technology is may be advantageous to position solar powered wireless “webcams” that transmit visual images of the trail to a publicly accessible Web site increasing the number of “eyes” on the trail. The City of Springdale Police Department will determine if and when such web cams should be used.

The City of Springdale will work in cooperation with other local government agencies to develop and implement a safety and security program for the Razorback Greenway. This program should consist of well-defined safety and security policies; the identification of trail management, law enforcement, emergency and fire protection policies; and a system that offers timely response to the residents and visitors for issues or problems related to safety and security. Important components of the safety and security program will include:

- 1) Establishment of a safety committee and/or coordinator,
- 2) Preparation of a pathway safety manual,
- 3) Establishment of user rules and regulations,
- 4) Development of pathway emergency procedures,
- 5) Preparation of a safety checklist for the pathway,
- 6) Preparation of a pathway-user response form,
- 7) A system for accident reporting and analysis,
- 8) Regular maintenance and inspection programs,
- 9) Site and facility development and review,
- 10) Public information programs,
- 11) Employee training programs for safety and emergency response,  
and
- 12) Ongoing research and evaluation of program objectives.

The program should discourage the general public from using any segment of the Razorback Greenway that is under construction. Trail segments should not be considered open for public use until a formal dedication ceremony has been staged and authorized agents of the City of Springdale have declared the trail open. Individuals who use trail

segments under construction without written permission from an authorized agent shall be deemed in violation of the Razorback Greenway operation policy. The City of Springdale will work towards the implementation of these goals and guidelines as future budget opportunities become available.

## 6.2 Conflict Reduction

User conflicts are bound to occur along the trail especially as the trail system becomes increasingly popular and more crowded. Planning, designing and managing ahead of the curve can help reduce conflicts and promote a safer, more enjoyable trail experience. Steps to promote conflict reduction include:

- **Anticipate issues**—Include reckless and unsafe behavior; incompatible uses; trespassing; disturbances and adverse environmental impacts. Respond to illegal or disturbing activity quickly.
- **Consider varied user goals**—Recognize the different goals of different users, such as walkers and bicyclists, and separate where feasible.
- **Educate**—Provide user education through signage, patrol, volunteers, brochures, and media. Promote trail etiquette and techniques such as educating bicyclists on how to pass hikers using subdued voice cues rather than bells, horns, or sudden loud noise that might startle a hiker.
- **Enforce**—Post user courtesy signs and speed limits for bicyclists. Cite - and if necessary - ticket reckless behavior.
- **Anticipate the need for adequate capacity**—Provide adequate trail mileage and bicycle, pedestrian, and greenway acreage to accommodate user populations.
- **Solicit input from user groups**—Provide contact information to report problems and respond promptly and effectively to complaints, concerns, or suggestions
- **Monitor problems**—Track, document, and log problem areas and address problems through design and management.

## 6.3 Shared-Use Trail User Rules and Regulations (Trail Ordinance)

The following rules and regulations should be posted at trailheads and other entrances to the Razorback Greenway. These rules should also be displayed in brochures and on information signs along the pathway. It is recommended that these regulations be reviewed by appropriate authorities and legally adopted by the City of Springdale and its partners.

- 1) **Be Courteous:** All trail users - including bicyclists, joggers and walkers - should be respectful of other users regardless of their mode of travel, speed or level of skill. Respect the privacy of adjacent landowners.
- 2) **Keep Right:** Always stay to the right as you use the path or stay in the lane that has been designated for your user group. The exception to this rule occurs when you need to pass another user.
- 3) **Pass on the Left:** Pass others going in your direction on their left. Look ahead and behind to make sure that your lane is clear before you pull out and around the

