AGENDA

FAYETTEVILLE CITY COUNCIL MEETING
MARCH 17, 1998

A meeting of the Fayetteville City Council will be held on March 17, 1998 at 6:30 p.m. in the City Administration Building, 113 West Mountain Street, Room 219, Fayetteville, Arkansas.

The following items will be considered:

1. **NOMINATING COMMITTEE REPORT**

2. **CONSENT AGENDA**: Consideration of items which may be approved by motion, or contracts and leases which can be approved be resolution, and which may be grouped together and approved simultaneously under a "Consent Agenda".

   A. Minutes of March 3, 1998 City Council meeting;

   B. **BID 98-06:** Resolution authorizing the water line extension for Salem Road. Request for additional funding and to combine project with no. 95039 into 97021 (cost share). Request for approval of a construction contract with Fayette Tree and Trench in the amount of $56,395.00. Request for approval of a project contingency of $20,000.00. **Pages 5.00-5.12**

   C. **WEDINGTON WATER & SEWER RELOCATION:** A resolution approving change order #3 and Final to the contract with Edwards Design & Construction, Inc. Amendment #2 to the Engineering contract with C.E.I. Consulting Engineers. Related Budget Adjustment $30,000 for any project expenses. All referenced to Wedington Water and Sewer relocations project. **Pages 6.00-6.14**

3. **OLD BUSINESS:** Items that have been brought before the Council but were tabled or no decision made to allow further discussion or more information to be presented.

   A. **RZA 98-4.00:** An ordinance approving annexation request RZA 98-4.00 submitted by Michele Harrington, attorney, on behalf of Prestige Properties for property located north of Mt. Comfort Road and east of Hugh Mount Road. The property contains 200 acres. Item was left on the second reading at the March 3, 1998 meeting

   B. **RZ 98-5.00:** An ordinance approving rezoning request RZ 98-5.00 submitted by Michele Harrington on behalf of Prestige Properties for property located north of Mt. Comfort Road and east of Hugh Mount Road. The property contains 200 acres. The request is to change zoning from A-1, Agricultural, to R-1, Low Density Residential. Item was left on the second reading at the March 3, 1998 meeting.

   C. **VOLUME BASED GARBAGE COLLECTION:** An ordinance approving a change to our garbage collection program and approving a budget adjustment.

D. **WARD BOUNDARIES:** Discussion of Ward Boundaries.
Pages 3.01-3.08

4. **RECONSTRUCTION OF ARLINGTON TERRACE:** A resolution authorizing the execution of a construction contract with Mobley construction for $195,509.16 with a $30,000 contingency, and approval of a budget adjustment for $226,000.00; all in connection with the reconstruction of Arlington Terrace in Fayetteville.

5. **BID 98-06**: ITEM MOVED TO CONSENT AGENDA; ITEM B.

6. **WEDINGTON WATER & SEWER RELOCATION:** ITEM MOVED TO CONSENT AGENDA; ITEM C.

7. **GAS BOY FUELING SYSTEM:** Approval of an Ordinance providing for a Bid Waiver to purchase replacement items, parts, supplies etc., pertaining to the GAS BOY Fueling system currently in use by the City of Fayetteville.

8. **PROPOSED EXTENSION OF PLAINVIEW AVENUE:** Approval of a proposed project between the City and Lewis Brothers Leasing Company, Inc., wherein Lewis Brothers conveys (1) a 1.0 acre tract of land to the City for a new fire station site and a 1.0 acre site for the extension of Plainview Avenue from the current termination (South of Milsap) to Longview Street. The City, in turn, will design and construct the proposed extension of Plainview Avenue (approx. 730 feet). No exchange of monies between the parties are anticipated on this project.

9. **RIGHT-OF-WAY ENCROACHMENT BY HMT:** To approve an encroachment into the Dickson Street and Rollston Avenue rights-of-way by the HMT large scale project.

10. **AMENDMENT TO THE MASTER STREET PLAN:** A resolution to approve an amendment to the Master Street Plan, changing the required right-of-way for Dickson Street from 70 feet to 55 feet for a distance of 250 feet on the north side of the 200 block of Dickson Street.

11. **OTHER BUSINESS:** Consideration by the Council of items that may have been presented after the agenda was prepared and distributed.

12. **INFORMATIONAL**

Only items presented by the City Council or City Staff may be discussed during the meeting. If you have an item you wish to discuss, please contact your alderman to have it presented at the next City Council Agenda Session. For further assistance, please contact Heather Woodruff, City Clerk, at 575-8323.

FINAL AGENDA INFORMATION
for
Mar. 17, 1998, Council Meeting

Handouts and Changes made at agenda session:

- Ward maps--8 maps (2 of each configuration D-G)
- Item 5--moved to consent agenda
- Item 6--moved to consent agenda
- Map for Plainview Extension
  number this 8.13
- HMT additional info - goes with item 9

Attached here:

- Final Agenda
- Minutes of March 3 meeting
- Information items--item #12

VOTING RECORD
Meeting of the City Council
March 17, 1998

	Role		Nominating com.		
TRUMBO	✓		✓		
PETTUS	✓		✓		
MILLER	✓		✓		
WILLIAMS	✓		✓		
SCHAPER	✓		✓		
DANIEL	✓		✓		
YOUNG	✓		✓		
ZURCHER	✓		✓		
MAYOR HANNA	✓				

	Consent				
TRUMBO	✓				
PETTUS	✓				
MILLER	✓				
WILLIAMS	✓				
SCHAPER	✓				
DANIEL	✓				
YOUNG	✓				
ZURCHER	✓				
MAYOR HANNA					

VOTING RECORD
Meeting of the City Council
March 17, 1998

OLD BUSINESS

	RZA 98-4.00 ~~3rd~~ move 3rd rdgs		Res. to accept w/ amend from 30 to 40 mo park	
TRUMBO	✓	✓	✓	
PETTUS	✓	✓	✓	
MILLER	✓	✓	✓	
WILLIAMS	✓	✓	✓	
SCHAPER	✓	✓	✓	
DANIEL	✓	✓	✓	
YOUNG	✓	✓	—	
ZURCHER	✓	—	✓	
MAYOR HANNA				

	RZ 98-5.00 3RD			
TRUMBO		✓		
PETTUS		✓		
MILLER		✓		
WILLIAMS		✓		
SCHAPER		—		
DANIEL		✓		
YOUNG		✓		
ZURCHER		—		
MAYOR HANNA				

VOTING RECORD
Meeting of the City Council
March 17, 1998

	VOLUME GARB.	VOLUME GARB		
TRUMBO	~~2nd~~ ✓ ready suspend.	✓ table ✓		
PETTUS	✓	—		
MILLER	✓	—		
WILLIAMS	✓	✓		
SCHAPER	✓	—		
DANIEL	✓	✓ ✓		
YOUNG	✓	—		
ZURCHER	✓	✓		
MAYOR HANNA		4-4-0 failed		

	WARD BOUND 1ST	2ND	3RD	
TRUMBO	G & E			
PETTUS				
MILLER				
WILLIAMS				
SCHAPER				
DANIEL				
YOUNG				
ZURCHER				
MAYOR HANNA				

VOTING RECORD
Meeting of the City Council
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	ARLINGTON TER. 1ST	2ND	3RD	
TRUMBO	✓			
PETTUS	✓			
MILLER	✓			
WILLIAMS	✓			
SCHAPER	✓			
DANIEL	✓			
YOUNG	✓			
ZURCHER	← absent			
MAYOR HANNA				

	GAS BOY 1ST	2ND	3RD	
TRUMBO	✓	✓	✓	
PETTUS	✓	✓	✓	
MILLER	✓	✓	✓	
WILLIAMS	✓	✓	✓	
SCHAPER	✓	✓	✓	
DANIEL	✓	✓	✓	
YOUNG	✓	✓	✓	
ZURCHER	ABS.	✓	✓	
MAYOR HANNA				

VOTING RECORD
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	PLAINVIEW EXT. 1ST	~~2ND~~	~~3RD~~	
TRUMBO	✓			
PETTUS	✓			
MILLER	✓			
WILLIAMS	✓			
SCHAPER	✓			
DANIEL	✓			
YOUNG	✓			
ZURCHER	✓			
MAYOR HANNA				

	Hmt. ROW 1st	2ND	3RD	
TRUMBO	✓			
PETTUS	✓			
MILLER	✓			
WILLIAMS	✓			
SCHAPER	✓			
DANIEL	✓			
YOUNG	N			
ZURCHER	✓			
MAYOR HANNA	7-1-0.			

VOTING RECORD
Meeting of the City Council
March 17, 1998

	AMEND MSP 1ST	2ND	3RD	
TRUMBO	✓			
PETTUS	A			
MILLER	✓			
WILLIAMS	✓			
SCHAPER	✓			
DANIEL	✓			
YOUNG	✓			
ZURCHER	✓			
MAYOR HANNA	7-0-1A			

TRUMBO				
PETTUS				
MILLER				
WILLIAMS				
SCHAPER				
DANIEL				
YOUNG				
ZURCHER				
MAYOR HANNA				

A MEETING OF THE FAYETTEVILLE CITY COUNCIL

A meeting of the Fayetteville City Council was held on Tuesday, March 3, 1998, at 6:30 p.m., in the Council Room of the City Administration Building, 113 W. Mountain, Fayetteville, Arkansas.

PRESENT: Mayor Fred Hanna; Cyrus Young, Randy Zurcher, Trent Trumbo, Donna Pettus, Stephen Miller, Kit Williams, and Heather Daniel; City Attorney Jerry Rose; City Clerk/Treasurer Heather Woodruff; staff; press; and audience.

ABSENT: Alderman Len Schaper

Mayor Hanna called the meeting to order with seven aldermen present.

NOMINATING COMMITTEE REPORT

Alderman Daniel nominated James Gibson to the Tree & Landscape Committee. Alderman Trumbo seconded. Upon roll call, the motion carried on a vote of 7 to 0.

Alderman Daniel reported that the Nominating Committee wishes to re-interview two candidates for the Parks & Recreation Board and should have a nominee for this board by the next Council meeting.

CONSENT AGENDA

Mayor Hanna introduced consideration of items which may be approved by motion or contracts and leases which can be approved by resolution and which may be grouped together and approved simultaneously under a consent agenda:

A. Minutes of the February 17 regular City Council meeting;

B. A resolution approving an amendment to the engineering contract with Milholland and Company for the addition of right of way and easement plat preparation. Total increase will be $4,425.00 for Poplar Street improvements project.

RESOLUTION 25-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

Alderman Miller moved the consent agenda. Alderman Young seconded. Upon roll call, the motion carried on a vote of 7 to 0.

OLD BUSINESS

REZONINGS RZ97-22.10 & RZ97-23.10

Mayor Hanna introduced ordinances rezoning 5.61 and 3.24 acres located on the north side of Wedington Drive west of Rupple Road from A-1, Agricultural, to R-0, Residential-Office, as requested by Lew Steenken on behalf of Shahryar Khajehnajafi. These were left on second reading at the February 17 meeting.

Mayor Hanna explained these were being done separately because these parcels are split by a piece of land.

City Attorney Rose read both ordinances for the third time.

Alderman Williams announced he would be abstaining on the discussion and vote regarding this issue because a client of his has a small interest in these rezonings.

Alderman Zurcher declared this is more creeping sprawl.

Alderman Trumbo responded that this is sustainable commercial growth adding a tax-paying base to the City. We make money off sales tax and the school makes money off property tax.

Alderman Zurcher defined sustainable growth as not growing faster than the infrastructure.

Alderman Young stated the land use plan does not designate this to be commercial.

There were no comments from the audience.

Stephen Miller stated this area will be four-laned soon and there is commercial on the other side. There is not a more appropriate use for the area. He stated he would like to see a small commercial area there to serve that part of town.

Mayor Hanna called for the vote.

Upon roll call, RZ97-22.10 carried on a vote of 4-2-1, with Aldermen Young and Zurcher voting no and Alderman Williams abstaining.

ORDINANCE 4080 AS RECORDED IN THE CITY CLERK'S OFFICE.

Upon roll call, RZ97-23.10 carried on a vote of 4-2-1, with Aldermen Young and Zurcher voting no and Alderman Williams abstaining.

ORDINANCE 4081 AS RECORDED IN THE CITY CLERK'S OFFICE.

REZONING RZ98-2

Mayor Hanna introduced an ordinance rezoning 5.20 acres located north of Wedington Drive west of Salem Road from R-2, Medium Density Residential, to R-O, Residential-Office, requested by Kurt Jones on behalf of Sam Rogers. Item was left on the second reading at the February 17 meeting.

Alderman Williams moved to suspend the rules and go to the third and final reading. Alderman Miller seconded. Upon roll call, the motion carried on a vote of 6-0-1, with Alderman Young abstaining.

City Attorney Rose read the ordinance for the third time.

Alderman Zurcher asked if this would change the density much.

Alett Little, Planning Director, replied it depends on the type of development and how much they would have developed the R-2. It is probably not over a 30% change one way or the other.

There were no comments from the audience.

Mayor Hanna called for the vote.

Upon roll call, the ordinance passed on a vote of 6-0-1, with Alderman Young abstaining.

ORDINANCE 4082 AS RECORDED IN THE CITY CLERK'S OFFICE.

RZA98-4.00 & RZ98-5.00

Mayor Hanna introduced ordinances approving annexation RZA98-4.00 and rezoning RZ98-5.00 submitted by Michele Harrington, attorney, on behalf of Prestige Properties for property located north of Mt Comfort Road and east of Hugh Mount Road. The property contains 200 acres. Item was left on first reading at the February 17 meeting.

Alderman Miller moved to suspend the rules and go to the second readings. Alderman Williams seconded. Upon roll call, the motion carried on a vote of 7 to 0.

City Attorney Rose read RZA98-4.00 and RZ98-5.00 for the second time.

Alderman Trumbo reported he has received many calls from citizens in this area who have concerns about the infrastructure here. He stated the City can address and work out these problems over time. A lot of time and effort has gone into this decision. This is the best site for this school. The City will acquire a Gulley-Park-size park on the west side of town. The alternative site next to Holcomb would require a great deal more money to develop.

Alderman Williams agreed this is a good site for the school and good for the City, economically and aesthetically.

Alderman Daniel stated the site is attractive and the park would be a good addition to that part of town. She asked how the traffic counts compare to other roads in town. Mt. Comfort road has an average of 5,513 cars per day.

Charles Venable, Assistant to the Public Works Director, responded that Sang Avenue west of Wedington has around 5,000. Drake Street north of the University has around 5,000. Zion Road has over 5,000. Huntsville Road has over 6,000. Old Wire has

7,500. Old Missouri has around 5,000. Poplar and Sycamore are about 5,000. These are all two lane. College has 30,000. Wedington has around 16,000. Crossover Road has around 16,000.

Venable stated Mt. Comfort has always carried a good amount of traffic. This average is less than one done before. The recent count was taken over a three-day period. The traffic light at Salem and Wedington has affected some of the traffic.

Alderman Trumbo asked if this development would make that road very dangerous to pedestrians and students.

Venable replied if everything out there developed within two years, the traffic would probably increase about 1,000 vehicles a day. In five years, there would be between 2,000 and 3,000 vehicles a day. He stated these roads can carry more than that. Mt. Comfort is narrow and some work will have to be done on it sooner or later. When we get to around 10,000 vehicles a day, we'll need to look at widening. The right of way is very narrow. Additional rights of way will have to be acquired. There could be other connections made.

Alderman Pettus asked about sewer and water capacity.

Kevin Crosson, Public Works Director, replied he believes we can handle this. Regarding stream studies, he stated our consultant is getting the assumptions we are using pre-approved with DPC&E.

Alderman Young asked about the flood way and flood plain.

Alett Little, Planning Director, stated this flood plain data takes into account all the recent development in Fayetteville.

Alderman Zurcher stated he thought there had been a consensus to read this at three meetings.

Alderman Williams stated this has been considered for a long time and the school would like to move forward, so he would rather make a decision at this meeting.

Malcolm McNair, representing the Fayetteville School Board, stated they wish to purchase property in this area for a new middle school. They have looked long and hard for a site on the west side that is comparable in topography to the Vandergriff site, in order to build two identical schools, which will save money. This site provides a site similar to Vandergriff. It is estimated it will save $350,000. Mr. McNair read a resolution written by the School Board last week which urged the Council to advance its deliberations and approve the annexation and rezoning request at this Council meeting.

Bobby New, School Superintendent, explained how critical this vote is. The School District is at a crossroads. Several months ago the School Board approached the Council with another proposed site. The District took note of what the Council said at that time: to go back and look at another site and that the City was not interested in approving a road that would create problems and cost the taxpayers approximately $500,000. He stated the School Board voted unanimously to approach the Council to recommend approving this annexation and rezoning.

Dr. New informed the Council that the School Board had met that afternoon. At that meeting, he told the Board the second option is no longer an option. The Holcomb site will cost in excess of $350,000 more. It is not the same quality site as this one is, nor is it equitable to the Vandergriff site. It does not have room for expansion. This leaves only one option, the site being discussed. If this site is not approved, the project could be put back as much as a year.

Kathy Phoenix, Presidents Council of the Fayetteville School District, asked the City Council to support this annexation and rezoning. It will benefit all citizens of Fayetteville. The 44 acre park is a wonderful opportunity to mesh classroom theory and practical application for data collection and field study. She urged that the vote be taken at this meeting.

Rob Dzur, Ward 1, stated the DPC&E is holding up information needed to make a clearly evaluated decision. He encouraged getting all the information about the infrastructure.

Mayor Hanna stated staff has calculated we have the capacity to handle this.

Alderman Trumbo noted it is planned for this to take ten years to be completely built.

Tim Reynolds, developer, stated it could be 2.5 to 3.5 years before construction of the first phase.

Alderman Daniel pointed out there will be other development impacting the sewer system.

Terri Mullen, Meadowlark Drive, asked the Council to approve this annexation and rezoning. This is the type of growth she would like to see and is much preferred to a grocery store. She asked the Council to decide on this at this meeting, as the next meeting would be during spring break. She stated she did not notice a negative increase in traffic when Holcomb opened, because many students are bused from the west.

A resident of Double Springs Road stated safe roads need to be considered. Regarding making the decision at this meeting, she said the announcement for the first reading did not mention the amount of acres. The second notice, which did mention the acreage, came out the same day as the Council meeting. She stated people have not received the kind of notice they should have and it does not look good to be pushing it through.

Alderman Daniel stated there have been many articles about this annexation.

Alderman Trumbo stated before this gets to the Council, it goes through Planning Commission.

Alett Little stated Planning notifies adjoining landowners by letter and two notices are put in the paper.

A teacher with the Fayetteville School District stated the Council is faced with the essential question of is this a good choice of land use for the City of Fayetteville. She asked the Council to think about this as smart growth. The developer is making concessions, which are park land in excess of greenspace and the road from the school to Rupple Road. This sends a message to developers to come to the Council with the City's needs in mind. She stated this middle school is needed to meet student needs. The money saved on this site could be used for start-up funds. This site would provide a useful outdoor laboratory.

Wilson Kimbrough, Mt. Comfort Road, stated he did not see the City counting the traffic. The City did not see the hundred or more dump trucks using Mt. Comfort Road. If this 200 acres gets developed, there will be a lot more trucks. He asked if the majority of the Council had voted to not let high density be annexed on the northeast side of Fayetteville.

Alderman Trumbo replied that annexation was passed but the Council did not approve the R-1 zoning that was requested.

Mr. Kimbrough stated the attention given to the people of that section is not being given to the northwest and never has been. He pointed out there has not been any expression of people's feelings of concern about this high density annexation. He stated this should be put off for two more weeks. He pointed out that Alderman Schaper, who is highly verbal and understanding of the people who live in that section, was not present at this meeting. Mr. Kimbrough stated several people are depending on him to give their views that they do not want this annexation in this fashion. He reported there have been quite a few car wrecks in this area recently. This needs to be discussed. More traffic means more wrecks.

Mr. Kimbrough stated he detected meetings have taken place that have caused members of the Council to make up their minds and these meetings have not been public.

Alderman Zurcher responded that the Council tours sites the day before a Council meeting, which is also a public meeting. The press was present when the Council toured this site. He stated nothing secret is going on.

Mr. Kimbrough stated the knowledge of what is going on with this

200 acres is slowly increasing. Not everyone reads the paper and it is not always easy to find out what is going on. It is very proper to carry this out over three meetings and not two. People are just beginning to know what is going on.

Jack Butt, citizen, stated the School District has the complete legal and fiscal ability to take an unacceptable site and cram a school onto it and put the same amount of traffic on Mt. Comfort that will be at the new site anyway. That's the choice if the City won't cooperate. On the other hand, we could take a pristine site that will be developed no matter what and get a wonderful park and a school built cheaply and have controlled, supervised, well-planned growth. He could not see any benefit to forcing the School District to do something that has been characterized as not even an option. We need more parks like Wilson and Walker, where you see hundreds and thousands of people using them all the time. He could not see any conceivable better choice than this.

Alderman Daniel reported that all the calls she has received about this have been in favor of the project.

Alderman Williams stated the Council has been looking at this issue quite a while. The same arguments have been heard. It has been before the Council once before. Many aldermen have been contacted by many people. The School Board has taken action. The PTA has taken action. He did not think delaying the vote would serve any purpose.

Alderman Zurcher stated reasons for waiting include the absence of Alderman Schaper and the fact that this is a large annexation. He agreed with the need for middle schools. His only problem with this site is the annexation of 200 acres for a 20 acre site, which is what the State says is necessary. He noted the City recently sold 20 acres for $1.5 million and maybe the School Board and City need to work closer together. We could have made a good deal with the School Board instead of paying for a road. He stated the State could probably work something out, like shared use of Ramay. He urged the Council not to vote on this until both aldermen from the ward are present.

Alderman Trumbo stated he would not respond positively to a request to vote at this meeting if it came from the developer, but the School Board's concerns are different and we should be expedient. He stated two weeks would not change his vote.

Alderman Miller stated this developer is saying they will build what the Councils he's sat on have demanded through the years. Linking this to the parks and School Board was a shrewd move. He stated he supports the School Board's ability to make this decision and would not change his mind in two weeks.

James Shumate, Mt. Comfort Road, stated a middle school next to Holcomb would mean more congestion and become a safety factor.

Alderman Pettus stated the site is a beautiful site that will benefit the City greatly and developers will help pay for the road. In time, we can deal with our infrastructure problems.

Alderman Williams moved to suspend the rules and go to the third and final reading. Alderman Pettus seconded. Upon roll call, the motion failed on a vote of 4 to 3, with Aldermen Young, Zurcher, and Daniel voting no.

RZA98-4.00 and RZ98-5.00 were left on second reading.

NEW BUSINESS

VA97-11.00

Mayor Hanna introduced an ordinance approving a utility easement vacation, VA97-11.00, as requested by Virginia Davis for property located at 3033 North Quail Creek Drive. The requested vacation is for the east 8' of the west 20', excluding both the north 10' and the south 10' of Lot 5.

City Attorney Rose read the ordinance for the first time.

Alderman Daniel moved the ordinance to the second reading. Alderman Miller seconded. Upon roll call, the motion carried on a vote of 7 to 0.

City Attorney Rose read the ordinance for the second time.

There were no comments from the audience.

Alderman Trumbo moved to suspend the rules and go to the third and final reading. Alderman Daniel seconded. Upon roll call, the motion carried on a vote of 7 to 0.

City Attorney Rose read the ordinance for the third time.

Mayor Hanna called for the vote.

Upon roll call, the ordinance passed on a vote of 7 to 0.

ORDINANCE 4083 AS RECORDED IN THE CITY CLERK'S OFFICE.

RZ98-3.00

Mayor Hanna introduced an ordinance approving rezoning request RZ98-3.00, as submitted by Dale Frederick on behalf of the City of Fayetteville for property located at 4500 South School Avenue. The property contains 525.40 acres. The request is to change the zoning from A-1, Agricultural, and C-1, Neighborhood Commercial, to I-1, Heavy Commercial and Light Industrial.

City Attorney Rose read the ordinance for the first time.

Alderman Williams noted that the Planning Commission voted 8-0-0 to recommend this rezoning.

Alderman Miller stated this is a large rezoning, but having an airport that's A-1 and C-1 doesn't make sense.

Alderman Daniel stated she has received no input from the public. It does not seem to be a concern.

Mayor Hanna stated this is just to straighten out something that should have been done many years ago.

Alderman Young pointed out that the Planning Commission said this land can be rezoned again if it ceases to be used as an airport.

Mayor Hanna asked for comments from the audience.

Alderman Trumbo asked the Airport Marketing Director if there are plans to develop this other than for passenger usage.

Rudy Furr, Airport Marketing Director, stated the Airport Board voted unanimously for this. The infrastructure is in place to handle the development on the east side. This is a continuation of following the City's guidelines in developing the corporate industrial purposes of the airport. There was a roadblock to further development because of the zoning.

Alderman Williams moved to suspend the rules and go to the second reading. Alderman Miller seconded. Upon roll call, the motion carried on a vote of 6 to 0, with Alderman Daniel absent for the vote.

City Attorney Rose read the ordinance for the second time.

Alderman Miller moved to go to the third and final reading. Alderman Pettus seconded. Upon roll call, the motion carried on a vote of 6 to 0, with Alderman Daniel absent for the vote.

City Attorney Rose read the ordinance for the third time.

There being no further comments, Mayor Hanna called for the vote.

Upon roll call, the ordinance carried on a vote of 6 to 0, with Alderman Daniel absent for the vote.

ORDINANCE 4084 AS RECORDED IN THE CITY CLERK'S OFFICE

VOLUME-BASED GARBAGE COLLECTION

Mayor Hanna introduced an ordinance approving a change to our garbage collection program and approving a budget adjustment.

City Attorney Rose read the ordinance for the first time.

Mayor Hanna stated this is a good idea as we need to make our garbage fees equitable. However, we should be giving out 104 bags and make arrangements for the elderly and people who live alone. Also, asking a family to use one bag one week and two bags the next is not practical. It may lead to people disposing of garbage on their own. He had no objection to charging $1.50 per bag over what we allow, but we should give 104 bags rather than 78.

Alderman Zurcher agreed. He favors finding a way for people to get credits on the bags they don't use or some sort of rebate.

Alderman Miller stated an entire meeting of the Environmental Concerns Committee was spent discussing the number of bags to allow. Staff had asked to be allowed to determine the number of bags so they could get a year of data on how this is going to work. He stated Cheryl Zotti has agreed to look into the needs of low income and elderly citizens. He mentioned after Christmas might be a time for the City to pick up more than what is generally allowed.

Alderman Daniel also had concerns about the number of bags. She asked how it was chosen.

Cheryl Zotti, Environmental Affairs Administrator, passed around a sample of the bag to be used. She stated staff recommended 104 bags in order to provide 2 bags per week. Sixty gallons per household was planned for in the rate study. The first year would be a time of teaching about waste control in the home. We do not want to make it too restrictive. There are a lot of people who generate a lot more than two bags a week. Our goal is to teach them to use these bags the first year. It will most likely change over the next few years.

Alderman Williams asked if the primary purpose for going to the volume based plan is that we have to collect more money now.

Zotti replied that is one of the reasons. The timing of this is related to the fact that we are implementing a new recycling program which will cost an additional $162,000 per year. This program will generate revenue.

Alderman Williams stated the waste audit showed households are placing an average of five to six bags out each week. With the new system, the average resident will not be able to put out as much trash.

Zotti agreed it would be difficult. They would need to be conscious of how they recycle.

Alderman Williams asked how much money this program is supposed to raise.

Zotti replied it is estimated that through decreased disposal rates and selling at least one additional roll of bags to 30% of the residents, it will generate approximately $189,000 per year.

Alderman Williams questioned the statement in the report that 30% of the residents buying one roll of bags a year at $30 would generate $153,000. The cost of the bags will cost the City $131,000, so the net increase would be about $22,000.

Zotti responded that we won't have the expense of purchasing the blue bags, approximately $60,000 per year.

Alderman Williams stated this is a savings on the recycling end but has nothing to do with volume metric pricing. We've already agreed to go to the bin program and so already have that $60,000 in savings.

Zotti stated that when the bin program was presented, it was stated there would be two choices to raise the additional revenue: a rate increase or this type of program.

Alderman Williams questioned how much will actually be raised according to this plan. If you raise $153,000 more from residents by requiring them to buy additional bags, but are paying $131,000 to supply bags plus $7,000 for the bags to be sold, the only revenue being realized is $14,800. We are collecting $153,000 but 90% and more is going to the bag sellers. That is not good management. We are not realizing much money but are taking a lot from our citizens to make this work; and that is just the cost of the bags, not the administration or anything else.

Zotti stated they did not approach it this way, deducting expenses. We first said we would provide a bag program and recognized it would cost $131,000 to purchase the bags. We had the savings from not purchasing the blue bags to do this.

Alderman Williams stated we already have that savings anyway and it is one of the reasons we are going to the bin program. That savings helps that project make more sense. It should not be tied into this pricing.

Alderman Zurcher stated that to make it equitable would be to have a basic charge for recycling then put it on subscription service and charge the exact cost of the bags and landfilling.

Alderman Williams stated there is an estimated $36,000 saving if we reduce trash flow by 10%. If you add that to the $14,800 revenue, you then get about $50,000. If we decide not to go to volume based bags and don't spend the money on bags, we could raise our rates by $.25 for every household and not change anything else--not buy the bags--and we'd still get the $50,000 in savings. If you don't get that $36,000 and only collect the $14,800, it is $1 a year per household that we'd have to raise our rates. We need to look closely at the finances on this.

Kevin Crosson, Public Works Director, stated the bags are not necessarily a vehicle to get the trash into the landfill; they are a tool to educate the public about recycling. This was taken as a unified proposal to the Environmental Concerns Committee coupled with the curbside recycling program. On the volume rate proposal, the Committee was given two options. The Committee chose the volume metric rate proposal over the rate increase.

Alderman Miller wondered why the solid waste department is expected to make money when no other department is.

Lonnie Gibson, audience member, remembered a few years back when garbage was picked up twice a week. Now it is picked up once a week and you pay separately for yard waste. He felt paying $1.50 for a bag is an insult and the bags are not needed. He would rather see a rate increase and use his own bags. He thought the bag system could be a burden under circumstances like landlords cleaning up after tenants.

Bill Stiles, 117 Rock, does not want to be charged for half a bag of trash. He had concerns about dogs getting into the garbage bags and was told the bags will fit in garbage cans. He stated he has a problem with dumpsters being picked up at 5:30 in the morning, which disturbs his bed and breakfast customers. He thought this might violate the noise ordinance.

Kevin Crosson offered to pick this up later in the day.

This item was left on first reading.

AERIAL DATA SERVICES CONTRACT

Mayor Hanna introduced a resolution awarding a one-year contract with annual renewals subject to budget approvals to Aerial Data Services for aerial photography, digital, and planimetric data.

John Goddard, Data Processing, stated this is black and white photography and digital imagery.

Alderman Miller moved the resolution. Alderman Trumbo seconded. Upon roll call, the motion carried on a vote of 5 to 0, with Aldermen Young and Pettus absent for the vote.

RESOLUTION 26-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

4-COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT BOARD

Mayor Hanna introduced a resolution approving the appointment of Cheryl Zotti, Environmental Affairs Administrator, as the City of Fayetteville's representative on the 4-County Regional Solid Waste Management District Board.

Mayor Hanna explained that Ms. Zotti is the one who keeps up with the 4-County Solid Waste Management District and goes to all the meetings.

Alderman Williams moved the resolution. Alderman Daniel seconded. Upon roll call, the motion carried on a vote of 7 to 0.

RESOLUTION 27-98 AS RECORDED IN THE CITY CLERK'S OFFICE

COMMUNITY ROOM PROPOSAL

Mayor Hanna introduced a letter submitted by Cyrus Young on behalf of Michael H. Thomas, Library Board President, regarding an alternate plan for a Community Meeting room at the Fayetteville Public Library.

Michael Thomas, Library Board President, stated this is the proposal, not an alternative. It is part of a long-range development plan for expansion. Because of the town center issue coming up, the Library was persuaded to do this now. He explained the current policy has been changed regarding use of the existing room. There is no charge for use of the room when the library is open. There is a $25 clean-up deposit, which is returned if the room is returned to its original order. After hours, there will be a charge of $10 an hour for an employee to be there.

Mr. Thomas stated the plan provides for a 1,440 sq. ft., self-contained meeting room, raised stage, and handicap access. It will hold 75 adults or 160 children. Adjacent to that will be an 850 sq. ft. area for the entrance lobby/gallery, restrooms, kitchen preparatory facility, and a staff breakroom. The entire area can be sealed off from the rest of the library, giving 24-hour access for events and programs. Improved lighting is needed for the parking lot. The estimated cost is from $150,000 to $225,000.

Mr. Thomas stated he is asking the Council to consider providing funding for an architect to do the initial design work and cost estimation. Architect fees for a project this size are from $15,000 to $22,000 plus about $2,000 for reimbursable expenses. Initial schematics design and development require from $6,500 to $9,200.

Mr. Thomas referred to the town center proposal regarding a meeting room. The library is two to three times larger and will cost much less.

Louise Schaper, Library Director, gave a presentation using the overhead. She showed the existing space of the library that will be involved. Because of the bathroom arrangement, in the past the library had to remain open; without staff present, items have been lost, which is why there is a charge for staff to be present when the library is not open.

Ms. Schaper showed a rough conceptual plan for the proposed community room. A possible long-range plan would be to use a currently rented-out space for a corporate boardroom to be used by small businesses for meetings. This is now rented by the Ozark Regional Library System.

Alderman Williams was concerned about making decisions based on a rough conceptual plan. The staff may need to look at it. Normally, proposals don't come to the Council outside budgeting and the CIP.

Ms. Schaper stated this came forward out of concern that the City is considering spending the money somewhere else. There is no hurry. If not now, they would be coming back when the budget is set. Now, they are simply asking for the ability to get started with an architect.

Ben Mayes, Administrative Services Director, stated this would come out of fund balance.

Ms. Schaper stated they are asking for architectural services for initial schematics and design development, the $6,500 to $9,200.

Kevin Crosson, Public Works Director, stated the project itself would have to go through the CIP.

Mayor Hanna suggested having staff draw up a proposal showing where the money would come from and what we would need and then present it as an agenda item.

Alderman Zurcher asked what the Regional Library does and if it needs the space it rents.

Mr. Thomas asked to put that question on hold.

Alderman Trumbo asked what the mechanism is to approve the money for hiring an architect.

Mayor Hanna replied that the necessary information and a budget adjustment for the architectural services will be included in the next agenda under old business.

TIBETAN NATIONAL INDEPENDENCE DAY

Mayor Hanna introduced a resolution proclaiming March 10, 1998, Tibetan National Independence Day in Fayetteville, Arkansas.

Frank Parigi, Students for a Free Tibet, read the resolution. He stated that as a result of the past activities of visiting Tibetan monks, the people of Northwest Arkansas have contributed $18,000 directly to the Tibetan people and have studied Tibet. The story of Tibet is one that reflects what can happen to a nation when freedom is denied. Fayetteville has an opportunity to play a part in on-going, peaceful efforts of the Tibetan people to gain the rights we know are crucial to peace and happiness of individuals and nations. The more people who become involved in creating a better world, the sooner that world will happen.

Bill Sims, Fayetteville resident, Congregationalist minister, and President of the Northwest Arkansas Buddhist Association, stated this is a unique situation for a city government. This is an international issue that has been going on for 39 years and has received increased attention in the past five years. It is important because this is a group of people who represent a native culture that has been active for 1,200 years and uninterrupted until 1958. This is a case where local folks can make an international impact. They are not getting recognition from major governments because of the Chinese government's influence. This is why the monks have been coming here for the last four years.

Alderman Williams moved the resolution. Alderman Miller seconded.

Alderman Trumbo noted that resolutions of this type could be directed to many places in the world and wondered if this is where the Council is going. He was concerned about discriminating against other causes.

Alderman Zurcher stated that any group who has this kind of point about repression of human rights deserves to have the Council consider it.

Alderman Williams stated Tibet is fairly unique. Tibet's problem has gone on for a longer time and a larger part of their population has been killed or exiled than any other place.

Rev. Sims stated that the visiting monks have been made honorary citizens of Fayetteville. He stated Amnesty International has indicated that an effective means for change is through local support.

Alderman Daniel stated this would be setting a precedent and the Council may receive resolutions that are not as clear as this and very political.

Upon roll call, the resolution passed on a vote of 7 to 0.

RESOLUTION 28-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

MUD CREEK BUDGE ADJUSTMENT

Mayor Hanna introduced a resolution approving the contract for Construction of AHTD Job 040179, F.A.P. BRN-9142 (7), Mud Creek Str. and Apprs. (Fayetteville) Washington County with Souter Construction co., approval for the City's matching funds, and budget adjustment in the amount of $540,000. Matching funds for the construction of this project total $454,498.71.

Mayor Hanna informed the Council that if this is passed at this meeting, the only thing preventing this from being completed this year would be procuring the steel.

Charles Venable, Assistant to the Public Works Director, stated the traffic count taken just after Joyce Street opened was 7,000 cars a day on this one-lane bridge. It has increased since then. This project will provide four lanes.

Alderman Williams moved to accept the resolution. Alderman Daniel seconded. Upon roll call, the resolution passed on a vote of 7 to 0.

RESOLUTION 29-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

USE OF SQUARE GARDENS FOR OUTSIDE DINING

Mayor Hanna introduced consideration of a conceptual plan for outdoor dining on park property located within the Square Gardens.

Mike O'Brien, Cafe Company, stated there is an area where they have an existing easement that is part of the Parks Department that they would like to turn into outdoor dining. He passed out a handout regarding what is being proposed. He asked that the Council review this and recommend that the staff negotiate an agreement for the purpose of using this area for outdoor dining.

Richard Alderman, architect, used a drawing to walk through the area. He pointed out how this would provide convenient access for the handicapped. He stated this would not impact any of the existing gardens, except for moving a potting shed.

Mr. O'Brien stated this area would be closed to the public during non business hours. They are looking at the screening requirements.

Alderman Williams stated he would hate to see a tall fence. Outdoor dining was recommended in town meetings to enhance the downtown area. The attractiveness of this would be in sitting by the garden.

Mr. Alderman stated the screening is required and dictated by ABC. He stated he wanted the Council's approval to begin negotiation with the City staff to come up with what the City requires. They would also work with the historic people.

Mr. O'Brien stated the State law requires the classification of private club if open and serving alcohol on Sundays.

Alderman Williams stated he has a problem with making a public space into a private club. He pointed out that Jose's is both a private club and not a private club.

Mr. O'Brien stated an integral part of their concept is the ability for people to imbibe and have choices of where they want to sit. The screening is a requirement for the liquor license.

Mr. Alderman stated there is no need to explore what the exact screening requirements are unless the Council gives some indication they are interested in this concept.

Alderman Young stated the Council would want to have that information.

Alderman Zurcher expressed reservations about having alcohol out in the Square Gardens.

Alderman Miller cautioned the Council about setting a precedent for leasing park land to a business.

Mayor Hanna stated the request is for approval for this business to work out with staff a plan to lease the easement and to have it presented to the Council.

Alderman Trumbo moved this approval. Alderman Pettus seconded.

Lonnie Gibson, former owner of the Old Post Office Restaurant, encouraged the Council to support this club. He stated he would like to be able to have a drink outside. This will bring people and money to the Square.

Upon roll call, the motion carried on a vote of 7 to 0.

WARD BOUNDARIES

Mayor Hanna introduced discussion of ward boundaries.

Mayor Hanna suggested that each alderman chose a configuration from the four suggested and submit it at the agenda session. This would be added first under old business at the next meeting.

Alderman Pettus asked for population trends.

Ben Mayes, Administrative Services Director, stated the choices are Alderman Schaper's, configuration D; Alderman Williams's, configuration E; Alderman Young's, configuration F; and Randy Zurcher's, configuration G.

Adjournment

Mayor Hanna adjourned the meeting at 10:05 p.m.

