FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
FAYETTEVILLE CITY COUNCIL
SEPTEMBER 21, 1999

A meeting of the Fayetteville City Council will be held on September 21, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

The following items will be discussed:

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the September 7, 1999 City Council meeting.

2. **W/S RELOCATION HWY. 265:** A resolution approving a construction contract with Basic Construction Co. for Highway 265 widening (Highway 45 to Highway 16) – Water & Sewer Relocations in the amount of $1,301,170.00; a project contingency in the amount of $130,000 (10%); and a budget adjustment. Related documents will be available September 20.

3. **GREATHOUSE PARK CHANGE ORDER:** A resolution to amend the contract with CEI Engineering Associates, Inc. for the purpose of conducting additional analyses to see if there is any way to avoid major channel improvements to alleviate additional flooding that could be caused by building the park access bridge over Town Branch creek.

4. **PASSENGER FACILITY CHARGE:** A resolution approving the implementation and collection of a Passenger Facility Charge application #3 from eligible passengers at Drake Field, the amendment of existing applications #1 and #2, and the closure of application #1. The resolution is a Federal Aviation Administration FAR Part 158 requirement for the application process. As with applications #1 and #2, a $3.00 PFC charge is being requested in application #3. The Airport Board approved this PFC application and amendments at their August meeting.

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

B. OLD BUSINESS

1. **WASTEWATER PLANT REPORT:** Report from Burns & McDonnell on the existing wastewater treatment plant.

2. *POSTPONED UNTIL OCTOBER 5* – **GREATHOUSE PARK:** Report on the Greathouse Park Bridge and the tree removal required due to flood prevention for its construction.

3. **CELL TOWER SITE:** A resolution approving an agreement with MSA Limited Partnership (Alltel Communications) for lease of tower space on the Gully Road Water Tank for the purpose of installing radio communications equipment and appurtenances (building and antenna). *No back-up materials furnished.*

4. **RZ 98-22 AMENDMENT:** An ordinance approving an amendment to the Bill of Assurance for RZ 98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company and successor owner Clem Johnson for property located at 1798 E. Huntsville Road. Ordinance 4175 rezoned this 0.788-acre property from C-1, Neighborhood Commercial, to C-2, Thoroughfare Commercial. This request is for an amendment to the Bill of Assurance to allow automobile restoration and repair in addition to used car sales.

C. NEW BUSINESS

1. **VA 99-11:** An ordinance approving vacation request VA 99-11 as submitted by Curtis and Kathryn Coleman for property located at 2922 Whippoorwill Lane. The property is zoned R-1, Low Density Residential, and contains approximately .29 acres. The request is to vacate a portion of a 20-foot utility easement along the north property line.

2. **RZA 99-2:** An ordinance approving annexation request RZA 99-2 as submitted by Michele Harrington, attorney, on behalf of Valerie M. Zamberletti for property on County Road 92 (Zion Road). The property is in the planning growth area and contains approximately 34.72 acres. The request is to annex the subject property into the City of Fayetteville.

3. **RZ 99-26:** An ordinance approving rezoning request RZ 99-26 as submitted by Michele Harrington, attorney, on behalf of Valerie M. Zamberletti for property on County Road 92 (Zion Road). The property is in the planning growth area and contains approximately 34.72 acres. The request is to rezone from A-1, Agricultural, to R-1, Low Density Residential.

4. **RZA 99-3:** An ordinance approving annexation request RZA 99-3 as submitted by Michele Harrington, attorney, on behalf of John DeWeese and Mike Schmidt for property located west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to annex the subject property into the City of Fayetteville.

5. **RZ 99-27:** An ordinance approving rezoning request RZ 99-27 as submitted by Michele Harrington, attorney, on behalf of John DeWeese and Mike Schmidt for property west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to rezone from A-1, Agricultural, to R-1, Low Density Residential.

6. **RZ 99-25:** An ordinance approving rezoning request RZ 99-25 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Butch Robertson for property located west of Rupple Road and east of Meadowlands Subdivision. The property is zoned A-1, Agricultural, and contains 17.40 acres. The request is to rezone the property to R-1.5, Moderate Density Residential.

CITY COUNCIL September 21, 1999

	Roll				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
MAYOR HANNA	✓				

	KR RA. Consent.				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
MAYOR HANNA					

	8-0-0. KR CY Greathouse park.				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	N				
AUSTIN	N				
DAVIS	N				
TRUMBO	N				
DANIEL	✓				
SANTOS	✓				
MAYOR HANNA	N				

~~60~~

4-5-0.

CITY COUNCIL September 21, 1999

	Wastewater Plant report.				
YOUNG					
RUSSELL					
REYNOLDS					
AUSTIN					
DAVIS	No action				
TRUMBO					
DANIEL		required			
SANTOS					
MAYOR HANNA					

	KS RR Cell tower				
YOUNG	✓				
RUSSELL	N				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	N				
DANIEL	N				
SANTOS	✓				
MAYOR HANNA					
	5-3-0				

	RA BD 2D 98-22 amendment	CM amend exhibit A. RA	KS RA 3RD	"CLASSIC" RA 3RD KS	
YOUNG	✓	✓		✓	✓
RUSSELL	✓	✓		✓	✓
REYNOLDS	✓	✓		✓	✓
AUSTIN	✓	✓		✓	✓
DAVIS	✓	✓		✓	✓
TRUMBO	✓	✓		✓	✓
DANIEL	✓	~~✓~~		✓	✓
SANTOS	✓	✓		✓	✓
MAYOR HANNA					

PASSED

CITY COUNCIL September 21, 1999

	KR 2ND BD VA 99-11.	KS 3RD RA.	PASS		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
MAYOR HANNA					

	BD RA 2ND. RZA 99-~~??~~.	RA. ~~R.P.~~ 3RD	PASSED		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
MAYOR HANNA					

	RA 2ND RR. RZ99-26.				
YOUNG	N.				
RUSSELL	N.				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	N				
SANTOS	N				
MAYOR HANNA					
	4-4-0				

left on ~~[illegible]~~ first reading.

CITY COUNCIL September 21, 1999

RA. KS. 2ND KS HD. 3RD. PASSED

	RZA 99-3				
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
MAYOR HANNA					

8-0.