- other user. Pass with ample separation. Do not move back to the right until you have safely gained distance and speed on the other user.
- 4) **Give Audible Signal When Passing:** All users should give a clear warning signal before passing. This signal may be produced by voice, bell or soft horn. Voice signals might include “Passing on the Left!” or “Cyclist on the left!” Always be courteous when providing the audible signal -- profanity is unwarranted and unappreciated.
  - 5) **Be Predictable:** Travel in a consistent and predictable manner. Always look behind before changing position on the trail regardless of your mode of travel.
  - 6) **Control Your Bicycle:** Inattention, even for a second, can cause disaster —always stay alert! Maintain a safe and legal speed at all times.
  - 7) **Don’t Block the Trail:** When in a group, including your pets, use no more than half the pathway so as not to block the flow of other users. If users approach your group from both directions, form a single line or stop and move to the far right edge of the path to allow safe passage by these users.
  - 8) **Yield When Entering or Crossing Trails:** When entering or crossing a path at uncontrolled intersections, yield to traffic already using the other path.
  - 9) **The Use of Lights:** When using the trail during periods of low visibility each cyclist should be equipped with proper lights. Cyclists should have a white light that is visible from 500 feet to the front, and a red or amber light that is visible from 500 feet to the rear. Other path users should use white lights (bright flashlights) visible 250 feet to the front, and wear light or reflective clothing.
  - 10) **Don’t Use Bicycle on this Path Under the Influence of Alcohol or Drugs:** It is illegal to use a bicycle on this path if you have consumed alcohol in excess of the statutory limits, or if you have consumed illegal drugs. Persons who use a prescribed medication should check with their doctor or pharmacist to ensure that it will not impair their ability to safely operate a bicycle.
  - 11) **Clean Up Your Litter:** Please keep this path clean and neat for other users to enjoy. Do not leave glass, paper, cans or other debris on or near the path. Please clean up after your pets. Pack out what you bring in —and remember always to recycle your trash.
  - 12) **Keep Pets on Leashes:** All pets must be kept on a secure and tethered leash. Failure to do so will result in fines and possible detention of the pet. Pet owners are responsible for removing pet waste promptly.
  - 13) **Use the Buddy System:** Always use the path system with a friend!
  - 14) **Vegetation Removal:** It is illegal to remove vegetation of any type, size, or species from the pathway. Please contact the City of Springdale should you have concerns about noxious weeds, poisonous vegetation, dying or dead vegetation or other concerns about vegetation growth in the pathway.
  - 15) **Share the Path!** Always exercise due care and caution when using the pathway!

#### **6.4 Police Patrol and Emergency Response System**

In order to provide effective patrol and emergency response to the needs of trail users and adjacent property owners, the communities of Northwest Arkansas should develop a specific patrol and emergency response plan for the Razorback Greenway. This plan may define a cooperative law enforcement strategy for the trail based on the capabilities of different agencies and services typically required for the facility. The trail will go through numerous phases of development before completion. All phases may illustrate: points of access to the pathway; approved design details for making these access points safe, secure, and accessible to law enforcement officials; and potential locations for a system of cellular-type emergency phones.

#### **6.5 Emergency Response Plan**

The City of Springdale should define an emergency response plan in conjunction with appropriate local police, fire and paramedical units in order to define which agencies should respond to 911 calls, and provides easy-to-understand routing plans and access points for emergency vehicles. Local hospitals should be notified of these routes so that they may also be familiar with the size and scope of the project. The entire pathway system should be designed and developed to support a minimum gross vehicle weight of 6.5 tons to allow emergency vehicle access.

#### **6.6 Crime Prevention Through Environmental Design (CPTED)**

“CPTED is the proper design and effective use of the built environment which may lead to a reduction in the fear and incidence of crime, and an improvement of the quality of life.” - National Crime Prevention Institute

Crime Prevention Through Environmental Design (CPTED) theories contend that law enforcement officers, architects, city planners, landscape designers and resident volunteers can create a climate of safety in a community, right from the start. CPTED’s goal is to prevent crime through designing a physical environment that positively influences human behavior. For trails, people who use the Razorback Greenway regularly will need to perceive it as safe, and would-be criminals should view the trail as a highly risky place to commit crime. Crime prevention through environmental design (CPTED) is a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts.

CPTED is based on four principles; natural access control, natural surveillance, territorial reinforcement, and target hardening.

##### **6.6.1 Natural surveillance**

Natural surveillance increases the threat of apprehension by taking steps to increase the perception that people can be seen. Natural surveillance occurs by designing the placement of physical features, activities and people in such a way as to maximize visibility and foster positive social interaction among legitimate users of public space. Potential offenders feel increased scrutiny and limitations on their escape routes.

- Use adjacent roadways and the passing vehicular traffic as a surveillance asset.
- Create landscape designs that provide surveillance, especially in proximity to designated points of entry and opportunistic points of entry.
- Use the shortest, least sight-limiting fence appropriate for the situation.
- When creating lighting design, avoid poorly placed lights that create blind-spots for potential observers and miss critical areas. Ensure potential problem areas are well-lit: pathways, stairs, entrances/exits, parking areas, children’s play areas, recreation areas, storage areas, dumpster and recycling areas, etc.
- Avoid too-bright security lighting that creates blinding glare and/or deep shadows, hindering the view for potential observers. Eyes adapt to night lighting and have trouble adjusting to severe lighting disparities. Using lower intensity lights often requires more fixtures.
- Place lighting along pathways and other pedestrian-use areas at proper heights for lighting the faces of the people in the space (and to identify the faces of potential attackers).
- Natural surveillance measures can be complemented by mechanical and organizational measures. For example, closed-circuit television (CCTV) cameras can and should be utilized.

### **6.6.2 Natural access control**

Natural access control limits the opportunity for crime by taking steps to clearly differentiate between public space and private space. By selectively placing entrances and exits, fencing, lighting and landscape to limit access or control flow, natural access control occurs.

- Use a single, clearly identifiable, point of entry
- Use low, thorny bushes to keep people out of sensitive areas.
- Use waist-level, picket-type fencing to control access and encourage surveillance.
- Natural access control is used to complement mechanical and operational access control measures, such as target hardening.