CITY OF FAYETTEVILLE
BID QUOTATIONS #1

Purchase Date	March 5, 1998
Investment Offered	$875,000.00 ($895,000.00 if T-Bill)
Maturity Date Requested	August 27, 1998
Number of Days	175 Days

	NATIONSBANK	MCILROY	BANK OF FAYE	AWARDED BANK OF ARK
SETTLEMENT DATE	03/05/98	03/05/98	03/05/98	03/05/98
MATURITY DATE	08/27/98	08/27/98	08/27/98	08/27/98
DISCOUNT OR COUPON RATE				
YIELD				
DAYS BID	175	175	175	175
T-BILL BIDS				
CALCULATED YIELD				
FACE VALUE				
BOOK VALUE				
HANDLING FEE	2.00			
T-BILL INTEREST EARNINGS				
T-NOTE/OTHER BIDS				
FACE VALUE				
BOOK VALUE				
HANDLING FEE	2.00			
T-NOTE INTEREST EARNINGS				
CALCULATED YIELD				
DISCOUNT/(PREMIUM)				
PURCHASE INTEREST				
CD BID	No Bid	No Bid	No Bid	5.250
CD INTEREST EARNINGS INTEREST ON INTEREST BASIS				22,568.15
CD EFFECTIVE YIELD				5.380
T-BILL EFFECTIVE YIELD				
T-NOTE/OTHER EFFECTIVE YIELD				

INVESTMENT NUMBER 5660001113

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B&M

ADMINISTRATIVE SERVICES DIRECTOR
OR DESIGNEE

12.02

CITY OF FAYETTEVILLE
BID QUOTATIONS #1

Purchase Date	March 5, 1998
Investment Offered	$875,000.00 ($895,000.00 if T-Bill)
Maturity Date Requested	August 27, 1998
Number of Days	175 Days

	A. G. EDWARDS	DEAN WITTER	LLAMA CO.	MERRILL LYNCH
SETTLEMENT DATE	03/05/98	03/05/98	03/05/98	03/05/98
MATURITY DATE	08/27/98	08/27/98	08/27/98	08/27/98
DISCOUNT OR COUPON RATE	5.030	5.000		
YIELD	5.230	5.196		
DAYS BID	175	175	175	175
T-BILL BIDS				
CALCULATED YIELD	5.231	5.196		
FACE VALUE	895,000.00	895,000.00		
BOOK VALUE	873,104.00	873,246.53		
HANDLING FEE		2.35		
T-BILL INTEREST EARNINGS	21,896.00	21,753.47		
T-NOTE/OTHER BIDS				
FACE VALUE				
BOOK VALUE				
HANDLING FEE		2.35		
T-NOTE INTEREST EARNINGS				
CALCULATED YIELD				
DISCOUNT/(PREMIUM)				
PURCHASE INTEREST				
CD BID			No Bid	No Bid
CD INTEREST EARNINGS INTEREST ON INTEREST BASIS				
CD EFFECTIVE YIELD				
T-BILL EFFECTIVE YIELD	5.231	5.195		
T-NOTE/OTHER EFFECTIVE YIELD				

INVESTMENT NUMBER 5660001113

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ADMINISTRATIVE SERVICES DIRECTOR
OR DESIGNEE

CITY OF FAYETTEVILLE
BID QUOTATIONS #2

Purchase Date	March 5, 1998	
Investment Offered	$895,000.00	($920,000.00 if T-Bill)
Maturity Date Requested	September 3, 1998	
Number of Days	182 Days	

	NATIONSBANK	MCILROY	BANK OF FAYE	AWARDED BANK OF ARK
SETTLEMENT DATE	03/05/98	03/05/98	03/05/98	03/05/98
MATURITY DATE	09/03/98	09/03/98	09/03/98	09/03/98
DISCOUNT OR COUPON RATE				
YIELD				
DAYS BID	182	182	182	182
T-BILL BIDS				
CALCULATED YIELD				
FACE VALUE				
BOOK VALUE				
HANDLING FEE	2.00			
T-BILL INTEREST EARNINGS				
T-NOTE/OTHER BIDS				
FACE VALUE				
BOOK VALUE				
HANDLING FEE	2.00			
T-NOTE INTEREST EARNINGS				
CALCULATED YIELD				
DISCOUNT/(PREMIUM)				
PURCHASE INTEREST				
CD BID	No Bid	No Bid	No Bid	5.300
CD INTEREST EARNINGS INTEREST ON INTEREST BASIS				24,250.96
CD EFFECTIVE YIELD				5.434
T-BILL EFFECTIVE YIELD				
T-NOTE/OTHER EFFECTIVE YIELD				

INVESTMENT NUMBER 5660001114

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B. Pry

ADMINISTRATIVE SERVICES DIRECTOR
OR DESIGNEE

12.04

CITY OF FAYETTEVILLE
BID QUOTATIONS #2

Purchase Date March 5, 1998

Investment Offered $895,000.00 ($920,000.00 if T-Bill)

Maturity Date Requested September 3, 1998

Number of Days 182 Days

	A. G. EDWARDS	DEAN WITTER	LLAMA CO.	MERRILL LYNCH
SETTLEMENT DATE	03/05/98	03/05/98	03/05/98	03/05/98
MATURITY DATE	09/03/98	09/03/98	09/03/98	09/03/98
DISCOUNT OR COUPON RATE	5.020	5.010		
YIELD	5.230	5.212		
DAYS BID	182	182	182	182
T-BILL BIDS				
CALCULATED YIELD	5.226	5.212		
FACE VALUE	920,000.00	920,000.00		
BOOK VALUE	896,633.38	896,697.93		
HANDLING FEE		2.35		
T-BILL INTEREST EARNINGS	23,366.62	23,302.07		
T-NOTE/OTHER BIDS				
FACE VALUE				
BOOK VALUE				
HANDLING FEE		2.35		
T-NOTE INTEREST EARNINGS				
CALCULATED YIELD				
DISCOUNT/(PREMIUM)				
PURCHASE INTEREST				
CD BID			No Bid	No Bid
CD INTEREST EARNINGS INTEREST ON INTEREST BASIS				
CD EFFECTIVE YIELD				
T-BILL EFFECTIVE YIELD	5.226	5.211		
T-NOTE/OTHER EFFECTIVE YIELD				

INVESTMENT NUMBER 5660001114

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ADMINISTRATIVE SERVICES DIRECTOR
OR DESIGNEE

BID QUOTATIONS #1

Purchase Date	February 26, 1998
Investment Offered	$420,000.00 ($430,000.00 if T-Bill)
Maturity Date Requested	August 13, 1998
Number of Days	168 Days

	NATIONSBANK	MCILROY	BANK OF FAYE	AWARDED BANK OF ARK
SETTLEMENT DATE	02/26/98	02/26/98	02/26/98	02/26/98
MATURITY DATE	08/13/98	08/13/98	08/13/98	08/13/98
DISCOUNT OR COUPON RATE				
YIELD				
DAYS BID	168	168	168	168
T-BILL BIDS				
CALCULATED YIELD				
FACE VALUE				
BOOK VALUE				
HANDLING FEE	2.00			
T-BILL INTEREST EARNINGS				
T-NOTE/OTHER BIDS				
FACE VALUE				
BOOK VALUE				
HANDLING FEE	2.00			
T-NOTE INTEREST EARNINGS				
CALCULATED YIELD				
DISCOUNT/(PREMIUM)				
PURCHASE INTEREST				
CD BID	No Bid	No Bid	No Bid	5.300
CD INTEREST EARNINGS INTEREST ON INTEREST BASIS				10,494.09
CD EFFECTIVE YIELD				5.428
T-BILL EFFECTIVE YIELD				
T-NOTE/OTHER EFFECTIVE YIELD				

INVESTMENT NUMBER 5660001107

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[signature] 2-26-98

ADMINISTRATIVE SERVICES DIRECTOR
OR DESIGNEE

.12.06

CITY OF FAYETTEVILLE
BID QUOTATIONS #1

Purchase Date	February 26, 1998
Investment Offered	$420,000.00 ($430,000.00 if T-Bill)
Maturity Date Requested	August 13, 1998
Number of Days	168 Days

	A. G. EDWARDS	DEAN WITTER	LLAMA CO.	MERRILL LYNCH
SETTLEMENT DATE	02/26/98	02/26/98	02/26/98	02/26/98
MATURITY DATE	08/13/98	08/13/98	08/13/98	08/13/98
DISCOUNT OR COUPON RATE		5.110		5.090
YIELD		5.308		5.286
DAYS BID	168	168	168	168
T-BILL BIDS				
CALCULATED YIELD		5.308		5.286
FACE VALUE		430,000.00		430,000.00
BOOK VALUE		419,745.93		419,786.21
HANDLING FEE		2.35		
T-BILL INTEREST EARNINGS		10,254.07		10,213.79
T-NOTE/OTHER BIDS				
FACE VALUE				
BOOK VALUE				
HANDLING FEE		2.35		
T-NOTE INTEREST EARNINGS				
CALCULATED YIELD				
DISCOUNT/(PREMIUM)				
PURCHASE INTEREST				
CD BID	No Bid		No Bid	
CD INTEREST EARNINGS INTEREST ON INTEREST BASIS				
CD EFFECTIVE YIELD				
T-BILL EFFECTIVE YIELD		5.306		5.286
T-NOTE/OTHER EFFECTIVE YIELD				

INVESTMENT NUMBER 5660001107

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Ben Swain 2-26-98

ADMINISTRATIVE SERVICES DIRECTOR
OR DESIGNEE

Dear Mayor and Alderpeople,

It seems that Kit Williams and at least one member of a local newspaper's editorial staff have got problems with the Fayetteville city staff's proposed solid waste system that involves big purple bags. Frankly, who could blame them? The proposed system is a) not very equitable to people who put out very little trash, b) expensive and complicated. Part of the problem, in my opinion, is that there has been too little community dialogue about Fayetteville's solid waste situation. Maybe we can work on this in the future.

Although the staff-proposed system has obvious flaws, the Pay As You Throw concept is too good to miss out on. In effect this system will help preserve our natural environment and save us all money. And, nobody will have to pay for disposal of solid waste he/she doesn't generate.

So I will throw my ideas out for consideration, as follows:

In my plan, everybody will be billed for our recycling program, which will save us both the cost of landfilling any recyclable items and the environmental costs associated with landfills.

My actual solid-waste system would involve UPC code technology like the kind they use at the grocery store. Everybody buys a standard hard-shell garbage can (metal or plastic) that holds about 30-40 gallons (or whatever the standard is). This would help with the problem of dogs getting in people's garbage, and, if need be, the city could provide these to citizens for a nominal fee. The citizen can own 1, 2, 3, 4, or even 5 cans if he or she chooses. The citizen checks a box on her/his water bill, requesting up to five UPC stickers (which, by the way, are made to break apart when someone attempts to rip it off), and sticks them on the outside of up to five trash containers.

When the sanitation workers pick up your trash, they "scan your can" first, then throw your trash in the truck. For each can scanned, one can of trash is added to your bill. For this plan to really be equitable, the charge attached to one can of trash must be the actual cost of all that goes into landfilling the trash, including tipping fees, administrative costs, transportation, etc. Trust me, you pay for those kinds of things in your electric, gas, and water bills.

Then, with the magic of computers, the solid waste disposal line item on your water bill accurately reflects the cost of what you sent to the landfill.

No expensive bags or messy tags, just a sticker for the can. How could it be easier?

In discussing the various options we have, let's not forget the goals of a Pay As You Throw trash system—equity for all and reduction of our landfill waste stream.

Sincerely, Randy Zarcher, Alderman, Ward 2

AMERICAN AIRLINES, INC.
LEGAL DEPARTMENT
FACSIMILE COVER SHEET

DATE: March ~~10~~ 11, 1998

PAGES (including cover): 1+

TO: Uvalde Lindsey

FACSIMILE #: (501) 582-1919

FROM: Mai-Anh Nguyen, Attorney

Mailing Address
American Airlines, Inc.
P. O. Box 619616
Maildrop 5675
DFW Airport, Texas, USA 75261-9616

Telephone: 817-963-9554

Delivery Address
American Airlines, Inc.
4333 Amon Carter Blvd.
Maildrop 5675
Fort Worth, TX 76155

Facsimile: 817-967-2937 or 817-963-1489

Uvalde:

Please see attached. Execution Copy of Letter Agreement

with changes in §3(a) per Uvalde's request

Mai Anh
3/11/98

Regards,

Mai-Anh Nguyen

If you did not receive all pages, please contact:
Dori Murray/Beverly Stinson (817) 967-6853

LETTER OF AGREEMENT

AMERICAN EAGLE AIRLINES, INC.
AND
NORTHWEST ARKANSAS REGIONAL AIRPORT AUTHORITY

THIS LETTER OF AGREEMENT, made and entered into this 11th day of March, 1998 , by and between the NORTHWEST ARKANSAS REGIONAL AIRPORT AUTHORITY (hereinafter referred to as the "Authority"), and AMERICAN EAGLE AIRLINES, INC., together with its successors and assigns (hereinafter referred to as the "Airline").

WITNESSETH:

WHEREAS, the Authority desires to establish a long term contractual relationship with the Airline for the provision of commercial air carrier service between the Northwest Arkansas Regional Airport (hereinafter referred to as "Airport") and other airports by the Airline and/or its code sharing partners; ~~and~~

WHEREAS, the Airline desires to provide commercial air carrier service between the Airport and other airports; and

WHEREAS, the Authority and the Airline have negotiated and reached an agreement in principle as to the terms and conditions whereby the Authority and the Airline will enter into a fifty-nine (59) month agreement (hereinafter referred to as "Airport Use Agreement") for the Airline's use of certain facilities at the Airport, and the Airline's lease of certain space at the Airport; and the Authority's provision of certain and specific facilities, services and incentives to the Airline, as generally described herein; and {1st step of next part of Journey}

WHEREAS, the Authority and Airline acknowledge and agree that the provisions of any Airport Use Agreement must be in compliance with all laws and/or regulations; and

WHEREAS, the Authority and the Airline agree to continue to negotiate in good faith the remaining terms, conditions and provisions of the Airport Use Agreement and to enter into and execute the Airport Use Agreement as soon as practicable, on or before June 1, 1998, or as otherwise mutually agreed by the parties.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants hereinafter contained, the parties agree for themselves, their successors, legal representatives and assignees, as follows:

1. Consideration. That each of the aforesaid parties acknowledges the receipt of a valuable consideration from the other and that they and each of them act herein in further consideration of the engagements of the other as herein stated.

2. Airport.

   (a) The Authority warrants and represents that it is the owner in fee simple of certain real property situated in Benton County, Arkansas, constituting the Airport property; that it is currently in the process of completing the construction of an air carrier airport to serve a region consisting of Northwest Arkansas, Southwest Missouri, and Northeast Oklahoma (hereinafter the "Region"); and that it is the Authority's intent to substantially complete the construction of said Airport and to provide to the Airline beneficial occupancy of certain facilities, as generally described herein, on or about the 17th day of October, 1998.

(b) The Authority further warrants and represents that the Airport shall include the following generally described facilities which shall be made available to the Airline on a non-exclusive basis, together with such other services, facilities and accommodations as the Authority deems necessary, convenient or proper to allow the Airport to provide the services, facilities and accommodations appropriate for a full service functional airport.

(i) Runway and Taxiway System - An air carrier runway 8,800 feet long and 150 feet wide; a taxiway 8,800 feet long and 75 feet wide, five connectors, and airfield lighting systems.

(ii) Terminal Ramp and Taxiway - A terminal ramp area consisting of approximately 425,000 square feet, with a taxiway connector.

(iii) Terminal Building - A terminal building consisting of approximately 78,700 square feet, which shall include preferential space for ticket counters and office area, baggage make-up, departure lounge or hold rooms, two loading bridges with potable water facilities, and airline operations; common use space for baggage break-down, baggage claim and security; and such public use spaces as may be reasonably required by the passengers of the Airline.

(iv) Business Center - A common use facility located immediately across from the Airline's departure lounge/hold room space.

(v) Airside Facilities - An Index B air rescue and fire fighting facility; an air traffic control tower; ground based navigational aids including Category 1 instrument landing systems for both runway ends, distance measuring equipment, runway visual range receiver, and an automated weather observation system.

(vi) Other - Roadway and public parking system, fuel farm, and complete utility systems.

3. Airline's Services.

(a) The Airline agrees that it shall, to the fullest extent commercially reasonable, utilize the Airport as the sole airport for the provision of scheduled commercial air transportation services to and from the Region. The parties will negotiate to establish a minimum level of service and financial commitment under the Airport Use Agreement.

(b) The Airline agrees that it shall commence the provision of commercial air transportation services between the Region and Dallas/Fort Worth Airport ("DFW"), and, to the extent permitted by law and/or regulation, Chicago O'Hare Airport ("ORD"), and such other destination points as the Airline may determine, from and after the date of beneficial occupancy of the Airport facilities described herein, and continuing during the Term of the Airport Use Agreement. The Airline shall use its commercially reasonable efforts to provide no less than ten (10) weekday non-stop round-trip flights between DFW and the Airport, and, to the extent permitted by law and/or regulation, three (3) weekday non-stop round-trip flights between ORD and the Airport. The Airline shall use its commercially best efforts to initiate regional jet operations to achieve a full pattern of service in the provision of said commercial air transportation services between DFW, ORD, and the Airport. {city wts improved}

4. Term. The Authority and the Airline agree that the term of this Letter of Agreement shall commence upon the date of its execution, and continue until superseded and/or replaced by the execution of an Airport Use Agreement. The parties hereto further agree that the term of an Airport Use Agreement resulting herefrom shall be in full force and effect from and after the date of its execution, and the rates and charges applicable thereto shall commence upon the date of beneficial occupancy and continue for a term of fifty nine (59) months, unless earlier terminated as provided therein (herein the "Term").

5. Rents, Fees and Charges. To the extent permitted by law and/or regulation, the Authority agrees that the following fee schedule and methodologies for the calculation of the relevant rents, fees and charges shall apply to the Airline's use of the facilities at the Airport during the Term of the Airport Use Agreement. The Airline agrees to pay to the Authority the following rents, fees and charges, as and when due, during the Term of the Airport Use Agreement.

(a) Preferential Use Space. The Authority and the Airline agree that the rental rate for the Airline Preferred Use Space (approximately 6,366 square feet for the Airline's sole use, to the extent permitted by law and/or regulation) shall be Twenty Four Dollars and Eleven Cents ($24.11) per square foot per annum.

(b) Common Use Space. The Authority and the Airline agree that the rental rate of the total Common Use Space at the Airport (approximately 4,700 square feet) shall be Eleven Dollars and Thirty Six Cents ($11.36) per square foot per annum, so that the total cost of the Common Use Space attributable to all airlines serving the Airport shall be approximately Fifty Three Thousand Three Hundred Ninety-Two Dollars ($53,392.00) per annum. The Airline agrees that it shall be liable for an amount approximately equal to Fourteen Thousand Two Hundred Two and 27/100 Dollars ($14,202.27) as its pro-rata share of the Common Use Space (or approximately 1,250.2 square feet of the total Common Use Space) during the first year under the Airport Use Agreement. The allocation of the square footage of the Common Use Space attributable to the Airline and all other airlines serving the Airport is based upon the following formula.

(i) Seventy percent (70%) of the total Common Use Space shall be shared equally among the airlines serving the Airport, including Airline. For the purposes of this calculation, during the Term of the Airport Use Agreement, there shall always be a minimum of five (5) airlines, the minimum divisor for the purpose of allocating equal share Common Use Space to each airline (70% / 5), up to the actual number of airlines serving the Airport (the "**Airline Proportion**"); and

(ii) Thirty percent (30%) of the total Common Use Space shall be shared among the airlines serving the Airport, including Airline, based on usage measured by the number of enplanements of the Airline against the total number of enplanements of all airlines for the previous month at the Airport (the "**Enplanement Proportion**").

For the purposes of this formula the Airline's share of:

(A) The Airline Proportion of the Common Use Space under the Airport Use Agreement shall not exceed twenty percent (20%) of the seventy percent (70%) of the total Common Use Space, or fourteen percent (14%) of the total Common Use Space. In the event there are more than five (5) airlines serving the Airport, the Airline's share of the Airline Proportion shall be decreased accordingly; and

(B) The Enplanement Proportion of the total Common Use Space for the first year under the Airport Use Agreement shall not exceed forty-two percent (42%) of the thirty percent (30%) of the total cost of the Common Use Space, or twelve point six percent (12.6%) of the total Common Use Space. It is agreed by the parties hereto that the forty-two percent (42%) of enplanements attributable to the Airline for the first year under the Airport Use Agreement is based on the Airline's percentage of the total enplanements at Fayetteville Municipal Airport ("FYV") in 1997. In the second and subsequent years during the Term of the Airport Use Agreement, the Airline's Enplanement Proportion of the Common Use Space shall be based upon usage measured by the Airline's number of enplanements against the total number of enplanements of all airlines for the immediately preceding month at the Airport.

<u>For Example</u>:

Total Common Use Space:	(A)	4,700 square feet
Minimum Number of Airlines Serving Airport:	(B)	5 Airlines
Airline's 1997 Enplanements at FYV	(C)	42% of Total at FYV
Cost per Square Foot:	(D)	$11.36/Square Feet/Annum

X = Square footage of Common Use Space attributable to Airline during the first year under the Airport Use Agreement.

Y = Annual rent due by Airline relating to its pro-rata share of the Common Use Space.

X = Airline Proportion + Enplanement Proportion*
X = (A/B)(70%) + (A)(C)(30%)*
X = (4,700/5)(.7) + (4,700)(.42)(.3)*
X = 658 + 592.2*
X = 1,250.2 square feet

Y = (X)(D)
Y = $14,202.27 per annum for the first year

*After the first year, the Enplanement Proportion will be calculated on a monthly basis, and therefore, will need to be divided by 12. The monthly Enplanement Proportions shall then be added together to equal the Airline's Enplanement Proportion for each year subsequent to the first year.

(d) Fuel Flowage Fees and Taxes. The Authority and the Airline agree that the fee for the flowage of fuel into the Airline's aircraft shall be Six Cents ($0.06) per gallon. In addition, the Authority may, as permitted by law, establish an aviation fuel tax of One Cent ($0.01) per gallon.

(e) Rental Surcharge. The Airline agrees that as the number of the Airline's enplanements at the Airport increases, the Authority shall be entitled to impose a rental surcharge for the purpose of increasing the annual rental rate for the Airline's Preferential Use Space and Common Use Space to a rate which more fully compensates the Authority for the provision of Airport facilities. The Authority agrees that a rental surcharge shall become effective only in the event that Airline's total annual enplanements at the Airport exceed the Airline's total annual enplanements at FYV in 1997. The Authority and the Airline agree that in the event that the Airline's total enplanements at the Airport for a calendar year during the Term exceeds the Airline's total enplanement base of 117,670, a rental surcharge of Seven Dollars and Sixty Eight Cents ($7.68) shall be assessed on each enplanement thereafter for the relevant calendar year (the "Rental Surcharge"). It is intended that sixty eight percent (68%) of the Rental Surcharge be allocated to the Airline's Preferential Use Space charge and thirty two percent (32%) of the Rental Surcharge be allocated as an Enplanement Proportion to the Airline's Common Use Space charge.

(f) Equity Clause. The Authority agrees that the rates of fees, charges and assessments payable by the Airline under the Airport Use Agreement shall be no greater than the rates paid by other carriers serving the Airport in respect to similar fees, charges and assessments.

6. Reimbursement of Expense.

(a) To the extent permitted by law and/or regulation, the Authority shall acquire, construct, and/or otherwise provide, at its expense, for the purchase and installation of certain furniture, fixtures and/or equipment, including the construction and finish-out of certain Airline space, with such purchase, installation and construction being subject to the mutual approval of the parties hereto; and provide for or reimburse the Airline's reasonably incurred cost of moving its operations from FYV to the Airport; provided, however, that the amount of cost subject to reimbursement or payment by the Authority shall not exceed the following schedule of charges.

Purchase of Air-to-Ground Antenna	$ 5,000
Installation of Air-to-Ground Antenna	2,500
Backwall Decoration	2,500
Baggage Conveyor Belt	137,000
Counter and Cabinets	25,000
Exterior Signage	1,500
Installation of Equipment	12,410
Office Fire Extinguishers	150
Tenant Finish Out of Ticket Counter and ATO Space	85,000
Moving Expense	10,000

Tenant Finish Out of Ticket Counter and ATO Space	85,000
Moving Expense	10,000

In the event that the Airport Use Agreement is terminated prior to the expiration of the Term, the Airline shall reimburse the Authority for the actual amounts incurred by the Authority pursuant to this Section 6(a) based on a pro-rata fifty-nine (59) month schedule.

(b) The Authority further agrees to:

(i) provide electric, gas, water and sewer utilities for the Airline's terminal space as an inclusive part of the Airline's charge for its Preferential Use Space and Common Use Space within the terminal;

(ii) provide a minimum of fifteen (15) parking spaces to the Airline without charge for the first three (3) years under the Airport Use Agreement; and

(iii) exercise its commercially reasonable efforts to cause the design, development and construction of a non-exclusive business center immediately across from the Airline's departure lounge/hold room space for the benefit of the Airline's customers.

7. Cooperative Advertising Program. To the extent permitted by law and/or regulation, the Authority and the Airline agree to jointly develop and implement a cooperative advertising program to promote the Airline, the Airport, and the initiation of new service and/or equipment into the market served by the Airport. The Authority agrees to provide or make available to the Airline an amount of money which equals fifty percent (50%) of the cooperative advertising program with the Airline; provided, however, that the total sum of money provided by the Authority hereunder shall not exceed One Hundred Forty Two Thousand Three Hundred Dollars ($142,300). The amounts made available to the Airline hereunder is equal to forty-two percent (42%) of the Authority's total commitment to a cooperative advertising program promoting the Airport and all airlines serving the Airport, and is based upon the forty-two percent (42%) of enplanements at FYV in 1997 that is attributable to the Airline.

8. Application of Future Entitlements. The Authority and the Airline agree that the Authority shall, to the extent permitted by law and/or regulation, apply and include any and all future entitlement grants received from the Federal Aviation Administration (the "FAA") during the term of the Airport Use Agreement to the Airport's revenue stream for the payment of eligible terminal debt service prior to the calculation of net revenue requirements from the Airline and other airlines; provided, however, that both parties acknowledge that the FAA may require the Authority to use such future entitlement grants for other Airport purposes; and provided further, that changes in appropriation and/or enabling legislation may reduce future entitlement grants to an amount which is less than the amount provided by current legislation. In the event the Airport is prevented by FAA requirements from applying future entitlement grants to the payment of eligible terminal debt service, or in the event future entitlement grants are reduced to less than the amount provided in current legislation, upon the occurrence of either or both of these events, the Authority and the Airline agree to re-negotiate the schedule of rates, fees and charges contained in the Airport Use Agreement to establish the Airline's pro-rata and non-discriminatory share of any airline revenue increase required to fund and/or replace any

reduction in future entitlement grants. Subject to this Section 8 and to the extent permitted by law and/or regulation, the Authority shall use its commercially reasonable efforts apply the amounts of any grants received by the Authority and/or increases in revenue to the Authority to the reduction of the airlines' costs in serving the Airport.

9. <u>Compliance with Laws and/or Regulations</u>. The Authority and Airline agree that the provisions of this Letter Agreement and the Airport Use Agreement shall be in compliance with all laws and/or regulations to which this Letter Agreement and the Airport Use Agreement shall be subject, and, to the extent necessary or appropriate, the parties shall in good faith adapt any provision of this Letter Agreement necessary to bring the Letter Agreement and the Airport Use Agreement into compliance with all laws and/or regulations while adhering to the principles provided in this Letter Agreement.

10. <u>Passenger Facility Charge Application</u>. The Authority intends to submit its application for the implementation of a Passenger Facility Charge (the "PFC") to the Federal Aviation Administration in the immediate future. The parties hereto mutually agree that the implementation of the PFC is in the best interest of the parties hereto, and the Airline agrees that it will exercise its best efforts to assist the Authority in the implementation of a PFC; including, but not limited to, an expeditious review and execution of the Carrier Certification of Agreement. The Authority shall reimburse the Airline for all reasonable costs incurred by the Airline, which costs have been approved by the Authority, as a result of its performance of any request by the Authority under this Section 10.

11. <u>Counterparts</u>. This Letter Agreement may be executed in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one and the same instrument. Execution may be effected by facsimile delivery of signature pages.

(Remainder of page intentionally left blank.)

WITNESS the execution hereof, by the parties hereto, in any number of counterpart copies each of which counter part copies shall be deemed as an original for all purposes, as of the day and year first written above.

ATTEST:

NORTHWEST ARKANSAS REGIONAL AIRPORT AUTHORITY

By: ______________________________
Art Morris, Secretary

By: ______________________________
Stan Green, Chairman

ATTEST:

AMERICAN EAGLE AIRLINES, INC.

By: ______________________________

By: ______________________________
Peter A. Pappas, Vice President

Lowing/ Hirsing

This agreement is fair + equitable

AGENDA SESSION DISTRIBUTION CHECKLIST

DATE: 3/10/98

HANDOUTS:

HMT

ROW

Ward maps.

DISTRIBUTED TO:

✓ Stephen Miller

✓ Kit Williams

✓ Cyrus Young

✓ Randy Zurcher

✓ Trent Trumbo

✓ Donna Pettus

✓ Len Schaper

✓ Heather Daniel

✓ Mayor Hanna

~~Phyllis Rice~~

✓ Ben Mayes

✓ Kevin Crosson

✓ Charlie Venable

Jerry Rose

Alett Little

Steve Davis

✓ NWAT

M. News

KIX

Democrat-Gazette

Robyn/Lana

Jane

NOTES:

TENTATIVE
AGENDA

FAYETTEVILLE CITY COUNCIL MEETING
MARCH 17, 1998

THE AGENDA FOR THE COUNCIL MEETING WAS SET ON THE TUESDAY BEFORE THIS MEETING. ANY ITEM A CITIZEN WANTS PRESENTED TO THE COUNCIL NOT ON THIS AGENDA MUST BE INTRODUCED AT THE NEXT AGENDA SESSION OR BE BROUGHT UP BY AN ALDERMAN AT THAT SESSION FOR DISCUSSION AT THE FOLLOWING MEETING.

1. **NOMINATING COMMITTEE REPORT**

2. **CONSENT AGENDA**: Consideration of items which may be approved by motion, or contracts and leases which can be approved be resolution, and which may be grouped together and approved simultaneously under a "Consent Agenda".

   A. Minutes of March 3, 1998 City Council meeting;

3. **OLD BUSINESS:** Items that have been brought before the Council but were tabled or no decision made to allow further discussion or more information to be presented.

   A. **RZA 98-4.00:** An ordinance approving annexation request RZA 98-4.00 submitted by Michele Harrington, attorney, on behalf of Prestige Properties for property located north of Mt. Comfort Road and east of Hugh Mount Road. The property contains 200 acres. Item was left on the second reading at the March 3, 1998 meeting

   B. **RZ 98-5.00:** An ordinance approving rezoning request RZ 98-5.00 submitted by Michele Harrington on behalf of Prestige Properties for property located north of Mt. Comfort Road and east of Hugh Mount Road. The property contains 200 acres. The request is to change zoning from A-1, Agricultural, to R-1, Low Density Residential. Item was left on the second reading at the March 3, 1998 meeting.

   C. **VOLUME BASED GARBAGE COLLECTION:** An ordinance approving a change to our garbage collection program and approving a budget adjustment.

   D. **WARD BOUNDARIES:** Discussion of Ward Boundaries.

4. **RECONSTRUCTION OF ARLINGTON TERRACE**: A resolution authorizing the execution of a construction contract with Mobley construction for $195,509.16 with a $30,000 contingency, and approval of a budget adjustment for $226,000.00; all in connection with the reconstruction of Arlington Terrace in Fayetteville.

5. **BID 98-06:** Resolution authorizing the water line extension for Salem Road. Request for additional funding and to combine project with no. 95039 into 97021 (cost share). Request for approval of a construction contract with Fayette Tree and Trench in the amount of $56,395.00.

Request for approval of a project contingency of $20,000.00.

6. **WEDINGTON WATER & SEWER RELOCATION:** A resolution approving change order #3 and Final to the contract with Edwards Design & Construction, Inc. Amendment #2 to the Engineering contract with C.E.I. Consulting Engineers. Related Budget Adjustment $30,000 for any project expenses. All referenced to Wedington Water and Sewer relocations project.

7. **GAS BOY FUELING SYSTEM:** Approval of an Ordinance providing for a Bid Waiver to purchase replacement items, parts, supplies etc., pertaining to the GAS BOY Fueling system currently in use by the City of Fayetteville.

8. **PROPOSED EXTENSION OF PLAINVIEW AVENUE:** Approval of a proposed project between the City and Lewis Brothers Leasing Company, Inc., wherein Lewis Brothers conveys (1) a 1.0 acre tract of land to the City for a new fire station site and a 1.0 acre site for the extension of Plainview Avenue from the current termination (South of Milsap) to Longview Street. The City, in turn, will design and construct the proposed extension of Plainview Avenue (approx. 730 feet). No exchange of monies between the parties are anticipated on this project.

9. **RIGHT-OF-WAY ENCROACHMENT BY HMT:** A request to approve an encroachment into the Dickson street and Rollston Avenue rights-of-way by the HMT large scale development.

10. **AMENDMENT TO THE MASTER STREET PLAN:** To approve an amendment to the Master Street Plan, changing the required right-of-way for Dickson Street from 70 feet to 55 feet.

STAFF REVIEW FORM

X AGENDA REQUEST, City Council meeting of March 17, 1998

FROM: Don Bunn (Name) — Engineering (Division) — Public Works (Department)

ACTION REQUIRED: A resolution authorizing the execution of a construction contract with Mobley Construction for $195,509.16 with a $30,000 contingency, and approval of a budget adjustment for $226,000.00; all in conection with the reconstruction of Arlington Terrace in Fayetteville.

COST TO CITY:

$ 211,509.16 Cost-This Request	$ -0- Category/Project Budget	Street Construction Category/Project Name
4470 9470 5809 00 Account Number	$ -0- Funds Used To Date	 Program Name
98072 Project Number	$ -0- Funds Remaining	Sales Tax Fund Category

BUDGET/CONTRACT REVIEW: X Budgeted Item X Budget Adj. Attached

(contract not completed signature budget amount and budget adjustment only) contract reviewed. 2/25/98 Budget Coordinator	2-19-98 Date	 Administrative Services Director	 Date
Marilyn J Cramer Accounting Manager	2-19-98 Date	 ADA Coordinator	 Date
 City Attorney	2-25-98 Date	 Internal Auditor	 Date
P Vice Purchasing Officer	2-25-98 Date		

STAFF RECOMMENDATION: It is the recommendation of the Staff that the Council approve the execution of a construction contract with Mobley Construction for the reconstruction of Arlington Terrace at a contract price of $195,509.16 with a $30,000 contingency and a budget adjustment of $226,000.00.

Division Head	2/18/98 Date	Cross Reference
Department Director	2-26-98 Date	New Item: **Yes** No
Admin Services Director	2-27-98 Date	Prev Ord/Res #:________
Mayor	2/27/98 Date	Orig Contract Date:________

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

From: Don Bunn, City Engineer
Thru: Kevin Crosson, Public Works Director
Charles Venable, Asst. Public Works Director

Subject: Award of Bid, Arlington Terrace Reconstruction

Date: February 17, 1998

Bids were taken on the Arlington Terrace Reconstruction Project on Tuesday, February 10, 1998. The bid tabulation is:

1. Mobley Construction	$ 195,509.16
2. Sweetser Construction	255,430.00

This project was originally bid in September when only one bid was received. That bid was approximately $245,000 and it was rejected.

The purpose of this project is to construct a new concrete street at the same width and grade as the existing street. The existing street has failed at least in part because of a poor subgrade. This project will replace the existing materials to a depth of 24 inches. Because of the uncertainty the suitability of the existing subgrade we are requesting that a contingency of $30,000.00 be approved for this project.

The Water and Sewer Division has replaced both the existing water line and the existing sewer line in Arlington Terrace. The water line was upgraded in order to place a fire hydrant at the midpoint on Arlington Terrace.

This project has been in the Capital Improvement Program for several years and was originally tied in with the Trust Street Project. Work on Arlington was delayed when it became apparent that Trust Street would use all of the funding budgeted for both projects.

It is the recommendation of the Staff that the Council approve 1) the execution of a construction contract with the low bidder, Mobley Construction, at the Contract Price of $195,509.16, 2) a contingency of $30,000.00 for the project, and 3) a budget adjustment for $226,000.

4.04

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Sales Tax Capital Improvement Fund	Date Requested	Adjustment #
1998	Division:	02/19/98	
	Program:		

Project or Item Requested:
Funding is requested for Arlington Terrace Street Reconstruction project.

Project or Item Deleted:
Funding proposed for this adjustment is from the Vista-Holly Drainage Improvement project.

Justification of this Increase:
Arlington Terrace Street Reconstruction Project was originally budgeted with Trust Street. Trust Street was bid and constructed in 1997, however, all funding for the combined project was utilized on Trust Street.

Justification of this Decrease:
The Vista-Holly Drainage project will be reviewed for priority ranking during 1999-2003 Capital Improvement Program process.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number
Street Improvements	226,000	4470	9470	5809	00	98072

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number
Bridge & Drainage Improvement	226,000	4470	9470	5817	00	97042

Approval Signatures

	Date
Requested By	2-19-98
Budget Coordinator	2-19-98
Department Director	
Admin. Services Director	2-27-98
Mayor	

Budget Office Use Only

Type: A B C D E

Date of Approval

Posted to General Ledger

Posted to Project Accounting

Entered in Category Log

Blue Copy: Budget & Research / Yellow Copy: Requester

CONTRACT

THIS CONTRACT executed this ___ day of _______, 1998 by and between The City of Fayetteville and ______________________________, the Contractor:

WITNESSETH:

For and in consideration of the payments to be made as hereinafter set forth, the Contractor agrees to furnish all tools, labor, equipment, materials, and supplies required to construct the improvements described as

Arlington Terrace Reconstruction

for the City of Fayetteville, Arkansas, in exact accordance with the City's Plans and Specifications for said improvements and the Contractor's Proposal on file at the Office of the City Engineer, which Documents are incorporated by reference hereto, subject to the inspection of and to the complete satisfaction of the City.

1. The City agrees to pay and the Contractor agrees to accept as full and final compensation for all work done under this agreement, the Unit Prices and Lump Sum Prices named in the Contractor's Proposal, such payment to be made in lawful money of the United States, at the time and in the manner set forth in the Specifications.

2. The Contractor agrees, for the consideration above expressed, to begin and complete the work within the time specified in the Proposal. Time is expressly made of the essence of this Contract. If the Contractor fails to complete the work in the time specified he shall pay to the City, as liquidated damages, ascertained and agreed, and not in the nature of a penalty, the damages specified in the Proposal for each day delayed, which shall be deducted from the final amount to be paid under the Contract. Extensions of time may be granted with waiver of liquidated damages as provided for in the Specifications.

3. The Contractor agrees to furnish a Bond, with Surety approved by the City and authorized to do business in the State of Arkansas, guaranteeing the performance of this Contract, for not less than one hundred (100) percent of the amount of this Contract. Said Bond shall be conditioned on full and complete performance of this Contract and acceptance by the City of Fayetteville for the payment of all labor and materials entering into or incident to the proposed improvements and shall guarantee the work against faulty workmanship or materials for a period of one (1) year after completion.

4. The Contractor agrees also to carry Public Liability Insurance, Property Damage Insurance, and Workman's Compensation Insurance in amounts as required by these Specifications and by State Law.

WITNESS OUR HANDS THIS ___ DAY OF _______, 1988

Attest: ____________________
Fayetteville City Clerk

CITY OF FAYETTEVILLE

By____________________
Fred Hanna, Mayor

(Seal)

CONTRACTOR

By Ron F. Mobley Jr.