	RZ 99-27.				
YOUNG					
RUSSELL					
REYNOLDS					
AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
MAYOR HANNA					

left on 1st

HP KS. 2ND

	RZ 99-25.				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
MAYOR HANNA					

left on 2ND reading.

adjourned. 8:45.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
FAYETTEVILLE CITY COUNCIL
SEPTEMBER 21, 1999

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The following items will be discussed:

approved.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the September 7, 1999 City Council meeting.

119-99

2. **W/S RELOCATION HWY. 265:** A resolution approving a construction contract with Basic Construction Co. for Highway 265 widening (Highway 45 to Highway 16) - Water & Sewer Relocations in the amount of $1,301,170.00; a project contingency in the amount of $130,000 (10%); and a budget adjustment. Related documents will be available September 20.

failed

removed from consent to old business

3. **GREATHOUSE PARK CHANGE ORDER:** A resolution to amend the contract with CEI Engineering Associates, Inc. for the purpose of conducting additional analyses to see if there is any way to avoid major channel improvements to alleviate additional flooding that could be caused by building the park access bridge over Town Branch creek.

120-99

4. **PASSENGER FACILITY CHARGE:** A resolution approving the implementation and collection of a Passenger Facility Charge application #3 from eligible passengers at Drake Field, the amendment of existing applications #1 and #2, and the closure of application #1. The resolution is a Federal Aviation Administration FAR Part 158 requirement for the application process. As with applications #1 and #2, a $3.00 PFC charge is being requested in application #3. The Airport Board approved this PFC application and amendments at their August meeting.

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

B. OLD BUSINESS

No action

1. **WASTEWATER PLANT REPORT:** Report from Burns & McDonnell on the existing wastewater treatment plant.

2. *POSTPONED UNTIL OCTOBER 5* – **GREATHOUSE PARK:** Report on the Greathouse Park Bridge and the tree removal required due to flood prevention for its construction.

121-99 approved.

3. **CELL TOWER SITE:** A resolution approving an agreement with MSA Limited Partnership (Alltel Communications) for lease of tower space on the Gully Road Water Tank for the purpose of installing radio communications equipment and appurtenances (building and antenna). *No back-up materials furnished.*

4184 passed.

4. **RZ 98-22 AMENDMENT:** An ordinance approving an amendment to the Bill of Assurance for RZ 98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company and successor owner Clem Johnson for property located at 1798 E. Huntsville Road. Ordinance 4175 rezoned this 0.788-acre property from C-1, Neighborhood Commercial, to C-2, Thoroughfare Commercial. This request is for an amendment to the Bill of Assurance to allow automobile restoration and repair in addition to used car sales.

C. NEW BUSINESS

passed 4185

1. **VA 99-11:** An ordinance approving vacation request VA 99-11 as submitted by Curtis and Kathryn Coleman for property located at 2922 Whippoorwill Lane. The property is zoned R-1, Low Density Residential, and contains approximately .29 acres. The request is to vacate a portion of a 20-foot utility easement along the north property line.

PASSED 4186

2. **RZA 99-2:** An ordinance approving annexation request RZA 99-2 as submitted by Michele Harrington, attorney, on behalf of Valerie M. Zamberletti for property on County Road 92 (Zion Road). The property is in the planning growth area and contains approximately 34.72 acres. The request is to annex the subject property into the City of Fayetteville.

left on 1st

3. **RZ 99-26:** An ordinance approving rezoning request RZ 99-26 as submitted by Michele Harrington, attorney, on behalf of Valerie M. Zamberletti for property on County Road 92 (Zion Road). The property is in the planning growth area and contains approximately 34.72 acres. The request is to rezone from A-1, Agricultural, to R-1, Low Density Residential. ~~left on 2nd~~

passed 4187

4. **RZA 99-3:** An ordinance approving annexation request RZA 99-3 as submitted by Michele Harrington, attorney, on behalf of John DeWeese and Mike Schmidt for property located west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to annex the subject property into the City of Fayetteville.

left on 1st reading

5. **RZ 99-27:** An ordinance approving rezoning request RZ 99-27 as submitted by Michele Harrington, attorney, on behalf of John DeWeese and Mike Schmidt for property west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to rezone from A-1, Agricultural, to R-1, Low Density Residential.

left on 2nd

6. **RZ 99-25:** An ordinance approving rezoning request RZ 99-25 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Butch Robertson for property located west of Rupple Road and east of Meadowlands Subdivision. The property is zoned A-1, Agricultural, and contains 17.40 acres. The request is to rezone the property to R-1.5, Moderate Density Residential.

Tuesday, Street committee
after agenda session.

MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
SEPTEMBER 7, 1999

A meeting of the Fayetteville City Council was held on September 7, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Fred Hanna; Aldermen Robert Reynolds, Ron Austin, Bob Davis, Trent Trumbo, Heather Daniel, Kevin Santos, Cyrus Young, and Kyle Russell; City Attorney Jerry Rose; City Clerk Heather Woodruff; Public Works Director Charles Venable; City Planner Tim Conklin; Administrative Services Director Kevin Crosson; Staff; Press; Audience.

ITEMS	ACTION TAKEN	
Approval of the Minutes	Approved	
Benham Group: Water / Sewer Relocation on Dickson Street	Approved	Res. 111-99
Bid 99-66: Williams Ford Tractor	Approved	Res. 112-99
Destruction of Records	Approved	Res. 113-99
Sycamore / Leverett: Engineering	Approved	Res. 114-99
Sycamore / Leverett: Construction	Approved	Res. 115-99
Rupple Road: McClinton-Anchor Drainage Improvement	Approved	Res. 116-99
Federal Aviation Lease: Office Space for System Support Center	Approved	Res. 117-99
RZ 99-16.10: Mid-Southern / Wedington Dr. & Salem Road	Passed	Ord. 4179
VA 99-9: Clary Development / Wedington Place Addition	Passed	Ord. 4180
VA 99-10: McMahon Brothers / Jordan Lane	Passed	Ord. 4181
Planning Commission Appeal: RZ 99-18, 19, 20, 21, 22, & 23	Failed	
Bid 99-67: Presto Products / Plastic Trash Bags	Approved	Res. 118-99
Oak Grove Vacations: Water / Sewer Easement Vacations	Passed	Ord. 4182
Bid Waiver: 82 HP Tractor	Passed	Ord. 4183
Greathouse Park: Park Bridge	No Action Taken	
Tower Site Lease: Alltel Communciations Cell Tower Lease	Tabled	

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All rose to recite the Pledge of Allegiance. Mayor Hanna announced that the Cell Tower Site agenda item had been removed from the Consent Agenda and placed under New Business.