### **6.6.3 Natural territorial reinforcement**

Territorial reinforcement promotes social control through increased definition of space and improved proprietary concern. An environment designed to clearly delineate private space does two things. First, it creates a sense of ownership. Owners have a vested interest and are more likely to challenge intruders or report them to the police. Second, the sense of owned space creates an environment where “strangers” or “intruders” stand out and are more easily identified. By using buildings, fences, pavement, signs, lighting and landscape to express ownership and define public, semi-public and private space, natural territorial reinforcement occurs. Additionally, these objectives can be achieved by assignment of space to designated users in previously unassigned locations.

- Maintained premises and landscaping such that it communicates an alert and active presence occupying the space.

- Provide trees in residential areas. Research results indicate that, contrary to traditional views within the law enforcement community, outdoor residential spaces with more trees are seen as significantly more attractive, more safe, and more likely to be used than similar spaces without trees.
- Restrict private activities to defined private areas.
- Display security system signage at access points.
- Avoid cyclone fencing and razor-wire fence topping, as it communicates the absence of a physical presence and a reduced risk of being detected.
- Placing amenities such as seating or refreshments in common areas in a commercial or institutional setting helps to attract larger numbers of desired users.
- Scheduling activities in common areas increases proper use, attracts more people and increases the perception that these areas are controlled.
- Territorial reinforcement measures make the normal user feel safe and make the potential offender aware of a substantial risk of apprehension or scrutiny.

There are four primary obstacles to the adoption of CPTED.

First is a lack of knowledge of CPTED by environmental designers, land managers, and individual community members. For this reason, allocating substantial resources to community educational programs are often required.

The second major obstacle is resistance to change. Many specifically resist the type of cooperative planning that is required to use CPTED. Beyond that, skeptics reject the research and historic precedents that support the validity of CPTED concepts.

The third obstacle is the perception that CPTED claims to be a panacea for crime that will be used to displace other more traditional approaches rather than a small, but important, complementary tool in deterring offender behavior.

The fourth obstacle is that many existing built areas were not designed with CPTED in mind, and modification would be expensive, politically difficult, or require significant changes in some areas of the existing built environment.

## **7. Risk Management and Liability**

The design, development, management and operation of the Razorback Greenway must be carefully and accurately executed in order to provide a resource that protects the health, welfare, and safety of the public. To reduce the exposure to liability, the City of Springdale and its partners should have in place the following measures prior to opening the first phase of the trail:

- 1) A complete maintenance program that provides the appropriate duty or level of care to greenway users,
- 2) A risk management plan that appropriately covers all aspects of the trail

- 3) A comprehensive working knowledge of public use laws and recent case history applicable in Arkansas.

Public use of the Razorback Greenway should be covered under existing City of Springdale policies for the use of park and public spaces. The City of Springdale is charged with the care of the Razorback Greenway and should exercise reasonable care in the managing all Greenway facilities to reduce hazardous, public nuisance and life threatening situations. The Razorback Greenway is available for public use as defined by the hours of operation policy; therefore, any individual found using the Trail outside the normal hours of operation would not be covered by policies for public use.

## **8. Anticipated Administrative Considerations and Costs**

### **8.1 Overview**

Along the length of the Razorback Greenway, it will initially pass through six local jurisdictions and through myriad types of landscapes from urban to suburban to rural. The path will follow streams, roads, parks, commercial areas and other settings. When fully completed, the system will consist of approximately 7.2 miles of paved 10' to 12' wide hike/bike trails in Springdale that are part of the Razorback Regional Greenway.

In addition to care of the trail itself, grooming and stewardship of associated landscapes such as streams, woodlots, meadows, plazas and parkland will be part of the picture. (For purposes of planning, we assume a width of 30'.) Because it includes on-street and sidewalk segments, the management regime must also engage and work in cooperation with streets and sidewalks maintenance departments.

Clearly because of its unique characteristics, stewardship of the Razorback Greenway will differ from those of a traditional park and have require a non-traditional and uniquely cooperative approach to management to remain a first class amenity and recreational/transportation facility.

### **8.2 Coordinating a Level of Excellence**

Existing functions, capacities, trail maintenance experience and structure differ from jurisdiction to jurisdiction just as priorities and emphasis in existing streets, parks and drainage maintenance departments differ. To assure the Razorback Greenway sustains a level of excellence over the long term, it is important to have an agreed-upon, effective multi-jurisdictional structure. To that end, we are assuming that, while the City of Springdale is directly responsible for maintaining its respective greenway segments to overall standards, there is specific method for cooperative oversight and resource sharing that transcends jurisdictional and local agency boundaries.