VP
Name and Title

WITNESS Mary Alice Berry

Mobley Contractors Inc
P.O. Box 150
Morrilton, AR 72110.
Business Address

Corporate Seal (if any)

STAFF REVIEW FORM

x AGENDA REQUEST
x CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council meeting of March 17, 1998

FROM:

Jim Beavers	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED:

(1) Request for additional funding and to combine project no. 95039 into 97021 (cost-share).
(2) Request for approval of a construction contract with Fayette Tree and Trench in the amount of $56,395.00.
(3) Request for approval of a project contingency of $20,000.00.

COST TO CITY:

$76,395	$180,742	W/S Cost Share
Cost of this Request	Category/Project Budget	Category/Project Name
5400-5600-5808-00	$116,327	
Account Number	Funds Used To Date	Program Name
95039 and 97021	$64,415	Water & Sewer
Project Number	Remaining Balance	Fund

BUDGET REVIEW: x Budgeted Item ___ Budget Adjustment Attached

Stephen Davis
Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Marilyn J. Cramer 2-26-98
Accounting Manager Date

ADA Coordinator Date

2-26-98
City Attorney Date

Yolanda Fields 2-27-98
Internal Auditor Date

P Vice 2-27-98
Purchasing Officer Date

(Contract + copy of Art 11 Gen Cond.

STAFF RECOMMENDATION:
Approval.

Jim Beavers for DRB (vacation)
Division Head Date

2-27-98
Department Director Date

2-27-98
Administrative Services Director Date

Fred Hanna 2/28/98
Mayor Date

Cross Reference

New Item: Yes **No**

Prev Ord/Res # 3938

Orig Contract Date:

5.02

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fred Hanna, Mayor

Thru: Kevin Crosson, PW Director
Charles Venable, Asst. PW Director
Don Bunn, City Engineer

From: Jim Beavers, Engineering

Date: 25 February 1998

Re: Agenda Request, Council Meeting of March 17, 1998
Water line extension Salem Road, bid no. 98-06.

(1) Request for additional funding and to combine project 95039 into 07021 (cost-share).
(2) Request for approval of a construction contract with Fayette Tree and Trench in the amount of $56,395.00
(3) Request for approval of a project contingency of $20,000.00.

1. Project.

Extension of an 8 inch water main along Salem Road from Mount Comfort Road a distance of 1500 feet and connection to the water main extended by the Developer of Salem Village approximately 1200 feet south from Salem Village.

The new water main is necessary to provide increased water flows and better fire protection through a looped system. Currently, water for Salem Village, Serenity Place, Crystal Springs and Holcomb Elementary is available from one feed (Raven Lane to the southeast).

2. History.

Please refer to the enclosed copy of the cost-share agreement between the City of Fayetteville and the developer dated October 6, 1995. Also refer to the enclosed copy of Ordinance 3938 dated November 7, 1995 which established a special assessment district and charges associated with the 1500 lf water line extension.

The developer was not able to complete the water line with his subdivison contractor(s). Therefore we asked that he bid the project. The developer's engineer (WBR) bid the project on August 2, 1997. At that time only one bid was received in the amount of $114,250.00 (J&P Utilities). This bid, being non-competitive was rejected.

The City paid the developer and the developer's engineer $12,955.00 for engineering and to finalize the costs which the developer documented beyond the original agreement (December 1997). The City then took over the project. Of the $35,000.00 approved by the October 6, 1995 agreement a balance of $22,045 remains.

3. Current Bids.

Using the developer's plans and specifications the project was re-bid on February 2, 1998.

Three bids were received as follows:

Mobley Construction	$75,788.79
United Plumbing	58,195.00
Fayette Tree and Trench:	56,395.00.

It is Engineering Division's recommendation that the contract be awarded to the low bidder, Fayette Tree and Trench, in the amount of $56,395.00.

The difference between the original estimate used for the October 6, 1995 agreement and the proposed project costs are attributed to the two year delay and to the City having to bid the job rather than the developer being able to construct the line as a small part of his larger overall subdivision.

To fund the construction of $56,395.00 and a $20,000.00 project contingency for a total estimated project cost of $76,395.00 it is necessary to approve the expenditure of an additional $54,350.00 from Water and Sewer Cost Share, 5400-5600-5808-00.

The project contingency of $20,000.00 is requested to cover the costs of easement acquisition, plan and specification reproduction, field problems and unit quantity changes.

The estimated easement acquisition costs are $10,067.50. Easements are being acquired on the west side of Salem Road.

Please note that Ordinance 3938 (november 7, 1995) required that a fee of $200.00 per acre be collected from developers connecting into the line.

Serenity place subdivison, which has preliminary plat approval but has not been constructed, was assessed a fee of $6,014.00 to be collected at the time of the future final plat.

The funding request is as follows:

Construction estimate	$56,395.00
Easement estimate	10,067.50
Contingency estimate	9,932.50
total	$76,395.00
Current balance	$64,415.00
Funds required	$11,980.00

All of the contingency remaining after the project is complete can be returned to Water/Sewer cost-share.

enclosures:

1. Copy of the October 6, 1995 agreement.
2. Copy of Ordinance 3938 November 7, 1995.
3. One original contract document signed by Fayette Tree and Trench (Eugene Nottenkamper)

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 6, 1995

Traditional Investments Limited Partership
524 Holly Street
Fayetteville, Arkansas 72703

Re: Letter Agreement
Water Line Extension
Salem Village Subdivision

Gentlemen,

This will serve as a letter agreement between the City of Fayetteville and Traditional Investments Limited Partnership (Developer) to provide for cost sharing the extension of an 8-Inch water line from the southeast corner of the Salem Village Subdivision along the west side of Salem Road to the south side of Mount Comfort Road.

The Developer agrees to be responsible for the engineering and construction of approximately 2600 feet of the 8" water line with the necessary valves, fire hydrants, and including the tie-in to the 12 " line on the south side of Mt. Comfort Road. The City of Fayetteville agrees to:

1. Reimburse the Developer for the south 1500 feet of line, including the crossing of Mt. Comfort Road and the tie-in to the existing 12" water line,

2. Reimburse the Developer for the cost of engineering for the entire line from the southeast corner of the subdivision south to the tie-in south of Mt. Comfort Road,

3. Reimburse the developer for the cost of installing any fire hydrants along the 8" line that are deemed necessary by the City,

4. Be responsible for the acquisition of any easements required for the extension.

113 WEST MOUNTAIN 72701 501-521-7700
FAX 501-575-8257

5.06

October 6, 1995

The intent of this agreement that the Developer's share of the cost be restricted to the installation of approximately 1100 feet of water line which is the length of the alternate tie-in to the north.

Please indicate your acceptance of the terms of this letter agreement by signing in the appropriate location below. The Mayor will sign the agreement once it is approved by the City Council.

If you have any questions please call me at 575-8208. Thank you.

Sincerely Yours,

Donald R. Bunn,
City Engineer

FOR THE CITY OF FAYETTEVILLE

Mayor Fred Hanna ____________________

FOR TRADITIONAL INVESTMENTS LIMITED PARTNERSHIP

Gerald Jones ____________________ 10/17/95
OK - RQW

Salem Village file

RECEIVED
NOV 13 1995
Engr.

ORDINANCE NO. 3938

AN ORDINANCE PRESCRIBING CONNECTION FEES FOR DEVELOPERS TYING ONTO A WATER LINE EXTENSION ALONG SALEM ROAD RUNNING FROM THE SOUTHEAST CORNER OF THE SALEM VILLAGE SUBDIVISION TO THE SOUTH SIDE OF MOUNT COMFORT ROAD.

WHEREAS, the City of Fayetteville is sharing in the cost of a new water line on Salem Road; and,

WHEREAS, it is the desire of the City to insure that developers utilizing said water line pay a fair share of the cost of that line.

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

Section 1. That Chapter 51, Section 51.115, Water, Sewer Extension Fees, of the Code of Fayetteville is hereby amended by adding Paragraph "F" to read as follows:

§51.115 Water, Sewer Extension Fees.

F. Salem Road. If a developer connects directly to the water line extension along Salem Road running from the Southeast corner of Salem Village Subdivision to the South side of Mount Comfort Road, more clearly shown on Exhibit "A", attached hereto and made a part hereof, within a ten (10) year period from the date of the passage of this ordinance, the developer shall pay an extension fee of $200.00 per gross acre of land being developed.

In no case shall the amount collected under this ordinance exceed the actual cost of the construction of the extension. Such construction costs to include the installation, engineering, and right of way acquisition.

All monies received from the extension fee imposed above, (plus interest, if any), shall be deposited in a water and sewer fund and shall be expended from that fund only for the purposes of making emergency repairs and extending, oversizing, or constructing new additions to the City's water system.

PASSED AND APPROVED this 7th day of November, 1995.

APPROVED:

By: Fred Hanna

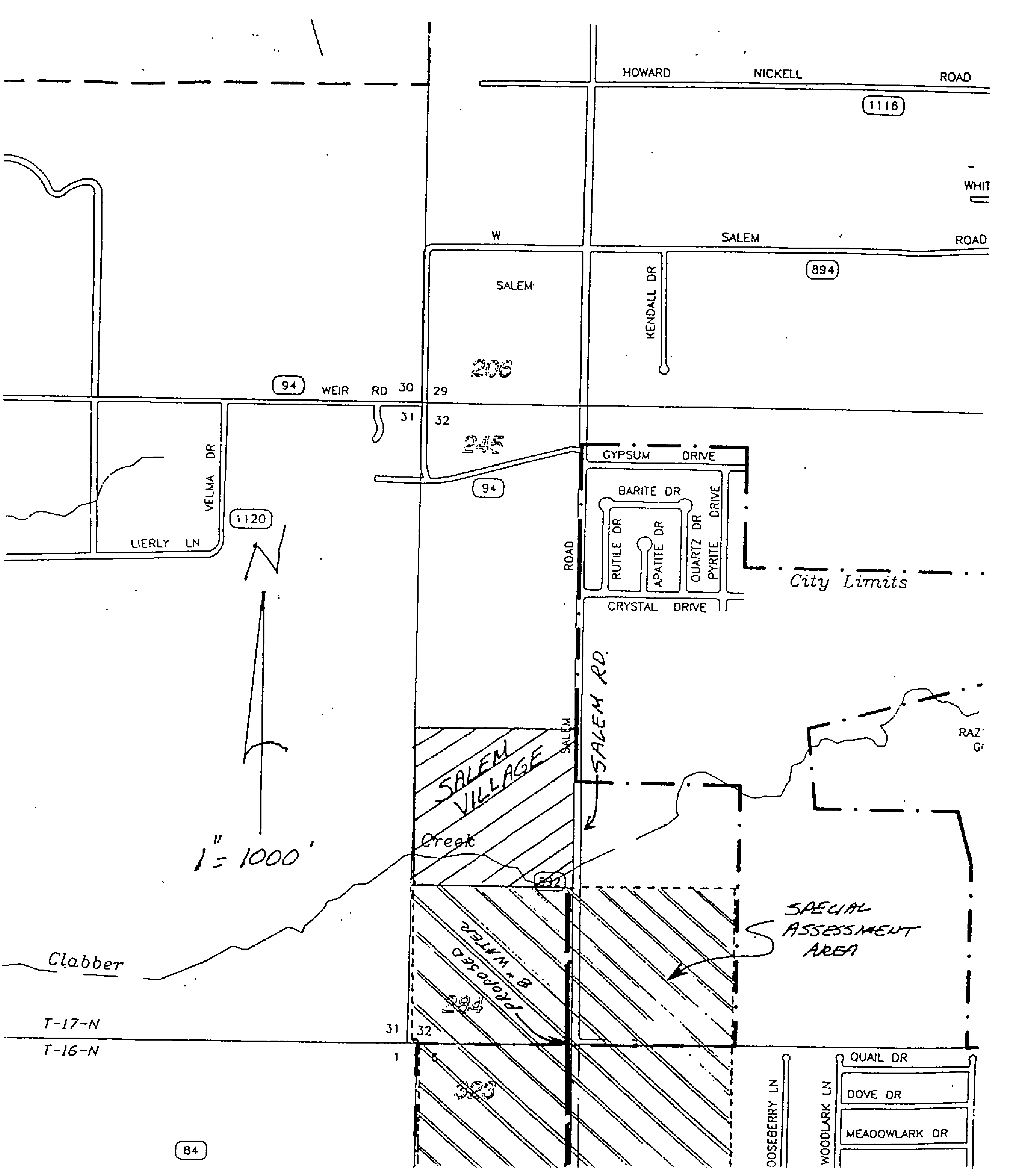
Fred Hanna, Mayor

ATTEST:

By: Traci Paul

Traci Paul, City Clerk

EXHIBIT "A"



HOWARD NICKELL ROAD
1116
W SALEM ROAD
894
SALEM
KENDALL DR
206
94 WEIR RD
30
29
31
32
245
GYPSUM DRIVE
BARITE DR
RUTILE DR
APATITE DR
QUARTZ DR
PYRITE DRIVE
CRYSTAL DRIVE
ROAD
City Limits
94
VELMA DR
1120
LIERLY LN
N
1" = 1000'
SALEM RD.
SALEM
SALEM VILLAGE
Creek
892
Clabber
SPECIAL ASSESSMENT AREA
PROPOSED B + WATER
284
T-17-N
T-16-N
31
32
1
6
323
QUAIL DR
DOVE DR
MEADOWLARK DR
WOODLARK LN
84

(E) CONTRACT AGREEMENT

THIS AGREEMENT, made this __________ day of _______________, 19____, by and between TILP, herein after called "OWNER" and ______________ doing business as (an individual), or (a partnership), or (a corporation) hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete the Off-Site water, defined in the CONTRACT DOCUMENTS and BID SPECIFICATIONS.

2. The CONTRACTOR will furnish all of the material, supplies, tools, equipment, labor, and other services necessary for the construction and completion of the PROJECT described herein.

3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS by__________ 1997, (after the NOTICE TO PROCEED is given) and will complete the same by__________ 1997, unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.

4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of Fifty-six thousand three hundred ninety five ($56,395.00) or as shown in the BID schedule.

5. The term "CONTRACT DOCUMENTS" MEANS AND INCLUDES THE FOLLOWING:
- (A) INVITATION TO BID
- (B) INSTRUCTION TO BIDDERS
- (C) BID BOND
- (D) BID PROPOSAL
- (E) CONTRACT AGREEMENT
- (F) SPECIAL CONDITIONS
- (G) ARKANSAS STATUTORY PERFORMANCE AND PAYMENT BOND
- (H) NOTICE OF AWARD
- (I) NOTICE TO PROCEED
- (J) CHANGE ORDER
- (K) ADDENDA:
  - No. ________________, dated ________________, 19______
  - No. ________________, dated ________________, 19______
  - No. ________________, dated ________________, 19______
  - No. ________________, dated ________________, 19______
- (L) GENERAL CONDITIONS
- (M) SPECIFICATIONS
- (N) CONSTRUCTION DRAWINGS (Included as part of Specifications) prepared or issued by: WBR Engineering on ______________, 199_.

6. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the General Conditions such amounts as required by the CONTRACT DOCUMENTS.

7. This agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in three (3) copies, each of which shall be deemed an original on the date first above written.

OWNER:

____

BY: ______________________________

NAME: ______________________________
(PLEASE TYPE)

TITLE: ______________________________

State of ____________________
County of ____________________
ACKNOWLEDGEMENT

On this day came before me, the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, ______________________, and stated that he had executed this contract agreement for the purposes and considerations therein set forth.

WITNESS MY HAND AND SEAL as Notary Public this ________ day of ____________, 19____.

____
NOTARY PUBLIC

____
Commission Expires:

CONTRACTOR:

Fayette Tree & Trench Svc.

BY: Eugene Mottenkamper Pres.

NAME: ______________________________
(Please Type)

ADDRESS: P.O. Box 471
Fayetteville, Ark - 72702

____

5.11

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Public Works	Date Requested	Adjustment #
1998	Division: Water & Sewer	March 17, 1998	
	Program: Capital Water Mains		

Project or Item Requested:

Additional funding is requested for the Water & Sewer Cost Sharing Project.

Project or Item Deleted:

None. A portion of Rolling Hills Water Line Replacement project funding is proposed for this adjustment. Funding remaining for this is $267,814.

Justification of this Increase:

Provide addtional funding to extend a 8" water line along Salem Road.

Justification of this Decrease:

The project is scheduled to be accomplished in phases.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number
Capital Water Mains	11,980	5400	5600	5808	00	97021

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number
Capital Water Mains	11,980	5400	5600	5808	00	95038

Approval Signatures

Requested By [signature] Date 2/26/98

Budget Coordinator Date

Department Director [signature] Date 2/27/98

Admin. Services Director Date

Mayor Date

Budget Office Use Only

Type: A B C D E

Date of Approval

Posted to General Ledger

Posted to Project Accounting

Entered in Category Log

Blue Copy: Budget & Research / Yellow Copy: Requester

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of: **3-17-98**

FROM:

Name	Division	Department
Sid Norbash	Engineering	Public Works

ACTION REQUIRED: Approval of:(1) Change Order #3 and Final to the contract with Edwards Design & Construction, Inc. (2) Amendment #2 to the Engineering Contract with C.E.I. Consulting Engineers. (3) Related Budget Adjustment $30,0000 for any project expenses. All referenced to Wedington Water & Sewer Relocations Project.

COST TO CITY:

$30,000.00	$1,325,351	Wedington W/S Lines Reloc.
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5808-00 5400-5600-5808-00	$1,349,602	Capital Water Mains
Account Number	Funds Used To Date	Program Name
95019 & 95040	<$24,251>	Water & Sewer Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Marilyn J Cramer 2-26-98
Accounting Manager Date

ADA Coordinator Date

2-26-98
City Attorney Date

Yolanda Fields 2-27-98
Internal Auditor 487 559 Date

P Vice 2-27-98
Purchasing Officer Date

STAFF RECOMMENDATION: Approval of Change Order #3, and Final Reconciliation, for Construction Contract. Also amendment #2 to the Engineering Contract.

2-27-98
Division Head Date

Cross Reference

27FEB98
Department Director Date

New Item: **Yes**__ **No** X

BM 2-27-98
Administrative Services Director Date

Prev Ord/Res #:

Fred Hanna 2/28/98
Mayor Date

Orig Contract Date:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Fred Hanna, Mayor
Kevin Crosson, PWD
Charles Venable, Assistant PWD
Don Bunn, City Engineer

From: Sid Norbash, Staff Engineer

Date: February 25, 1998

Re: **Wedington Rd. Water & Sewer Relocations**
Reconciliation Change Order and Final Payment for Construction Contract, with Edwards Design & Construction Co., Inc.
Amendment Number 2 to the Engineering Contract with C.E.I. Consulting Engineers, Inc.

The above referenced project was under construction from August of 1996 until December of 1997, and is now completed. This has been a very involved, complicated, and troublesome project for all parties involved.

During the course of the construction numerous situations arose and were dealt with. Some of the field changes resulted in extra work for the Contractor, and the Consulting Engineer, which necessitated Change Orders.

Attached, for your information, is a detailed cost summary for the construction phase of this project.

The justifications for the cost over-runs are given by C.E.I. Consulting Engineers, and are attached for your review.

There were three major cost items that were significantly high and they are as follows:

(1) This item was the additional replacement of 139 feet of 6" Clay Sewer pipe on Eva Ave. The clay pipe had deteriorated, and per request of David Jurgens, this portion of the sewer system was replaced at a cost of $5,465.44. This item was funded by the contingency amount.

(2) This item was the extra expenses to the contractor, after two abandoned underground gasoline tanks were discovered on Garland

Ave., by Fat Tony's Restaurant. The job was shut down by Arkansas DPC&E three times, and resulted in the removal of the gas tanks by the property owners. These expenses totaled $14,732.90.

(3) This item was the replacement of 108 feet of 18" Concrete drainage pipe, and upgrading an existing drop inlet, at the cost of $10,891.31. The cost of the removal of this line was included in the contract, however our Consulting Engineers had hoped that the pipe would not have to be replaced , but the Highway Department insisted on replacement.

This allowed the City Sewer Main to stay within the Highway Right of Way, and avoid acquiring extra R.O.W., and possibly a costly condemnation procedure.

Most items appearing on the change order #3 were reduced down during the negotiations from the original claims submitted by the contractor.

Please note that the Contractor has been ASSESSED **~~accessed~~ $36,600 in liquidated damages. The extra Engineering expenses will be paid by these funds.**

The actual cost over-run for this project is $24,251.51, which is 2% of the overall budget. **Your approval of $30,000 in additional funds is requested to cover any extra expenses involving this project**, also to cover any further claims that might be turned in against the City.

The Staff requests approval of the Following:

(1) Change Order #3, and Final Reconciliation for Construction Contract with Edwards Design & Construction Co., Inc., in the amount of $29,119.00.

(2) Amendment #2 to the Engineering Contract with C.E.I. Consulting Engineers, Inc., in the amount of $27,417.00

(3) The related budget adjustment in the amount of $30,000 to be used for any project related expenses.

Note: Change Order #3 and Amendment #2 use $32,284.49 of the previously approved contingency, leaving a negative balance of ($24,251.51) to be funded with this request.

SN/sn
Attachments: Project Cost Summary
Budget Adjustment
C.O. #3 & Final Payment
Amendment #2

Wedington Rd. Water & Sewer Relocations Project

Budget for Construction Phase:

Engineering Const. Mgmnt. $80,000 + $8,500 Amnd. #1		$ 88,500.00
Construction	$1,091,455.50 + $98,895 C.O.#1 + $8,926.90 C.O.#2	$1,199,276.96
Contingency		$ 37,573.54
Total Project Budget		$1,325,350.50

Actual Construction Phase:

Engineering	$ 115,917.00
Construction	$1,228,395.96
Miscellaneous	$ 5,289.05
Total Actual Cost of Construction Phase:	$1,349,602.01

Amount Over Budget $1,325,350.50 - $1,349,602.01 = ($24,251.51)

AGREEMENT FOR ENGINEERING SERVICES
AMENDMENT NO. 2

This is an amendment to the Agreement for Engineering Services for Wedington Drive Water & Sewer Relocations

executed on the _______ day of ______________, 1998 between the City of Fayetteville, Arkansas and CEI Engineering Associates, Inc..

Additional services were required due to extra expenses incurred by CEI Engineering Associates, Inc. as a result of the contractor going past the Contract Times to complete the construction.

The charge for the additional services shall not exceed $32,000.00, and will include all surveying, construction contract administration, and inspection,

except that the following credits will be given to the City of Fayetteville:

- subtract $1,542.50 for time related to changes in Water Line B west of Sang Ave.
- subtract $1,148.00 for expenses related to the relocation of a fire hydrant.
- subtract $1,892.50 for time related to the addition of a storm sewer and junction box.

Thus the net charge for additional services shall not exceed $27,417.00.

CITY OF FAYETTEVILLE:

______________________________ Date______________
Mayor

CEI Engineering Associates, Inc.

C. Michael Shupe ______________ Date 2/6/98
Chairman / Co-Founder
CEI Engineering Assoc.
____

____
Title

CHANGE ORDER

No. 3

PROJECT Wedington Dr. Utilities Relocation PROJECT NO. 10963.0

DATE OF ISSUANCE ____________ EFFECTIVE DATE ____________

OWNER City of Fayetteville

OWNER'S Contract No. 96-41

CONTRACTOR Edwards Design & Construction ENGINEER CEI engineering Associates, Inc.

You are directed to make the following changes in the Contract Documents.

Description: Reconcile units installed to contract amounts

Reason for Change Order: See Attached

Attachments: (List documents supporting change) Description & Unit price details

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price $ 1,091,455.50	Original Contract Times Substantial Completion: 120 Ready for final payment: 150 days or dates
Net changes from previous Change Orders No. 1 to No. 2 $ 107,821.46	Net change from previous Change Orders No. 1 to No. 2 52 days
Contract Price prior to this Change Order $ 1,199,276.96	Contract Times prior to this Change Order Substantial Completion: 172 Ready for final payment: 202 days or dates
Net Increase(decrease) of this Change Order $ +29,119.00	Net Increase (decrease) of this Change Order 39 days
Contract Price with all approved Change Orders $ 1,228,395.96	Contract times with all approved Change Orders Substantial Completion: 211 Ready for final payment: 241 days or dates

RECOMMENDED:	APPROVED:	ACCEPTED:
By: David A. Todd Engineer (Authorized Signature)	By: ____________ Owner (Authorized Signature)	By: [signature] Contractor (Authorized Signature)
Date: 2/5/98	Date: ____________	Date: FEB 6, 1998

WEDINGTON DRIVE UTILITIES RELOCATION PROJECT

Change Order Number 3
Reconciliation Change Order

Description

As with all unit price contracts, a change order must be issued at the end of the project to reconcile the quantities actually installed to those which were estimated at the start of the project. This change order provides that reconciliation, adjusting quantities in the contract to those installed based on actual measurements in the field.

In addition, several changes/modifications to the project have been required, or the Contractor encountered changed conditions in several areas. The Contractor accumulated these during the course of the project, rather than submitting them item by item as the project progressed. Each of these changes or modifications have been reviewed with the Owner's engineering department, quantities and unit prices agreed to, and in some cases the amount adjusted downward. The Engineer has verified these items at the site. These items are as follows.

- Install pressure reducing valves at two locations where old valves were found to be not serviceable. The problems were raised by the property owners, who claimed that the City's overall project caused the valves to fail. This was not in the Contractor's original scope of work.
- Tie in farm house to 24-inch main. Due to no fault of Contractor, Owner requested that this house be connected out of sequence of the work, causing additional expense.
- Remove and replace a water line at the east side of Sang that was in conflict with the AHTD work. This was caused by the extremely tight working space among all utilities, as well as by some changes in the AHTD design after this project was designed.
- Expose and check, at Owner's request, several existing pressure reducing valves that were thought to be dad, but which were found to be satisfactory.
- Remove 42-inch diameter casing at Lewis Street to allow for installation of new casing. The drawings called for the new casing, but no one was aware of the existing, substandard casing that would have to be removed before the new one could be constructed. This was a changed condition.
- Expenses and lost time related to encountering gas in trench next to a converted service station on Garland Avenue. Contractor completed certain clean-up items at the Owner's request, and had standby time, and maintenance, mobilization, and demobilization expenses. This was a changed condition.
- Revise pipe location and add fittings to water line B west of Lonnie Drive, due to telephone company installations. This was due to the slow progress of the telephone company at executing their new work and removing their old. This was a changed condition.
- Cut and cap a 2¼-inch diameter line at Vista Street. This water line was not known to exist at the time of the design and was discovered during construction. The work was executed by the Contractor at the Owner's request.
- Remove existing storm sewer, construct new storm sewer and modify existing drop inlet as required. This work was required due to an undocumented storm sewer at the corner of Hall Street and

Wedington. This project conflicted with the storm sewer, which had to be removed and relocated, necessitating the modification of the drop inlet. The Owner requested the Contractor to execute this work.

- Remove and reinstall a fire hydrant that proved to be in the way of proposed AHTD storm sewer construction. This was a changed condition to the Contractor.
- Improve and maintain ditches in the area of an undocumented storm sewer cross drain. The work was required to prevent flooding of two residences.
- Cut and remove undocumented 24-inch diameter casing pipe to allow installation of a water service tap. This was a changed condition.
- Remove gravel drive at the corner of Eva Street and Wedington and replace with sod. This work was executed at the request of the Owner.

In addition, this Change Order includes two claims that the Owner has against the Contractor.

- $259.00, for damages caused at 2330 Wedington Drive, which the Contractor had agreed to pay but never did. The Owner paid these claims and is back-charging the Contractor in this Change Order.
- $998.00, for damage caused by the Contractor to the traffic light controller at the southwest corner of Wedington and Garland.

<u>Changes in Contract Price</u>

See the attached table of all unit price items, together will all changes from the originally estimated quantities.

<u>Changes in Contract Times</u>

1. The Contract Time is extended by 15 days to account for extra time related to rock excavation.
2. The Contract Time is extended by 5 days to account for delays for ditch work in the Vista Road area.
3. The Contract Time is extended by 6 days to account for abnormal weather conditions.
4. The Contract Time is extended by 13 days to account for time required for various items included in this Change Order.
5. These changes in Contract Time leaves the project Substantially Complete 183 days after the revised contract completion date. Included in this Change Order is an assessment of Liquidated Damages for 183 days at $200.00 per day.

Wedington Drive Utilities Relocation, Fayetteville Contract 96-41

Reconciliation Change Order

Detail of Unit Price Items, Final Quantities, and Final Changes

Item No	Description	Units	Plan Quantity	Actual Quantity	Change in Quantity	Unit Price	Original Amount	New Amount	Change in Amount
1	24-inch DI Pipe	LF	4470	4493.48	23.48	$ 72.00	$ 321,840.00	$ 323,530.56	$ 1,690.56
2	16-inch DI Pipe	LF	11	25	14	$ 53.00	$ 583.00	$ 1,325.00	$ 742.00
3	12-inch Water Main	LF	1280	1160	-120	$ 31.50	$ 40,320.00	$ 36,540.00	$ (3,780.00)
4	8-inch Water Main	LF	6450	6449.95	-0.05	$ 19.25	$ 124,162.50	$ 124,161.54	$ (0.96)
5	6-inch Water Main	LF	480	465.83	-14.17	$ 15.00	$ 7,200.00	$ 6,987.45	$ (212.55)
6	4-inch Water Main	LF	20	15	-5	$ 9.00	$ 180.00	$ 135.00	$ (45.00)
7	2-inch Water Main	LF	110	60	-50	$ 6.00	$ 660.00	$ 360.00	$ (300.00)
8	Ductile Iron Fittings	LBS	53150	53364	214	$ 3.50	$ 186,025.00	$ 186,774.00	$ 749.00
9	24-inch Butterfly Valve	EA	10	9	-1	$ 6,800.00	$ 68,000.00	$ 61,200.00	$ (6,800.00)
10	12-inch Butterfly Valve	EA	3	4	1	$ 2,750.00	$ 8,250.00	$ 11,000.00	$ 2,750.00
11	8-inch Gate Valve	EA	13	16	3	$ 625.00	$ 8,125.00	$ 10,000.00	$ 1,875.00
12	6-inch Gate Valve	EA	6	5	-1	$ 575.00	$ 3,450.00	$ 2,875.00	$ (575.00)
13	4-inch Gate Valve	EA	1	1	0	$ 350.00	$ 350.00	$ 350.00	$ -
14	2-inch Gate Valve	EA	1	1	0	$ 275.00	$ 275.00	$ 275.00	$ -
15	3-inch Air/Vacuum Valve	EA	3	3	0	$ 3,280.00	$ 9,840.00	$ 9,840.00	$ -
16	2-inch Air/Vacuum Valve	EA	2	2	0	$ 2,600.00	$ 5,200.00	$ 5,200.00	$ -
17	1-inch Air/Vacuum Valve	EA	1	1	0	$ 2,100.00	$ 2,100.00	$ 2,100.00	$ -
18	24x20-inch Tap	EA	1	1	0	$ 16,900.00	$ 16,900.00	$ 16,900.00	$ -
19	24x8-inch Tap	EA	2	2	0	$ 2,450.00	$ 4,900.00	$ 4,900.00	$ -
20	16x16-inch Tap	EA	1	1	0	$ 13,750.00	$ 13,750.00	$ 13,750.00	$ -
21	12x10-inch Tap	EA	2	2	0	$ 2,300.00	$ 4,600.00	$ 4,600.00	$ -
22	12x6-inch Tap	EA	1	1	0	$ 1,700.00	$ 1,700.00	$ 1,700.00	$ -
23	8x8-inch Tap	EA	3	3	0	$ 1,400.00	$ 4,200.00	$ 4,200.00	$ -
24	6x6-inch Tap	EA	2	2	0	$ 1,300.00	$ 2,600.00	$ 2,600.00	$ -
25	Fire Hydrant	EA	21	21	0	$ 1,600.00	$ 33,600.00	$ 33,600.00	$ -
26	24-inch Steel Casing	LF	220	221	1	$ 50.00	$ 11,000.00	$ 11,050.00	$ 50.00
27	16-inch Steel Casing	LF	152	153	1	$ 40.00	$ 6,080.00	$ 6,120.00	$ 40.00
28	42-inch Split Steel Casing	LF	110	110	0	$ 95.00	$ 10,450.00	$ 10,450.00	$ -
29	3/4-inch Water Service	EA	700	746	46	$ 5.00	$ 3,500.00	$ 3,730.00	$ 230.00
30	1-inch Water Service	EA	100	100	0	$ 5.75	$ 575.00	$ 575.00	$ -
31	Single Meter Set	EA	60	59	-1	$ 300.00	$ 18,000.00	$ 17,700.00	$ (300.00)
32	Double Meter Set	EA	8	9	1	$ 275.00	$ 2,200.00	$ 2,475.00	$ 275.00
33	Cut & Cap 16-inch	EA	2	2	0	$ 450.00	$ 900.00	$ 900.00	$ -
34	Cut & Cap 12-inch	EA	2	1	-1	$ 200.00	$ 400.00	$ 200.00	$ (200.00)
35	Cut & Cap 8-inch	EA	10	5	-5	$ 100.00	$ 1,000.00	$ 500.00	$ (500.00)

36	Cut & Cap 6-inch	EA	5	4	-1	$ 100.00	$ 500.00	$ 400.00	$ (100.00)
37	Cut & Cap 4-inch & Smaller	EA	8	8	0	$ 75.00	$ 600.00	$ 600.00	$ -
38	12-inch PVC Sewer	LF	56	27	-29	$ 25.00	$ 1,400.00	$ 675.00	$ (725.00)
39	8-inch PVC Sewer 0-6 ft	LF	370	480	110	$ 14.00	$ 5,180.00	$ 6,720.00	$ 1,540.00
40	8-inch PVC Sewer 6-8 ft	LF	635	780.75	145.75	$ 14.00	$ 8,890.00	$ 10,930.50	$ 2,040.50
41	8-inch PVC Sewer 8-10 ft	LF	780	465	-315	$ 15.00	$ 11,700.00	$ 6,975.00	$ (4,725.00)
42	8-inch PVC Sewer 10 ft +	LF	205	210	5	$ 16.00	$ 3,280.00	$ 3,360.00	$ 80.00
43	4-ft Manhole	EA	16	16	0	$ 1,150.00	$ 18,400.00	$ 18,400.00	$ -
44	4-ft Manhole Extra Depth	VF	45	43.96	-1.04	$ 125.00	$ 5,625.00	$ 5,495.00	$ (130.00)
45	Drop Manhole	VF	17	13.9	-3.1	$ 120.00	$ 2,040.00	$ 1,668.00	$ (372.00)
46	Remove Manhole	EA	11	11	0	$ 650.00	$ 7,150.00	$ 7,150.00	$ -
47	4-inch PVC Sewer Service	LF	300	300	0	$ 5.00	$ 1,500.00	$ 1,500.00	$ -
48	8x4-inch Service Wye	EA	10	10	0	$ 100.00	$ 1,000.00	$ 1,000.00	$ -
49	30-inch Casing Extension	LF	20	20	0	$ 100.00	$ 2,000.00	$ 2,000.00	$ -
50	Ashpalt Cut/Repair	LF	700	1174.5	474.5	$ 10.00	$ 7,000.00	$ 11,745.00	$ 4,745.00
51	Concrete Cut/Repair	LF	300	591.1	291.1	$ 20.00	$ 6,000.00	$ 11,822.00	$ 5,822.00
52	Gravel Drive Repair	LF	400	812	412	$ 5.00	$ 2,000.00	$ 4,060.00	$ 2,060.00
53	Connect Existing Sewer Services	EA	7	7	0	$ 250.00	$ 1,750.00	$ 1,750.00	$ -
54	Connect to Existing Sewer	EA	4	4	0	$ 200.00	$ 800.00	$ 800.00	$ -
55	Remove Water Meter	EA	73	73	0	$ 75.00	$ 5,475.00	$ 5,475.00	$ -
56	Remove Valve Box	EA	21	21	0	$ 50.00	$ 1,050.00	$ 1,050.00	$ -
57	Remove Fire Hydrant	EA	7	7	0	$ 750.00	$ 5,250.00	$ 5,250.00	$ -
58	Reconnect Water Services	EA	70	70	0	$ 100.00	$ 7,000.00	$ 7,000.00	$ -
59	Transition Couplings	EA	4	0	-4	$ 50.00	$ 200.00	$ -	$ (200.00)
60	Concrete Encasement	LF	750	745	-5	$ 25.00	$ 18,750.00	$ 18,625.00	$ (125.00)
61	Clear & Grub	LF	500	500	0	$ 3.00	$ 1,500.00	$ 1,500.00	$ -
62	Excavation Safety	LS	1	1	0	$ 42,500.00	$ 42,500.00	$ 42,500.00	$ -
							$ 1,091,455.50	$ 1,097,054.05	$ 5,598.55

	CHANGE ORDER NO 1								
3	12-inch PVC Water Pipe	LF	1330	1259	-71	$ 31.50	$ 41,895.00	$ 39,658.50	$ (2,236.50)
8	Ductile Iron Fittings	LBS	800	1462	662	$ 3.50	$ 2,800.00	$ 5,117.00	$ 2,317.00
10	12-inch Valve	EA	1	1	0	$ 2,750.00	$ 2,750.00	$ 2,750.00	$ -
21	12x10-inch Tap	EA	1	1	0	$ 2,300.00	$ 2,300.00	$ 2,300.00	$ -
25	Fire Hydrant	EA	1	1	0	$ 1,600.00	$ 1,600.00	$ 1,600.00	$ -
34	12-inch Cut & Cap	EA	3	2	-1	$ 200.00	$ 600.00	$ 400.00	$ (200.00)
36	6-inch Cut & Cap	EA	2	0	-2	$ 100.00	$ 200.00	$ -	$ (200.00)
50	Ashpalt Cut/Repair	LF	20	0	-20	$ 10.00	$ 200.00	$ -	$ (200.00)
51	Concrete Cut/Repair	LF	30	146.7	116.7	$ 20.00	$ 600.00	$ 2,934.00	$ 2,334.00
52	Gravel Drive Repair	LF	10	0	-10	$ 5.00	$ 50.00	$ -	$ (50.00)
56	Remove Valve Box	EA	2	2	0	$ 50.00	$ 100.00	$ 100.00	$ -
57	Remove Fire Hydrant	EA	0	1	1	$ 750.00	$ -	$ 750.00	$ 750.00
63	Tie in 6-inch Main	EA	1	0	-1	$ 1,600.00	$ 1,600.00	$ -	$ (1,600.00)
64	2-inch Water Service	EA	1	1	0	$ 800.00	$ 800.00	$ 800.00	$ -
65	Non-Reinforced Conc Pavement	SY	40	146.85	106.85	$ 60.00	$ 2,400.00	$ 8,811.00	$ 6,411.00
66	Reinforced Concrete Pavement	SY	100	0	-100	$ 90.00	$ 9,000.00	$ -	$ (9,000.00)
67	Asphalt Paving	SY	25	30.44	5.44	$ 80.00	$ 2,000.00	$ 2,435.20	$ 435.20
68	Curb & Gutter Remove/Replace	LF	50	88.3	38.3	$ 12.00	$ 600.00	$ 1,059.60	$ 459.60
69	4-ft Sidewalk Remove/Replace	SY	480	401	-79	$ 35.00	$ 16,800.00	$ 14,035.00	$ (2,765.00)
70	Tree Removal	LS	1	1	0	$ 3,500.00	$ 3,500.00	$ 3,500.00	$ -
71	Traffic Control	LS	1	1	0	$ 4,000.00	$ 4,000.00	$ 4,000.00	$ -
72	Trench Safety	LS	1	1	0	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ -
73	Rock Excavation	CY	1	0	-1	$ 100.00	$ 100.00	$ -	$ (100.00)
	Change Order No 1 Totals						$ 98,895.00	$ 95,250.30	$ (3,644.70)
	Change Order No 2								
40	8-inch PVC Sewer	LF	139	139	0	$ 14.00	$ 1,946.00	$ 1,946.00	$ -
50	Sewer Service Wye	EA	1	1	0	$ 100.00	$ 100.00	$ 100.00	$ -
67	Asphalt Paving	SY	27.53	27.53	0	$ 80.00	$ 2,202.00	$ 2,202.40	$ 0.40
68	Curb & Gutter Remove/Replace	LF	4.17	4.17	0	$ 12.00	$ 50.00	$ 50.04	$ 0.04
74	Remove 6-inch Sewer	LS	1	1	0	$ 417.00	$ 417.00	$ 417.00	$ -
75	Tie to Manhole	LS	1	1	0	$ 750.00	$ 750.00	$ 750.00	$ -
76	Lewis Street Time	LS	1	1	0	$ 3,461.46	$ 3,461.46	$ 3,461.46	$ -
	Change Order No 2 Totals						$ 8,926.46	$ 8,926.90	$ 0.44

	Change Order No 3 Items								
1	PR Valves	LS	0	1	1	$ 1,109.85	$ -	$ 1,109.85	$ 1,109.85
2	Early Tie-In	LS	0	1	1	$ 1,044.93	$ -	$ 1,044.93	$ 1,044.93
3	Sang Avenue Modifications	LS	0	1	1	$ 15,812.32	$ -	$ 15,812.32	$ 15,812.32
4	PRV related work	LS	0	1	1	$ 1,028.12	$ -	$ 1,028.12	$ 1,028.12
5	42-inch CMP Casing Removal	LS	0	1	1	$ 1,515.00	$ -	$ 1,515.00	$ 1,515.00
6	consolidated with number 5	LS	0	1	1				
7	Petroleum Work at Garland Ave	LS	0	1	1	$ 14,732.90	$ -	$ 14,732.90	$ 14,732.90
8	Telephone Related Extras	LS	0	1	1	$ 9,566.00	$ -	$ 9,566.00	$ 9,566.00
9	Cut & Cap at Vista	LS	0	1	1	$ 223.00	$ -	$ 223.00	$ 223.00
10	Hall Street Storm Sewer Work	LS	0	1	1	$ 10,891.31	$ -	$ 10,891.31	$ 10,891.31
11	Fire Hydrant Re-set	LS	0	1	1	$ 1,148.00	$ -	$ 1,148.00	$ 1,148.00
12	Ditch work for changed conditions	LS	0	1	1	$ 5,194.14	$ -	$ 5,194.14	$ 5,194.14
13	24-inch CMP Casing Removal	LS	0	1	1	$ 225.00	$ -	$ 225.00	$ 225.00
14	Eva Street Drive and Sod	LS	0	1	1	$ 2,531.14	$ -	$ 2,531.14	$ 2,531.14
15	Liquidated Damages Assessed	DAY	0	183	183	$ (200.00)	$ -	$ (36,600.00)	$ (36,600.00)
16	Damages at 2330 Wedington	LS	0	1	1	$ (259.00)	$ -	$ (259.00)	$ (259.00)
17	Damage to traffic controller	LS	0	1	1	$ (998.00)	$ -	$ (998.00)	$ (998.00)
	Change Order 3 Totals						$ -	$ 27,164.71	$ 27,164.71
	Total Original Plus All Change Orders							$ 1,228,395.96	$ 29,119.00

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Public Works	Date Requested	Adjustment #
1998	Division: Water & Sewer	March 17, 1998	
	Program: Capital Water Mains		

Project or Item Requested:

Additional funding is requested for the Wedington Water & Sewer Relocation Project.