CONSENT AGENDA

APPROVAL OF THE MINUTES
Approval of the minutes from the August 17, 1999 City Council meeting.

BENHAM GROUP
A resolution approving Amendment No. 2 with the Benham Group for inspections services in connection with the water and sewer line relocation work on Dickson Street in the amount of $58,587.00 and a budget adjustment.
RESOLUTION 111-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BID 99-66
A resolution awarding Bid 99-66 to Williams Ford Tractor and Equipment in the amount of $50,499.00 for the purchase of a heavy-duty skid steer with attachments.
RESOLUTION 112-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

DESTRUCTION OF RECORDS
A resolution authorizing the destruction of selected City record originals which have been maintained for the required length of time and which have been microfilmed.
RESOLUTION 113-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SYCAMORE / LEVERETT-ENGINEERING:
A resolution approving a contract with Garver Engineers for engineering services for the bidding and construction phases of the Sycamore / Leverett intersection and drainage improvements in the not-to-exceed amount of $55,050.00.
RESOLUTION 114-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SYCAMORE / LEVERETT- CONSTRUCTION
A resolution approving a construction contract for Bid 99-68, Sycamore / Leverett intersection and drainage improvements to Sweetser Construction in the amount of $552,695.30; a project contingency of $88,270.00; and a budget adjustment of $136,825.00.
RESOLUTION 115-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RUPPLE ROAD
A resolution approving a construction contract with McClinton Anchor for the Rupple Road Street and Drainage Improvements in the amount of $658,900.00 and a project contingency of $98,835.00 (15%). The total amount requested is $757,735.00; and approval of a budget adjustment in the amount of $327,817.00 to increase current available funding from $429,918.00 to $757,735.00.
RESOLUTION 116-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

FEDERAL AVIATION LEASE
A resolution approving a lease with the Federal Aviation Administration for office space for their System Support Center. The lease is for five years with an annual compensation of $25,909.33. This lease replaces their expired lease for 2,205.05 square foot building at a rate of approximately $11.75 per square foot annually. The Airport Board approved this lease at their August 1999 meeting.
RESOLUTION 117-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Davis moved to approve the consent agenda. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

RZ 99-16.10
An ordinance approving rezoning request RZ 99-16.10 submitted by Marshall Carlisle on behalf of Mid-Southern Enterprises for property located at the northwest corner of Wedington Drive and Salem Road. The property is zoned R-O, Residential Office, and contains approximately 5.2 acres. The request is to rezone the property to C-1, Neighborhood Commercial. The request was left on the second reading at the August 17, 1999 meeting.

Mr. Rose read the ordinance for the third and final time.

Alderman Young stated the company he worked for was working on this project so he would be abstaining.

There was no public comment.

Mayor Hanna called for the vote. Upon roll call the motion carried by a vote of 6-1-1, Russell voting nay and Young abstaining.

ORDINANCE 4179 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Mayor Hanna asked the council if they wished to place Cell Tower item which had been removed from the Consent Agenda at the beginning of New Business.

Alderman Russell stated the person he had spoken with was not there yet and suggested they place it at the end of the agenda.

NEW BUSINESS

VA 99-9
An ordinance approving vacation request VA 99-9 submitted by Roger Trotter of Development Consultants, Inc. on behalf of Clary Development Corp. for Lots 1 and 3, Wedington Place Addition. The property is zoned C-2, Thoroughfare Commercial. The request is vacate a 20' utility easement between Lots 1 and 3.

Mr. Rose read the ordinance for the first time.

Alderman Santos stated it was his understanding that the development had been replatted and the easement was no longer needed.

Mr. Conklin replied that was correct.

There was no public comment.

Alderman Daniel moved to suspend the rules and move to the second reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Austin moved to suspend the rules and move to the third and final reading. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the motion carried unanimously.

ORDINANCE 4180 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VA 99-10

An ordinance approving vacation request VA 99-10 submitted by Tim McMahon on behalf of McMahon Brothers Construction Inc. for property located at 1603 Jordan Lane. The property is zoned R-1, Low Density Residential. The request is to vacate the northernmost 2' of the 10' utility easement along the south property line.

Mr. Rose read the ordinance for the first time.

Alderman Austin moved to suspend the rules and move to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Davis moved to suspend the rules and move to the third and final reading. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

There was no public comment.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4181 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PLANNING COMMISSION APPEAL

An appeal regarding the decision of the Planning Commission to deny rezoning requests RZ 99-18, RZ 99-19, RZ 99-20, RZ 99-21, RZ 99-22, and RZ 99-23.

Mr. Rose explained each rezoning was entitled to a separate vote.

Mr. Rose read all the ordinances for the first time.

Alderman Austin stated the last time they had discussed this issue the 2020 Plan had been brought up. He referred to the document and asked for Mr. Rose to explain how the 2020 Plan had been developed.

Mr. Rose explained that when he arrived as City Attorney in 1989, there had been a group that was in the process of developing a 2010 plan for the City. In 1990 or 1991, the City Planner at the time and the City Council decided they wanted something more personalized. From 1991 to 1993 the City was having public hearings on the matter, and it was discussed before the City

Council. There had been numerous hearings before the Planning Commission. There had been a number of drafts of the document that had been changed and amended. There had been a tremendous amount of public input into the document. In 1995 the plan had been passed. The reason the plan had been passed was because there was a statute which allowed them to prepare a planning area map, and the Planning Commission could prepare the plans for all or a portion of an area encompassed by the map. It provided for a land use plan that the Planning Commission could prepare and adopt which should include, but not be limited to: the preservation of open spaces; the preservation of natural and historical features, sites, and monuments; for existing uses to remain without change; the changes proposed for existing uses; and the areas proposed for new development. As to the affect of the City's land use plan, he read: a rezoning decision (which could only be made by the City Council) could not be arbitrary and capricious merely because the rezoning was contrary to the City's land use plan or contrary to the recommendation of the City's plan consultants. A land use plan is merely a broad declaration of policy specifying in a general way the uses to which land in and near the City was now being put in the future. The plan did not contain exact descriptions so that a property owner may ascertain what restrictions are being placed upon his land. It was only one of many considerations in arriving at a rezoning decision. In one case in 1979, the Supreme Court in Arkansas rejected an argument that the City's board rezoning decision had been arbitrary and capricious because it did not follow the recommendations of the City's Planning Commission and staff. It did not follow a comprehensive development plan. It did not follow a transportation study. The court reasoned that the appellant seemed to argue that because the board chose not to follow the recommendation of the various reports, its actions were arbitrary and capricious. However, the Board was not bound by the recommendations. They were only factors to be considered by the Board of Directors in arriving at their decision.