This could include having:

- Greenway Volunteers—This might consist of a bicycle-mounted volunteers that routinely ride the length of the Razorback Greenway providing regular inspection and reporting, minor cleanup and repairs, assisting trail users directions, fixing flats,

etc. and serving as ambassadors of the program. It would be ideal to select or provide Volunteers with first aid and CPR training. Volunteers would hold no official capacity for enforcement unless also employed as local law enforcement agents.

- Departmental Liaisons—The City of Springdale will continue to designate a staff person in authority who can coordinate management needs such as assuring that the Razorback Greenway is managed and maintained to the standards defined in this O&M Plan. This is not a separate new employee but a task assignment to existing staff.
- Shared Equipment—City of Springdale staff should have access to a work vehicle such as a pick-up truck to haul materials, visit work sites, etc. Volunteers may also have access to wireless communication devices (i.e. hand held radios or cell phones), bicycles and bike trailers.

### **8.3 Operations and Maintenance in Each Municipality**

Ultimately, both routine and remedial maintenance is the responsibility of the City of Springdale for the segments of the Razorback Greenway located within Springdale. It is recommended that the City of Springdale designate a trail maintenance coordinator who is also authorized to work with the key operational staffs of the planning, street, parks and other departments to assure a coordinated effort and meeting standards of quality for both on and off-street segments.

Coordination among and commitment of departments in Springdale responsible for trail, bicycle, and pedestrian facilities is crucial to carry out maintenance tasks. In addition department managers, planners, designers and engineers, police and fire/rescue and field maintenance personnel should be consulted both in the design review process and on a regular basis to assure standards continue to be met. The designation of a Springdale trails coordinator, creation of a Razorback Greenway, or community-wide Greenway Citizens Advisory Committee may help facilitate this. In addition to operational coordination, there could be—in cooperation with planning and street departments— monitoring and review of critical public and private sector projects that might impact the greenway, bicycle, and pedestrian projects as they come on-line.

## **9. Labor and Equipment Needs**

With phased development of Razorback Greenway, new personnel and equipment will be needed to undertake the day-to-day management of the trail. It should be understood that trail management and operations is separate and apart from other land management responsibilities currently associated with parks and public streets. The following offers a list of personnel that the City of Springdale might take into consideration for the long-term maintenance and management of the Razorback Greenway. Current constraints may preclude the hiring of new positions.

### **9.1 Trail Manager**

A trail manager could be employed by the City of Springdale to oversee, coordinate and direct the day-to-day land and facility management operations associated with the Razorback Greenway in Springdale. This trail manager might have experience in managing both urban and rural trail systems. The trail manager will need to work very closely with other City agencies to coordinate land management activities.

The trail manager could be responsible for managing a trail crew, and ensuring that a daily work program is carried out to properly steward the Razorback Regional Greenway, other greenways in Springdale, trailheads, signage systems, furniture and furnishings, landscape and vegetation and other trail facilities.

The trail manager is expected to assist in preparing an annual budget and to implement this budget on a monthly basis. The trail manager could be required to prepare and file an annual report that describes the activities associated with stewarding Razorback Greenway lands and facilities. Monthly progress and resource management reports may also need to be filed with the appropriate department head and/or the City's Facilities Manager that contain important information about management, operations, cooperation and coordination activities.

## **9.2. Trail Crew**

A three-person trail crew should be employed by the City of Springdale to carry out daily maintenance, management and stewardship of the trail development zone, trailhead facilities, signage systems, furniture and furnishings, landscape and vegetation, elements of the Razorback Greenway and other municipal greenways.

The trail crew will report directly to the trail manager (or department designee), who will establish daily work schedules and priorities. Trail crew will be furnished with equipment, supplies, tools, machinery and other operations needs to carry out their responsibilities.

## **9.3. Trail Management Equipment**

The City of Springdale may also want and need to supplement its existing equipment to manage the Razorback Regional Greenway. The following offers a suggested list of equipment for consideration: (the City does not need to purchase brands named)

Ford Escape Hybrid for trail manager  
Ford F-350 with extended crew cab for trail crew  
John Deere 4050 Tractor with Trailer & mower  
Poulan Pro PP333 gasoline powered trimmer  
Poulan Pro PPBP30 gasoline powered blower  
Poulan Pro 18-inch blade chain saw  
Hand shovels, pick axe, rakes, pruning shears

## **9.4 Annual Maintenance Costs**

In addition to labor and equipment, an annual budget is needed for fuel, materials, repair to equipment, and other miscellaneous charges and costs for completing the maintenance and

management of the trail development zone along the entire length of the Razorback Greenway corridor as well as other city trails.

### **9.5 Use of Volunteers**

Trail managers often use volunteers for routine trail maintenance or even for trail construction. The Federal Volunteer Protection Act of 1997 protects volunteer workers. This act protects volunteers of nonprofit organizations or governmental entities. The Act states that such volunteers are not liable for harm caused by their acts of commission or omission provided the acts are in good faith.