Project or Item Deleted:

None. A portion of Rolling Hills Water Line Replacement project funding is proposed for this adjustment.

Justification of this Increase:

Added construction and engineering cost incurred while the project was in progress caused the total cost incurred to exceed the remaining budget.

Justification of this Decrease:

The project is scheduled to be accomplished in phases.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number
Capital Water Mains	30,000	5400	5600		5808	00	95040

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number
Capital Water Mains	30,000	5400	5600		5808	00	95038

Approval Signatures

		Date
Sid Norbash	Requested By	2/26/98
Steph Davis	Budget Coordinator	2/26/98
	Department Director	
BM	Admin. Services Director	2/27/98
	Mayor	

Budget Office Use Only

Type: A B C D E

Date of Approval ________

Posted to General Ledger ________

Posted to Project Accounting ________

Entered in Category Log ________

Blue Copy: Budget & Research / Yellow Copy: Requester

STAFF REVIEW FORM

XX AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of March 17, 1998

FROM:

W.A.Oestreich	Fleet Operations	Administrative Services
Name	Division	Department

ACTION REQUIRED:

Approval of an Ordinance providing for a Bid Waiver to purchase replacement items, parts, supplies etc., pertaining to the GAS BOY Fueling system currently in use by the City of Fayetteville.

COST TO CITY:

Cost: $ N/A Trade Allowance: N/A Net Cost: $ N/A

Annual needs as reflected

$ in Budget	$ N/A	Operations
Cost of this Request	Category/Project Budget	Category/Project Name
9700-1920-(As Required)	$ N/A	Vehicle Maintenance
Account Number	Funds Used To Date	Program Name
	$	Shop
Project Number	Remaining Balance	Fund

BUDGET REVIEW: XX Budgeted Item ___ Budget Adjustment Attached

Stephen Davis
Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

	2-25-98		
Accounting Manager	Date	ADA Coordinator	Date
	2-25-98	Yolanda Fields	2-27-98
City Attorney	Date	Internal Auditor	Date
P Vice	2-25-98		
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Approval of Bid Waiver Ordinance.

W A Oestreich	2/24/98
Division Head	Date
Department Director	Date
BM	2/27/98
Administrative Services Director	Date
Fred Hanna	2/28/98
Mayor	Date

Cross Reference

New Item: **Yes** **No**

Prev Ord/Res #:

Orig Contract Date:

ORDINANCE NO.________________

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING FOR THE PURCHASE OF SPECIALIZED EQUIPMENT AND/OR SUPPLIES RELATING TO THE GAS BOY FUEL DISPENSING, RECORDING, AND CONTROL EQUIPMENT WHICH IS UTILIZED BY THE CITY OF FAYETTEVILLE VEHICLE OPERATIONS PROGRAMS.

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

Section 1. The City Council hereby waives the requirements of formal competitive bidding for the purchase of specialized parts, accessories, related equipment, supplies, installation, maintenance, and repair of same which will be utilized in conjunction with existing GAS BOY Fuel dispensing, recording, and/or control equipment which is currently being used by the City of Fayetteville as part of their fueling requirements for vehicles and/or equipment. As said requirements do not take into consideration the factors of compatibility, standardization and maintainability which must be followed as only one Manufacturer is capable of supplying said parts, etc. Therefore, it would not be feasible or practical to take and award a formal competitive bid.

Section 2. Said bid waiver shall continue in effect, subject to any needed budget or contract approval, until such time as the City of Fayetteville discontinues operation of the GAS BOY Fueling Control System.

Section 3. The City Council hereby determines that the City of Fayetteville is in immediate need of materials which are enumerated in section 1 above and the passage of this Ordinance is to enable the immediate and continuing purchase of said materials without undue cost to the City. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the public welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this_____day of __________, 1998

APPROVED

By:________________________________
Mayor

ATTEST

By:______________________________
City Clerk

CITY OF FAYETTEVILLE

FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: Ben Mayes, Administrative Services Director

THRU: Peggy Vice, Purchasing Manager

FROM: W. A. Oestreich, Fleet Operations Superintendent

DATE: February 23, 1998

SUBJECT: BID WAIVER RECOMMENDATION - GAS BOY EQUIPMENT

Reference the attached Agenda Request for a Bid Waiver for the purchase of supplies to maintain the GAS BOY Fueling Equipment currently operating in the City of Fayetteville Fleet.

This equipment is being used as a semi-automated and automated fueling system on all City Vehicles and Equipment. It would not be practical to mix brands of dispensing and/or recording equipment due to the Pumping facilities being maintained.

This Bid Waiver will be utilized to maintain and upgrade as necessary with items which can be obtained from the GAS BOY Company only, or items which are authorized by them as being compatible with their system. We will be utilizing the local authorized Distributor who is Hooten Equipment Co., Springdale, AR and/or their authorized representatives in the case of repairs, installations or software/metering items.

A thorough evaluation of this system was completed prior to the recent upgrade of the system. It was determined that maintaining the GAS BOY system was the most efficient and economical method of fuel dispensing and recording to fit the needs of the City Fleet.

STAFF REVIEW FORM

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of March 17, 1998

FROM:

Name	Division	Department
Ed Connell	Engineering	Public Works

ACTION REQUIRED: Approval of a proposed project between the City and Lewis Brothers Leasing Company, Inc., wherein Lewis Brothers conveys (1) a 1.0 acre tract of land to the City for a new fire station site and (2) a 1.0 acre site for the extension of Plainview Avenue from the current termination (South of Milsap) to Longview Street. The City, in turn, will design and construct the proposed extension of Plainview Avenue (approx. 730 feet). No exchange of monies between the parties are anticipated on this project.

COST TO CITY:

$ NA Cost of this Request	$ 150,000 Category/Project Budget	Plainview Ave. Improvement Category/Project Name
4470-9470-5809.00 Account Number	$ 137 Funds Used To Date	Program Name
98031-0030 Project Number	$ 149,863 Remaining Balance	Sales Tax CIP Fund

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Coordinator ___ Administrative Services Director ___

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** ___

Marilyn D. Cramer — Accounting Manager — Date 2-25-98 | Internal Auditor ___ Date ___

City Attorney — Date 2-26-98 | ADA Coordinator ___ Date ___

Purchasing Officer — Date 2-26-98

STAFF RECOMMENDATION: The North side of Fayetteville is in need of a new fire station facility. Current Sta. #4, Harold Street, requires expansion and is in a poor location. The proposed location of a new unit on Plainview provides better access to major thoroughfares with signal lights. Fire station land appraisals and estimated cost of street are virtually equivalent. Staff recommends approval of the project to be in the best interest of the City.

Division Head — Date 2-26-98

Department Director — Date 26FEB98

Administrative Services Director — Date 2-27-98

Mayor — Date 2/27/98

Cross Reference

New Item: Yes X **No** ___

Prev Ord/Res #: ___

Orig Contract Date: ___

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: February 24, 1998

TO: Kevin Crosson, Public Works Director

THRU: Charles Venable, Assistant Public Works Director

FROM: Ed Connell, Land Agent *EC*

RE: Fire Station #4 Replacement
Plainview Avenue Improvement

The Fayetteville Fire Department has been investigating the possibility of expanding Station #4, located on Harold Street (just East of College Avenue) on the north side of Fayetteville. The current station is very limited in the amount of equipment that it can handle. The amount of development along the bypass and South of the Northwest Arkansas Mall could put a strain on the current small station and the possibility of expansion at this site, either on the existing land or even with purchase of additional land, is very limited. The Fire Department has looked extensively for other sites in the general area.

The site selected is on land owned by Lewis Brothers Leasing Company, Inc. This is located behind the Jones Oldsmobile-Buick dealership, just South of Milsap Road, West of College Avenue and at the current terminus of Plainview Avenue (see General Area Map). An agreement has been reached with Lewis Brothers Leasing Company, wherein they will convey a 1.00 acre site to the City for the fire station and the City will design and construct a standard roadway South from the current terminus of Plainview to Longview Street through property owned by Lewis Brothers Leasing Company. The distance of the road for construction is about 730 feet.
The roadway land, 1.00 ± acre, will be conveyed to the City for this purpose. Terms and conditions for this agreement are found in the attached *Offer and Acceptance Contract*.

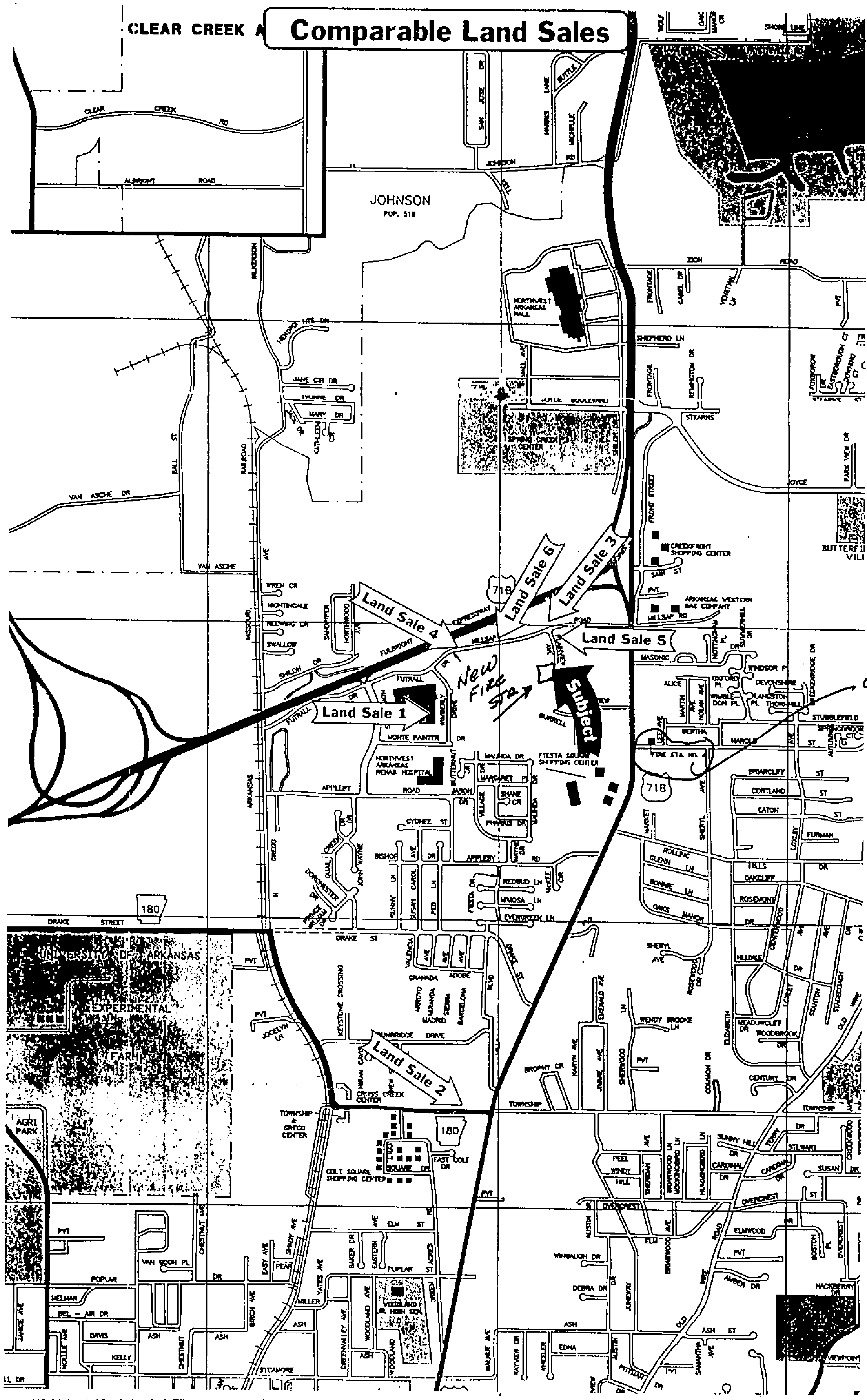
The City has estimated the cost of engineering design and construction of the road to be in the neighborhood of \$140,000 - \$150,000. An independent appraisal of the fire station site indicated the value to be \$140,000 as of July 28, 1997.

This location provides the needed 1.00 acre of land required for proper station design. Access to West will be easy via Milsap Rd. Access to the North (Mall area) can be made via light signal at Milsap. With the improvement to Plainview Avenue, access to College can be made via Milsap or Longview. This particular location is about ¼ mile West-Northwest of the Harold Street station, thus timing to the residential areas East of College should not be more than 1-2 minutes.

The City staff would like to begin design work on the Plainview improvement as soon a possible such that the street could possibly be constructed by the end of the year. A lot split will be required for the fire station site West of the new road. This application will be submitted to the Planning Commission in the same manner required for all lot splits. Property conveyances will only be made once the lot split approval has been obtained.

Please submit this proposed project for City Council approval. If additional information is required, please give me a call at 415.

Comparable Land Sales



OFFER AND ACCEPTANCE CONTRACT

Lewis Brothers Leasing Company, Inc., an Arkansas Corporation ("Lewis Brothers"), and the City of Fayetteville, Arkansas, a Municipal Corporation (the "City") enter into this agreement and offer and acceptance subject to the terms, considerations and mutual promises set forth herein:

1. Lewis Brothers agrees to deed to the City for the considerations and terms and conditions set forth herein the following described property:

   a) A one acre, more or less, parcel of land more fully described and herein after referred to as Tract D:

      (Legal Description)

   b) A 60 foot wide fee simple street right-of-way containing approximately one acre, more or less, more fully described and herein after referred to as Tract B:

      (Legal Description)

2. The City as a consideration for Tract B and Tract D agrees to construct a fire station on Tract D and construct a standard city street (the "Street") from the current terminus of Plainview Avenue to Longview Street, a distance of approximately 730 feet, on Tract B.

3. The City agrees to construct the Street according to the latest City of Fayetteville standards and specifications including a four (4) foot wide sidewalk on both sides of the street. The City agrees to complete construction of the Street within 18 months of closing.

4. This agreement is expressly made contingent upon the approval by the City of Fayetteville of a lot split under requirements and conditions acceptable to Lewis Brothers relative to their property identified as County Parcel Number 765-15767-000.

5. The City agrees to have city staff prepare a lot split petition on behalf of Lewis Brothers at city expense. Lewis Brothers agrees to cooperate in seeking approval for the lot split and to have a representative present to participate at Planning Commission hearings on said lot split.

6. The parties agree to seek an administrative appeal to the Fayetteville City Council should the lot split be denied or if it is approved with requirements and conditions unacceptable to Lewis Brothers.

7. If the lot split is denied or approved by the Fayetteville City Council under requirements and conditions unacceptable to Lewis Brothers, the parties shall have no further obligations or duties under this agreement which shall be null and void.

8. Closing shall occur on or before 45 calendar days of approval of the lot split under requirements and conditions acceptable to Lewis Brothers.

9. All documents and/or deeds necessary for conveyance shall be prepared by the City or at the city's expense. The City shall be responsible for filing such documents and/or deeds at the city's expense.

10. Lewis Brothers shall be responsible for the payment of all real property taxes associated with the lands conveyed to the city for the entire year of such conveyance and prior years taxes, if any.

11. City design and construction of Plainview Avenue shall provide for the following items:
    a) Three (3) quad conduit runs for electrical, telephone, cable crossings,
    b) Three (3) steel sleeves for future sewer line crossings,
    c) Three (3) steel sleeves for future water line crossings and
    d) Two(2) or three(3) commercial curb cuts in accordance with city ordinances.

    Lewis Brothers and City staff shall confer and agree upon the location of the above listed items.

12. Lewis Brothers shall move the existing house located on parcel 765-15751-000 to a location outside of the right of way (Tract B) to a location conforming to all city ordinances. The house shall be moved at Lewis Brothers expense and shall occur within 120 days of closing or by June 1, 1998, whichever is later.

13. Lewis Brothers shall furnish at their own expense a policy of title insurance on Tract D in the amount of not less than $50,000.

14. Conveyance will be made to the city by general warranty deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property.

15. Risk of loss and damage to the property by fire or other casualty occurring up to the time of closing is assumed by Lewis Brothers.

16. This agreement shall be governed by the laws of the State of Arkansas.

17. This agreement when executed by the parties shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and/or understandings with respect to such matters, and no oral representations or statements shall be considered a part hereof.

18. **NOTICE:** THE CITY ASSERTS AND LEWIS BROTHERS HEREBY ACKNOWLEDGES THAT THIS AGREEMENT IS EXPRESSLY CONTINGENT UPON THE CITY OF FAYETTEVILLE'S CITY COUNCIL'S FORMAL APPROVAL BY RESOLUTION OF THIS AGREEMENT AND THAT THE FAILURE OF THE CITY COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS AGREEMENT NULL AND VOID.

LEWIS BROTHERS LEASING COMPANY, INC.

Thomas H. Lewis — 2-23-98

THOMAS H. LEWIS, President — Date

Donald W. Stone — 2-23-98

DONALD W. STONE, Secretary & Treasurer — Date

CITY OF FAYETTEVILLE

Fred Hanna — 2/23/98

FRED HANNA, MAYOR — Date

ATTEST:

Heather Woodruff — 2/23/98

HEATHER WOODRUFF, CITY CLERK — Date

LEGAL DESCRIPTIONS:

Tract "D":

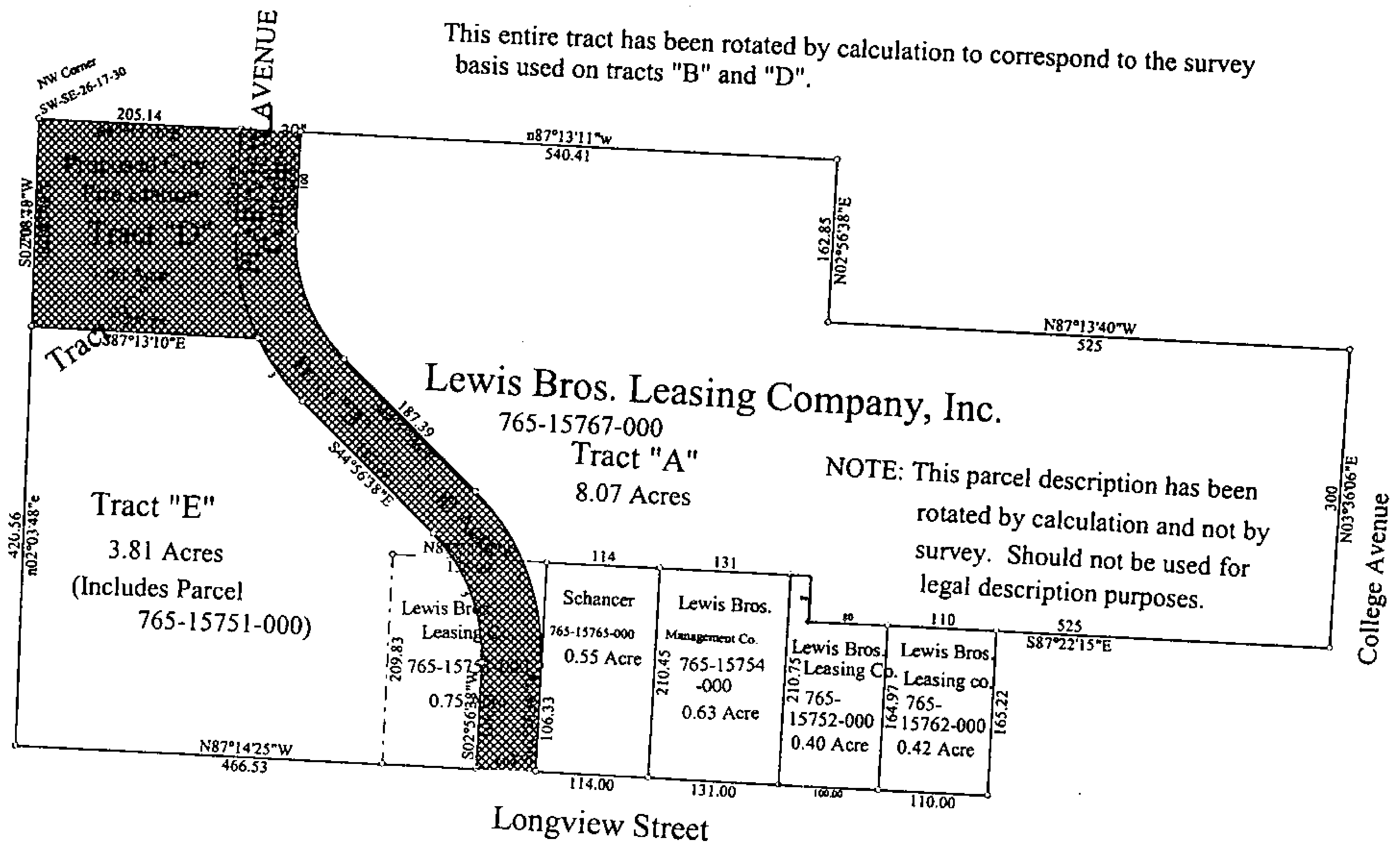
TRACT "D" LEGAL DESCRIPTION
Fire Station Land
Survey Description

A part of the Southwest Quarter (SW¼) of the Southeast Quarter SE¼) of Section Twenty-six (26), Township Seventeen (17) north, Range Thirty (30) West, being more particularly described as follows: Beginning at the Northwest corner of said 40 acre tract, said point being an existing iron bar; thence South 87° 13' 10" East 205.14 feet to a set iron pin on the proposed West right of way line of Plainview Avenue; thence South 02° 46' 50" East along said proposed West right of way line 100.00 feet to a set iron pin at the beginning of a Two hundred Thirty (230) foot radius curve concave to the East; thence Southeasterly along said curve and right of way line 113.20 feet, the cord of which being South 11° 19' 08" East 112.06 feet to a set iron pin; thence leaving said curve and right of way North 87° 13' 10" West 229.83 feet to a set iron pin on the West line of said 40 acre tract; thence North 02° 03' 48" West 208.70 feet to the Point of Beginning, containing 1.00 acre, more or less, Fayetteville, Washington County, Arkansas. This description is based on survey of Alan Reid & Associates, dated 09/17/97 as Job # 97298, which utilizes Arkansas State Plane Coordinate System (North Zone) and City of Fayetteville monumentation.

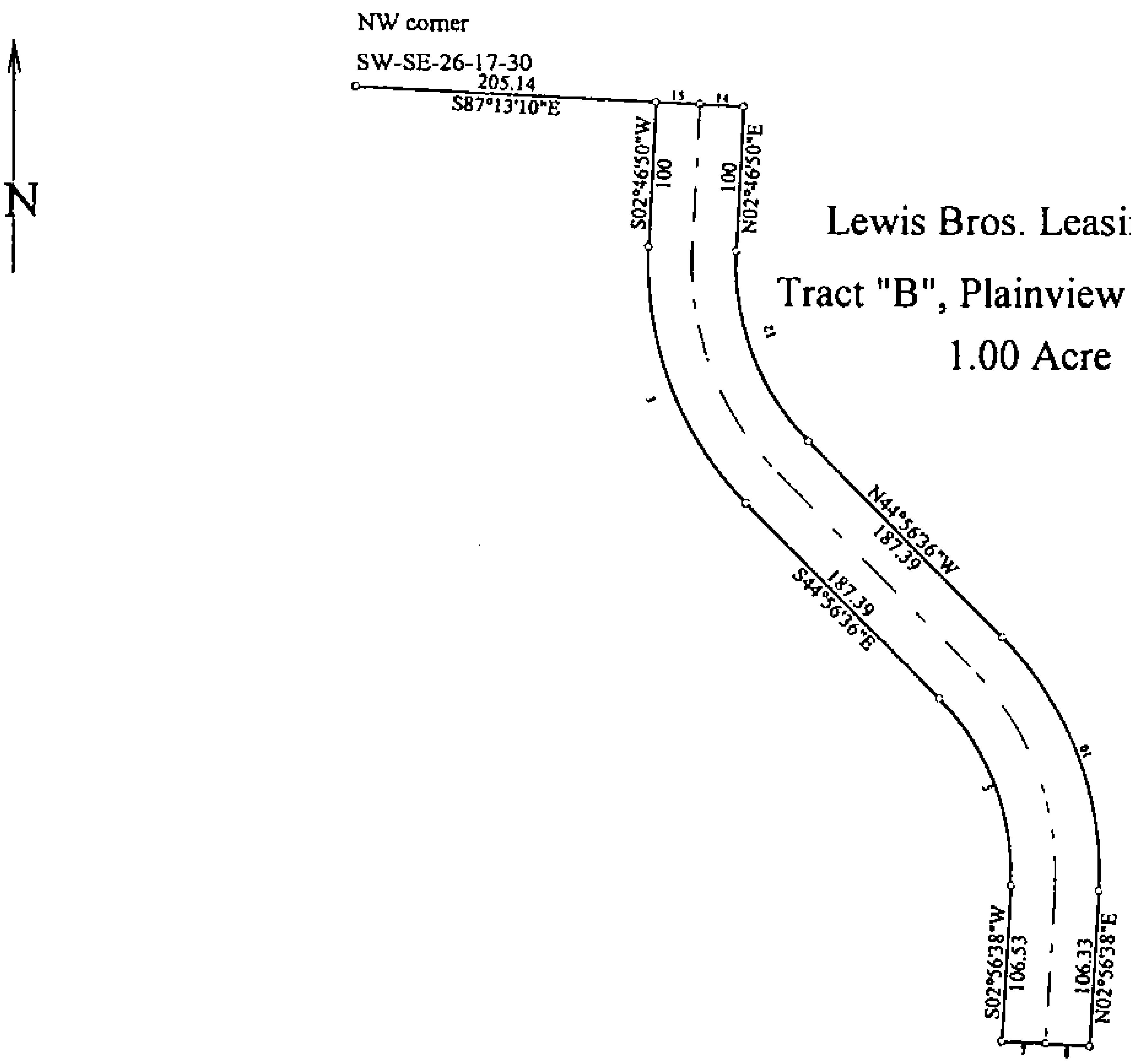
Tract "B":

TRACT "B" LEGAL DESCRIPTION
Proposed Plainview Avenue Right of Way
Survey Description

Part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼)of Section Twenty-six (26), Township Seventeen (17) North, Range Thirty (30) West of the 5th Principal Meridian and more particularly described as follows: Beginning at a found iron pin South 87° 13' 10" East 205.14 feet from the Northwest corner of said 40 acre tract, said point being on the North line of said 40 acre tract and on the proposed West right of way line of Plainview Avenue; thence South 02° 46' 50" West 100.00 feet to a found iron pin at the beginning of a 230.00 radius curve concave to the East; thence Southeasterly along said curve 191.58 feet, said curve having a delta angle of 47° 43' 26"; thence South 44° 56' 36" East 187.39 feet to the beginning of a 170.00 foot radius convex curve to the South; thence Southerly along said curve 142.09 feet, said curve having a delta angle of 47° 53' 14"; thence South 02° 56' 38" West 106.53 feet to the South line of the property as described in Deed Record 95-65743 of the Office of the Circuit Clerk, Washington County, Arkansas; thence, leaving the proposed West right of way line South 87° 14' 25" East 60.00 feet to a found iron pin, said found pin being on the proposed East right of way line of Plainview Avenue; thence along said proposed East right of way line North 02° 56' 38" East 106.33 feet to the beginning of a 230.00 foot radius concave curve to the West; thence Northwesterly along said curve 192.23 feet, said curve having a delta angle of 47° 53' 14"; thence North 44° 56' 36" West 187.39 feet to the beginning of a 170.00 foot radius convex curve to the North; thence Northerly along said curve 141.60 feet, said curve having a delta angle of 47° 43' 26"; thence North 02° 46' 50" East 100.00 feet to the North line of said 40 acre tract; thence, leaving the proposed East right of way line of Plainview Avenue and running along the North line of said 40 acre tract North 87° 13' 10" West 60.00 feet to the Point of Beginning, containing 1.00 acre, more or less, Fayetteville, Washington County, Arkansas. This description is based on survey of Alan Reid & Associates, dated 09/31/97 as Job # 97298C, which utilizes Arkansas State Plane Coordinate System (North Zone) and City of Fayetteville monumentation.


This entire tract has been rotated by calculation to correspond to the survey basis used on tracts "B" and "D".
NW Corner SW-SE-26-17-30
205.14
AVENUE
n87°13'11"w
540.41
162.85
N02°56'38"E
N87°13'40"W
525
S87°13'10"E
S02°08'38"W
Lewis Bros. Leasing Company, Inc.
765-15767-000
Tract "A"
8.07 Acres
NOTE: This parcel description has been rotated by calculation and not by survey. Should not be used for legal description purposes.
300
N03°36'06"E
College Avenue
187.39
S44°56'38"E
Tract "E"
3.81 Acres
(Includes Parcel 765-15751-000)
420.56
n02°03'48"e
209.83
S02°56'38"W
106.33
114
Schancer
765-15765-000
0.55 Acre
131
Lewis Bros.
Management Co.
765-15754-000
0.63 Acre
210.45
Lewis Bros. Leasing Co.
765-15752-000
0.40 Acre
210.75
110
Lewis Bros. Leasing co.
765-15762-000
0.42 Acre
164.97
165.22
525
S87°22'15"E
N87°14'25"W
466.53
114.00
131.00
110.00
Longview Street

N



Lewis Bros. Leasing Company

Tract "B", Plainview Avenue Extension

1.00 Acre

Title: Lewis Bros.; Tract "B", Plainview Avenue Extension		Date: 02-19-1998
Scale: 1 inch = 130 feet	File: LEWS-TRB.WMF	

Tract 1: 1.002 Acres: 43652 Sq Feet: 4055.4 Sq Meters: No significant closure error. : Perimeter = 1985 feet
Tract 2: 0.000 Acres: 18 Sq Feet: 1.7 Sq Meters: Closure = n20.2338w 684.24 feet: Precision =1/ 1: Perimeter = 728 feet

001=S87.1310E 205.14
002=S02.4650W 100
003: Lt, R=230, Delta=47.4326
004=S44.5636E 187.39
005: Rt, R=170, Delta=47.5314
006=S02.5638W 106.53
007=S87.1425E 30
008=S87.1425E 30
009=N02.5638E 106.33
010: Lt, R=230, Arc=192.23
011=N44.5636W 187.39
012: Rt, R=170, Arc=141.60
013=N02.4650E 100
014=N87.1310W 30
015=N87.1310W 30
016=**N87.1310W 205.14
017=@15
018=S02.4650W 100
019: Lt, R=200, Arc=166.59
020=S44.5636E 187.39
021: Rt, R=200, Arc=167.16
022=S02.5638W 106.43

8.10

Title: Lewis Bros. Leasing Co., Tract "D", City Fire Station	Date: 02-19-1998
Scale: 1 inch = 40 feet	File: LEWS-TRD.WMF

Tract 1: 0.999 Acres: 43501 Sq Feet: 4041.4 Sq Meters: No significant closure error. : Perimeter = 917 feet
Tract 2: 0.000 Acres: 0 Sq Feet: 0.0 Sq Meters: No significant closure error. : Perimeter = 160 feet

001=S87.1310E 205.14
002=S87.1310E 30
003=**N87.1310W 30
004=S02.4650W 100
005: Lt, R=230, Arc=113.2
006=N87.1310W 229.83
007=N02.0348E 208.70
008=@2
009=S87.1310E 30
010=n0.4650e 25
011=s0.4650w 50
012=n0.46250e 25
013=N87.1310W 30

COMPLETE SUMMARY APPRAISAL REPORT

LAND APPRAISAL REPORT

COMPLETE SUMMARY APPRAISAL REPORT

File No.

IDENTIFICATION

Borrower NA

Census Tract 107.02 Map Reference City

Property Address Plainview Rd.

City Fayetteville County Washington State AR Zip Code 72703

Legal Description Pt. SW/4 of SE/4, Section 26-T17N-R30W (Subject to Survey)

Sale Price $ NA Date of Sale NA Loan Term NA yrs. Property Rights Appraised [X] Fee [ ] Leasehold [ ] De Minimis PUD

Actual Real Estate Taxes $ NA (yr) Loan charges to be paid by seller $ NA Other sales concessions NA

Lender/Client City of Fayetteville Address 113 W. Mountain, F'ville, AR

Occupant Vacant Appraiser Mark E. Risk Instructions to Appraiser Determine Fair Market Value

NEIGHBORHOOD

Location [X] Urban [ ] Suburban [ ] Rural

Built Up [ ] Over 75% [X] 25% to 75% [ ] Under 25%

Growth Rate [ ] Fully Dev. [X] Rapid [ ] Steady [ ] Slow

Property Values [X] Increasing [ ] Stable [ ] Declining

Demand/Supply [ ] Shortage [X] In Balance [ ] Oversupply

Marketing Time [ ] Under 3 Mos. [X] 4-6 Mos. [ ] Over 6 Mos.

Present Land Use 5% 1 Family ___% 2-4 Family ___% Apts. ___% Condo 65% Commercial ___% Industrial 30% Vacant ___%

Change in Present Land Use [ ] Not Likely [X] Likely (*) [ ] Taking Place (*)

(*) From Vacant To Commercial

Predominant Occupancy [X] Owner [ ] Tenant 2 % Vacant

Single Family Price Range $ 70 to $ 125 Predominant Value $ 75

Single Family Age 10 yrs. to 30+ yrs. Predominant Age 25 yrs.

	Good	Avg.	Fair	Poor
Employment Stability	[ ]	[X]	[ ]	[ ]
Convenience to Employment	[ ]	[X]	[ ]	[ ]
Convenience to Shopping	[ ]	[X]	[ ]	[ ]
Convenience to Schools	[ ]	[X]	[ ]	[ ]
Adequacy of Public Transportation	[ ]	[X]	[ ]	[ ]
Recreational Facilities	[ ]	[X]	[ ]	[ ]
Adequacy of Utilities	[ ]	[X]	[ ]	[ ]
Property Compatibility	[ ]	[X]	[ ]	[ ]
Protection from Detrimental Conditions	[ ]	[X]	[ ]	[ ]
Police and Fire Protection	[ ]	[X]	[ ]	[ ]
General Appearance of Properties	[ ]	[X]	[ ]	[ ]
Appeal to Market	[X]	[ ]	[ ]	[ ]

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): Subject is portion of larger 13 acre tract w/ improvements. Located adjacent to the S. boundary of CMN Business Park dev.. The area is currently experiencing above avg. growth. Subject does not have quite the appeal of the C&M lots, but is considered to be a very good site for non-retail or public use.

SITE

Dimensions 215' x 200' x 225' x 215' = 1.01 Sq. Ft. or Acres [ ] Corner Lot

Zoning classification Thoroughfare Commercial (C-2) Present Improvements [X] do [ ] do not conform to zoning regulations

Highest and best use [ ] Present use [X] Other (specify) Office complex or public use

	Public	Other (Describe)
Elec.	[X]	
Gas	[X]	
Water	[X]	
San. Sewer	[X]	
Underground Elect. & Tel.	[ ]	

OFF SITE IMPROVEMENTS

Street Access [X] Public [ ] Private

Surface Not avail @ site

Maintenance [X] Public [ ] Private

[ ] Storm Sewer [ ] Curb/Gutter

[ ] Sidewalk [ ] Street Lights

Topo Cleared rolling pasture

Size Average

Shape Rectangular M.O.L.

View Average

Drainage Slightly lacking upon Inspctn.

Is the property located in a HUD Identified Special Flood Hazard Area? [X] No [ ] Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): Utilities & roadway currently end at N. border of subject site adjacent to business park. For the purposes of this appraisal, the appraiser will assume utilities are available, but roadway access is not.

MARKET DATA ANALYSIS

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address	Plainview Rd. Fayetteville	Lot 12 Medical Prk Fayetteville		Township Road Fayetteville		Pt. Lot 3. CMN Pk. Fayetteville	
Proximity to Subject		.5 Mile West		1 Mile South		.20 Miles North	
Sales Price	$ NA		$ 282,821		$ 350,000		$474,000
Price	$ /SF		$ 18.41		$ 2.62		$ 4.97
Data Source	Inspection	Selling Broker		Appraiser's Files		Appraiser's Files	
Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION	+(-)$ Adjust.	DESCRIPTION	+(-)$ Adjust.	DESCRIPTION	+(-)$ Adjust.
	NA	07/97		05/15/97		02/28/97	
Location	S of C&M Pk.	NHills Park	-50,000	W. of 71B		CMN Park	-10,000
Site/View	43,688SF/Avg	15,360SF/A.		133,729SF/A	-135000	95,396SF/A.	-260000
Utilities	All Avail.	All Avail.		All Avail.		All Avail.	
StFrontage	None	Inside Lot	-30,000	491',2LPave	-88,000	193',2LPave	-35,000
Terrain	Rolling Past	RollingPast		RollingPast		RollingPast	
Appeal	Average	Very Good	-50,000	Average		Good	-25,000
Sales or Financing Concessions	NA NA	Cashto Sell None		Cashto Sell None		Cashto Sell None	
Net Adj. (Total)		[ ] + [X] -	$ 130,000	[ ] + [X] -	$ 223,000	[ ] + [X] -	$330,000
Indicated Value of Subject			$ 152,821		$ 127,000		$144,000

Comments on Market Data: All sales except #2 are located in adjacent Commercial parks in close proximity to the subject. All sales have paved road frontage, utilities, & commercial zoning. Appropriate adjustments were made for the subject's lack of street frontage and on site util..