Alderman Austin asked if it were true that in the year 2000 they were up for a major revision.

Mr. Conklin explained in the year 2000 they were required to revisit the plan and to update it. They were not required to make a major revision.

Alderman Daniel thought it was a good idea to respect their plan and to use it. She had read all the material and she respected and agreed with their decision. She did not see the reason for more commercial zoning in that area now, and stated that there was a lot of commercial zoning already in that area. She noted the petitioners had not gone along with the suggestions for a compromise for R-O zoning along Highway 112. She thought that would be a good compromise. She noted that through the entire process the applicant had stuck with wanting C-1 along Highway 112.

Alderman Trumbo noted that four out of the six tracts were close in votes with the exception of the A-1 to I-1 zoning and the A-1 to C-1 zoning, which had had unanimous denial. He noted the 2020 Plan did not take into account all the growth they had been experiencing. He mentioned several developments. He questioned what the Benedicts' property was zoned.

Mr. Conklin answered there was a small portion where the buildings were which was zoned I-1, the rest of the property was zoned A-1.

Alderman Trumbo continued. The applicant was also requesting I-1 zoning on one of the tracts. He asked how that was different and if their rezoning had been before the 2020 Plan.

Mr. Conklin explained the Benedicts' rezoning had been before the 2020 Plan. Iin 1995 the City Council passed a resolution for the staff to update the 2010 Plan, to make the 2020 Plan. At that time it had been determined that they needed to look at their existing commercial areas and the land they had recently rezoned commercial near the mall. They needed to encourage use of the property that was currently zoned commercial. Very little additional commercial land had been shown at that time.

Alderman Santos added it did not mean that the Plan said that was wrong. They already had industrial land there. They had industrial land to the south of there where the City Research and Technology Park was going to go. He noted none of the Planning Commission votes were close. They were all for denial.

Alderman Daniel stated there were some very good reasons for the denial, other than the fact that it did not go with the 2020 Plan.

Alderman Trumbo asked why the Nelms' property was rezoned C-2. Why would the property next to it not be rezoned.

Mr. Conklin explained in 1995 when the City Council passed the resolution for staff to update the 2010 Plan, they had been asked to look at what additional commercial land would be needed in Fayetteville. At that time the City Council passed a policy of focusing the commercial development in the existing areas. During that time, the City Council had rezoned 309 acres of land to be commercial zoning near the mall. When the City Council had done the future land use plan, it had been determined that additional commercial land was not needed in this area. When the staff looked at Nelms Auto Park, they looked at the commercial area that had not been developed at that time. They did not propose changing the existing land use by down-zoning. If they had shown the existing C-2 areas as residential, that would have meant they were adopting a policy that the City Council would down-zone the property. That was not the intent of the 2020 Plan. Its purpose had been to look at the existing commercial zoning they had and what future commercial areas they needed. That was why they had commercial zoning shown on Highway 112. The Nelms' property had been zoned prior to the 2020 Plan.

Alderman Davis noted there was an abundance of commercial land now in the CMN Park. He noted the existing buildings in the area. He did not see any reason to penalize the developer from wanting the highest and best use. He did not believe anyone would place a residential development there. He did not see any reason why they could not go with C-1 along the west side of Highway 112 on Tracts 6 and 1. He thought it might be too early to do anything with the other tracts.

Alderman Trumbo noted there was an arterial street going from the east to the west that would connect to Salem Road and Deane Solomon.

Alderman Austin asked if someone could place chicken houses on the property as it existed now.

Mr. Conklin responded they could, however there would be a few restrictions in regards to setbacks.

Alderman Trumbo stated he had been in favor of rezoning Tract 6 and 1. He thought that would fit with the property in the area.

Alderman Santos stated he could understand rezoning the property near the highway. The 2020 Plan was a guide to be used by both the City and the developers. The developers should have some faith in the decision that the City made. These rezonings in effect would devalue the other commercial property in the City by creating more of it. They had a process set up where they kept a Planning staff on the payroll. The Planning staff had recommended against it. The Planning Commission had also recommended against it. They were diverting the entire process and making a quick decision by the City Council. He did not think that was right.

Alderman Trumbo argued that each vote was made by an individual and their values.

Alderman Davis added that real estate values were going to be derived by location and not the number of commercial parcels.

Alderman Reynolds stated the Planning Commission had spent hours, weeks, and years put on this. He had spent five years on the Planning Commission. He thought they needed to go with the Planning Commission's decision. They had made the plan to help them with their future. To sit here in an hour and change something that the Planning Commission and Planning Staff had both denied, he thought, would be making a mistake.

Dr. Len Schaper, an area resident and former alderman, stated he was not going to talk about the tremendous surplus of commercial land they had all over town, not just in the north, but on the south part of town. When they had rezoned the Steele Property just south of the mall, it had been projected that it would take over 20 years to develop. They had approximately 30 years worth of commercial land for development. He wanted to talk about the Research and Technology Park.

One of the things they needed to discuss during a rezoning was the compatibility it had with what already existed in that neighborhood. What existed in that neighborhood was the Research and Technology Park. It did not exist on the ground yet, but it existed in the plans the City had spent a lot of money developing.

Mr. Venable stated they would be spending nearly a million and a half dollars in the park.