### **9.6 Adopt-A-Greenway Program**

An Adopt-A-Greenway program is an excellent way for the City of Springdale to engage local citizens in the care and maintenance of the Razorback Greenway. The Adopt-A-Greenway Program could be operated by the City of Springdale Parks Department with the goal of maintaining the environmental and aesthetic quality of the Razorback Greenway and other City trails and greenways by generating a strong sense of ownership among the citizens of Springdale. Through the Adopt-A-Greenway program residents, businesses, greenway users, and various community groups can have an active role in maintaining the lands and facilities of the Razorback Greenway. Volunteer groups will coordinate their activities with Parks Department staff to organize, lead and/or participate in various projects, which may include:

- Litter Pickup
- Leaf Raking
- Graffiti Removal
- Spreading of mulch, gravel
- Sweeping of paved trails
- Removal of exotic invasive plants
- Planting flowers and other approved vegetation through the various adoption programs.
- Reporting of safety hazards, illegal dumping, injured or dead animals, storm damage, and other issues

### **9.7 Trail Watch Program**

A Trail Watch program for all of the greenways - Razorback and municipal - will help to promote safety and appropriate trail use by providing information and assistance to all trail users. Trail Watch Volunteers observe and document safety issues requiring attention, serve as a positive presence on the trail and would assist the City of Springdale Parks and Police Departments to keep the trails safe and well maintained. This program would supplement the Greenway Conductors work.

## **10. Additional Information and Material**

### **10.1 Studies of Trail Liability**

A study by the Rails to Trails Conservancy (RTC) provides a primer on trail-related liability issues and risk management techniques. The report was co-authored by RTC in cooperation with the National Park Service: Rivers, Trails, and Conservation Assistance Program.

### **10.2 Concerns and Solutions**

There are two primary categories of people who might be concerned about liability issues presented by a trail: the trail managing and owning entity (typically a public entity) and private landowners. Private landowners can be divided into two categories, those who have provided an easement for a trail over their land and those who own land adjacent to a trail corridor.

In general, people owning land adjacent to a trail -- whether the trail is an easement granted by them or is held by separate title -- foresee that people using the trail may be endangered by a condition on their land. Potential hazards such as a pond, a ditch, or a dead tree may cause the landowner to worry about liability for a resulting injury. The landowners may reduce their liability by taking the following actions:

- Work with trail designers to have the trail located away from hazards that cannot be corrected,
- Make it clear that trail users are not invited onto the adjoining land. This can be aided by having the trail designer develop signs, vegetative screening, or fencing,
- If a hazardous condition does exist near the trail, signs should be developed to warn trail users of the hazard if it cannot be mitigated.

Of particular concern to adjacent landowners are attractions to children that may be dangerous, such as a pond. Many states recognize that children may trespass to explore an attractive nuisance. These states require a legal responsibility to children, even as trespassers, that is greater than the duty of care owed to adults.

Abutting property owners frequently express concerns about their liability to trail users. In general, their liability, if any, is limited and is defined by their own actions in relation to

the trail. If an abutting property owner possesses no interest in the trail, then he or she does not have any right or obligation to warn trail users about defects in the trail unless the landowner creates a dangerous condition on the trail by his own act or omission. In that event, the abutting landowner would be responsible for his own acts or omissions that caused the injury to a third party using the trail, just as the operator of one car is responsible to the operator of another for an accident he caused on a city street.

### **10.3 Forms of Protection**

There are three legal precepts, either alone or in combination, that define and in many cases limit liability for injury resulting from trail use. The first is the concept of duty of care, which speaks to the responsibility that a landowner (private or public) has to anyone on his or her land. Second is the Recreational Use Statute (RUS), which is available in all 50 states and provides protection to private landowners and some public landowners who allow public free access to land for recreational purposes. For those public entities not covered by a RUS, states tend to have a tort claims act, which defines and limits governmental liability. Third, for all private and public parties, liability insurance provides the final line of defense. Trail owners can also find much protection through risk management.

### **10.4 Duty of Care**

Tort law, with regard to finding fault for an incident that occurs in a particular location is concerned with the “class” of person who incurs the injury, and the legal duty of care that a landowner owes a member of the general public varies from state to state but is generally divided into four categories. In most states, a landowner’s responsibility for injuries depends on the status of the injured person. A landowner owes increasingly greater duties of care (i.e.; is more at risk) if the injured person is a “trespasser”, a “licensee”, an “invitee”, or a “child”.

Trespasser -- a person on land without the landowner’s permission, whether intentionally or by mistaken belief that they are on public land. Trespassers are due the least duty of care and therefore pose the lowest level of liability risk. The landowner is generally not responsible for unsafe conditions. The landowner can only be held liable for deliberate or reckless misconduct, such as putting up a trip wire. Adjacent landowners are unlikely to be held liable for injuries sustained by trespassers on their property.