RECONCILIATION

Comments and Conditions of Appraisal: The appraiser assumes that the subject soils are suitable for the construction of a commercial building and that the property has access to all municipal utilities.

Final Reconciliation: All sales are relatively recent and located within a close proximity of the subject. These sales are considered reliable and good indicators of the subject's value. Each sale is given equal consideration.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF July 28 19 97 to be $ 140,000

STATE CERTIFIED GENERAL No. CG0202 MARK E. RISK

Mark E. Risk GAA

Appraiser(s) Review Appraiser (if applicable) [ ] Did [ ] Did Not Physically Inspect Property

THE REAL ESTATE CONSULTANTS (501) 442-0762

8.12

LAND APPRAISAL REPORT
MARKET DATA ANALYSIS

MARKET DATA ANALYSIS

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 4		COMPARABLE NO. 5		COMPARABLE NO. 6	
Address	Plainview Rd. Fayetteville	Lot 9, CMN Park Fayetteville		Lots 18&19, CMN Pk Fayetteville		Lot 7, CMN Park Fayetteville	
Proximity to Subject		.25 Miles NW		.15 Miles North		.20 Miles NW	
Sales Price	$ NA		$ 207,000		$ 720,000		$ 300,000
Price	$ /SF		$ 5.32		$ 4.66		$ 4.94
Data Source	Inspection	Deed 97-2118		Appraiser's Files		Deed 96-6442	
Date of sale and Time Adjustment	DESCRIPTION	DESCRIPTION	+(-)$ Adjust	DESCRIPTION	+(-)$ Adjust	DESCRIPTION	+(-)$ Adjust
	NA	01/07/97		10/21/96		01/26/96	
Location	S of C&M Pk.	CMN Park	-10,000	CMN Park	-10,000	CMN Park	-10,000
Site/View	43,688SF/Avg	38,889SF/A.	+17,000	154,611SF/A	-450000	60,749SF/A.	-85,000
Utilities	All Avail.	All Avail.		All Avail.		All Avail.	
StFrontage	None	255',2LPave	-46,000	Corner,2LPv	-100000	242',2LPave	-44,000
Terrain	Rolling Past	RollingPast		RollingPast		RollingPast	
Appeal	Average	Good	-25,000	Good	-25,000	Good	-25,000
Sales or Financing	NA	Cashto Sell		Cashto Sell		Cashto Sell	
Concessions	NA	None		None		None	
Net Adj. (Total)		[ ]+ [X]-	$ 64,000	[ ]+ [X]-	$ 585,000	[ ]+ [X]-	$ 164,000
Indicated Value of Subject			$ 143,000		$ 135,000		$ 136,000

COMMENTS

Comments - Comp. #4 : Purchased by owners of Staffmark for future expansion. Located next to existing Staffmark Headquarter Building.

Comments - Comp. #5 : Site of new Proctor and Gamble building now under construction.

Comments - Comp. #6 : Older sale of lot in CMN Business Park. Good exposure to Hwy. 71 Bypass.

STAFF REVIEW FORM

X **Agenda Request**
____ **Contract Review**
____ **Grant Review**

For the Fayetteville City Council meeting of March 17, 1998.

FROM:

Alett Little	Planning	Public Works
Name	Division	Department

ACTION REQUESTED:
To approve encrochments into the Dickson Street and Rollston Avenue rights-of-way by the HMT large scale development.

COST TO CITY:

$0		
Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
Project Number	Remaining balance	Fund

BUDGET REVIEW: _______ Budgeted Item _______ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**____________

Accounting Manager	Date 4 Mar 98	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: The staff forwards the Planning Commission recommendation for approval by a vote of 5-2-1.

Alett Little T.C.	3/4/98	**Cross Reference**
Division Head	Date	
Charles Venable	3/5/98	
Department Director	Date	New Item: **Yes** **No**
	3/5/98	
Administrative Services Director	Date	Prev Ord/Res#:________
Fred Hanna	3/5/98	
Mayor	Date	Orig Contract Date: _______

LSD98-2.00: LARGE SCALE DEVELOPMENT - HMT OF FAYETTEVILLE
HMT OF FAYETTEVILLE - N OF DICKSON, E OF ROLLSTON, W OF THOMPSON

The last item on the agenda was a large scale development submitted by Glenn Carter of Carter Engineering on behalf of HMT of Fayetteville, L.L.C. for property located on the north side of West Dickson Street, east of Rollston and west of Thompson. The property is zoned C-3, Central Commercial, and contains approximately 1.13 acres. A parking waiver has been requested in regard to this project.

Mr. Reynolds advised he would be abstaining since he was a property owner on Dickson Street.

The staff report showed the proposed project would total 58,709 square feet with commercial usage at 34,017 square feet and residential usage at 24,692 square feet and a two-story parking deck with 109 parking spaces. The proposed construction will envelope the existing two restaurants (ROTC and The Grill) and the restaurants will remain open and in use.

The following waivers have been requested by the developer:

(1) Street widths and rights-of-way:

a. Rollston. The developer requests the existing 28 feet of right-of-way and 20 feet of pavement be left as is. Staff agrees with this request.

b. Dickson. The existing right-of-way is 55 feet. Dickson Street is shown on the Master Street Plan as a collector with a required right-of-way of 70 feet. The developer requests the existing right-of-way be kept at 55 feet. Staff agrees with this request. Formal action by the City Council is required for the deviation from the Master Street Plan.

c. Thompson. The existing right-of-way at this location is 15 feet. The developer has proposed to add 5 feet of right-of-way on the west side for a total of 20 feet of right-of-way. The developer also proposes to construct a 21-foot street and 6-foot sidewalk the length contiguous to the project to the entrance into the parking deck. This will place approximately 4 feet of the street and the sidewalk on private property. Staff agrees with the request to increase the right-of-way and pavement width. Staff requests that the right-of-way be extended to include all of the paved street.

(2) Parking:

The developer requests a waiver of 38 parking spaces. Staff disagrees with the developer's calculations and states that the waiver should be for 73 spaces.

(3) Other Variances:

Requests for variances from building setbacks for awnings, brackets, balconies, etc. will go to the Board of Adjustment.

The staff has requested the applicant provide a shared access agreement with Terry Hunt, the property owner on the northwest corner.

Conditions of Approval:

1. Planning Commission determination of compliance with Commercial Design Standards. (A decision must be made under Section 160.124(D)(2)(c) "A development should provide compatibility and transition between adjoining developments.")

2. Planning Commission determination and resolution on the requested street improvements and/or right-of-way width waivers:

   a. Rollston. The developer requests the existing 28 feet of right-of-way and 20 feet of pavement be left as is.

   b. Dickson. The existing right-of-way is 55 feet. Dickson Street is shown on the Master Street Plan as a collector with a required right-of-way of 70 feet. The developer requests the existing right-of-way be kept at 55 feet.

   c. Thompson. The existing right-of-way at this location is 15 feet. The developer has proposed to add 5 feet of right-of-way on the west side for a total of 20 feet of right-of-way. The developer also proposes to construct a 21-foot street and 6-foot sidewalk the length contiguous to the project to the entrance into the parking deck. This will place approximately 4 feet of the street and the sidewalk on private property.

3. Planning Commission determination and resolution of parking issues and requested waivers.

4. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval and all improvements shall comply with City's current requirements.

5. Fire protection shall meet the Fire Chief's requirements which will include reconfiguration of the existing fire hydrant to the 12-inch water main on Dickson. Further, depending upon the final design, an additional fire hydrant may be required within 100 feet of the Fire Department's connection to the building's sprinkling system.

6. Sidewalk construction in accordance with current standards and the right-of-way as available. Greenspace provided (if any) shall meet the requirements of the Sidewalk & Trails Coordinator and the Landscape Administrator.

7. All existing and proposed utilities shall be placed underground.

8. Large Scale Development approval to be valid for one calendar year.

9. Plat Review and Subdivision comments (to include written staff comments mailed to the applicant or his representative, and all comments from utility representatives).

10. Prior to the issuance of a building permit, the following is required:

    a. Grading and drainage permits
    b. Separate easement plat for this project
    c. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 159.34 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

11. Shared access agreement from Terry Hunt, the property owner to the northwest.

Background:

The proposed large scale was heard at the December 31, 1997 Technical Plat Review, the January 15, 1998 Subdivision Committee meeting and the February 12, 1998 Subdivision Committee meeting. Parking, street right-of-way and improvements and effects upon adjacent property were discussed. The Subdivision Committee voted to send the proposed large scale to the full Planning Commission with the recommendation to accept the street waivers and without a recommendation for the parking waivers.

Infrastructure:

Water and sewer. Water and sanitary sewer mains are available for the developer's engineer to use in designing extensions.

Grading and Drainage. A formal, final drainage report and grading plan will be required prior to any construction.

Mr. Forney advised the Commission needed to discuss the right-of-way and parking since both were waivers. He asked if there were any other conditions of approval with which the applicant was not in agreement.

Mr. Greg House, representing HMT, appeared before the Planning Commission and stated they were in agreement with all other conditions. He advised the right-of-way issue had been discussed at length at the Subdivision Committee meetings. He stated that, while the Master Street Plan required Dickson Street to be 70 feet wide, the existing right-of-way was only 55 feet wide with existing buildings up to the edge of the right-of-way line. He further stated the new structures would be within the setbacks and would not be encroaching with the exception of the second story above the two restaurants. He also pointed out Rollston Avenue was less than minimum street standards and they had discussed the ability of fire and safety vehicles to serve the subject property and adjoining property. He noted Rollston had been recently improved and he believed it was wide enough for an emergency vehicle. He advised the Fire Chief had, after driving a truck through the area, approved the width. He further stated Thompson had been designed to the same width as Rollston for the same reasons. He noted that, by adding to the right-of-way, they had lost approximately 10% of their Dickson Street frontage. He pointed out the existing Thompson north of the subject property was extremely narrow.

He contended the big issue was how to feed the traffic ingressing and egressing from the proposed development.

Mr. Forney stated the staff agreed with all the waivers for right-of-way.

Mr. House explained that, when the property was purchased for development, he and his partners had relied on the ordinance in making their feasibility study. He stated they had believed they would not have to provide any parking for existing structures because of the way the ordinance was worded on parking in a C-3 zone. He stated that, in an effort to move the project forward, they had agreed to count in their calculations the number of parking spaces required for the existing restaurants (approximately 20 spaces). He explained they had treated it as a completely new project since there was no guidance in the ordinance. He then read from section 160.117(D)(1): "...parking requirements shall be met at the time any building or structure is erected, enlarged, or increased in capacity, changed in use..." He went on to read (1)(a): "...new construction, razed buildings or enlarged buildings shall conform to the parking requirements of the city. For enlarged buildings, additional parking spaces will be calculated by the amount of square footage that is added." He pointed out the parking ratio table and stated they estimated the parking on maximum retail use and maximum restaurant use. He noted the parking ratio for restaurants was shown as 1 for 200 square feet of floor area.

Mr. House stated the square footage for Restaurant On The Corner and The Grill required 20 parking spaces. He contended that, if the buildings were demolished, and constructed new buildings with the exact same square footage, only 20 parking spaces would be required. He explained the conflict between the developers and staff was how to count parking for the existing buildings. He also advised they were asking for a 38 space waiver but would be using shared parking for the site (set out under Section 160.117(E)(4). He contended that, since the project was a mixed use project, they could share parking with themselves. He advised there was nothing in the ordinance restricting them from using parking spaces during the day for retail and using the same spaces at night for residential. He also presented a letter from University Baptist Church allowing the use of 50 church parking lot spaces. He also contended there would not be a $1,200 fee per parking space since they did have shared parking for the 38 spaces.

Charles Britton, professor of economics at the University of Arkansas, appeared before the Commission and advised he had attended the Master Planning session at the university earlier in the day and the university was in favor of the project. He further stated he, personally as a professor of economics, was in favor of the project, contending it would assist in the revitalization of Dickson Street. He did, however, express concern regarding view obstruction of Old Main.

Lamar Pettus, property owner of 151 West Dickson, pointed out there was a movement afoot through the Downtown Dickson Street Enhancement Project, to ask the city to reduce the right-of-way of Dickson Street to 24 feet. He asked the Commission to be careful on how they handled the parking. He also advised the Commission had received a letter from the Dickson Street Improvement District and wanted to be sure they understood that was from the Commission, not the individual Dickson Street property owners. He pointed out Mr. House was one of the Commissioners for the Dickson Street Improvement District and would have been one of the people authorizing the letter. He also noted the Improvement District had not called a meeting of the members. He asked the Commission to not include the letter in their considerations. He also advised that, if the Commission waived the parking places for the subject project, they would need to do the same for future projects on Dickson Street.

Charlie Allison, an area property owner, appeared before the Commission and stated his property was on Thompson and Watson. He pointed out Thompson was a very narrow street and expressed concern people using the facilities of the proposed project would be using that street.

Michael Thurmond, an adjacent property owner, contended the Commissioners needed to consider the impact to adjoining property. He pointed out they could widen the portion of Thompson adjacent to the project but then Thompson still would narrow to one lane past the project. He stated he believed Mr. House had presented a good development but he was concerned regarding traffic flow.

In response to a question from Mr. Forney, Mr. Thurmond suggested closing Thompson to the north of the project as a solution to the problem.

Richard Shewmaker, 605 W. Dickson, appeared before the Commission and expressed hope the parking waiver be granted. He expressed his believe the university was the most important economic, social and cultural function in northwest Arkansas. He told of a previous survey that showed most people within the City of Fayetteville wanted to improve the area around the campus. He contended the current project would improve the area. He reminded the Commission they had alleviated the parking problem on Dickson Street by changing the ordinance relating to parking in the Dickson Street area. He pointed out the new establishments after the ordinance was changed, contending Dickson Street was now a better place.

He asked the Commission to approve the project with the parking waiver granted. He also pointed out this would be a major contribution to the tax structure. He also informed the Commission Mr. House had an investment backer which would be very important to Dickson Street.

Ms. Jana Britton appeared before the Commission and contended she had problems finding places to park in the Dickson Street area. She advised there would be people parking where they shouldn't if parking spaces were not provided.

Joe Fennell, owner of Jose's, appeared before the Commission and contended all property owners on Dickson have learned to share parking. He stated he was in favor of the proposed project.

Celia Scott-Silkwood, 221 N. Locust, spoke in support of the project but did agree parking was becoming a problem. She noted she no longer could park in front of her house but had to use the public parking lot.

Cyrus Young stated he owned property 443 feet from the proposed project. He contended the project was out of scale with the rest of the area. He reminded the Commission residents of Fayetteville had consistently asked for preservation of the character of Fayetteville; compatibility had even been placed in the land use plan and the commercial design ordinance. He advised the proposed project, if approved, would significantly alter the character of Dickson Street. He stated he had heard people express a desire to maintain neighborhood integrity and that applied on Dickson Street as well as other areas of town.

He pointed out the proposed development was larger than the Walton Arts Center. He stated he could not believe the building would ever be compatible with the rest of Dickson Street. He contended the project did not meet the ordinance and asked the Commission to deny the approval of the large scale development.

Mr. Young went on to ask that, if the Commission approved the project, they deny the parking waivers so the building might come closer to the scale of other structures on Dickson Street. He agreed with Ms. Silkwood that, when the parking lots were full, the parking overflowed into the residential area. He also contended that, if the waivers were approved, someday people's homes would be condemned for commercial parking.

He stated the Planning Commission had always said there was a need for planning, a need for compatibility, a need for good design, a need for compliance with ordinances. He advised all of those words would have been for nothing if the project were approved.

Ms. Little stated there were two issues on the project, the first was under the commercial design standards: "A commercial structure or development shall be designed to avoid or minimize the elements set forth in D (1) above" (unpainted concrete precision block walls, square 'boxlike' structures; metal siding which dominates the main facade; large blank, unarticulated wall surfaces; and large out of scale signs with flashy colors). She advised the development did meet paragraph D(2)(a). She then read D(2)(b): "A commercial development which contains more than one building should incorporate a recurring, unifying and identifiable theme for the entire development site." She stated there was a theme to the development. She then read D(2)(c): "A development should provide compatibility and transition between adjoining developments." She showed a site plan of the existing buildings in the area. She stated the existing buildings on site were approximately 4,800 square feet; the proposed project would be approximately 58,000 square feet or 10 times the size of the existing property. She advised one of the newspaper articles stated the project was approximately the size of the Walton Arts Center.

Ms. Little then advised that, with regard to parking, she believed it was a matter of interpretation. She stated staff had no disagreement with the developer regarding the additional square footage and the parking planned for the addition. She did point out staff had been calculating restaurant parking differently than set out in the ordinance; instead of 1 space for every 200 square feet of floor space, staff calculated one space for every four seats plus one for each employee per shift. She explained this change had been made at the request of restaurant owners throughout the City who believed 1 space for every 200 square feet was not adequate. She stated the discrepancy with the developer for parking on existing buildings had come about from the parking ordinance which said in C-3 and C-4 districts parking requirements were waived for any existing structure with a change of use. She contended there was no change of use. She advised there were 55 existing spaces for the two restaurants

She advised the Commission staff had applied a number of tests to determine if the 55 spaces were excessive parking. She pointed out the calculation for the number of seats in the restaurants - 49 spaces plus 1 for each employee (30 employees for the two restaurants). She stated any new restaurant anywhere else in town would require 79 spaces. She stated staff had reviewed the 1994 aerial photographs (taken at approximately 10:00 a.m.) and calculated there were 55 spaces on site. She pointed out the number of cars parked in the restaurant lot. She also advised staff had taken photographs in the area on how parking was utilized. She stated staff took the photographs on Friday afternoon at approximately 5:30 and again at noon on Saturday and again at noon on Monday. She noted the parking lot was not full during those times; however there were more on Friday evening than at noon on Saturday and Monday.

Ms. Little stated the Commission would need to make interpretation of the following section: 160.117(D)(1)(a): "Parking requirements are waived for any existing structure with a change of use...For enlarged buildings, additional parking spaces will be calculated by the amount of square footage added." She advised that, for the amount of square footage being added, 127 parking spaces were required; the applicant proposed 109. She went on to say staff believed the 55 spaces currently in existence were necessary to service the restaurants. She expressed her belief the ordinance granting the ability to give waivers was a generous gift on the part of the City in order to encourage rehabilitation of existing buildings on Dickson Street. She advised that, if they were only talking about renovation, there would not be a parking issue; but it was the addition of new square footage that was causing the issue. She asked the Commission consider the effect on renovation -- what effect from a commercial standpoint would the new commercial square footage have on the renovation of the rest of Dickson Street; and what is the effect of the proposed building on adjacent residential properties.

She reminded the Commission that one of their goals in the 2020 Plan was to promote affordable housing, particularly in the downtown area. She advised the living units proposed in the project were not affordable housing. She contended it was significant that area property owners would be experiencing development pressure were already having their quality of life was being affected. She agreed there was a need for renovation and economic development on Dickson Street but asked how much was too much.

Mr. Tucker stated he had reviewed the Historic Downtown Commercial area of the 2020 Plan and found the overriding goal for the area was to encourage commercial development and retain the historic character and to encourage denser residential development. He advised the guiding principles were to continue the revitalization of the historic downtown commercial area and enhance it with evening businesses; encourage the continuation of the revitialization of Dickson Street and provide a sense of connection between Dickson Street and the Square; encourage retail use of ground floor space and restrict office and residential use to higher floors.

Ms. Little stated she believed the two existing restaurants were a part of the street scape of Dickson Street and she applauded the efforts to preserve them. She further stated she believed the residential units above the retail areas was in keeping with the General Plan. She further advised she believed the facade of the building did improve the streetscape; however the height of the building was of concern.

Mr. Forney asked if Mr. House had a signed joint access agreement with the adjoining property owner.

Mr. House stated he did have a copy of a signed joint access agreement.

Mr. Forney stated they had not been using the parking requirements in C-3 and C-4 areas due to the changes in ordinances. He reminded the Commission they had considered applications for waivers of parking spaces in light of adequate public parking within 600 feet of the proposed development. He stated he did not see that specific language in the code book but did see under 160.117(E)(3) and (5) the following: "Off-site locations. If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on the other property not more than 600 feet distant from the principal use, subject to conditional use approval by the planning commission." He stated that apparently did not apply since the applicant was not asking for a conditional use.

Ms. Little advised that applied to property owned by the applicant or under contract to the applicant. She noted the 600 feet also appeared in "Intermittent parking" for places such as churches who could count available on-street parking within 600 feet. She pointed out that the applicant had brought a letter for shared parking from the University Baptist Church. She noted the letter did not specify a length of time in terms of a lease.

Mr. Forney asked about the in lieu fee of $1,200 for each on-site parking space waived which was to be paid to the city. He asked if that was an option.

Ms. Little stated the applicant could pay the in lieu fee or find adequate public parking facilities available within 600 feet from the entrance of the structure. She also pointed out section (H) Parking Waivers which said the Planning Commission shall making findings indicating the proposed use would not generate as much parking as required under the existing standards; that shared parking was available; or on-street parking could satisfy intermittent and occasional demands.

Ms. Hoffman stated that, in other cities which allowed shared parking, a traffic impact analysis was either required or completed by the applicant which was much more detailed than the information before the Commission. She further stated the anaysis included hours of operation, number of vehicle trips per day, etc. She advised she would be looking for more detailed information.

Mr. Watkins contended the project was the type they should embrace rather than obstruct; that there should be more incentives for infill and mixed use project such as the proposed project. He added his belief it was commendable the private sector was willing to invest money without tax breaks, etc. that other cities had to encourage this type of project.

He further advised the relevant language in the parking ordinance said: "For enlarged buildings, additional parking spaces will be calculated by the amount of square footage added." He contended that was what the developer had done; however, the staff was inserting a phase that was not in the ordinance "For enlarged buildings, additional parking spaces *in addition to those currently existing to serve the site* will be calculated by the amount of square footage added. He advised that was a huge change in the ordinance and he did not believe it possible to interpret the ordinance in that fashion. He also pointed out the ordinance did not treat restaurants any differently than any other business and calculated parking at 1 space for every 200 square feet of floor area; not 1 per every 4 seats plus one for each employee. He stated a fair reading of the ordinance and a fair calculation of the parking spaces support the applicant's position.

Mr. Watkins further stated it appeared the applicant was short 38 spaces but, with the shared parking arrangement for 50 spaces with the church, the requirements of the ordinance had been met. He contended the applicant should not be penalized for not tearing down existing buildings or not building at the edge of town.

He also advised that, while the ordinance required a developemnt should provide compatibility and transition between adjoining developments, it did not mean the same; otherwise, there could never be any change, everything would have to be one story on Dickson Street. He noted the City of Fayetteville did not have a height ordinance; however, they might consider enacting some type of height ordinance.

Mr. Watkins stated he was in favor of the project.

Ms. Little stated it was her responsibility to interpret the ordinances and she had given such interpretation to the Commission. She reminded the Commission of other projects when the same interpretation was made.

Mr. Estes asked if the shared parking was within 600 feet of the proposed development.

Ms. Little stated the measurement, as shown on the aerial photograph, was measured from the front of the Restaurant On The Corner. She stated it appeared, if the measurement was taken from the back of the project, the parking would be within 600 feet.

Mr. Estes stated he believed there was ambiguity in the ordinance relating to the waiver of parking spaces. He pointed out that, to grant either the 38 parking spaces claimed by the applicant or the 73 parking spaces claimed by the staff, to achieve either result the Commission had to make certain findings under the ordinance: (1) that the proposed use would not generate as much parking as required under existing standards; (2) that shared parking facilities are available; or (3) that on-street parking could satisfy intermittent and occasional demands. He advised he was concerned with the first finding; that he was not sure it was true. He continued that, while the applicant had presented a letter of shared parking, there was no termination date to the letter and he did not believe on-street parking could satisfy intermittant and occasional demands. He also pointed out the residents using the University Baptist Church parking lot would not vacate the parking spaces on Saturday night or Sunday morning. He advised he was struggling to satisfy the requirements of the ordinance and was very much inclined to not grant the waivers, irregardless of how they were computed.

Mr. Forney stated part of the developer's interpretation was there was shared parking within the project.

Mr. Estes stated that also led to some ambiguity. He further stated the developer had suggested making an agreement with himself to share among himself so he could satisfy a shared parking requirement. He advised he understood the mixed use but it appeared the developer would have to ask a resident to move his care so a restaurant patron could park.

Ms. Hoffman agreed with Mr. Watkins that the Commission wanted to encourage development on Dickson Street but did not believe they could tell developers to build on 100% of the lot and not carefully consider parking.

Ms. Johnson advised she too was concerned about the scale of the project. She added she believed the scale was much of what drove the parking concerns. She expressed her belief the project was too massive for too small a space. She also advised they could not ignore the fact that the project would have a negative impact on the parking situation.

Mr. Tucker stated they were facing risks: (1) too few parking spaces and (2) driving off an investor who was willing to spend five million dollars on Dickson Street. He expressed his belief that driving an investor off of Dickson Street was greater than not having a few extra parking spaces.

Mr. Watkins stated the ordinance said the Commission shall have the authority to make the waivers on certain findings -- not all three findings. He pointed out there was a shared parking agreement so the ordinance was satisfied.

Mr. Forney stated he was one of the Commissioners who had served on the subcommittee which encouraged the waiving of the parking rules on Dickson Street in 1995. He advised he understood Mr. Estes' concerns regarding making findings. He thanked the staff for their clear interpretation of the parking spaces; but there were few people objecting to the project, saying Dickson Street would be ruined because of parking. He further noted restaurant parking was still in the ordinance as 1 space per 200 square feet of floor area. He advised he believed there was the potential to make a finding that the shared parking with U.B.C. and the prospect of internal sharing, it did meet the parking requirements. He also contended the project contained the first double level parking space proposed by the private sector and believed it was the solution for situations like Dickson Street. He stated it did not appear there was controversy regarding the right-of-way issues. He further advised he believed the project was compatible with Dickson Street.

Ms. Little read the following shared parking agreement: "To Members of the Planning Commission: Subject to the restrictions stated below, the University Baptist Church will allow tenants, visitors and employees of HMT's proposed mixed use project at the 200 block of Dickson Street to park 50 cars on the church's parking lot at Lafayette Street and Campbell Avenue at any time with the exception of Sundays, all day, and Wednesday evenings after 4:00 p.m. However, this shared parking shall be restricted to use of only residents or office patrons, tenants and employees. Use by patrons, tenants and employees of retail space shall be limited to those businesses that do not use or sell alcohol as any part of their business. This shared parking arrangement will have no conflict with our current parking needs." Signed by Gary Smith, University Baptist Church.

Mr. Estes stated that, in order to make the finding the shared parking was satisfactory, the Commission had to find the individual spaces identified on a site plan for shared users was not being shared by more than one user at the same time. He expressed his belief the developer could not enforce the parking agreement with U.B.C.

MOTION

Mr. Forney moved to approve LSD 98-2 acknowledging the following: the waivers for street widths and right-of-way on Rollston, Dickson and Thompson Streets as detailed in the staff report be granted and that the Thompson Street right-of-way include approximately 4 feet of street as requested by the staff so that the Thompson right-of-way include all of the paved street; that the parking waiver for 73 spaces be granted in light of the shared parking agreement with U.B.C. and acknowledging the use of different tenants and patrons in relationship to retail and residential needs on site; that the commercial design standards be recognized as being met by the project; and that a joint access agreement signed by a neighbor be provided as required in the conditions of approval; and that all other staff conditions of approval be included.

Mr. Tucker seconded the motion.

Ms. Johnson asked if the waiver of the 73 parking spaces was at the set rate of reimbursement.

Mr. Forney stated that, as he understood Section 160.117(H)(1) the in lieu fee of $1,200 for each space would be paid or for any parking space proposed to be shared under the provisions of 160.117(E)(4) the fee was waived. He pointed out the applicant had a shared parking arrangement for 50 spaces, leaving 23 spaces. He went on to say he would assume the remaining

23 spaces would be covered by the sharing of the spaces between the residential use and retail use.

Ms. Johnson asked if the motion then was to waive any contribution in lieu.

Mr. Forney stated it was.

The motion carried 5-2-1 with Commissioners Hoffman, Forney, Watkins, Ward and Tucker voting "yes", Commissioners Estes and Johnson voting "no" and Commissioner Reynolds abstaining.

Mr. Tucker advised he would like the Commission to meet with the Dickson Street Enhancement Project to determine their vision for Dickson Street.

The meeting adjourned at 8:30 p.m.

PC Meeting of 23 Feb 98

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

HMT of Fayetteville
216 & 248 West Dickson

TO:	**Fayetteville Planning Commission Members**
THRU:	**Alett S. Little, City Planner**
FROM:	**Dawn Warrick, Jim Beavers, P.E.**
DATE:	**17 February 98**

Project: LSD 98-2.00: Large Scale Development (HMT of Fayetteville, pp 484) submitted by Glenn Carter of Carter Engineering on behalf of HMT of Fayetteville, L.L.C. for property located on the north side of Dickson Street, east of Rollston and west of Thompson. The property is zoned C-3, Central Commercial and contains approximately 1.13 acres.

Findings: This proposed project will total 58,709 square feet. Commercial is proposed at 34,017 sf, residential at 24,692 sf and a two story parking deck with 109 parking spaces.

The proposed construction will envelope the existing two restaurants (ROTC and The Grill) and the restaurants will remain open and in use.

The following waivers have been requested by the developer:

1. Street widths and right-of-way:

a. Rollston. The developer requests that the existing 28 feet of right-of-way (ROW) and 20 feet of pavement be left as is.

Staff agrees with this request.

b. Dickson. The existing ROW is 55 feet. Dickson Street is shown on the Master Street Plan (MSP) as a collector with a required ROW of 70 feet. The developer requests that the existing ROW be kept at 55 feet.

Staff agrees with this request. Note that formal action by the City Council is required for the deviation from the MSP.

c. Thompson. The existing ROW is at this location is 15 feet. The developer has proposed to add 5 feet of ROW on the west side for a total of 20 feet of right of way. The developer also proposes to construct a 21 ft. street and 6 ft. sidewalk the length contiguous to the project to the entrance into the parking deck. This will place approximately 4 feet of the street and the sidewalk on private property.

Staff agrees with the request to increase ROW and pavement width. Staff requests that the ROW be extended to include all of the paved street.

2. Parking.

The developer requests a waiver of 38 parking spaces. Please note that staff disagrees with the developer's calculations and states that the waiver should be for 73 spaces.

Refer to the letter dated February 3, 1998 from H.M.T., LLC for the developer's specific wavier statement.

Refer to the minutes of the February 12, 1998 Subdivison Committee meeting for the staff's explanation of the number of spaces to be waived.

3. Other variances. Requests for variances from building setbacks for awnings, brackets, balconies ... will go to the Board of Adjustment.

Outstanding Information:

The staff has requested that the applicant provide a shared access agreement with Terry Hunt, the property owner on the northwest corner.

Recommendation: None.

If the Planning Commission chooses to approve the proposed LSD then staff requests that the approved include the following "conditions of approval":

Conditions of Approval:

1. Planning Commission determination of compliance with Commercial Design Standards. (A decision must be made under §160.124(D)(2)(c) "A development should provide compatibility and transition between adjoining developments.")

2. Planning Commission determination and resolution on the requested street improvements and/or right-of-way width waivers;

   a. Rollston. The developer requests that the existing 28 feet of right-of-way (ROW) and 20 feet of pavement be left as is.

b. Dickson. The existing ROW is 55 feet. Dickson Street is shown on the Master Street Plan (MSP) as a collector with a required ROW of 70 feet. The developer requests that the existing ROW be kept at 55 feet.

c. Thompson. The existing ROW is at this location is 15 feet. The developer has proposed to add 5 feet of ROW on the west side for a total of 20 feet of right of way. The developer also proposes to construct a 21 ft. street and 6 ft. sidewalk the length contiguous to the project to the entrance into the parking deck. This will place approximately 4 feet of the street and the sidewalk on private property.

3. Planning Commission determination and resolution of parking issues and requested waivers.

4. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval and all improvements shall comply with City's current requirements.

5. Fire protection shall meet the Fire Chief's requirements which will include reconfiguration of the existing fire hydrant to the 12 inch water main on Dickson. Further, depending upon the final design, an additional fire hydrant may be required within 100 feet of the Fire Department's connection to the building's sprinkling system.

6. Sidewalk construction in accordance with current standards and the ROW as available. Greenspace provided (if any) shall meet the requirements of the Sidewalk & Trails Coordinator and the Landscape Administrator.

7. All existing and proposed utilities shall be placed underground.

8. Large Scale Development approval to be valid for one calendar year.

9. Plat Review and Subdivision comments (to include written staff comments mailed to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozark, SWEPCO, TCA Cable).

10. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. Separate easement plat for this project
    c. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §159.34 "Guarantees in Lieu of Installed

Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

11. Shared access agreement from Terry Hunt, the property owner to the northwest.

BACKGROUND:

The proposed LSD was heard at the December 31, 1997 Technical Plat review, the January 15, 1998 Subdivison Committee meeting and the February 12, 1998 Subdivision Committee (SDC) meeting.

Parking, street ROW and improvements and effects upon adjacent were discussed.

The Subdivison Committee voted to send the proposed LSD to the full Planning Commission with the recommendation to accept the street waivers and without a recommendation for the parking waivers. Please refer to the February 12, 1998 SDC minutes for details.

INFRASTRUCTURE:

(a) Water and sewer. Water and sanitary sewer mains are available for the developer's engineer to use in designing extensions.

(b) Streets. See requested waivers above.

(c) Grading and Drainage. A formal, final, drainage report and grading plan will be required prior to any construction.

PLANNING COMMISSION ACTION: __yes__Required
______Approved ______Denied

Date: _02/23/98__

Comments:

____
____
____

CITY COUNCIL ACTION: __**no**__**Required** (on LSD only)
_______**Approved** _______**Denied**

Date: ___/__/___

The "CONDITIONS OF APPROVAL", beginning on page one of this report, are accepted in total without exception by the entity requesting approval of this development item.

____
by

____
title

____
date

H . M . T.
A LIMITED LIABILITY CORPORATION

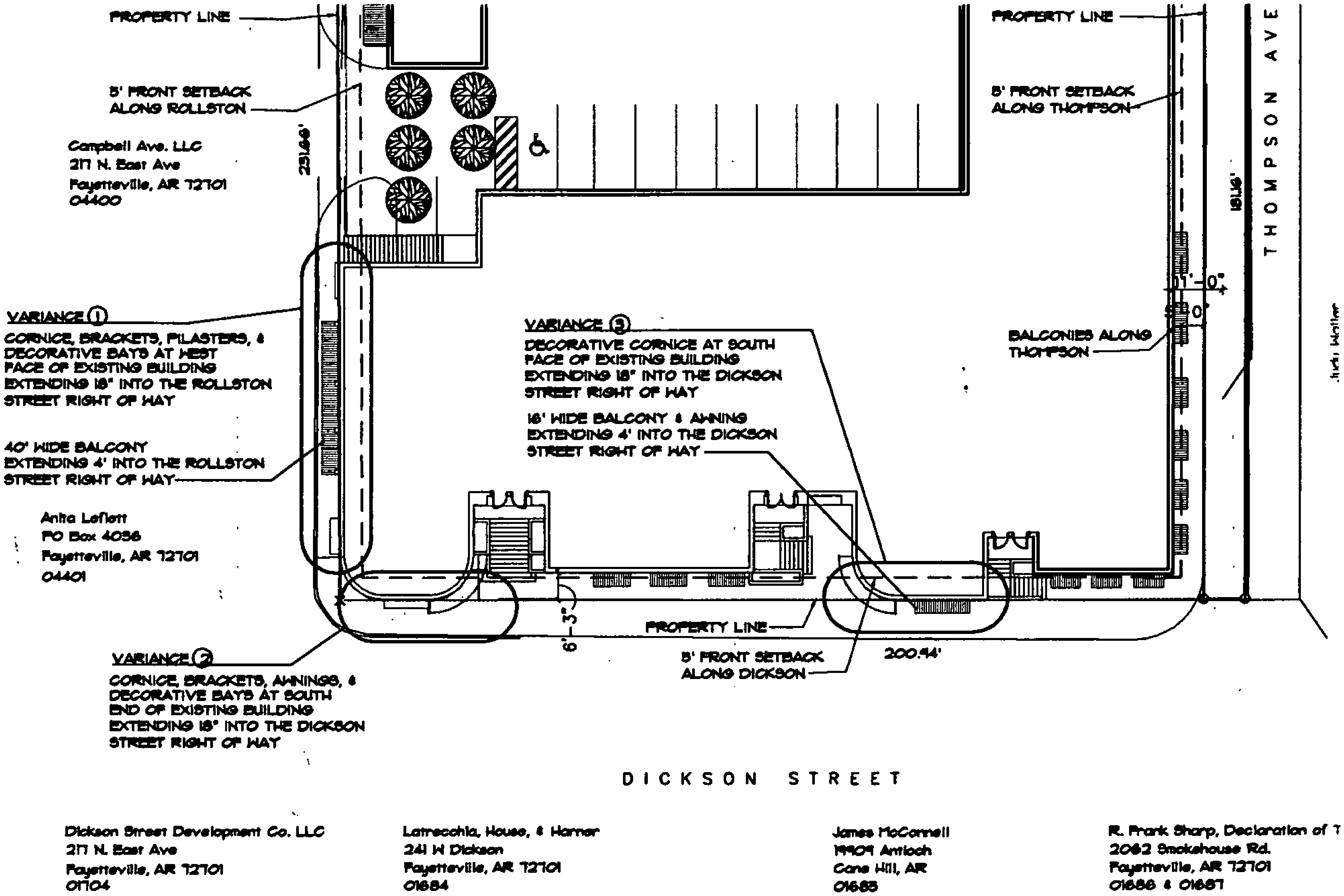
WRITTEN EXPLANATION OF PROPOSED VARIANCES

Variance 1: The existing building at 248 West Dickson extends to the property line at Rollston and at Dickson. The proposed building involves a second story over this existing condition. Decorative brackets and a cornice along the Rollston facade are proposed that would extend 18" into the Rollston Avenue right of way. These occur at the second story, and would not impede the sidewalk in any way. In addition, 12" deep pilasters and decorative bays are proposed that will extend from the sidewalk to the level of the roof. These pilasters and bays will restrict the sidewalk to 5' wide at those areas. The majority of the sidewalk will be 6' wide. Also, a 40' wide cantilevered balcony is proposed that would extend 4' into the Rollston Avenue right of way.

Variance 2: At the south face of the existing building at 248 West Dickson, decorative brackets and a cornice along the Dickson facade are proposed that would extend 18" into the Dickson Street right of way. These occur at the second story, and would not impede the sidewalk in any way. Also, the existing awning that extends 4' into the Dickson Street right of way is to be replaced.