Dr. Schaper stated the importance of the Technology Park and why was it different from what they already had. Their planning consultant had said there was a potential there to develop a level of quality that did not exist anywhere else in town. It was an opportunity that did not exist anywhere else that they were going to cease by spending this money. They wanted to attract high tech jobs to Fayetteville because they were the kinds of jobs that supply a high salary and primary capital input into their region. The stores generate sales tax, but the Council could not spend money they did not have. They needed people who had disposable income. It was important to have a place like the Research and Development Park, where high tech companies could come and achieve a very high standard of development. The planners had said there were some conflicting uses in the area. They needed to protect the Route 112 frontage from inappropriate development. There were two commercial properties there now which would have to be acquired because they were incompatible with the quality and level of infrastructure of the Research and Technology. In the view of the people who developed the Research and Technology Park, these were eyesores. The money to acquire those properties had been budgeted in the cost of the developing the park. He was worried that if they allowed commercial development in the neighborhood then they would jeopardize the Park's ability to bring in the high tech jobs they needed to elevate Fayetteville. There was a lot of competition for those companies because they demanded the highest standards of quality. He had visited other technology parks around the country. To say that they looked like country clubs was an understatement. They expected and demanded it for their employees. The people who worked there were not going to want apartments, they were going to want single family homes that were close to their work. There was a reason they wanted to keep that area for residential zoning. He thought it would develop as a support area for residents for the Research and Technology Park. He expressed concern over the rezoning because it was speculative and they would have very little control over what would go in. They would have to be very careful of what they allowed in that neighborhood in order to attract the high tech companies. The purpose of the City developing the park was not for the City to compete with the private sector, but to allow a level of development with controls that would establish a level of quality they had not seen the private sector providing. The level of quality was not available in Fayetteville.

Alderman Santos agreed, stating there was a thirty-year supply of commercial property.

Dr. Schaper added the Research and Technology park would be the focus of the village in this part of town. They would need the residential land to go with it. It was not going to develop that soon, but it was going to be needed.

Mayor Hanna asked Dr. Schaper if there were any other parks in this area.

Dr. Schaper replied there were none. They were it for Arkansas. He had been to several parks in other states. They were very attractive and had residential areas near them. People want to live near where they were working.

Ms. Joan Pottinger, representing the Benedicts, explained their property adjoined this property. She addressed the proposed rezoning from the perspective of the soils and their ability to sustain the type of development which was proposed. She referred to the 2020 Plan which addressed soils and their determination of development. She discussed the types of soils in the area and their inability to sustain this type of development.

Mr. Dave Jorgensen, representative of the applicant, stated that they had brought the request before the Planning Commission in May of this year. They had initially been interested in a rezoning along Highway 112. They had brought that before the Planning Commission. The Planning Commission had requested to see the overall plan for rezoning. It was their chance to do a comprehensive rezoning. They had done their best to come up with what the Planning Commission had requested them to do. They had heard a range of suggestions. They had proposed an arterial road through the property. They had proposed I-1 zoning on the south boundary line. On the east boundary line and the southeast corner, they had C-2 zoning, which was not far from Nelms Auto Park. They thought the C-2 request in the southeast corner was reasonable. They were going to buffer it by going to the north with C-1 property. If they went to the west they were going to zone into some residential property. He thought they had a good plan. The Planning Commission had been split on their votes, with the exception of the industrial zoning, for which they had all recommended denial. He agreed it was not the most desirable soil, but he believed that some of the other developments had been on the same type of soil. He added where there was a will there was a way if there was enough money. He asked the Council if they believed this was really residential property. He did not believe it was.

Mr. Kit Williams, representing Mr. and Mrs. Benedict, noted that the Benedicts had been required to change their zoning of the property in order to place vitamins into bottles. The property had been a restaurant; what they did was sell vitamins. He referred to the 2020 Plan and the soil analysis, noting that the soil was the most restrictive of soils. It was even difficult to construct roads on such soil. He thought it might need to be left as agricultural zoning. He thought that they had made one mistake in the 2020 Plan. They had not put any place in the plan for agricultural because it would be too difficult to develop. The 2020 Plan was a guide. He thought the Council should give support to the staff and Planning Commission. He thought they had plenty of commercial property. He did not believe this was a good place to develop a node. He thought they already had nodes in place, and they worked very well. One of the things they had tried to do in the plans was to avoid strip commercial zoning. He thought in this case they needed to do what had been recommended to them by the Planning Department and the Planning Commission. He noted the property was over a hundred acres. He added they still did not have a new sewer plant. He thought they needed to very careful with any major rezoning that would place an additional stress on the sewer plant.

Alderman Austin recognized that one of the aspects of the Plan was that they could make exceptions. He reserved the right to make a judgment on it according to the law. It was a normal procedure to vote on an exception to the Plan.

Mr. Williams agreed that the developer did have the right to appeal a Planning Commission decision. However, he thought it would be wise to listen to their advisors, unless there had been a clear mistake.

Alderman Young added there had been a rezoning on Wedington and Salem. He had pointed out then that he was voting contrary to the 2020 Land Use Plan. He explained the reason he had done that was because there was a little node out there. He had not been paying attention to that area during the land use plan development. He had looked at it from the point of view that there had been an oversight. This was a different thing than a small change in the land use plan. He felt this was a major change.

Mr. Sam Thornton, an area resident, explained he had lived north of this property for approximately 20 years. His speciality was geotechnical. He had taught at the University for 25 years. He did agree with Mr. Jorgensen in that money could fix the problems. He believed that the Council needed to be looking out for the public interest and not the developer's interest. He asked if it was better for the City that the land be developed in a certain way, because he did not believe it was in the City's best interest to develop it this way.

Mr. Trumbo asked him if it should always stay as A-1 zoning.

Mr. Thornton responded he thought it needed to be some low impact use. He did not believe it needed to be multi-family and it did not need heavy trucks in that area. The current highway needed to be improved. There had been several people killed while walking down the highway while leaving the county fair.

Alderman Daniel noted that the proposed land showed a collector street in the middle of the property. However, in order for it to line up with the Master Street Plan it would have to be at the top of the property.

Mr. Conklin agreed that the collector street shown on the Master Street Plan did connect to West Salem Road. At the time of development, the Planning Commission planned to look at how that street would be connected. In the past they had worked with the developer to make sure that the street did connect, but the street could be adjusted in either direction to accommodate the development.