Licensee -- a person on land with the owner’s permission but only for the visitor’s benefit. This situation creates a slightly higher liability for the landowner. For example, a person who is permitted to hunt on a farm without paying a fee, if there were no RUS, would be classified as a licensee. If the landowner charged a fee, the hunter would probably be classified as an invitee. Again, the landowner is not responsible for discovering unsafe conditions; however, the landowner must provide warning of the known unsafe conditions.

Invitee -- a person on the owner’s land with the owner’s permission, expressly or implied, for the owner’s benefit, such as a paying customer. This is the highest level of responsibility and therefore carries the highest level of liability. The owner is responsible

for unknown dangers that should have been discovered. Put in a different way, the landowner has a duty to:

- 1) Inspect the property and facilities to discover hidden dangers;
- 2) Remove the hidden dangers or warn the user of their presence;
- 3) Keep the property and facilities in reasonably safe repair; and
- 4) Anticipate foreseeable activities by users and take precautions to protect users from foreseeable dangers.

The landowner does not insure the invitee's safety, but must exercise reasonable care to prevent injury. Generally, the landowner is not liable for injuries caused by known, open, or obvious dangers where there has been an appropriate warning. For example, customers using an ice rink open to the public for a fee would be invitees.

Children -- even if trespassing, some states accord children a higher level of protection. The concept of "attractive nuisance" is particularly relevant to children. Landforms such as ponds can be attractive to children who, unaware of potential danger, may be injured if they explore such items.

Prior to the widespread adoption of RUS' by the states, this classification system defined the liability of adjacent landowners. Even now, trail managers or private landowners who charge a fee are at greater risk of liability because they owe the payee a greater responsibility to provide a safe experience.

Thus, where no RUS exists or is unavailable, trail users would be of the licensee class, provided the trail manager does not charge an access fee. If a trail manager charges a fee, the facility provider tends to owe a greater duty of care to the user and thus has a greater risk of liability if a trail user is injured due to a condition of the trail.

### **10.5 Recreational Use Statutes (RUS)**

The Council of State Governments produced a recreational use statute (RUS) in 1965 in an effort to encourage private landowners to open their land for public recreational use by limiting the landowner's liability for recreational injuries when access was provided without charge. A copy of the Arkansas Recreational Use Statute is provided in the Appendix.

Recreational use statutes are now on the books in all 50 states. These state laws provide protection to landowners who allow the public to use their land for recreational purposes. The theory behind these statutes is that if landowners are protected from liability they would be more likely to open up their land for public recreational use and that, in turn, would reduce state expenditures to provide such areas. To recover damages, an injured person must prove "willful and wanton misconduct" on the part of the landowner, essentially the same duty of care owed to a trespasser. However, if the landowner is charging a fee for access to the property, the protection offered by the recreational use statute is lost in most states.

The preamble of the RUS is clear that it was designed for private landowners but the actual language of the model legislation does not differentiate between private and public landowners. The result is that while some states have followed the intent of the statute and limited the immunity to private landowners, other states have extended the immunity either to cover public landowners legislatively or judicially.

Under the Federal Tort Claims Act, the federal government is liable for negligence like a private landowner under the law of the state. As a result, RUS's intended for private individuals have been held applicable to the federal government where it has opened land up for public recreation.

Under lease arrangements between a public agency and a private landowner, land can be provided for public recreation while the public agency agrees to defend and protect the private landowner. The private landowner may still be sued but the public agency holds the landowner harmless, taking responsibilities for the cost of defending a lawsuit and any resulting judgments.

While state RUS's and the court interpretations of these laws vary somewhat, a few common themes can be found. The statutes were created to encourage landowners to make their land available for public recreation purposes by limiting their liability provided they do not charge a fee. The RUS limits the duty of care a landowner would otherwise owe to a recreational licensee to keep his or her premises safe for use. It also limits a landowner's duty to warn of dangerous conditions provided such failure to warn is not considered grossly negligent, willful, wanton, or reckless. The result of many of these statutes is to limit landowner liability for injuries experienced by people partaking in recreational activities on their land. The existence of a RUS may also have the effect of reducing insurance premiums for landowners whose lands are used for recreation.

These laws do not prevent somebody from suing a trail manager/owner or a private property owner who has made his or her land available to the public for recreational use, it only means the suit will not advance in court if certain conditions hold true. Thus, the trail manager/owner may incur costs to defend himself or herself. Such costs are the principal reason for purchasing liability insurance.

### **10.6 Risk Management**

All of the above-mentioned forms of protection aside, perhaps the best defense a trail manager has are sound policy and practice for trail maintenance and usage. Developing a comprehensive technique is the best defense against an injury-related lawsuit.

Trails that are properly designed and maintained go a long way to ward off any potential liability. There are some general design guidelines (AASHTO and MUTCD) that, if adhered to, can provide protection by showing that conventional standards were used in designing and building the trail. Trails that are designed in accordance with recognized standards or "best practices" may be able to take advantage of any design immunities under state law.

Within the spectrum of public facilities, trails are quite safe, often less risky than roads, swimming pools and playgrounds.