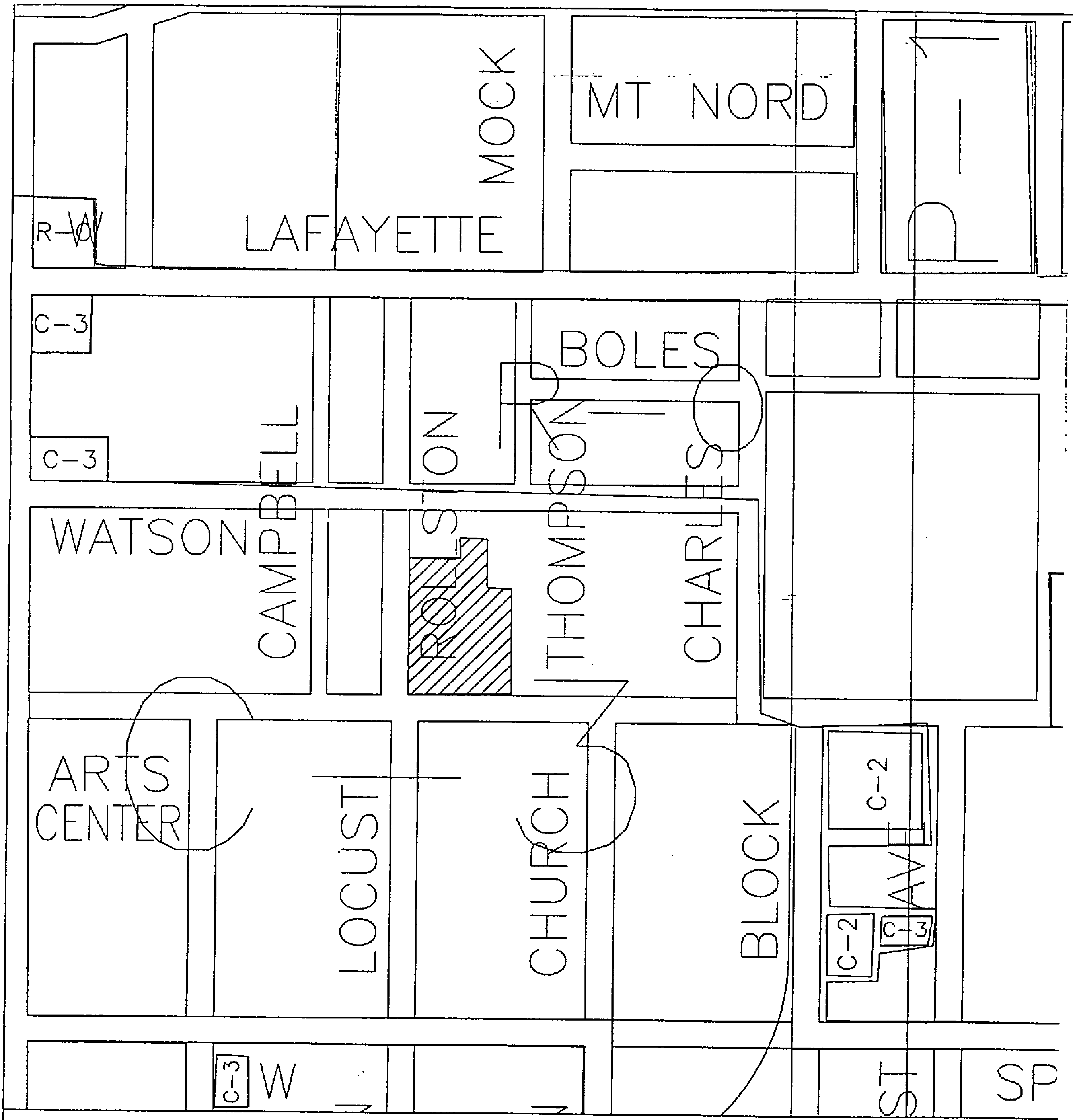
Variance 3: The existing building at 216 West Dickson extends up to the property line at Dickson Street. The proposed building involves a second story over this existing condition. Decorative brackets and a cornice along the Rollston facade are proposed that would extend 18" into the Rollston Avenue right of way. Also a 14' wide cantilevered balcony and awning that extends 4' into the right of way are proposed. The existing awning that extends 4' into the Dickson Street right of way is to be replaced. These improvements occur at the second story, and would not impede the sidewalk in any way.

217 NORTH EAST AVENUE FAYETTEVILLE ARKANSAS 72701



RIGHT OF WAY VARIANCE PLAN

MARCH 4, 1998 1" = 30'-0"

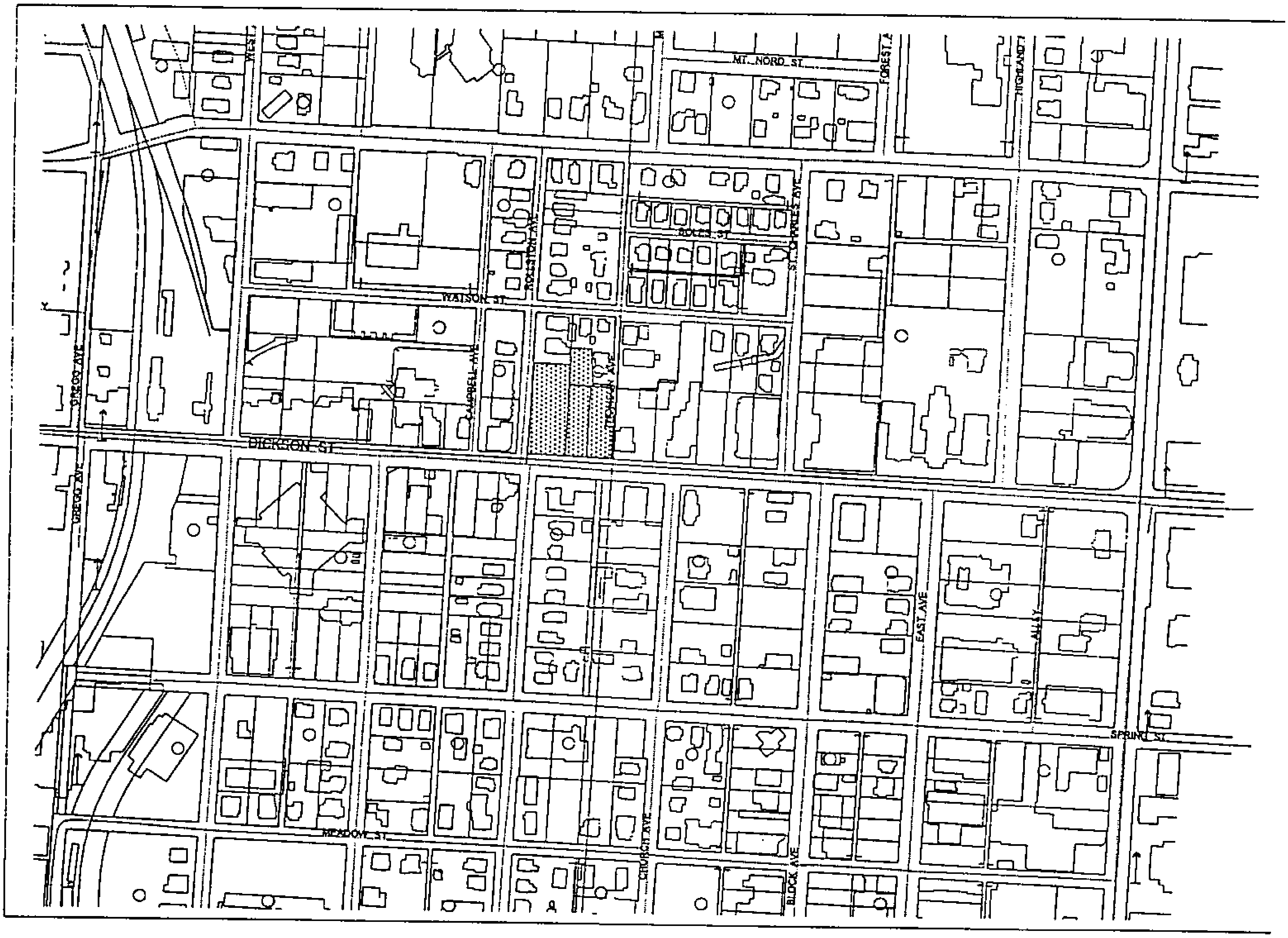


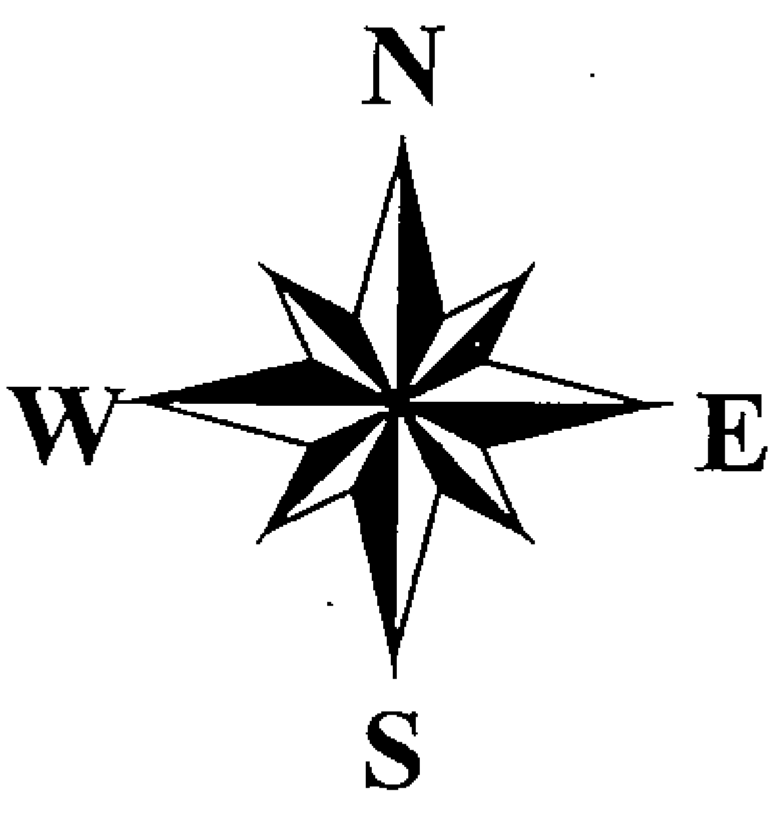
SCALE: 1" = 250'

FAYETTEVILLE

16-16-30 LSD 98-2.00 PP 484
HMT of Fayetteville
216 & 248 W. Dickson

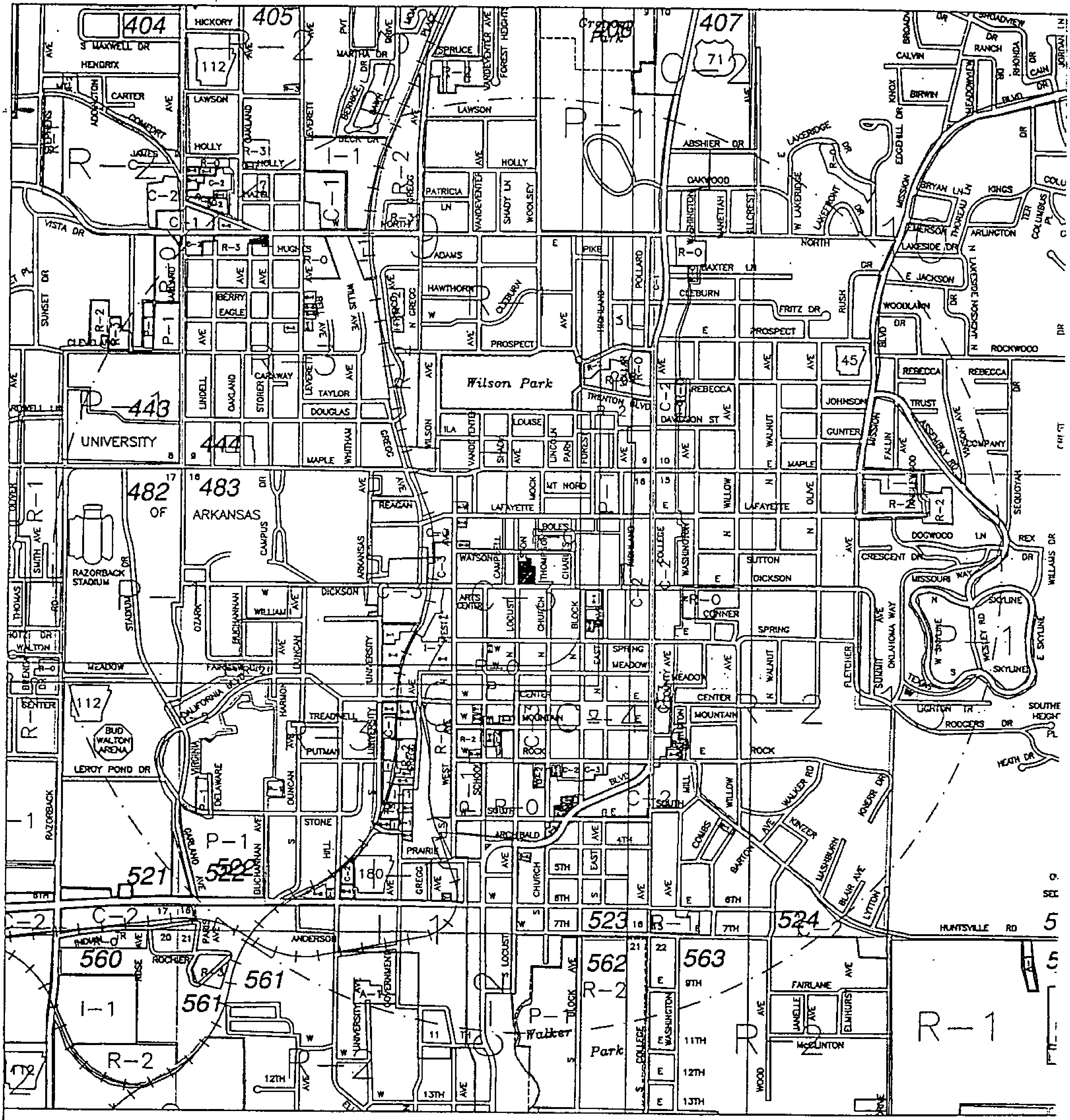
LSD98-2.00: HMT OF FAYETTEVILLE





FAYETTEVILLE

16-16-30 LSD 98-2.00 PP 484
HMT of Fayetteville
216 & 248 W. Dickson



SCALE: 1" = 1,500'

N

FAYETTEVILLE

16-16-30 LSD 98-2.00 PP 484
HMT of Fayetteville
216 & 248 W. Dickson

STAFF REVIEW FORM

X Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of March 17, 1998.

FROM:

Alett Little	Planning	Public Works
Name	Division	Department

ACTION REQUESTED:
To approve an amendment to the Master Street Plan, changing the required right-of-way for Dickson street from 70 feet to 55 feet for a distance of 250' on the north side of the 200 block of Dickson St.

COST TO CITY:

$0		
Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
Project Number	Remaining balance	Fund

BUDGET REVIEW: ______ Budgeted Item ______ Budget Adjustment Attached

Budget Coordinator ______ Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** ____________

Accounting Manager	Date 3-5-98	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: The staff forwards the Planning Commission recommendation for approval by a vote of 5-2-1.

Alett Little T.C.	3/4/98	**Cross Reference**
Division Head	Date	
	3-5-98	
Department Director	Date	New Item: **Yes** **No**
	3-5-98	
Administrative Services Director	Date	Prev Ord/Res#: ________
	3/5/98	
Mayor	Date	Orig Contract Date: ______

H . M . T.
A LIMITED LIABILITY CORPORATION

January 14, 1998

Subdivision Committee
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

REQUIRED RIGHTS OF WAY & STREET WIDTHS

For our project at the 200 Block of West Dickson, we feel that the existing street rights of way are adequate; our reasoning is as follows:

1. The subdivision ordinance requires that street rights of way be brought up to the standard required of the master street plan. The master street plan shows Rollston Avenue to remain as it is. Thompson is shown deadending into Watson Street, and is not even shown to extend from Dickson to Watson.

2. The Dickson Street right of way, although described as a collector street on the Master Street Plan, should remain as it is. Existing buildings up and down the street preclude any realistic possibility of widening the street.

3. A waiver is requested of the Dickson, Rollston, and Thompson rights of way:

a. Section 159.32 (D) (2) allows a waiver based on the following grounds: The development "has primary access to improved streets and the portion of the development which fronts on the substandard street is so remote from future anticipated traffic patterns as to cause an unfair burden on the subdivider." Neither Rollston or Thompson is over two blocks long, so neither of these streets would seem to be good candidates for widening.

b. The requirement of widening Thompson does not bear a proportionate rational nexus to our project. The existing parking is already served by Thompson; traffic will remain approximately the same as current levels.

c. Rollston Avenue, although not up to every city standard, functions perfectly well, and has for years. The widest truck used by the Fayetteville Fire Department is 8'-0". A single example of the adequacy of narrow streets is Center Street in the blocks immediately before and after the Square: the

217 NORTH EAST AVENUE FAYETTEVILLE ARKANSAS 72701

clear width is two 9'-6" lanes, for a total drivable width of 19'-0". As it exists, Rollston Street provides a drivable width of 20'-0". For a downtown infill situation, we feel that this is perfectly adequate.

e. Rollston Avenue has recently been improved between Watson and Lafayette, and the curb to curb width is the same as we are proposing. On Thompson Avenue, we are proposing a pavement width of 18', which is only 2' narrower than Rollston Avenue as it exists now.

f. Thompson is a street by accident of nomenclature only. It looks like an alley, its width and paving characteristics are those of an alley, it functions as an alley, and its right of way is that of an alley. Constructing this alley as a third major street bordering this development is an undue burden on a parcel this small. The width that we propose is adequate for garbage service; it's adequate to allow a fire truck.

g. With automotive access on three sides of the development, we feel that adequate fire protection can be provided. The commercial, restaurant, and retail areas are to be sprinklered. This building is in the fire district and will therefore be constructed to a higher standard of fire proofing in any case. There will be an upgraded hydrant at the corner of Dickson and Rollston.

h. Land is expensive downtown. The scale of the project is to a certain extent dictated by the land cost. Additional rights of way are an extremely expensive proposition.

and, finally,

g. Narrow streets are charming. Narrow streets are safer: people have a well documented tendency to drive faster on wider streets. Narrow streets are more pleasant; shade trees along each side can create an overarching canopy, which is not possible with very wide streets. Any historic area in this country or in Europe is characterized by 2 and 3 story buildings fronting onto narrow streets. The downtown area needs more trees and beautiful buildings, not more paving.

Sincerely,

Gregory T. House

217 NORTH EAST AVENUE FAYETTEVILLE ARKANSAS 72701

LSD98-2.00: LARGE SCALE DEVELOPMENT - HMT OF FAYETTEVILLE
HMT OF FAYETTEVILLE - N OF DICKSON, E OF ROLLSTON, W OF THOMPSON

The last item on the agenda was a large scale development submitted by Glenn Carter of Carter Engineering on behalf of HMT of Fayetteville, L.L.C. for property located on the north side of West Dickson Street, east of Rollston and west of Thompson. The property is zoned C-3, Central Commercial, and contains approximately 1.13 acres. A parking waiver has been requested in regard to this project.

Mr. Reynolds advised he would be abstaining since he was a property owner on Dickson Street.

The staff report showed the proposed project would total 58,709 square feet with commercial usage at 34,017 square feet and residential usage at 24,692 square feet and a two-story parking deck with 109 parking spaces. The proposed construction will envelope the existing two restaurants (ROTC and The Grill) and the restaurants will remain open and in use.

The following waivers have been requested by the developer:

(1) Street widths and rights-of-way:

a. Rollston. The developer requests the existing 28 feet of right-of-way and 20 feet of pavement be left as is. Staff agrees with this request.

b. Dickson. The existing right-of-way is 55 feet. Dickson Street is shown on the Master Street Plan as a collector with a required right-of-way of 70 feet. The developer requests the existing right-of-way be kept at 55 feet. Staff agrees with this request. Formal action by the City Council is required for the deviation from the Master Street Plan.

c. Thompson. The existing right-of-way at this location is 15 feet. The developer has proposed to add 5 feet of right-of-way on the west side for a total of 20 feet of right-of-way. The developer also proposes to construct a 21-foot street and 6-foot sidewalk the length contiguous to the project to the entrance into the parking deck. This will place approximately 4 feet of the street and the sidewalk on private property. Staff agrees with the request to increase the right-of-way and pavement width. Staff requests that the right-of-way be extended to include all of the paved street.

(2) Parking:

The developer requests a waiver of 38 parking spaces. Staff disagrees with the developer's calculations and states that the waiver should be for 73 spaces.

(3) Other Variances:

Requests for variances from building setbacks for awnings, brackets, balconies, etc. will go to the Board of Adjustment.

The staff has requested the applicant provide a shared access agreement with Terry Hunt, the property owner on the northwest corner.

Conditions of Approval:

1. Planning Commission determination of compliance with Commercial Design Standards. (A decision must be made under Section 160.124(D)(2)(c) "A development should provide compatibility and transition between adjoining developments.")

2. Planning Commission determination and resolution on the requested street improvements and/or right-of-way width waivers:

   a. Rollston. The developer requests the existing 28 feet of right-of-way and 20 feet of pavement be left as is.

   b. Dickson. The existing right-of-way is 55 feet. Dickson Street is shown on the Master Street Plan as a collector with a required right-of-way of 70 feet. The developer requests the existing right-of-way be kept at 55 feet.

   c. Thompson. The existing right-of-way at this location is 15 feet. The developer has proposed to add 5 feet of right-of-way on the west side for a total of 20 feet of right-of-way. The developer also proposes to construct a 21-foot street and 6-foot sidewalk the length contiguous to the project to the entrance into the parking deck. This will place approximately 4 feet of the street and the sidewalk on private property.

3. Planning Commission determination and resolution of parking issues and requested waivers.

4. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval and all improvements shall comply with City's current requirements.

5. Fire protection shall meet the Fire Chief's requirements which will include reconfiguration of the existing fire hydrant to the 12-inch water main on Dickson. Further, depending upon the final design, an additional fire hydrant may be required within 100 feet of the Fire Department's connection to the building's sprinkling system.

6. Sidewalk construction in accordance with current standards and the right-of-way as available. Greenspace provided (if any) shall meet the requirements of the Sidewalk & Trails Coordinator and the Landscape Administrator.

7. All existing and proposed utilities shall be placed underground.

8. Large Scale Development approval to be valid for one calendar year.

9. Plat Review and Subdivision comments (to include written staff comments mailed to the applicant or his representative, and all comments from utility representatives).

10. Prior to the issuance of a building permit, the following is required:

    a. Grading and drainage permits
    b. Separate easement plat for this project
    c. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 159.34 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

11. Shared access agreement from Terry Hunt, the property owner to the northwest.

Background:

The proposed large scale was heard at the December 31, 1997 Technical Plat Review, the January 15, 1998 Subdivision Committee meeting and the February 12, 1998 Subdivision Committee meeting. Parking, street right-of-way and improvements and effects upon adjacent property were discussed. The Subdivision Committee voted to send the proposed large scale to the full Planning Commission with the recommendation to accept the street waivers and without a recommendation for the parking waivers.

Infrastructure:

Water and sewer. Water and sanitary sewer mains are available for the developer's engineer to use in designing extensions.

Grading and Drainage. A formal, final drainage report and grading plan will be required prior to any construction.

Mr. Forney advised the Commission needed to discuss the right-of-way and parking since both were waivers. He asked if there were any other conditions of approval with which the applicant was not in agreement.

Mr. Greg House, representing HMT, appeared before the Planning Commission and stated they were in agreement with all other conditions. He advised the right-of-way issue had been discussed at length at the Subdivision Committee meetings. He stated that, while the Master Street Plan required Dickson Street to be 70 feet wide, the existing right-of-way was only 55 feet wide with existing buildings up to the edge of the right-of-way line. He further stated the new structures would be within the setbacks and would not be encroaching with the exception of the second story above the two restaurants. He also pointed out Rollston Avenue was less than minimum street standards and they had discussed the ability of fire and safety vehicles to serve the subject property and adjoining property. He noted Rollston had been recently improved and he believed it was wide enough for an emergency vehicle. He advised the Fire Chief had, after driving a truck through the area, approved the width. He further stated Thompson had been designed to the same width as Rollston for the same reasons. He noted that, by adding to the right-of-way, they had lost approximately 10% of their Dickson Street frontage. He pointed out the existing Thompson north of the subject property was extremely narrow.

He contended the big issue was how to feed the traffic ingressing and egressing from the proposed development.

Mr. Forney stated the staff agreed with all the waivers for right-of-way.

Mr. House explained that, when the property was purchased for development, he and his partners had relied on the ordinance in making their feasibility study. He stated they had believed they would not have to provide any parking for existing structures because of the way the ordinance was worded on parking in a C-3 zone. He stated that, in an effort to move the project forward, they had agreed to count in their calculations the number of parking spaces required for the existing restaurants (approximately 20 spaces). He explained they had treated it as a completely new project since there was no guidance in the ordinance. He then read from section 160.117(D)(1): "...parking requirements shall be met at the time any building or structure is erected, enlarged, or increased in capacity, changed in use..." He went on to read (1)(a): "...new construction, razed buildings or enlarged buildings shall conform to the parking requirements of the city. For enlarged buildings, additional parking spaces will be calculated by the amount of square footage that is added." He pointed out the parking ratio table and stated they estimated the parking on maximum retail use and maximum restaurant use. He noted the parking ratio for restaurants was shown as 1 for 200 square feet of floor area.

Mr. House stated the square footage for Restaurant On The Corner and The Grill required 20 parking spaces. He contended that, if the buildings were demolished, and constructed new buildings with the exact same square footage, only 20 parking spaces would be required. He explained the conflict between the developers and staff was how to count parking for the existing buildings. He also advised they were asking for a 38 space waiver but would be using shared parking for the site (set out under Section 160.117(E)(4). He contended that, since the project was a mixed use project, they could share parking with themselves. He advised there was nothing in the ordinance restricting them from using parking spaces during the day for retail and using the same spaces at night for residential. He also presented a letter from University Baptist Church allowing the use of 50 church parking lot spaces. He also contended there would not be a $1,200 fee per parking space since they did have shared parking for the 38 spaces.

Charles Britton, professor of economics at the University of Arkansas, appeared before the Commission and advised he had attended the Master Planning session at the university earlier in the day and the university was in favor of the project. He further stated he, personally as a professor of economics, was in favor of the project, contending it would assist in the revitalization of Dickson Street. He did, however, express concern regarding view obstruction of Old Main.

Lamar Pettus, property owner of 151 West Dickson, pointed out there was a movement afoot through the Downtown Dickson Street Enhancement Project, to ask the city to reduce the right-of-way of Dickson Street to 24 feet. He asked the Commission to be careful on how they handled the parking. He also advised the Commission had received a letter from the Dickson Street Improvement District and wanted to be sure they understood that was from the Commission, not the individual Dickson Street property owners. He pointed out Mr. House was one of the Commissioners for the Dickson Street Improvement District and would have been one of the people authorizing the letter. He also noted the Improvement District had not called a meeting of the members. He asked the Commission to not include the letter in their considerations. He also advised that, if the Commission waived the parking places for the subject project, they would need to do the same for future projects on Dickson Street.

Charlie Allison, an area property owner, appeared before the Commission and stated his property was on Thompson and Watson. He pointed out Thompson was a very narrow street and expressed concern people using the facilities of the proposed project would be using that street.

Michael Thurmond, an adjacent property owner, contended the Commissioners needed to consider the impact to adjoining property. He pointed out they could widen the portion of Thompson adjacent to the project but then Thompson still would narrow to one lane past the project. He stated he believed Mr. House had presented a good development but he was concerned regarding traffic flow.

In response to a question from Mr. Forney, Mr. Thurmond suggested closing Thompson to the north of the project as a solution to the problem.

Richard Shewmaker, 605 W. Dickson, appeared before the Commission and expressed hope the parking waiver be granted. He expressed his believe the university was the most important economic, social and cultural function in northwest Arkansas. He told of a previous survey that showed most people within the City of Fayetteville wanted to improve the area around the campus. He contended the current project would improve the area. He reminded the Commission they had alleviated the parking problem on Dickson Street by changing the ordinance relating to parking in the Dickson Street area. He pointed out the new establishments after the ordinance was changed, contending Dickson Street was now a better place.

He asked the Commission to approve the project with the parking waiver granted. He also pointed out this would be a major contribution to the tax structure. He also informed the Commission Mr. House had an investment backer which would be very important to Dickson Street.

Ms. Jana Britton appeared before the Commission and contended she had problems finding places to park in the Dickson Street area. She advised there would be people parking where they shouldn't if parking spaces were not provided.

Joe Fennell, owner of Jose's, appeared before the Commission and contended all property owners on Dickson have learned to share parking. He stated he was in favor of the proposed project.

Celia Scott-Silkwood, 221 N. Locust, spoke in support of the project but did agree parking was becoming a problem. She noted she no longer could park in front of her house but had to use the public parking lot.

Cyrus Young stated he owned property 443 feet from the proposed project. He contended the project was out of scale with the rest of the area. He reminded the Commission residents of Fayetteville had consistently asked for preservation of the character of Fayetteville; compatibility had even been placed in the land use plan and the commercial design ordinance. He advised the proposed project, if approved, would significantly alter the character of Dickson Street. He stated he had heard people express a desire to maintain neighborhood integrity and that applied on Dickson Street as well as other areas of town.

He pointed out the proposed development was larger than the Walton Arts Center. He stated he could not believe the building would ever be compatible with the rest of Dickson Street. He contended the project did not meet the ordinance and asked the Commission to deny the approval of the large scale development.

Mr. Young went on to ask that, if the Commission approved the project, they deny the parking waivers so the building might come closer to the scale of other structures on Dickson Street. He agreed with Ms. Silkwood that, when the parking lots were full, the parking overflowed into the residential area. He also contended that, if the waivers were approved, someday people's homes would be condemned for commercial parking.

He stated the Planning Commission had always said there was a need for planning, a need for compatibility, a need for good design, a need for compliance with ordinances. He advised all of those words would have been for nothing if the project were approved.

Ms. Little stated there were two issues on the project, the first was under the commercial design standards: "A commercial structure or development shall be designed to avoid or minimize the elements set forth in D (1) above" (unpainted concrete precision block walls, square 'boxlike' structures; metal siding which dominates the main facade; large blank, unarticulated wall surfaces; and large out of scale signs with flashy colors). She advised the development did meet paragraph D(2)(a). She then read D(2)(b): "A commercial development which contains more than one building should incorporate a recurring, unifying and identifiable theme for the entire development site." She stated there was a theme to the development. She then read D(2)(c): "A development should provide compatibility and transition between adjoining developments." She showed a site plan of the existing buildings in the area. She stated the existing buildings on site were approximately 4,800 square feet; the proposed project would be approximately 58,000 square feet or 10 times the size of the existing property. She advised one of the newspaper articles stated the project was approximately the size of the Walton Arts Center.

Ms. Little then advised that, with regard to parking, she believed it was a matter of interpretation. She stated staff had no disagreement with the developer regarding the additional square footage and the parking planned for the addition. She did point out staff had been calculating restaurant parking differently than set out in the ordinance; instead of 1 space for every 200 square feet of floor space, staff calculated one space for every four seats plus one for each employee per shift. She explained this change had been made at the request of restaurant owners throughout the City who believed 1 space for every 200 square feet was not adequate. She stated the discrepancy with the developer for parking on existing buildings had come about from the parking ordinance which said in C-3 and C-4 districts parking requirements were waived for any existing structure with a change of use. She contended there was no change of use. She advised there were 55 existing spaces for the two restaurants

She advised the Commission staff had applied a number of tests to determine if the 55 spaces were excessive parking. She pointed out the calculation for the number of seats in the restaurants - 49 spaces plus 1 for each employee (30 employees for the two restaurants). She stated any new restaurant anywhere else in town would require 79 spaces. She stated staff had reviewed the 1994 aerial photographs (taken at approximately 10:00 a.m.) and calculated there were 55 spaces on site. She pointed out the number of cars parked in the restaurant lot. She also advised staff had taken photographs in the area on how parking was utilized. She stated staff took the photographs on Friday afternoon at approximately 5:30 and again at noon on Saturday and again at noon on Monday. She noted the parking lot was not full during those times; however there were more on Friday evening than at noon on Saturday and Monday.

Ms. Little stated the Commission would need to make interpretation of the following section: 160.117(D)(1)(a): "Parking requirements are waived for any existing structure with a change of use...For enlarged buildings, additional parking spaces will be calculated by the amount of square footage added." She advised that, for the amount of square footage being added, 127 parking spaces were required; the applicant proposed 109. She went on to say staff believed the 55 spaces currently in existence were necessary to service the restaurants. She expressed her belief the ordinance granting the ability to give waivers was a generous gift on the part of the City in order to encourage rehabilitation of existing buildings on Dickson Street. She advised that, if they were only talking about renovation, there would not be a parking issue; but it was the addition of new square footage that was causing the issue. She asked the Commission consider the effect on renovation -- what effect from a commercial standpoint would the new commercial square footage have on the renovation of the rest of Dickson Street; and what is the effect of the proposed building on adjacent residential properties.

She reminded the Commission that one of their goals in the 2020 Plan was to promote affordable housing, particularly in the downtown area. She advised the living units proposed in the project were not affordable housing. She contended it was significant that area property owners would be experiencing development pressure were already having their quality of life was being affected. She agreed there was a need for renovation and economic development on Dickson Street but asked how much was too much.

Mr. Tucker stated he had reviewed the Historic Downtown Commercial area of the 2020 Plan and found the overriding goal for the area was to encourage commercial development and retain the historic character and to encourage denser residential development. He advised the guiding principles were to continue the revitalization of the historic downtown commercial area and enhance it with evening businesses; encourage the continuation of the revitialization of Dickson Street and provide a sense of connection between Dickson Street and the Square; encourage retail use of ground floor space and restrict office and residential use to higher floors.

Ms. Little stated she believed the two existing restaurants were a part of the street scape of Dickson Street and she applauded the efforts to preserve them. She further stated she believed the residential units above the retail areas was in keeping with the General Plan. She further advised she believed the facade of the building did improve the streetscape; however the height of the building was of concern.

Mr. Forney asked if Mr. House had a signed joint access agreement with the adjoining property owner.

Mr. House stated he did have a copy of a signed joint access agreement.

Mr. Forney stated they had not been using the parking requirements in C-3 and C-4 areas due to the changes in ordinances. He reminded the Commission they had considered applications for waivers of parking spaces in light of adequate public parking within 600 feet of the proposed development. He stated he did not see that specific language in the code book but did see under 160.117(E)(3) and (5) the following: "Off-site locations. If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on the other property not more than 600 feet distant from the principal use, subject to conditional use approval by the planning commission." He stated that apparently did not apply since the applicant was not asking for a conditional use.

Ms. Little advised that applied to property owned by the applicant or under contract to the applicant. She noted the 600 feet also appeared in "Intermittent parking" for places such as churches who could count available on-street parking within 600 feet. She pointed out that the applicant had brought a letter for shared parking from the University Baptist Church. She noted the letter did not specify a length of time in terms of a lease.

Mr. Forney asked about the in lieu fee of $1,200 for each on-site parking space waived which was to be paid to the city. He asked if that was an option.

Ms. Little stated the applicant could pay the in lieu fee or find adequate public parking facilities available within 600 feet from the entrance of the structure. She also pointed out section (H) Parking Waivers which said the Planning Commission shall making findings indicating the proposed use would not generate as much parking as required under the existing standards; that shared parking was available; or on-street parking could satisfy intermittent and occasional demands.

Ms. Hoffman stated that, in other cities which allowed shared parking, a traffic impact analysis was either required or completed by the applicant which was much more detailed than the information before the Commission. She further stated the anaysis included hours of operation, number of vehicle trips per day, etc. She advised she would be looking for more detailed information.

Mr. Watkins contended the project was the type they should embrace rather than obstruct; that there should be more incentives for infill and mixed use project such as the proposed project. He added his belief it was commendable the private sector was willing to invest money without tax breaks, etc. that other cities had to encourage this type of project.

He further advised the relevant language in the parking ordinance said: "For enlarged buildings, additional parking spaces will be calculated by the amount of square footage added." He contended that was what the developer had done; however, the staff was inserting a phase that was not in the ordinance "For enlarged buildings, additional parking spaces *in addition to those currently existing to serve the site* will be calculated by the amount of square footage added. He advised that was a huge change in the ordinance and he did not believe it possible to interpret the ordinance in that fashion. He also pointed out the ordinance did not treat restaurants any differently than any other business and calculated parking at 1 space for every 200 square feet of floor area; not 1 per every 4 seats plus one for each employee. He stated a fair reading of the ordinance and a fair calculation of the parking spaces support the applicant's position.

Mr. Watkins further stated it appeared the applicant was short 38 spaces but, with the shared parking arrangement for 50 spaces with the church, the requirements of the ordinance had been met. He contended the applicant should not be penalized for not tearing down existing buildings or not building at the edge of town.

He also advised that, while the ordinance required a developemnt should provide compatibility and transition between adjoining developments, it did not mean the same; otherwise, there could never be any change, everything would have to be one story on Dickson Street. He noted the City of Fayetteville did not have a height ordinance; however, they might consider enacting some type of height ordinance.

Mr. Watkins stated he was in favor of the project.

Ms. Little stated it was her responsibility to interpret the ordinances and she had given such interpretation to the Commission. She reminded the Commission of other projects when the same interpretation was made.

Mr. Estes asked if the shared parking was within 600 feet of the proposed development.

Ms. Little stated the measurement, as shown on the aerial photograph, was measured from the front of the Restaurant On The Corner. She stated it appeared, if the measurement was taken from the back of the project, the parking would be within 600 feet.

Mr. Estes stated he believed there was ambiguity in the ordinance relating to the waiver of parking spaces. He pointed out that, to grant either the 38 parking spaces claimed by the applicant or the 73 parking spaces claimed by the staff, to achieve either result the Commission had to make certain findings under the ordinance: (1) that the proposed use would not generate as much parking as required under existing standards; (2) that shared parking facilities are available; or (3) that on-street parking could satisfy intermittent and occasional demands. He advised he was concerned with the first finding; that he was not sure it was true. He continued that, while the applicant had presented a letter of shared parking, there was no termination date to the letter and he did not believe on-street parking could satisfy intermittant and occasional demands. He also pointed out the residents using the University Baptist Church parking lot would not vacate the parking spaces on Saturday night or Sunday morning. He advised he was struggling to satisfy the requirements of the ordinance and was very much inclined to not grant the waivers, irregardless of how they were computed.

Mr. Forney stated part of the developer's interpretation was there was shared parking within the project.

Mr. Estes stated that also led to some ambiguity. He further stated the developer had suggested making an agreement with himself to share among himself so he could satisfy a shared parking requirement. He advised he understood the mixed use but it appeared the developer would have to ask a resident to move his care so a restaurant patron could park.

Ms. Hoffman agreed with Mr. Watkins that the Commission wanted to encourage development on Dickson Street but did not believe they could tell developers to build on 100% of the lot and not carefully consider parking.

Ms. Johnson advised she too was concerned about the scale of the project. She added she believed the scale was much of what drove the parking concerns. She expressed her belief the project was too massive for too small a space. She also advised they could not ignore the fact that the project would have a negative impact on the parking situation.

Mr. Tucker stated they were facing risks: (1) too few parking spaces and (2) driving off an investor who was willing to spend five million dollars on Dickson Street. He expressed his belief that driving an investor off of Dickson Street was greater than not having a few extra parking spaces.

Mr. Watkins stated the ordinance said the Commission shall have the authority to make the waivers on certain findings -- not all three findings. He pointed out there was a shared parking agreement so the ordinance was satisfied.

Mr. Forney stated he was one of the Commissioners who had served on the subcommittee which encouraged the waiving of the parking rules on Dickson Street in 1995. He advised he understood Mr. Estes' concerns regarding making findings. He thanked the staff for their clear interpretation of the parking spaces; but there were few people objecting to the project, saying Dickson Street would be ruined because of parking. He further noted restaurant parking was still in the ordinance as 1 space per 200 square feet of floor area. He advised he believed there was the potential to make a finding that the shared parking with U.B.C. and the prospect of internal sharing, it did meet the parking requirements. He also contended the project contained the first double level parking space proposed by the private sector and believed it was the solution for situations like Dickson Street. He stated it did not appear there was controversy regarding the right-of-way issues. He further advised he believed the project was compatible with Dickson Street.