Alderman Daniel added that the City had to put a lot of money into the park in that area to get it ready to use because of the poor soil conditions.

Mr. Rose advised the Council that they could place all of the ordinance on the second and third readings, then vote on each one separately.

Alderman Santos moved to suspend the rules and move to the second reading on all the ordinances. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

Alderman Santo moved to suspend the rules and move to the third and final reading on all the ordinances. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

Mayor Hanna called for the vote. Upon roll call:

RZ 99-18: failed by a vote of 3-5-0, Santos, Young, Russell, Reynolds, and Daniel voted nay.
RZ 99-19: failed by a vote of 0-8-0.
RZ 99-20: failed by a vote of 0-8-0.
RZ 99-21: failed by a vote of 0-8-0.
RZ 99-22: failed by a vote of 0-8-0.
RZ 99-23: failed by a vote of 3-5-0, Santos, Young, Russell, Reynolds, and Daniel voted nay.

BID 99-67
A resolution awarding Bid 99-67 to the lowest bidder, Presto Products Co., for the purchase of plastic trash bags to be used in our volume-based sanitation rate program in the amount of $165,935 and a budget adjustment in the amount of $34,945.

Mr. Willie Newman, Waste Reduction Coordinator of the Solid Waste Division, explained the volume based sanitation rates had been approved last fall. There had been a mandate by the Four-County Solid Waste Management District that compelled all membership communities to have a volume-based sanitation rate program in place by January 1, 2003.

Alderman Trumbo thought that was important for people to know because a lot of people thought that the City had just thought this up.

Mr. Newman added the staff was trying to anticipate the implementation of this mandate. This rate structure would be very similar to other utilities. It would be based on the amount of service the consumer used. The more they used the more they paid. The current flat rate was $9.25 per month. They did not have any plans to increase that rate. They had decided to distribute 104 bags per household, which was an average of two bags per week. They were not limited to the number of bags they wanted to use each week. Once their allotment had been used, they would have to purchase additional bags from the Environmental Concerns Committee. The first year plan would be to implement the new rates and to gather data. They had planned on doing a City-wide waste audit this spring. They were also requesting an updated rate study. This will cause people who use more to pay more. The second thing this program would do would be to reduce the volume of trash by encouraging recycling. The citizens had done a great job recently in recycling. On an average day they were collecting 11.5 tons of recycling program. The Four-County Solid Waste could enforce the implementation in three ways: they would not be eligible for grant funding, or for a DEQ Permit, and the Four-County operations could take over the operations of the City. He explained that the districts were organized by county and every municipality with a population over 5,000 was required to belong to a district.

Alderman Trumbo asked if there were other cities in our district that had implemented this program. Mr. Newman stated Eureka Springs had implemented it for the past four years. Springdale offered an option with a limit. Rogers only had an option for senior citizens.

Alderman Reynolds asked about the smaller towns which did not have these services, such as Farmington. Mr. Newman replied they collected privately. He was not sure if the small private haulers were offering curbside recycling in the rural area. If the town had a population over 5,000 people, they would have to implement a volume-based program, and it would affect the private sector.

Alderman Trumbo expressed concern about the limitations on the amount of trash.

Alderman Russell stated he would like to look at dropping the base rate after a couple of years and having options for residents based on their personal use.

In response to questions, Mr. Newman stated there was a fifty-pound weight limit on the bags. The trash workers had to be able to pick up the bags. He stated they would need the support of the governing body for when people called because their trash had not been picked up because they did not have the right bags.

Alderman Russell moved to approve the resolution. Alderman Daniel seconded the motion. Upon roll call the motion carried by a vote of 7-1-0. Alderman Austin voted nay.

RESOLUTION 118-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OAK GROVE VACATION:
An ordinance approving the vacation of three 1988 water/sewer easements across Lots 1, 5, and 6 all in Block 4 of Drake's Replat of Block 4 of Gates Subdivision of Oak Grove Addition. The vacated easements will be replaced with new easements associated with the actual line location.

Mr. Rose read the ordinance for the first time.

Mayor Hanna explained the City had an easement, but the line had not been put in the easement. This would correct the problem.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Russell seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Davis moved to suspend the rules and move to the third and final reading. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4182 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BID WAVIER
An ordinance approving a bid waiver to purchase one "Test Release" diesel-powered 4-wheel drive 82 HP tractor with full new unit factory supported warranty provided. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Park Maintenance Division, and the Equipment Committee. This unit will be utilized by the City of Fayetteville Parks Maintenance Division.

Mr. Rose read the ordinance for the first time.

Alderman Trumbo stated this equipment would be a great help to the Parks Department.

Alderman Reynolds clarified it was an 82 HP Tractor.

Alderman Austin moved to suspend the rules and move to the second reading. Alderman Russell seconded the motion. Upon roll call, the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Daniel moved to suspend the rules and move to the third and final reading. Alderman Davis seconded the motion. Upon roll call, the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4183 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GREATHOUSE PARK BRIDGE

Discussion and possible action regarding the Greathouse Park Bridge and the tree removal required due to flood prevention for its construction.

Alderman Santos stated there had been a lot of complaints of the channelizing of the creek and removal of the trees which was necessary for the bridge. He want to make sure the Parks Department had looked at every option. One of the options he had considered was a prescriptive easement to the property. They had been accessing the park through the Levi Strauss property for more than seven years. He thought they would have a prescriptive easement. He suggested they try and acquire an easement for that. The argument made by the Parks Department had been that the parking lot was not located at that point. He thought they could still have people park on the north side of the park and provide handicapped access and mower access without having to channelize the creek or build a bridge.

Mayor Hanna asked if that would solve the problem of getting the children from the neighborhood across the creek.

Alderman Santos replied they could use the handicapped and mower access or they could climb across the creek like they did now.

Alderman Russell stated they needed to be clear on what they were required to do and what they were choosing to do. If they constructed anything in the flood plain, then the FEMA regulation stated they could not do anything that would raise the level to that of the 100-year flood. He asked if they were required to make all of the park accessible to the handicapped or if it was a choice.