The City of Springdale will develop a comprehensive maintenance plan that provides for regular maintenance and inspection. These procedures should be spelled out in detail in a trail management handbook and a record should be kept of each inspection including what was discovered and any corrective action taken. The Trail Manager will keep a record of each inspection, including what was discovered and any corrective actions taken in an effort to ward off or eliminate any hazardous situations before an injury occurs. Private landowners that provide public easements for a trail should ensure that such management plans are in place and used to reduce their own liability. Key points include:

During trail design and development:

- Develop an inventory of potential hazards along the corridor;
- Create a list of users that will be permitted on the trail and the risks associated with each;
- Identify all applicable laws;
- Design and locate the trail such that obvious dangers are avoided. Warnings of potential hazards should be provided, and mitigated to the extent possible;
- Trail design and construction should be completed by persons who are knowledgeable about design guidelines, such as those listed in AASHTO and MUTCD documents;
- Trail regulations should be posted and enforced.

Once the trail is open for use:

- Regular inspections of the trail by either key staff who has the expertise to identify hazardous conditions and maintenance problems or the Trail Manager.
- Maintenance problems should be corrected quickly and documented. Where a problem cannot be promptly corrected, warnings to trail users should be erected.
- Procedures for handling medical emergencies should be developed. The procedures should be documented as well as any occurrence of medical emergencies.
- Records should be maintained of all inspections, what was found, and what was done about it. Photographs of found hazardous conditions can be useful.

These risk management techniques will not only help to ensure that hazardous conditions are identified and corrected in a timely manner, thereby averting injury to trail users, but will also serve to protect the trail owner and managing agency from liability. Showing that the City of Springdale had been acting in a responsible manner can serve as an excellent defense in the event that a lawsuit develops

## **11. Anticipated Costs and Funding**

### **11.1 Anticipated Costs**

Cost planning should take into account routine maintenance and remedial maintenance over the life cycle of the improvements and on-going administrative costs for the program. Depending on myriad factors, costs can vary significantly for operations and maintenance of trail, greenways and associated open space facilities. Considerations include types of facilities offered, size, cost of utilities such as irrigation water and other factors. However, as a planning benchmark, typical unit costs can be helpful in planning. To that end, the table below offers cost information based on costs nation-wide. It is important to stress that these numbers should be taken only as an order-of-magnitude measure. More project-specific costs should be calculated on a case-by-case basis when budgeting for each planned improvement.

**Typical Annual O&M Cost Factors**

| <b>Amenity</b>                                  | <b>Typical Unit Cost Per Year Range</b> | <b>Comment</b>  |
|---|---|---|
| <b>Paved Shared Use Path</b>                    | \$4,000 to \$15,000/mile                | Depending on intensity of development, fixtures and standard of maintenance. Crew sizes range from 3 to 5 full-time employees (FTE's) per 10 miles of greenway corridor |
| <b>Natural Surface Path</b>                     | \$200 to \$1,800/mile                   | Depending on level of use and development   |
| <b>Greenway with Trail</b>                      | \$7,000 to \$20,000/mile                | Includes trail and related green spaces such as a stream corridor. Depends on level of development and width of corridor maintained.                                    |
| <b>On-Road Bicycle</b>                          | \$0-\$250/mile                          | Part of street maintenance. Depends on improvements   |
| <b>Sidewalks</b>                                | \$0-\$100/mile                          | Typically property owners maintain sidewalks though special landscaped upgraded walks. Links to trails may be maintained by the municipalities.                         |
| <b>Natural Open Space Park</b>                  | \$250-\$350/ac                          | Larger natural area preserves associated with the greenway. Depends on level of development and maintenance.  |
| <b>Active Park (Turf Grass or Feature Area)</b> | \$4,000 to \$6,000/ac                   | These areas would likely be minimal along the greenway or managed as separate components.   |

There are many factors that influence the cost of managing the Razorback Greenway. The purpose of providing these items is to enable the City of Springdale to define a budget for the long-term care of the sections of Greenway within its municipal jurisdiction.

**Possible Routine Maintenance Items to Consider for Budget Purposes**

- Drainage maintenance
- Maintenance of trail surface
- Pick up and removal of trash
- Weed control and vegetation management
- Mowing of 3-ft grass safe zone

Minor repairs to trail furniture/safety features  
Maintenance supplies  
Equipment fuel and repairs

### **11.2 Funding O&M Programs**

Several types of funding sources can be identified and it is likely that a combination will offer the best solution. Following are potential funding sources:

- Budget Allocation Commitments (City Councils, Homeowners Associations, Property Owners Associations, Other Jurisdictions)
- Multi-Objective Partnerships (with other agencies such as highways, utilities, drainage, etc.)
- Dedicated Tax and Special District Funds
- Creating an Endowment
- Earned Income
- Outside Funding Sources
- In-Kind Services

### **11.3 Budget Allocations**

These funds would come directly from annual budget allocations by the City of Springdale. Typically, this is the most reliable revenue source for project management, operations and maintenance. This is the most common and likely source of O&M funding. Note that on most projects around the nation, private donors or other potential partners will want to see a strong long-term public side commitment to management as a condition of awarding grants for capital trail improvements and management programs.