Ms. Little read the following shared parking agreement: "To Members of the Planning Commission: Subject to the restrictions stated below, the University Baptist Church will allow tenants, visitors and employees of HMT's proposed mixed use project at the 200 block of Dickson Street to park 50 cars on the church's parking lot at Lafayette Street and Campbell Avenue at any time with the exception of Sundays, all day, and Wednesday evenings after 4:00 p.m. However, this shared parking shall be restricted to use of only residents or office patrons, tenants and employees. Use by patrons, tenants and employees of retail space shall be limited to those businesses that do not use or sell alcohol as any part of their business. This shared parking arrangement will have no conflict with our current parking needs." Signed by Gary Smith, University Baptist Church.

Mr. Estes stated that, in order to make the finding the shared parking was satisfactory, the Commission had to find the individual spaces identified on a site plan for shared users was not being shared by more than one user at the same time. He expressed his belief the developer could not enforce the parking agreement with U.B.C.

MOTION

Mr. Forney moved to approve LSD 98-2 acknowledging the following: the waivers for street widths and right-of-way on Rollston, Dickson and Thompson Streets as detailed in the staff report be granted and that the Thompson Street right-of-way include approximately 4 feet of street as requested by the staff so that the Thompson right-of-way include all of the paved street; that the parking waiver for 73 spaces be granted in light of the shared parking agreement with U.B.C. and acknowledging the use of different tenants and patrons in relationship to retail and residential needs on site; that the commercial design standards be recognized as being met by the project; and that a joint access agreement signed by a neighbor be provided as required in the conditions of approval; and that all other staff conditions of approval be included.

Mr. Tucker seconded the motion.

Ms. Johnson asked if the waiver of the 73 parking spaces was at the set rate of reimbursement.

Mr. Forney stated that, as he understood Section 160.117(H)(1) the in lieu fee of $1,200 for each space would be paid or for any parking space proposed to be shared under the provisions of 160.117(E)(4) the fee was waived. He pointed out the applicant had a shared parking arrangement for 50 spaces, leaving 23 spaces. He went on to say he would assume the remaining

23 spaces would be covered by the sharing of the spaces between the residential use and retail use.

Ms. Johnson asked if the motion then was to waive any contribution in lieu.

Mr. Forney stated it was.

The motion carried 5-2-1 with Commissioners Hoffman, Forney, Watkins, Ward and Tucker voting "yes", Commissioners Estes and Johnson voting "no" and Commissioner Reynolds abstaining.

Mr. Tucker advised he would like the Commission to meet with the Dickson Street Enhancement Project to determine their vision for Dickson Street.

The meeting adjourned at 8:30 p.m.

PC Meeting of 23 Feb 98

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

HMT of Fayetteville
216 & 248 West Dickson

TO:	**Fayetteville Planning Commission Members**
THRU:	**Alett S. Little, City Planner**
FROM:	**Dawn Warrick, Jim Beavers, P.E.**
DATE:	**17 February 98**

Project: **LSD 98-2.00: Large Scale Development (HMT of Fayetteville, pp 484)** submitted by Glenn Carter of Carter Engineering on behalf of HMT of Fayetteville, L.L.C. for property located on the north side of Dickson Street, east of Rollston and west of Thompson. The property is zoned C-3, Central Commercial and contains approximately 1.13 acres.

Findings: This proposed project will total 58,709 square feet. Commercial is proposed at 34,017 sf, residential at 24,692 sf and a two story parking deck with 109 parking spaces.

The proposed construction will envelope the existing two restaurants (ROTC and The Grill) and the restaurants will remain open and in use.

The following waivers have been requested by the developer:

1. Street widths and right-of-way:

a. Rollston. The developer requests that the existing 28 feet of right-of-way (ROW) and 20 feet of pavement be left as is.

Staff agrees with this request.

b. Dickson. The existing ROW is 55 feet. Dickson Street is shown on the Master Street Plan (MSP) as a collector with a required ROW of 70 feet. The developer requests that the existing ROW be kept at 55 feet.

Staff agrees with this request. Note that formal action by the City Council is required for the deviation from the MSP.

c. Thompson. The existing ROW is at this location is 15 feet. The developer has proposed to add 5 feet of ROW on the west side for a total of 20 feet of right of way. The developer also proposes to construct a 21 ft. street and 6 ft. sidewalk the length contiguous to the project to the entrance into the parking deck. This will place approximately 4 feet of the street and the sidewalk on private property.

Staff agrees with the request to increase ROW and pavement width. Staff requests that the ROW be extended to include all of the paved street.

2. Parking.

The developer requests a waiver of 38 parking spaces. Please note that staff disagrees with the developer's calculations and states that the waiver should be for 73 spaces.

Refer to the letter dated February 3, 1998 from H.M.T., LLC for the developer's specific wavier statement.

Refer to the minutes of the February 12, 1998 Subdivison Committee meeting for the staff's explanation of the number of spaces to be waived.

3. Other variances. Requests for variances from building setbacks for awnings, brackets, balconies ... will go to the Board of Adjustment.

Outstanding Information:

The staff has requested that the applicant provide a shared access agreement with Terry Hunt, the property owner on the northwest corner.

Recommendation: None.

If the Planning Commission chooses to approve the proposed LSD then staff requests that the approved include the following "conditions of approval":

Conditions of Approval:

1. Planning Commission determination of compliance with Commercial Design Standards. (A decision must be made under §160.124(D)(2)(c) "A development should provide compatibility and transition between adjoining developments.")

2. Planning Commission determination and resolution on the requested street improvements and/or right-of-way width waivers;

   a. Rollston. The developer requests that the existing 28 feet of right-of-way (ROW) and 20 feet of pavement be left as is.

b. Dickson. The existing ROW is 55 feet. Dickson Street is shown on the Master Street Plan (MSP) as a collector with a required ROW of 70 feet. The developer requests that the existing ROW be kept at 55 feet.

c. Thompson. The existing ROW is at this location is 15 feet. The developer has proposed to add 5 feet of ROW on the west side for a total of 20 feet of right of way. The developer also proposes to construct a 21 ft. street and 6 ft. sidewalk the length contiguous to the project to the entrance into the parking deck. This will place approximately 4 feet of the street and the sidewalk on private property.

3. Planning Commission determination and resolution of parking issues and requested waivers.

4. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval and all improvements shall comply with City's current requirements.

5. Fire protection shall meet the Fire Chief's requirements which will include reconfiguration of the existing fire hydrant to the 12 inch water main on Dickson. Further, depending upon the final design, an additional fire hydrant may be required within 100 feet of the Fire Department's connection to the building's sprinkling system.

6. Sidewalk construction in accordance with current standards and the ROW as available. Greenspace provided (if any) shall meet the requirements of the Sidewalk & Trails Coordinator and the Landscape Administrator.

7. All existing and proposed utilities shall be placed underground.

8. Large Scale Development approval to be valid for one calendar year.

9. Plat Review and Subdivision comments (to include written staff comments mailed to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozark, SWEPCO, TCA Cable).

10. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. Separate easement plat for this project
    c. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §159.34 "Guarantees in Lieu of Installed

Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

11. Shared access agreement from Terry Hunt, the property owner to the northwest.

BACKGROUND:

The proposed LSD was heard at the December 31, 1997 Technical Plat review, the January 15, 1998 Subdivison Committee meeting and the February 12, 1998 Subdivision Committee (SDC) meeting.

Parking, street ROW and improvements and effects upon adjacent were discussed.

The Subdivison Committee voted to send the proposed LSD to the full Planning Commission with the recommendation to accept the street waivers and without a recommendation for the parking waivers. Please refer to the February 12, 1998 SDC minutes for details.

INFRASTRUCTURE:

(a) Water and sewer. Water and sanitary sewer mains are available for the developer's engineer to use in designing extensions.

(b) Streets. See requested waivers above.

(c) Grading and Drainage. A formal, final, drainage report and grading plan will be required prior to any construction.

PLANNING COMMISSION ACTION: __yes__ Required
______ Approved ______ Denied

Date: 02/23/98

Comments:

____

____

____

CITY COUNCIL ACTION: __**no**__ **Required** (on LSD only)
______ **Approved** ______ **Denied**

Date: __/__/__

The "CONDITIONS OF APPROVAL", beginning on page one of this report, are accepted in total without exception by the entity requesting approval of this development item.

____

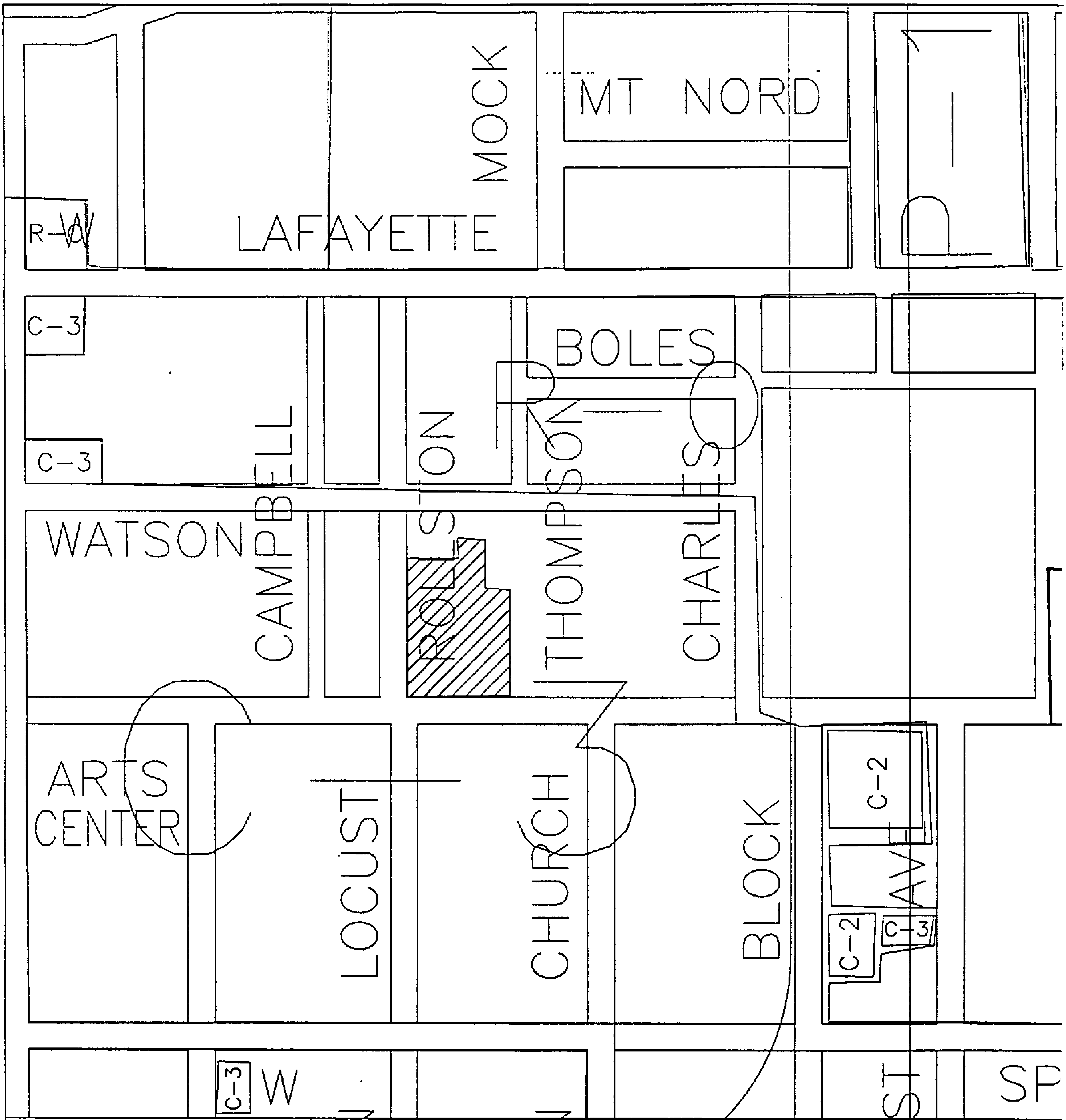
by

____

title

____

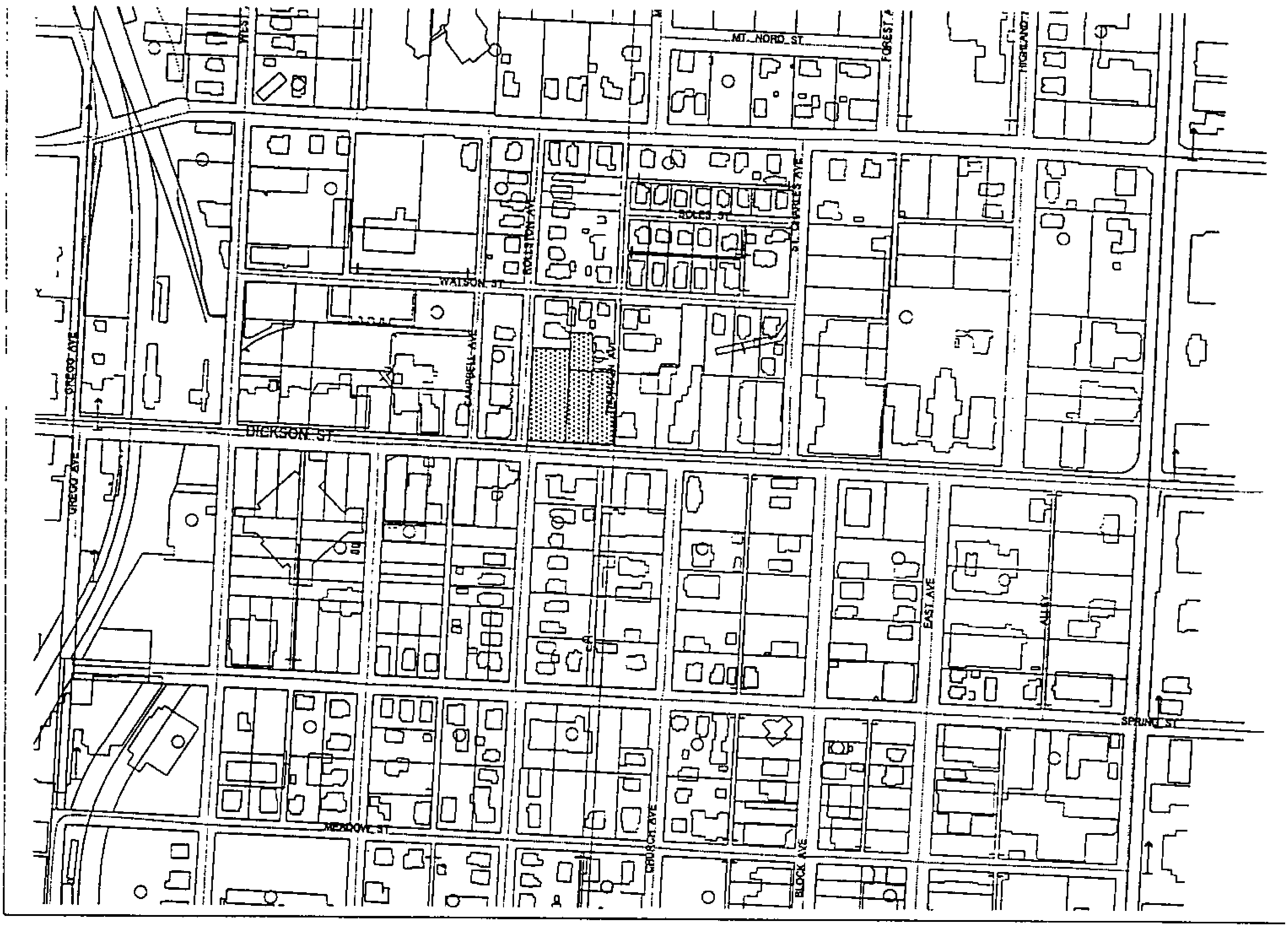
date

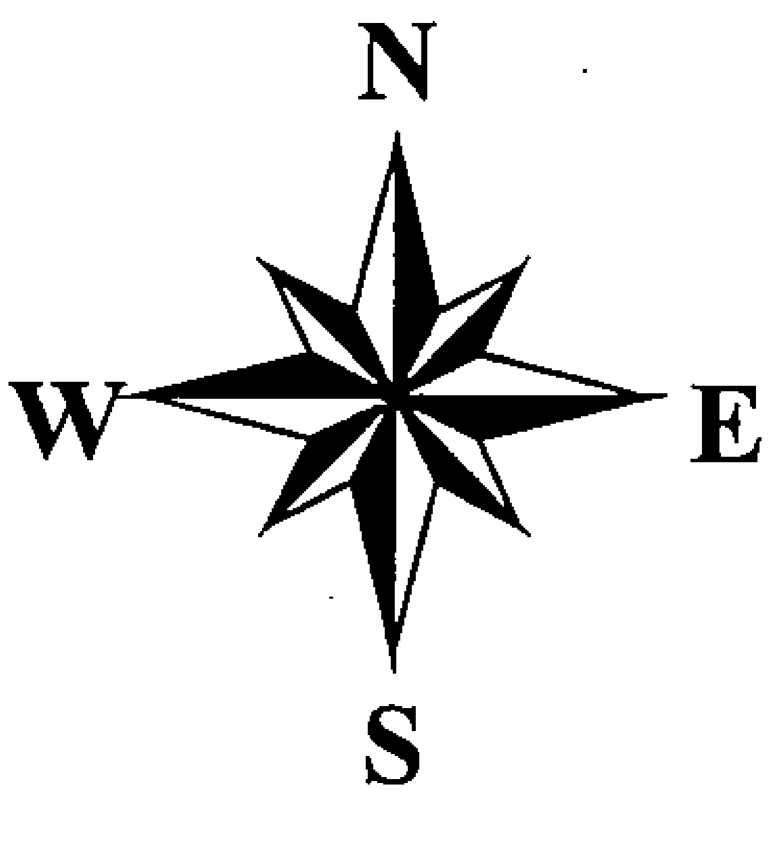


SCALE: 1" = 250'

16-16-30 LSD 98-2.00 PP 484
HMT of Fayetteville
216 & 248 W. Dickson

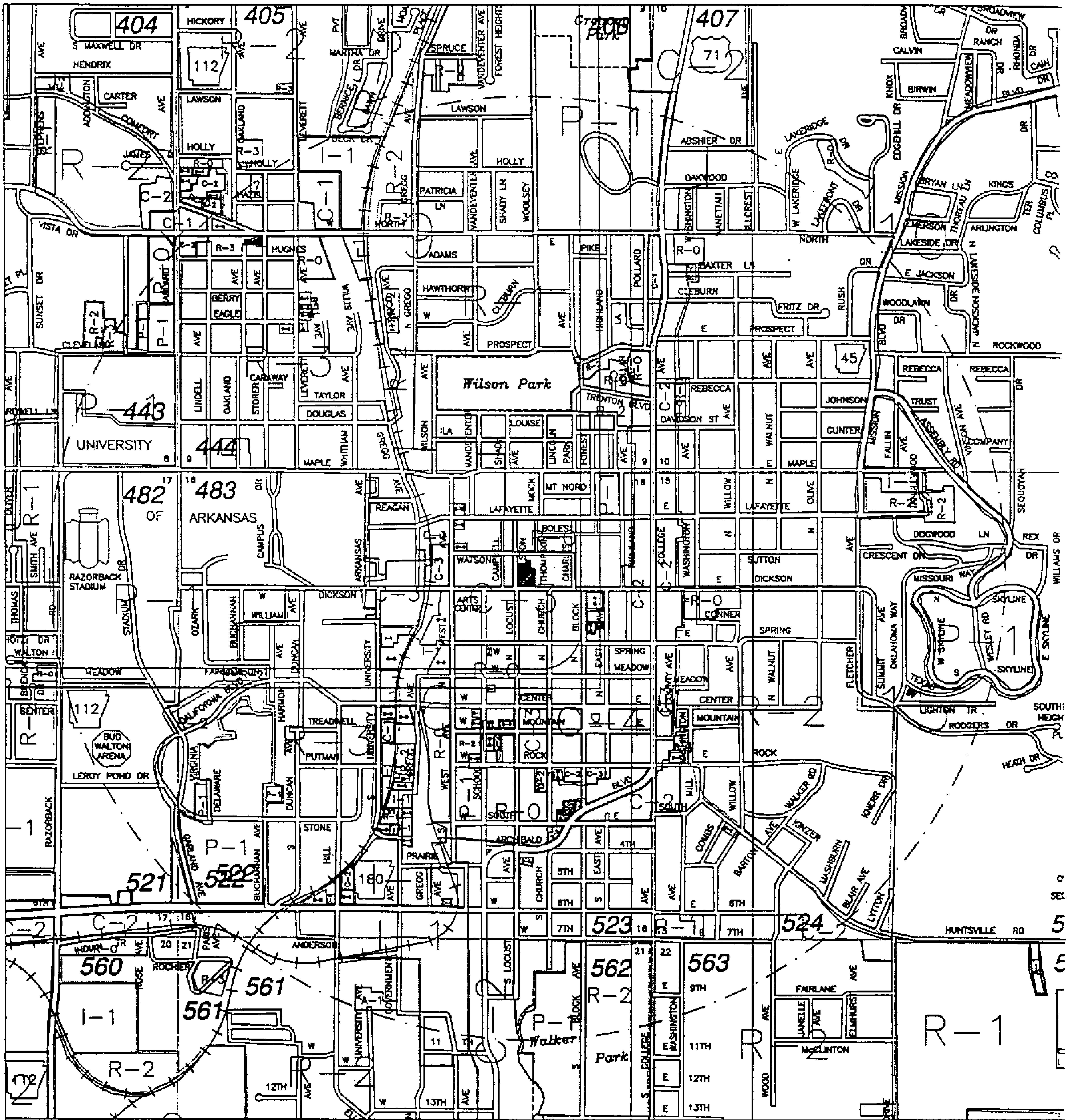
LSD98-2.00: HMT OF FAYETTEVILLE





FAYETTEVILLE

16-16-30 LSD 98-2.00 PP 484
HMT of Fayetteville
216 & 248 W. Dickson

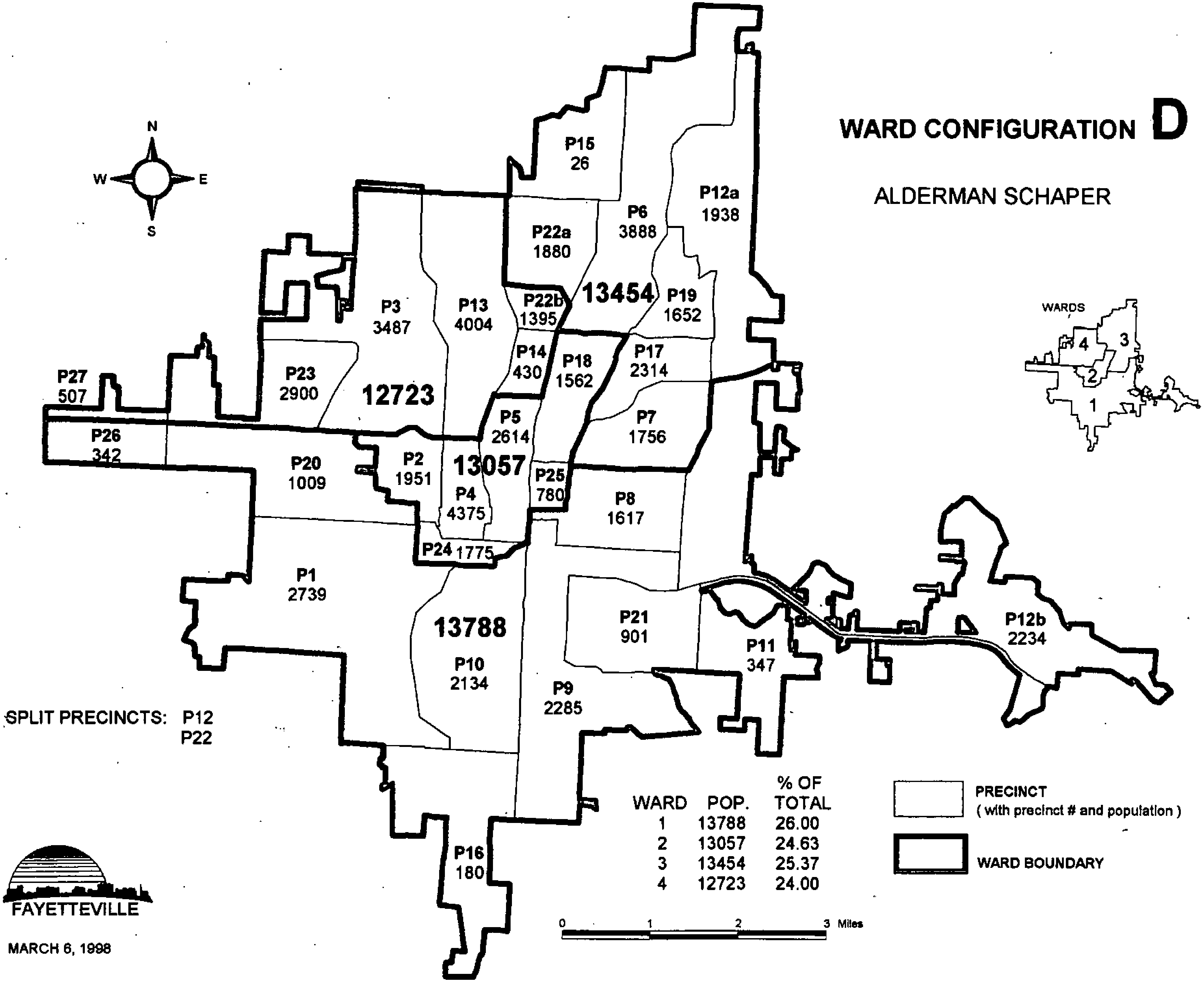


SCALE: 1" = 1,500'

16-16-30 LSD 98-2.00 PP 484
HMT of Fayetteville
216 & 248 W. Dickson

WARD CONFIGURATION D

ALDERMAN SCHAPER



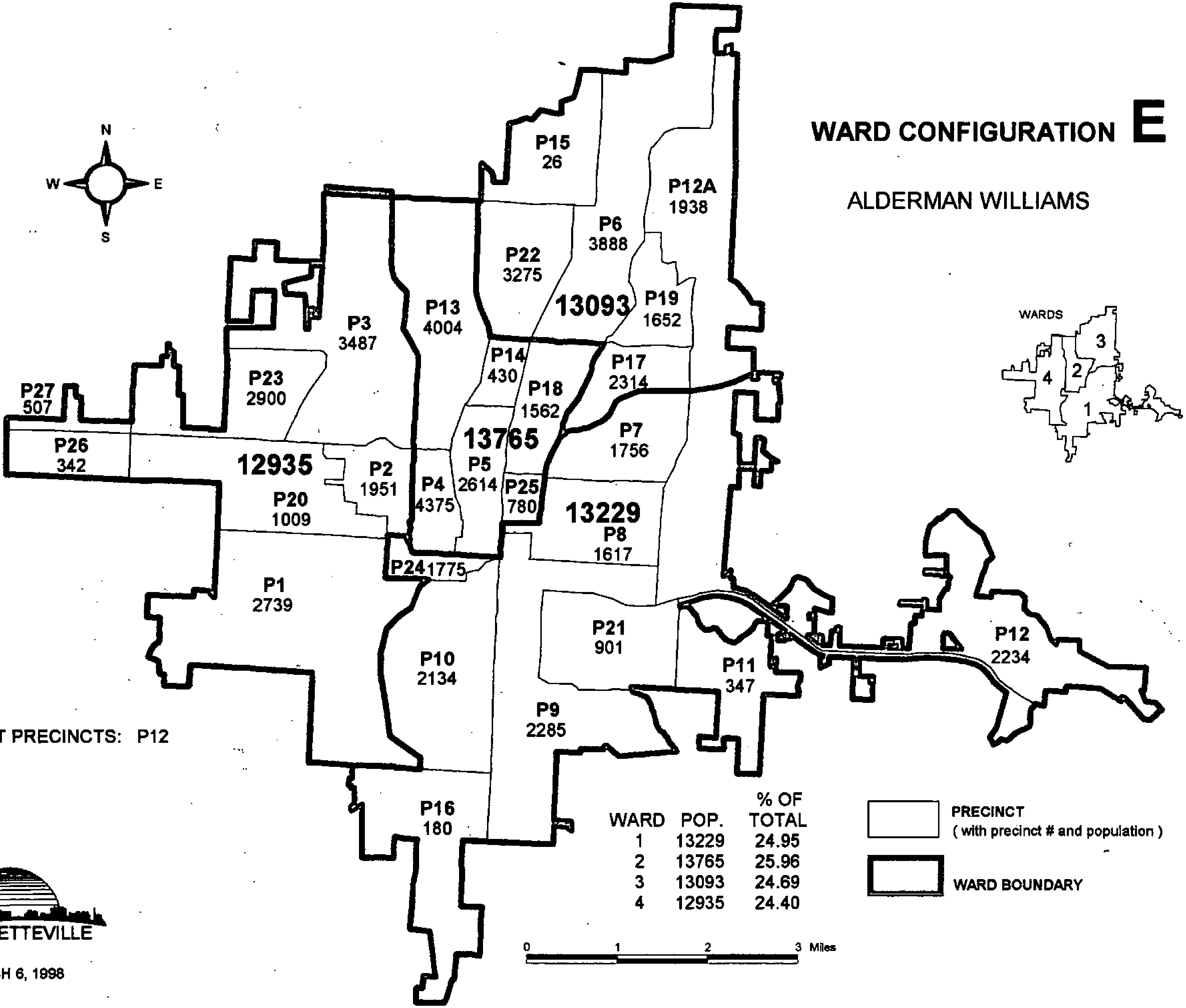
WARD	POP.	% OF TOTAL
1	13788	26.00
2	13057	24.63
3	13454	25.37
4	12723	24.00

SPLIT PRECINCTS: P12
P22

MARCH 6, 1998

WARD CONFIGURATION E

ALDERMAN WILLIAMS



SPLIT PRECINCTS: P12

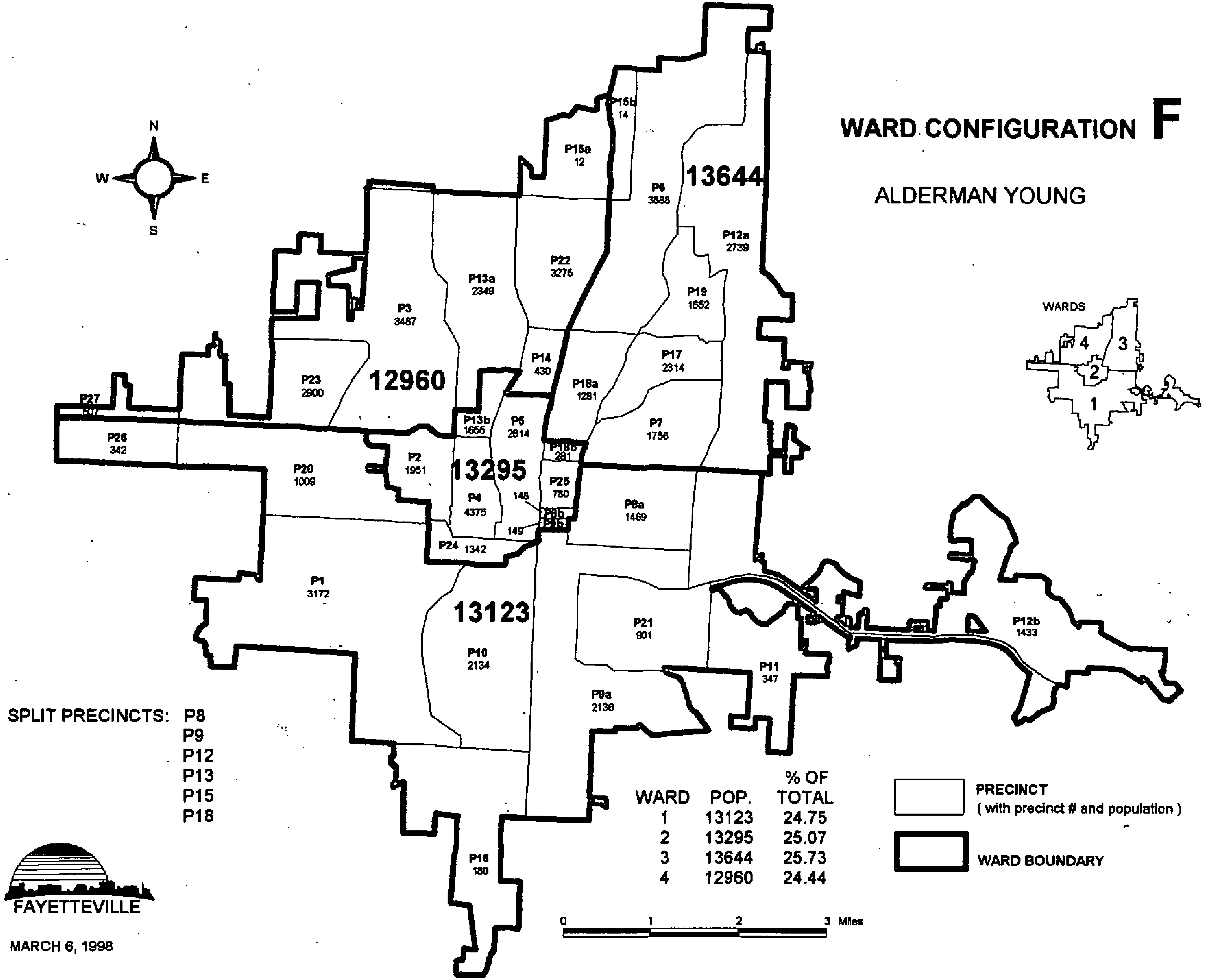
WARD	POP.	% OF TOTAL
1	13229	24.95
2	13765	25.96
3	13093	24.69
4	12935	24.40

FAYETTEVILLE

MARCH 6, 1998

WARD CONFIGURATION F

ALDERMAN YOUNG



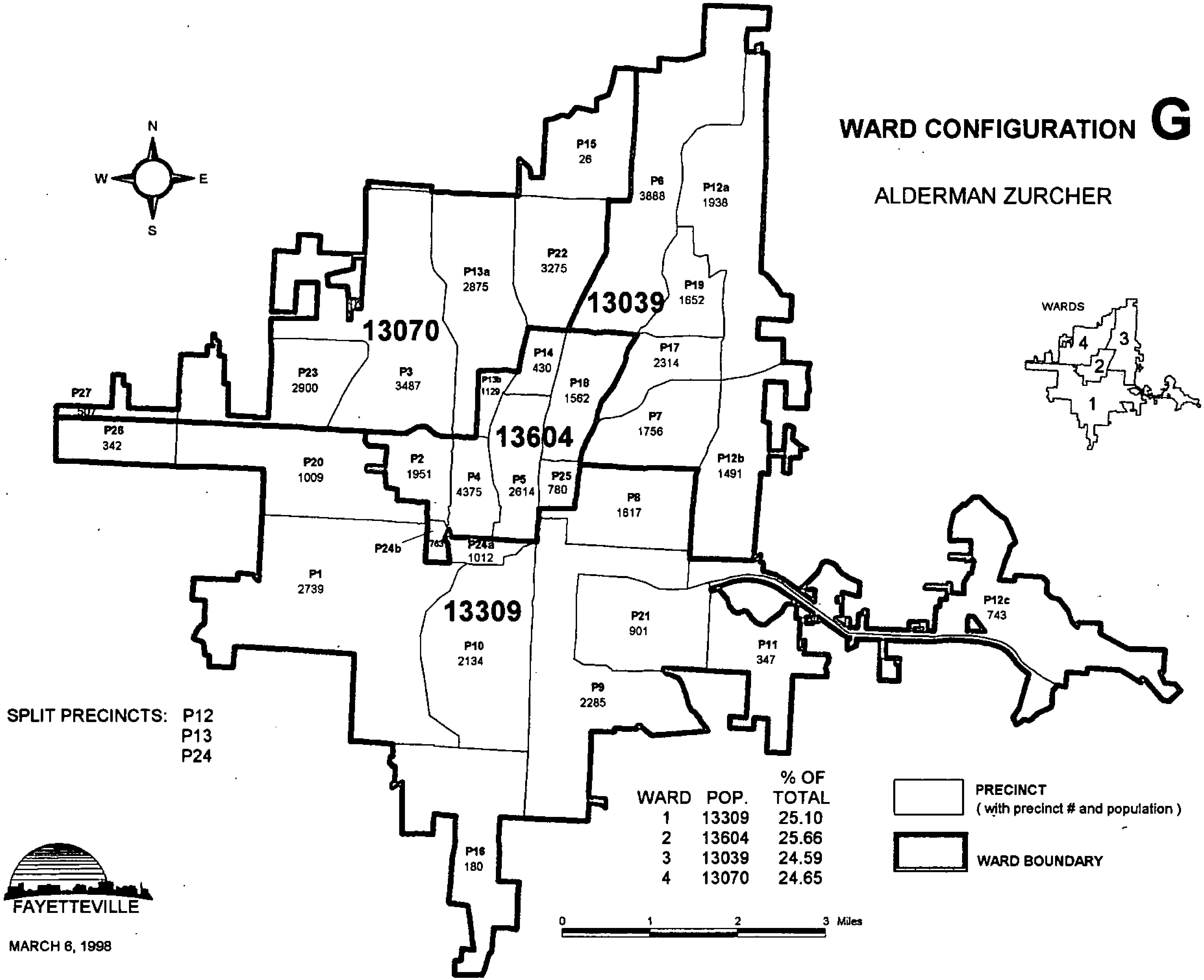
SPLIT PRECINCTS: P8
P9
P12
P13
P15
P18

WARD	POP.	% OF TOTAL
1	13123	24.75
2	13295	25.07
3	13644	25.73
4	12960	24.44

MARCH 6, 1998

WARD CONFIGURATION G

ALDERMAN ZURCHER



SPLIT PRECINCTS: P12
P13
P24

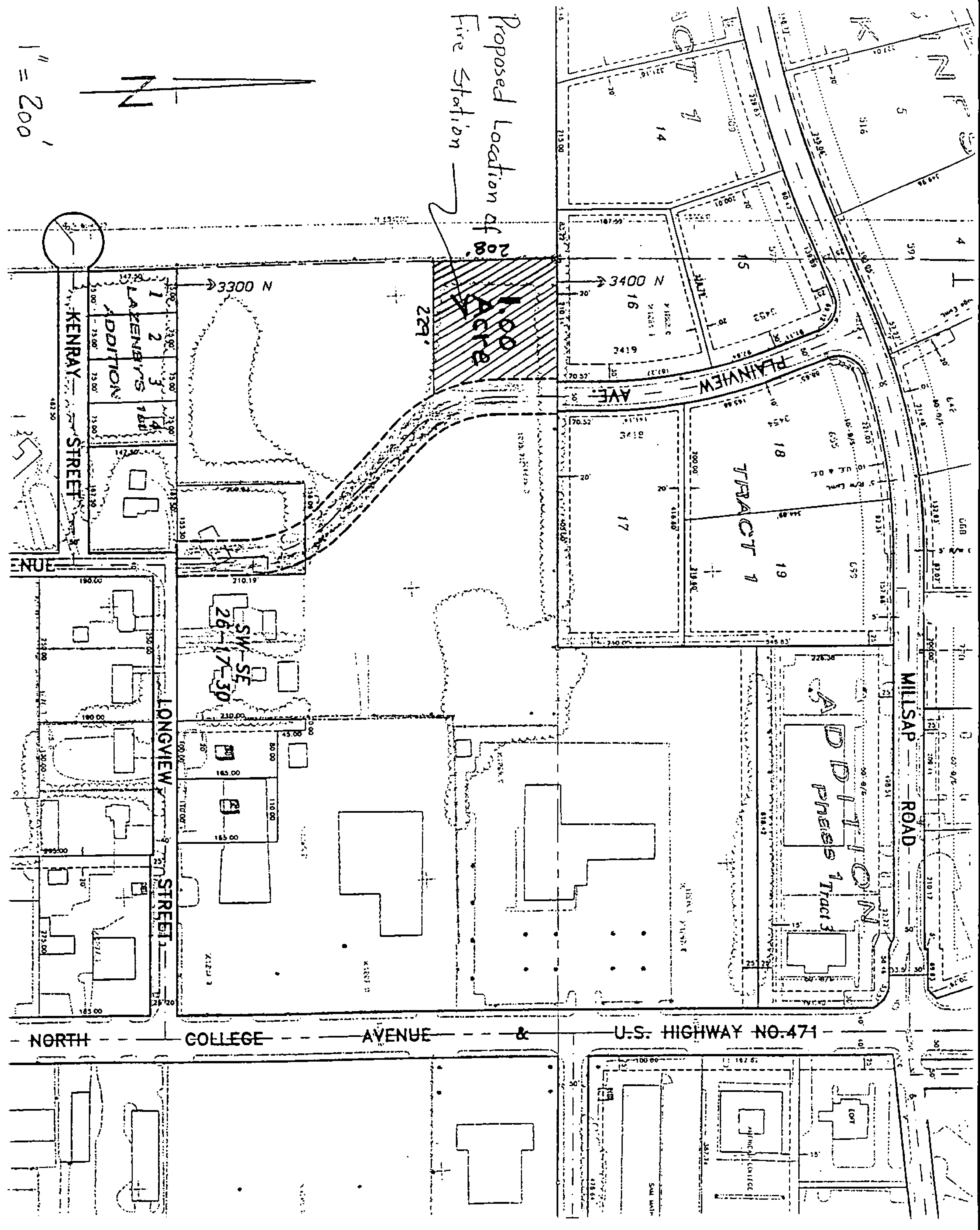
WARD	POP.	% OF TOTAL
1	13309	25.10
2	13604	25.66
3	13039	24.59
4	13070	24.65