Ms. Brenda Thiel, Parks Board Chairman, read a prepared statement that she had sent to all the Council members. In regards to children entering the park, they had always entered the park across a sewer drain pipe or through the creek. If they did not have a bridge there, they would continue to enter the park that way. Generally, there was water in the creek, and it was often dangerous for them to cross the creek. It was not a safe entrance into the park. If they could gain access through the Levi Strauss property, they would use their parking lot.

Alderman Davis asked if they were to take an easement from the Levi Strauss property could they make the City pay for the easement.

Mr. Rose stated he did not believe the City had prescriptive easements. One of the elements of a prescriptive easement was that it could not be a permissive use. It had to be hostile and open. He did not believe this was a hostile situation.

Mr. Venable added the City was still allowed to use it to get their equipment in. The Levi Strauss property was currently for sale. The problem was that there was not much room between the building and creek. They would need more than the footage existing there to have handicapped access. Then they would have to fence the property off. They had talked with the owners before, and the current owner had the property for sale. There were currently two gates there.

Mayor Hanna stated the owners had been kind enough to allow them to use the access for years. He would never consider forcing them to give the City the easement.

Ms. Thiel explained the tree removal did not affect the trees between the sewer pipe and the Levis Strauss property or around the back of the park. It did not encompass the entire stream bed. There would still be a lot left. The Parks Board was convinced the replanting would look good. Many of the residents that wanted to be at the meeting could not be here because they had to work or they could not get out. The neighborhood people needed access to the park. The owners of the Levi Strauss property were not going to give the Parks Department their parking lot.

Alderman Trumbo stated it had been his understanding, based on the deed from the Greathouse Family, that the land could only be used for a municipal park or the land was to go to the heir.

Ms. Thiel confirmed that the property would revert back to the heirs if it was not used as a park. She added there were a lot of trees in the park. They would have to remove several trees, but they were working with the engineers to save as many trees as necessary.

Alderman Trumbo pointed out this was the only park in the area. They should make it accessible and utilize it to its full extent.

Ms. Thiel agreed this was the only park in the area and the children needed a park and deserved a bridge. They had considered other bridges, but for a low water bridge to be accessible it would have to have a 3:12 slope which would require it to begin outside the park's property all the way into the center of the park and it would have water in it. Everyone now had observed the creek with only two or three inches of water. Normally there was a lot of water running through the creek. There were a lot of times they could not get into the park. She herself did not use the pipe to get into the park.

Mayor Hanna stated he had received a letter from a man who practiced there with his Little League ball team. Some of the parents would allow the boys to cross the pipe.

Alderman Reynolds stated he was an elected official for the neighborhood. He had walked the neighborhood. The people there wanted the park and they wanted it to be handicapped accessible. He added there had been a lot of meetings down there that he and Alderman Austin had not been invited to. People need to talk to the neighbors. They did not need people in different wards telling them what they wanted or needed. They needed to be their own boss down there and they should get what they wanted. The people who live there wanted the park accessible and they wanted the creek channeled to stop some of the flooding problems.

Alderman Santos commented they were not discussing any possiblility of stopping any flooding problems. They were just trying not to make it worse. He did not believe they were seriously considering access from the west for handicapped accessibility.

Alderman Reynolds replied he did not believe they could make kids walk two blocks around from the parking lot to get into the park from the west side.

Alderman Santos thought they would walk two blocks around to go through the fun way -- through the creek bed.

Alderman Austin asked how long the Parks Board had worked on the project and what kind of meetings they had held.

Ms. Thiel stated she had been working on the Parks Board for two years and they had been working on this project since the bridge had washed away. They had been looking for a solution for over five years for the kids to have a safe way to get into the park. There had been a lot of obstacles, such as the expense of trying to buy the right-of-way through all the house or the right-of-way through Levi Strauss. The property had not been for sale. They had been approached and asked if they would like to sell the City right-of-way. They had replied no.

Alderman Austin stated there was no question that they had gone through all the procedures and had had the opportunity for public input.

Alderman Russell agreed it had gone through the proper procedures, but they had not realized the magnitude of the tree removal. He thought at first it had sounded very reasonable, but now that they knew all the information they needed to revisit it.

Alderman Austin established the fact that they had gone through the proper procedure.

Ms. Thiel stated that all of their meetings were open to the public. She added they had seen the letters which had been written to the Parks Department from children requesting a bridge. They had trusted the staff to explore the different types of bridges. Any bridge which was put in there would require something to done with the channel. It had been her understanding that the width of the bridge was not a large factor. It was the fact that it was a rigid bridge.

Ms. Terry Easton, an area resident, asked if an environmental study had been completed to determine the impact of the project downstream. Was there a rendering available for the public that showed how the finished project would look. Were there other bridge options which would meet their needs without damaging the corridor. Were there permits from the Corp of Engineers and DEQ that were required. Had they considered giving up the park site since it was in the flood way. Could they clean up the corridor without removing the embankment. Could the Ozark Regional Land Trust be of assistance. And would continuing to use the existing easement be a viable solution.

Ms. Kim Rogers of the Parks Department stated the Levi Strauss property had been for sale for four million dollars and the owner of the property was unwilling to continue to let the easement be used because it might impede the sale of the property.

A representative for Friends for Fayetteville had contacted the property owner who had faxed the Parks Department a letter expressing a willingness to provide easements. She thought there might be options which had not been addressed.

Alderman Trumbo replied he did not have time to micro-manage every little project that came through the City. He had a lot of respect for the Parks staff and Board. They had gone through the proper procedures and he believed there had been a great deal of time and effort put into this project.

Mayor Hanna explained the condition of the previous bridge. He had looked at the alternatives. He stated that the people in that area deserved to have a good park. He thought the City had used due diligence in this project. He thought they were blowing the entire issue up into a bigger problem than it really was. That creek ran a long way. The beavers had killed more big trees along the creek than they would take down to build the bridge. No one had been out there killing beavers. That was nature. He thought people were more important to them. One of these days the entire creek bank would have to cleared out and a better drainage structure made, just like they had had to do in Springdale and Rogers to handle all the runoff they had from all the development. The existing sewer pipe was underwater during major rains. It was a big problem. It bothered the staff and Board when they worked on something for such a long period of time, then to have someone come in and on one week's notice start pointing out all the things they could have done differently. They all had 20/20 hindsight.

Alderman Russell stated they did not have to go ahead if something could have been done differently.