### **11.4 Multi-Objective Partnerships**

Some the elements of the program serve multiple public and private benefits including access for floodway and stream bank upkeep, promotion of local businesses, utility access, school facilities, road maintenance and enhancement of adjacent private properties. This may provide a number of opportunities for task- and cost-sharing among the various beneficiaries. These options should be vigorously and creatively explored. In addition, area businesses may have a vested interest in sponsoring and participating in trail maintenance along segments of the corridor.

For example, Madison, WI Public Works Department partners in maintenance of on-street facilities. In Denver CO, the Urban Drainage and Flood Control District partners with parks and greenway agencies in maintaining trail corridors because trails also serve as floodway access routes.

### **11.5 Dedicated Tax and Special District Funds**

A number of communities have specific dedicated tax programs in place such as open space sales tax or special districts with property tax based funding. To implement such a program it will be important to have a specific visionary plan in place and build broad based public support and partnerships with park, recreation and open space advocacy groups. Pursuing

this process should begin with an examination of the potential property, sales, lodging and other potential tax bases.

For example, Johnson County Park and Recreation District in Shawnee Mission, KS raises approximately \$1 million annually through a mill levy with 50% going to construction and maintenance of trail and open space facilities. Jefferson County, CO passed a ½ cent Open Space Tax in the late 1970's. This tax generates over \$14 Million annual for acquisition and maintenance of open spaces, trails and local park facilities. Voters in the St. Louis area approved a bi-state regional park district effort. They created the multi-county Metropolitan Park and Recreation District on the Missouri side and the Metro East District on the Illinois side. With a 1/10-cent sales tax allocation the two districts raise approximately \$10 million annually (\$9 million on Missouri side and \$1.5 million on the Illinois side). A portion of the funds will go toward building and maintaining an extensive regional trail and greenway system.

### **11.6 Creating an Endowment**

An endowment is a set-aside account held strictly to generate revenue from investment earnings. The endowment could be held by a non-profit. Funding of the endowment could come from a percent of capital grants and from an endowment campaign. The endowment could also be funded by bequests and deferred giving such as donations of present or future interests in stock or real estate. To have an effective impact the endowment should have several million dollars in its "corpus" (asset holdings). This endowment could be built up gradually in tandem with project development. Some private organizations, such as the Yakima River Greenway Foundation in Washington State, earn funds through bingo and special events.

### **11.7 Earned Income and User Fees**

This is a revenue stream created by the use of the amenities such as a user permit for trails and open space facilities. This might be an annual pass that can be purchased on the Internet or at grocery stores, etc. Cannon Falls, MN raises funds through a "Wheel Pass" program where users 18 and older must purchase a user permit providing funds for trails maintenance. Another community near Saratoga, NY, a \$35/year membership fee subsidizes trail maintenance. Another option would be leasing trail rights-of-way for fiber-optic and other utility corridors. The Niagara River trail (Canadian side) and the W&OD Trail Corridor in Virginia (Northern Virginia Regional Park Authority) receive several hundred thousand dollars annually in lease revenue for telecommunications cable license fees.

In most cases, however, earned income revenue streams are not likely to fund more than a fraction of the total management costs, though the fraction could be substantial. Note that these programs have an administrative cost. Furthermore, it is also important to avoid compromising or commercializing the quality of the trail.

### **11.8 Outside Contributions**

Outside contributions include outside public and private sector grants that can be applied toward management including routine and remedial maintenance. Presently the Federal

ARRA “Stimulus” program has funded trail replacement projects in a number of locations though availability of such programs in the future are hard to predict. Private contributors might help fund seasonal youth “trail ranger” programs or purchase equipment such as a sweeper. Creation of a trail advocacy/land conservancy non-profit might offer a way to raise money through “membership” donations. Note, however, that with the exception of remedial projects, generally, private donors are not interested in funding operations and maintenance. Many forms of outside funding may be unpredictable year after year and therefore is “uncontrollable income”.

### **11.9 In-Kind Services**

Management services might be supported and enhanced by available non-cash resources such as volunteers, youth, student labor, user groups (such as bicyclist associations), correctional services and seniors. In-kind support may also include donations of materials and equipment. Consider also adopt-a-trail programs. Services clubs might be encouraged to “adopt” a park or a trail and hold annual fundraisers. The corridor might also be eligible for youth programs such as AmeriCorps.

Note, however, that volunteer and in-kind participation will likely meet only a fraction of the operations and maintenance needs and funding of these programs may be sporadic. The management program will still need a base of trained professionals and proper equipment. These programs require staff time to coordinate.