PRECINCT
(with precinct # and population)

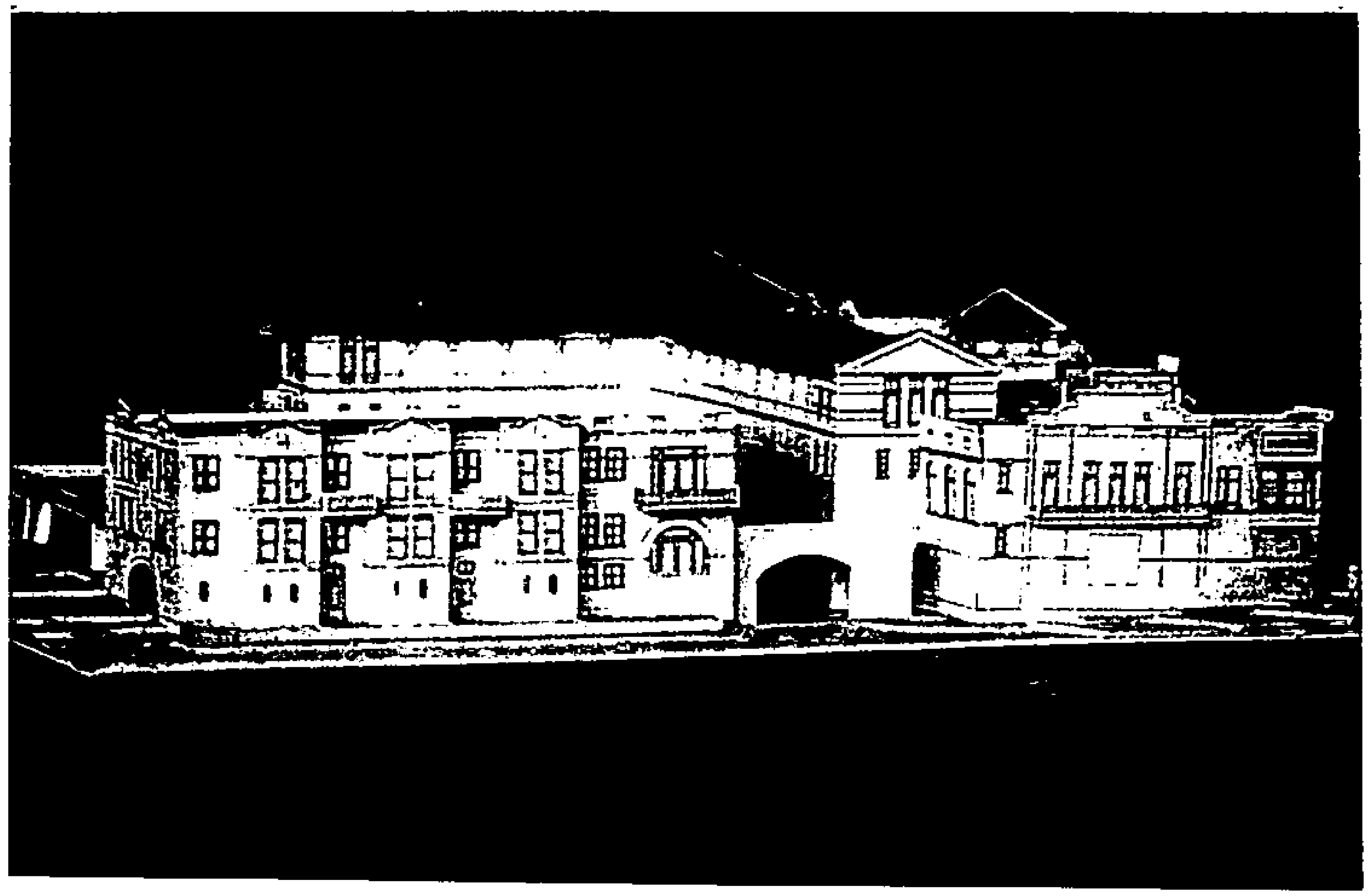
WARD BOUNDARY

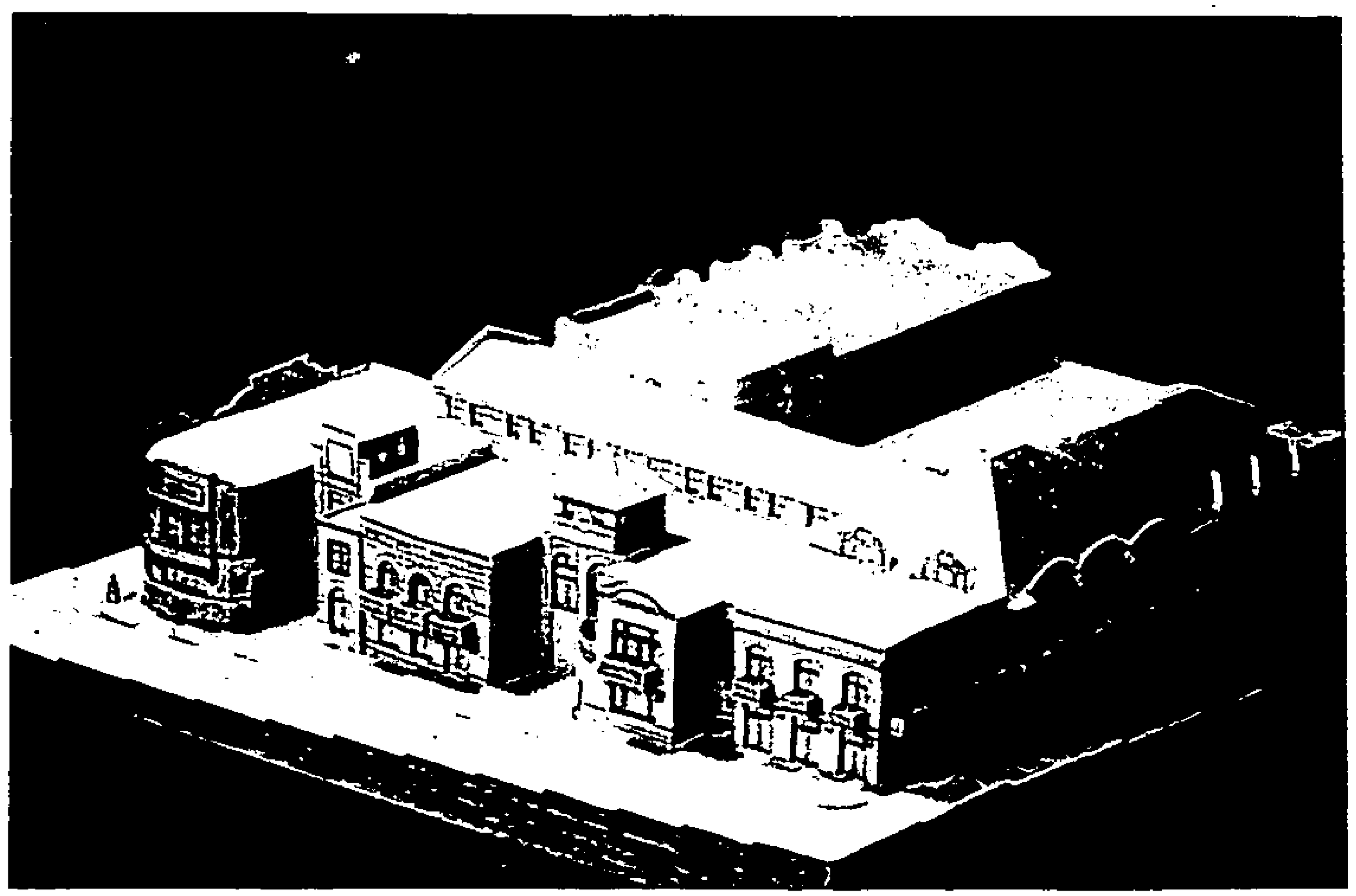
FAYETTEVILLE

MARCH 6, 1998



Proposed Location of Fire Station
1.00 Acre
208'
229'
1" = 200'
3300 N
3400 N
KENRAY STREET
LAZENBY'S ADDITION
LONGVIEW STREET
PLAINVIEW AVE.
TRACT 1
MILLSAP ROAD
SW-SE 26-17-30
NORTH COLLEGE AVENUE & U.S. HIGHWAY NO.471





H . M . T.
A LIMITED LIABILITY CORPORATION

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H . M . T.

A LIMITED LIABILITY CORPORATION

WRITTEN STATEMENT TO THE CITY COUNCIL

The 200 block of West Dickson Street is an important site and we feel deserves careful consideration from all concerned. We feel that it would be appropriate in this instance to dedicate a lesser right of way along Dickson Street than is called for in the Master Street Plan. Also, we feel that certain building elements should be allowed to extend into the Street Right of Way along Rollston Avenue and Dickson Street. We are requesting this help from the City Council for the following reasons:

- The Dickson Street Right of Way, although described as a collector street on the Master Street Plan, should remain as it is. <u>Existing buildings up and down the street preclude any realistic possibility of widening the street.</u> The existing 55' right of way is perfectly adequate to serve current traffic needs.

- Recent efforts by the Downtown Dickson Enhancement Project (DDEP) have focused upon <u>making Dickson a more pedestrian oriented street</u>, rather than an automotive centered Collector Street. To require a 70' Right of Way would be counterproductive.

- The existing balconies along Dickson Street have done a great deal to improve the character of the street. Multi-level outdoor dining, exterior plants and awnings, and signs of life at the second floors of buildings all go a long way towards creating a rich and exciting downtown environment. The City Council should continue the tradition of allowing balconies in the downtown area to extend into the street Right of Way.

- The decorative features that would extend into the city right of way are necessary to dress up the existing buildings so that the finished structures will be of a quality to match the best of Fayetteville' historic buildings.

- Currently, roof structures and canpoies at both 216 and 248 West Dickson extend 4' into the Dickson Street Right of Way.

- The project enjoys wide support in the downtown community. Letters of support are enclosed.

- From the developer's perspective, <u>we have taken great care to design a building that respects its surroundings</u>. The selection of materials, building scale, and proportions have all been undertaken in a manner that will create a structure of lasting quality that will be a long-term asset to the downtown area.

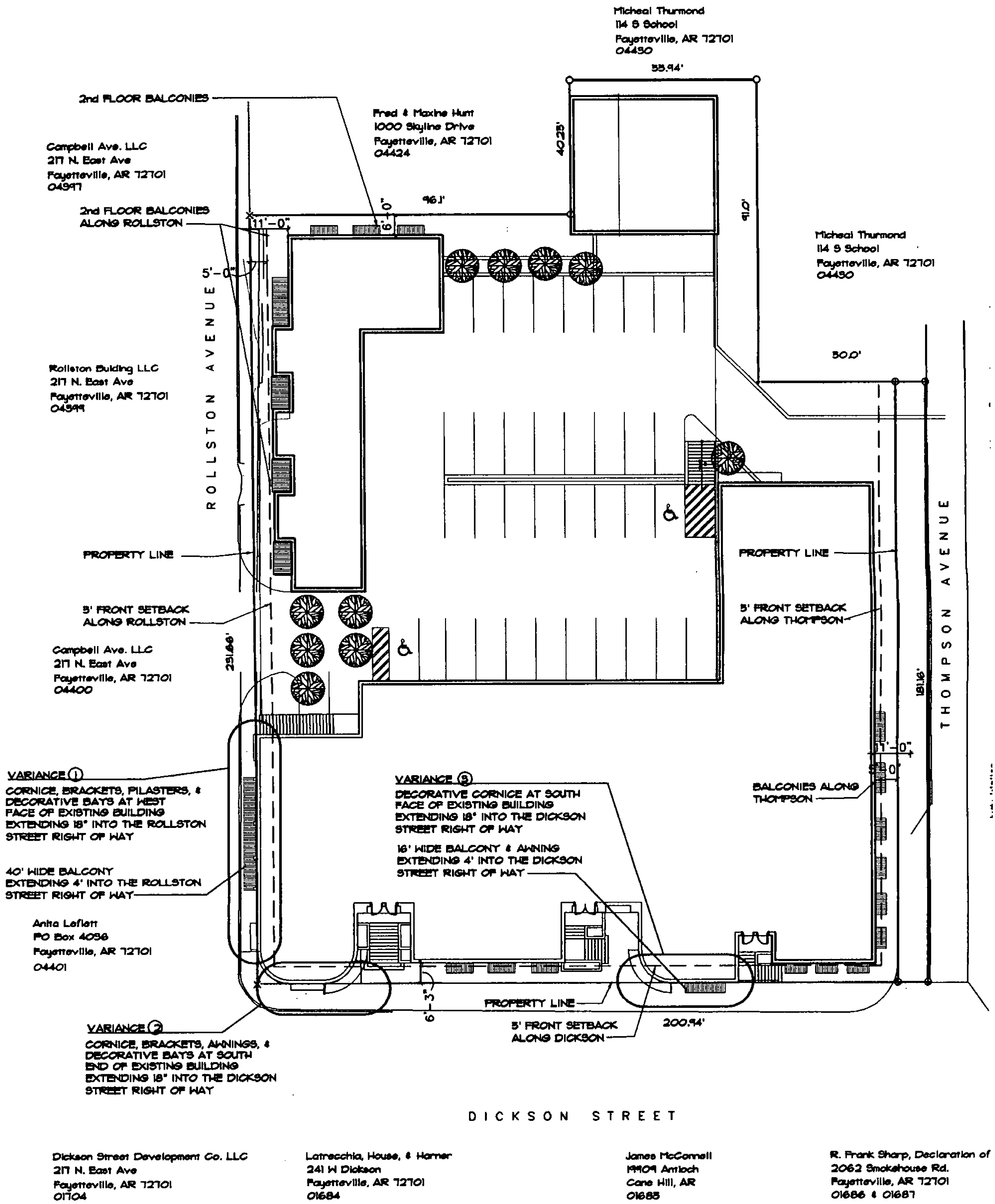
- This group of developers has a <u>track record of doing high quality renovations and new construction</u> that enhances the character of its surroundings. The city aldermen can feel secure that the ultimate quality and maintenance of the building will be above reproach.

EXPLANATION OF PROPOSED VARIANCES

Variance 1: The existing building at 248 West Dickson extends to the property line at Rollston and at Dickson. The proposed building involves a second story over this existing condition. Decorative brackets and a cornice along the Rollston facade are proposed that would extend 18" into the Rollston Avenue right of way. These occur at the second story, and would not impede the sidewalk in any way. In addition, 12" deep pilasters and decorative bays are proposed that will extend from the sidewalk to the level of the roof. These pilasters and bays will restrict the sidewalk to 5' wide at those areas. The majority of the sidewalk will be 6' wide. Also, a 40' wide cantilevered balcony is proposed that would extend 4' into the Rollston Avenue right of way.

Variance 2: At the south face of the existing building at 248 West Dickson, decorative brackets and a cornice along the Dickson facade are proposed that would extend 18" into the Dickson Street right of way. These occur at the second story, and would not impede the sidewalk in any way. Also, the existing awning that extends 4' into the Dickson Street right of way is to be replaced.

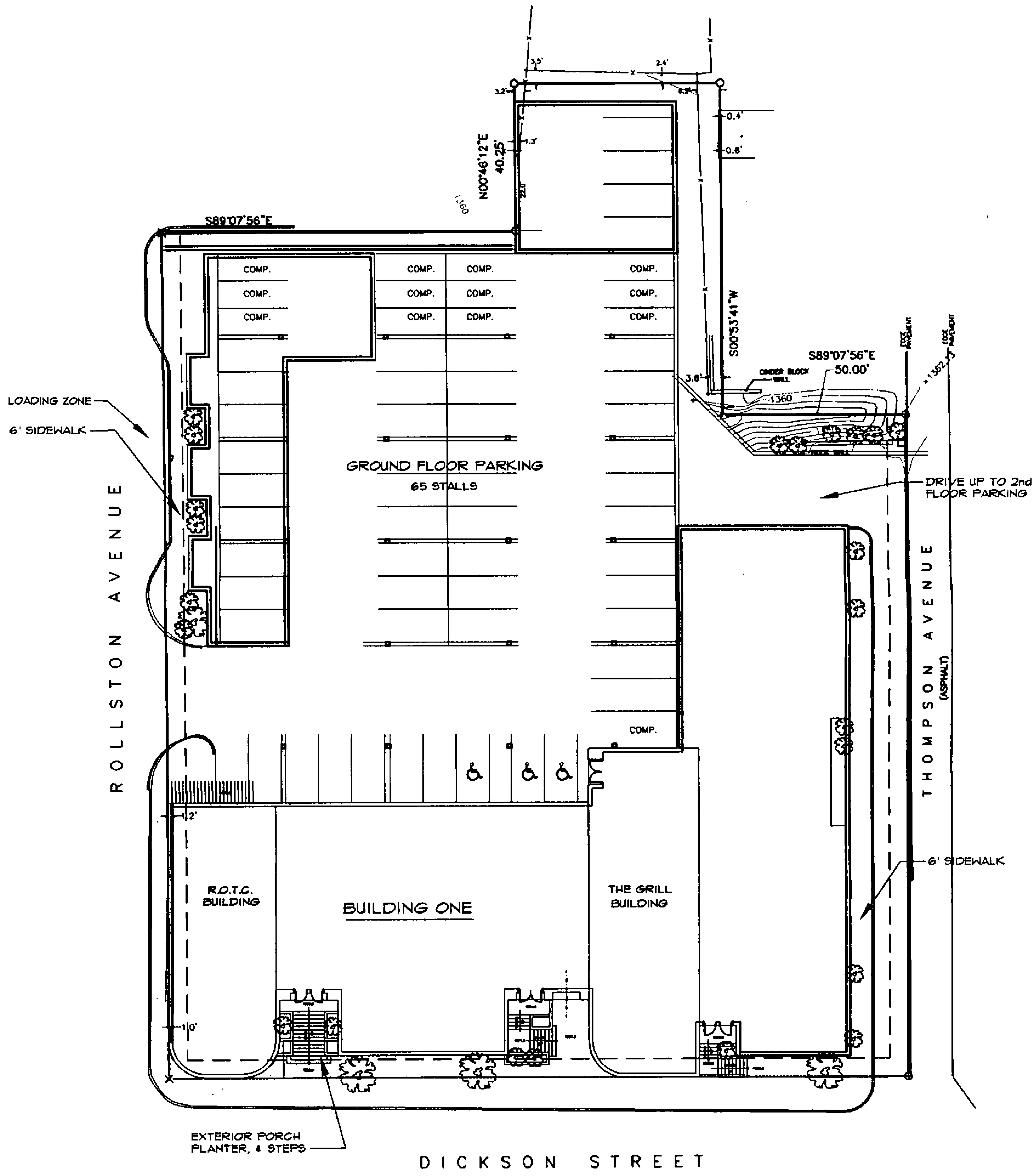
Variance 3: The existing building at 216 West Dickson extends up to the property line at Dickson Street. The proposed building involves a second story over this existing condition. Decorative brackets and a cornice along the Rollston facade are proposed that would extend 18" into the Rollston Avenue right of way. Also a 14' wide cantilevered balcony and awning that extends 4' into the right of way are proposed. The existing awning that extends 4' into the Dickson Street right of way is to be replaced. These improvements occur at the second story, and would not impede the sidewalk in any way.



RIGHT OF WAY VARIANCE PLAN

MARCH 4, 1998

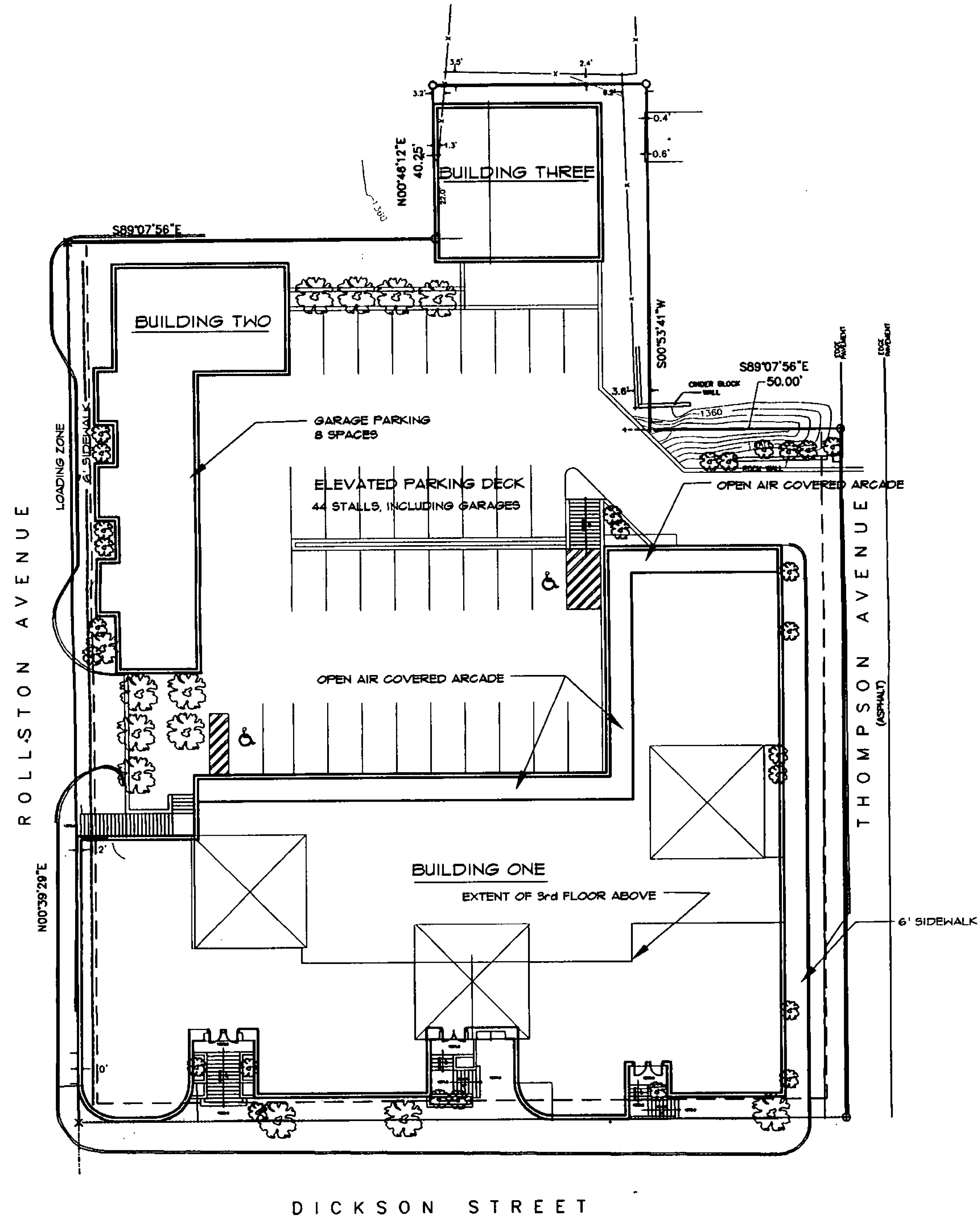
1" = 30'-0"



SITE PLAN: ROLLSTON LEVEL PARKING

FEBRUARY 17, 1998

1" = 30'-0"

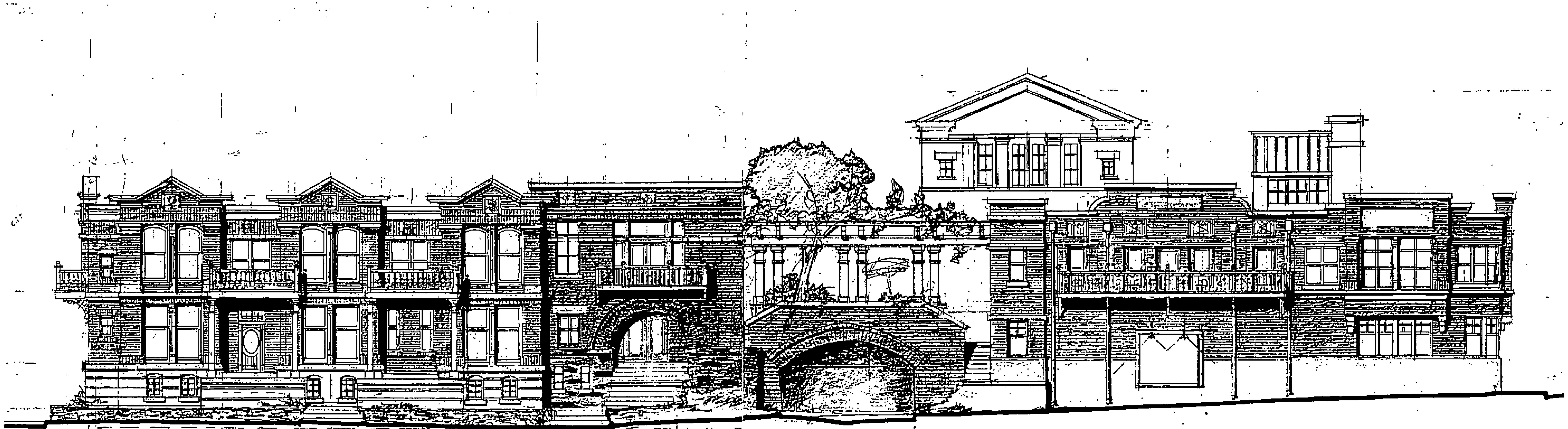


SITE PLAN: THOMPSON LEVEL PARKING

FEBRUARY 17, 1998

1" = 30'-0"

200 Block of West Dickson
DICKSON STREET ELEVATION
H.M.T of Fayetteville, L.L.C.

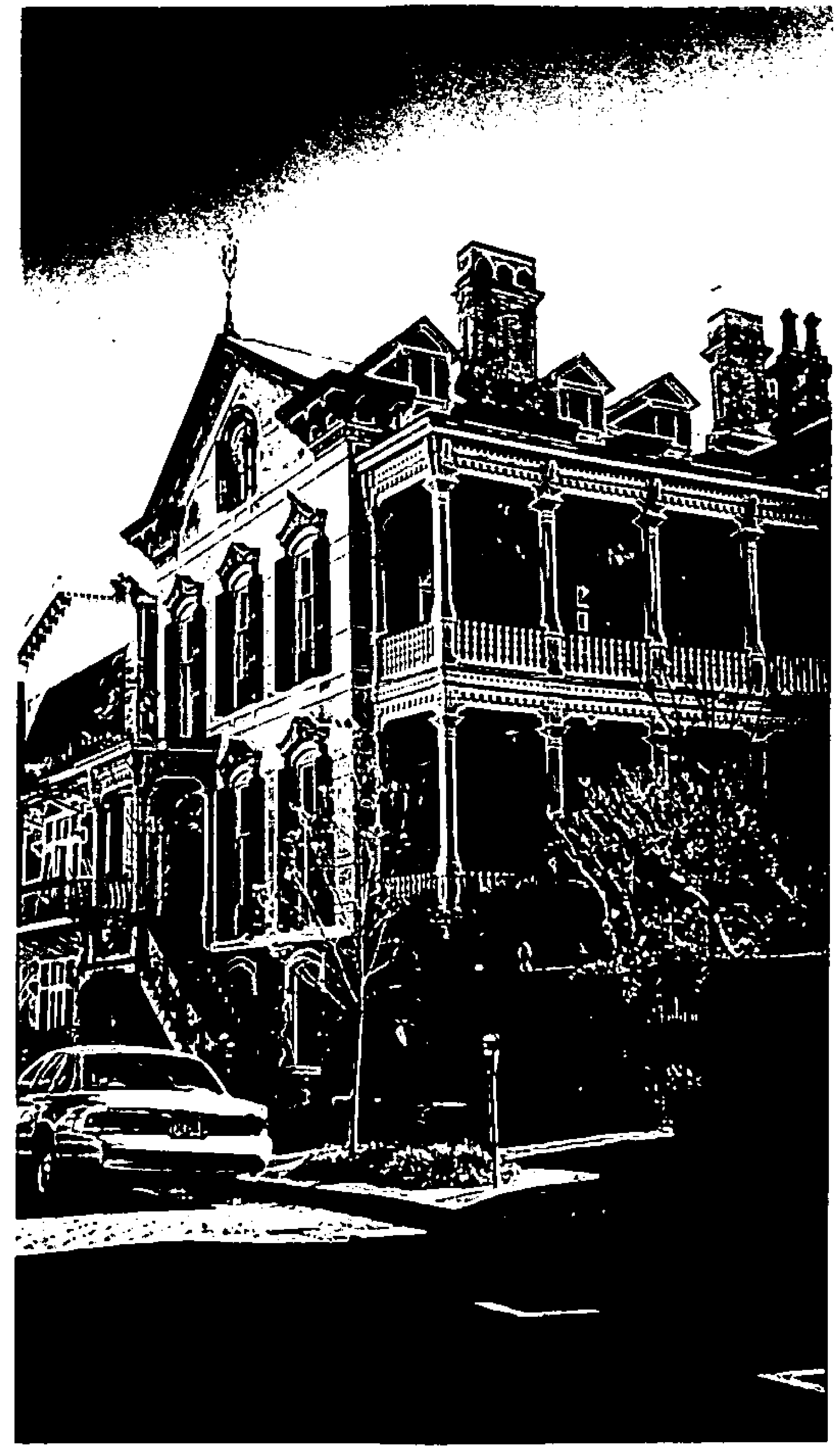


200 Block of West Dickson

ROLLSTON AVENUE ELEVATION

H.M.T. of Fayetteville, L.L.C.

BALCONIES ALONG THE STREET



PROJECT POSSIBILITIES

Downtown • Dickson Enhancement Project, Inc.

January 19, 1998

The City of Fayetteville
Dawn T. Warrick,
Planning Department
113 W. Mountain
Fayetteville, AR 72701

RE: In response to your request dated January 6, 1998 to comment on the requested parking waiver for proposed project - 200 Block of Dickson Street

Dear Ms. Warrick:

In preparation for this statement the Board of Directors sought detailed information and input from the city staff, the applicant, other developers from the area and merchant members of DDEP.

The Downtown/Dickson Enhancement Project supports the view that there should be a different approach to off-street parking requirements for the downtown area compared to the rest of the City. The Zoning Code revision (160.117,D,1,a&b) of 1996 took a giant step in this direction in so far as existing structures are concerned and a number of excellent adaptive reuse projects have occurred which probably would not have happened without the change. That positive step, however, did not provide incentive for new construction or building enlargement in downtown. It is timely to revisit the issue in light of an outstanding development proposal for the 200 block of Dickson Street.

LARGE SCALE DEVELOPMENT, 200 BLOCK, DICKSON STREET

Allowing partial waiver of off-street parking for new construction or enlarged buildings would be quite helpful in building momentum for improved downtown vitality. Specifically, the requested parking waiver of HMT of Fayetteville on the north side of the 200 block of Dickson Street deserves approval for the following reasons:

1. **This mixed-use project meets the goals of the DDEP** in that it is exactly this type of development that is needed in the area to infill gaps between buildings. When completed, this sort of project will increase the customer base for all other businesses.

2. **There is no present parking shortage in downtown.** The shortcoming is in continuity of pedestrian friendly environment between parking and destinations. The improvements DDEP recommends focus on this issue as well as increased on-street parking.

3. **The developer has considerable investment risk** and believes that the hours of operation of the different uses envisioned are complimentary and off-street parking spaces along with the available public parking planned for this project are adequate.

Approved by the Board of Directors
Laleh Amirmoez, Chairman

Downtown • Dickson Enhancement Project, Inc.

REFINING THE PARKING STANDARDS

Without delaying consideration of current and near-term requests for partial waiver of parking requirements in downtown, we advocate developing further refinement to the parking ordinance. Suggested objectives include:

1. **Reducing the number of spaces for downtown development.**
Parking ratios for the rest of the city anticipate separate parking for each type of use. People who work or live in downtowns often eat or shop in the area without driving their car between destinations. Successful downtowns create a diversity of uses and activities along with safe and attractive pedestrian pathways connected by shared parking. Even though Fayetteville does not have all of these attributes in place, offering the incentive of reduced parking ratios facilitates the type of development necessary to make this reality.

2. **Developing a simple provision for waiving the reduced standards.**
The standard for waiving parking should be clear to all, easy for the City to enforce and benefit the collective interests of downtown residents and businesses. When a developer determines that it is impractical for his project to provide the number of off-street parking spaces indicated by these reduced standards, there should be an option to pay into a fund to support future development of parking structures.

Approved by the Board of Directors,
Laleh Amirmoez, Chairman

Dickson Street Improvement District ~~~~~~

100 West Dickson Street ~ Fayetteville, Arkansas 72701 ~ 501-442-6262

Carl Collier, Chairman

The City of Fayetteville
Dawn T. Warrick
Planning Department
113 W. Mountain
Fayetteville, AR 72701

January 21, 1998

Dear Ms. Warrick,

The commissioners of the Dickson Street Improvement District endorse the concept of mixed-use in our area. The combination of rental, office and residential also makes the best use of the smallest number of parking spaces.

Mr. House currently estimates 123 spaces for his development, which is an acceptable range, we believe. We were more concerned with making sure that Thompson Street was widened sufficiently for two cars to pass and satisfactory turning radii provided for cars, trucks and service vehicles (vendors, safety, fire, etc.) Please satisfy yourselves that safety issues are not compromised. This should include making sure that the entrance/exit to Rollston is plenty wide.

We would encourage all electric lines to be put underground or combined into one neat service. Dumpsters should be available to city personnel but not obtrusive to the public.

Lastly, the track record of the developer is very good judging by every project completed. I have confidence that he wouldn't jeopardize the financial soundness of the project but failing to provide ample parking. His projects have been instrumental in the success of the Improvement District and we would encourage the Planning Department to accord him all consideration.

Sincerely,

Carl Collier

Carl Collier

University of Arkansas
Community Design Center

104 North East Avenue, Suite 1
Fayetteville, AR 72701 - 6038

Tele 501-575-5772
Fax 501-575-7045
E-m uacdc@comp.uark.edu

UACDC

February 18, 1998

City Planning Commission
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: HMT Mixed Use Project at 200 Block Street on West Dickson

Dear Commissioners:

I am writing to lend our strong support to the proposed mixed use development being proposed on Dickson Street by the HMT Corporation and Mr. Greg House. As members of the Commission will be aware, UACDC has been working for many months on the DDEP Downtown/Dickson Enhancement Project, in an effort to help establish appropriate guidelines for civic improvements and new development.

In addition to proposing a wide range of street improvements, which were widely discussed and generally endorsed in mid-January, the Center has embraced a number of additional positions, which are nicely incorporated into the proposed HMT proposal. We strongly advocate mixed use; infill projects along Dickson Street in particular. Furthermore, in addition to creating additional curbside parking, we have tried to encourage well-concealed multi-level parking as part of new projects. Lastly, everyone on the DDEP committee strongly supports the notion of additional residential development in the downtown district, to help create a safer and more active environment. This project meets or exceeds all of the design criteria, which the committee has been hopeful of establishing. Once this project is in place, our hope is that it can serve as a model for additional sites throughout downtown.

I very much appreciate the concerns of the Commission with respect to guarding the public interest with respect to all new projects within the City. New ordinances requiring submission of designs to ensure a high level of architectural development are excellent, in my view. We certainly do not want a continuation of the kind of temporary metal buildings now appearing along Township to be built in our beautiful downtown.

Mr. House and his team are to be applauded in this respect. Their proposed design is well scaled to the existing context. Entrances to stacked parking levels are appropriately concealed. Roof shapes, window proportions, brick finishes and details will all add to the quality and character of Dickson Street.

Fayetteville is a growing City with respect to both size and sophistication. Our location is particularly blessed by its proximity to the University of Arkansas. These factors have created an undoubted market for the new retail, restaurants, and residential facilities being proposed in this project. I urge the Planning Commission to do everything in its power to encourage and endorse projects of this nature, which will only serve to improve our civic environment, as well as provide additional tax revenues for our City.

Very truly yours,

David Evan Glasser

David Evan Glasser FAIA
Director

H . M . T.
A LIMITED LIABILITY CORPORATION

Dear Planning Commission Members,

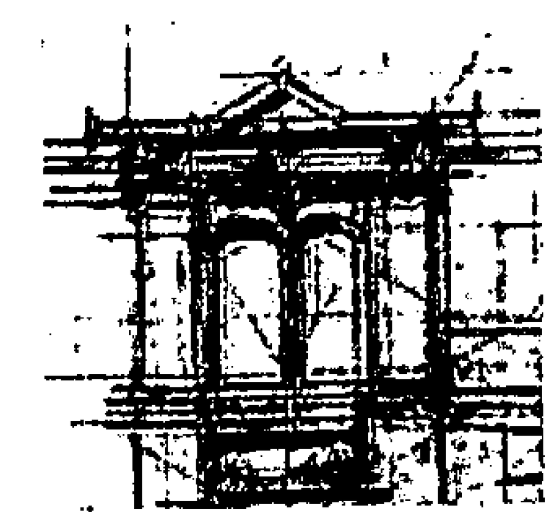
We have met with Greg House and talked with him about his new project on the 200 block of West Dickson. As a Dickson Street merchant and/or property owner, I would encourage the planning commission to support this project by granting the necessary parking waivers and in-lieu-of-fee waivers We feel that in order for Dickson Street to be a true retail destination, more retail space needs to be created in the area. Just as the added excitement of the renovated Shipley Bakery has helped boost Dickson's renaissance, the project at the 200 block could have a dramatic and positive impact on the street.

We also feel that adding 19 luxury apartments to the area will be good for downtown Fayetteville. People shop and spend money where they live, so residential development must go hand in hand with commercial development to create a vibrant downtown.

Respectfully Submitted,

Frank Sharp	OZARK MOUNTAIN SMOKEHOUSE 215 W. DICKSON -
[illegible]	Ozark Brewing Co. - 430 W. Dickson
[illegible]	Ozark Bakery & Catering
[illegible]	DESIGNERS' GALLERY
Wilnita Holland	The Gallery on Dickson
[illegible]	Jose, Inc.
Richard M. Shewmake	605 W. Dickson
[illegible]	[illegible]

EXISTING SITE



DICKSON STREET ELEVATION