Ms. Easton asked if they had considered any break-away bridges which might be an option.

Alderman Santos thought the letter from the property owner was a good idea. They had three weeks that they had to wait for a permit so they would not have any problems with the contractor. He thought they should explore other options.

Mr. Venable questioned the access Mr. Santos was considering. There was only 18 feet between the building and their fence.

Alderman Santos stated there would have to be one handicapped parking space.

Mr. Venable replied there was not a parking place there.

Mr. Crosson stated they had explored the option of the easement when he had been the Public Works Director. At that time, the property owner had told them that they would not allow them to have permanent access.

Mr. Venable added the fax letter was not saying they could have permanent handicapped access. He added no one from the City had spoken to them in regards to this fax.

Ms. Connie Edmonston, Parks Department Superintendent, stated she had a documented conversation between Kim Rogers and the property owner in April of 1998. She had also talked with them about an easement. The owner had not been interested in granting an easement. She had tried to talk with the owner after receiving the fax, but had not been able to. She added there had been two faxes. She was concerned about what had been told to Mr. Towers, the property owner. She still had several questions. She was convinced the proposed bridge was what the people wanted. She did not believe people would use the west access.

Alderman Trumbo added even if the easement was given for free, he was still in favor of the bridge exactly as it was drawn.

Ms. Paula Marinoni, an area resident, expressed concern about the use of the HMR tax to purchase more greenspace. She expressed concern about having to fight the Parks Board to save their parks.

Mr. Mark Curtis, an area resident, presented photos of the trees and the shade that the existing trees provided. He stated they had had a bridge at one time, but it had washed away. He expressed concern about losing all of their shade. He questioned who would want to use the park without shade.

Alderman Santos suggested replacing it with a bridge that was not handicapped accessible and provided access from the west side.

Mr. David Todd, CEI Engineering, stated there were three large trees that he thought they might be able to save by adjusting the slope and bank. He was going to try a few more flood models to see if they could save a few more trees. The City had originally asked them to design a bridge for them. They had discovered it was cheaper to purchase a prefabricated bridge. During the flood plain calculations, it was discovered that the flood was raised a couple of inches by placing this obstruction in the middle of the channel. To give the magnitude of the depth of the channel, the average was approximately twelve feet deep. The flood would go approximately six feet above the bank, which would be above the Council chambers. If they were to improve the channel then the next affect would be zero. They had tried to keep the creek as crooked as it is now. They had taken out most of the trees that were in the creek. It was not going to look like a natural creek. It was going to look more like a ditch. They had done their best to keep it as close to what it is now. It was not going to look the same.

Alderman Austin asked if he would recommend that the City keep the banks clean or if they should allow some underbrush.

Mr. Todd replied the Corp of Engineers had come in several years ago and had dredged the creek. If they were to go out there now they could not see any evidence of them being there. They could let some brush grow and the grasses get tall. This would be more easily maintained. The calculations allowed for some of that to occur.

Alderman Austin asked him to comment on the possibilities of the break-away bridge.

Mr. Todd stated he was not familiar with it. He did know that the engineer that had designed this project had worked for the Forest Service for approximately ten years. It was his understanding that that type of bridge was used by them. He would be happy to research it to see if it was feasible. He noted every two or so years this creek did come up out of its banks. He thought there was a fifty percent chance that the creek would come out of its bank every year. They did not want something they had to replace every two years.

Alderman Santos asked him to look at that alternative, and at the alternative of taking out the handicapped accessibility and maintenance access requirements. He thought it would be easier on everyone if they had renderings showing how this would look with all of the replantings.

Alderman Young asked if they had applied for permits.

Mr. Todd stated the Corp of Engineers had jurisdiction over the waters of the United States. There were two permits. One for wetlands and one for the protection of water. They stated a permit was required. They were in the process of getting the permit. He thought it would take a minimum of three weeks to get the permit possibly longer.

Mr. Gary Galbraith, Ozark Regional Land Trust, explained they were a conservation group. They would like to see the property stay a park. They felt it was the best use for the piece of land. The park had very poor access now. Any changes would impact the environment. He suggested the City look carefully at whatever options they had and take into account some of the issues that had been brought up.

Mr. Bill Ackerman, Parks Board, stated they had worked on this project for more than two years. He had been on the Board for five years. They tried to serve all quadrants of the City. This quadrant of the City had suffered for a long time. They had not had the funding. The Board had a responsibility to serve the people. They had to make a decision on whether or not to serve the citizens in this area who had waited for so long. They had an impossible situation. They did not create the problem. They had not had the funds. Had it not been for the HMR tax they still would not have the funds needed to do these projects. They had properties now that they needed to improve. They now had a large enough staff to get projects done. As citizens of the community they needed to address the needs of the people they were trying to serve. In his opinion this was a short term inconvenience for a long term gain. They needed to build a bridge. The possibility for an easement was open ended. It had not been an option in the past. He was not sure that it was a long term solution for what they were trying to do to access their own park. It would not be convenient for the constituents in the ward. He did not believe the community would ever use it. In his opinion they were wasting their time in not solving the problem of building a bridge in one of their own parks. He added they worked with the professionals. They had tried to turn over every possible rock in this project. He thought they could reengineer and redesign, but it was only money and they were not going to get there if they did not go ahead and build a project that would serve the people in that community.

Alderman Santos stated the goal was not to build a bridge, the goal was provide recreation while preserving a natural resource.

Ms. Carol Tarvin, Green Party of Arkansas, stated she did not live in Fayetteville, but had lived in that area. They were concerned about the preservation of the environment and grass roots democracy and social justice issues. She asked them not to rush into something. She felt openmindedness was a spiritual principle.

NO ACTION WAS TAKEN.

CELL TOWER SITE:
A resolution approving an agreement with MSA Limited Partnership (Alltel Communications) for lease of tower space on the Gulley Road Water Tank for the purpose of installing radio communication equipment and appurtenances (building and antenna).

Alderman Trumbo stated he had requested this be removed from the Consent Agenda because he had received several calls about it. He explained there was a water tower on Highway 45 outside the City limits. They had needed it for water pressure. There had been no plans for cells towers, but now they were considering a lease to Alltel Communications.

Alderman Daniel stated she had seen the drawing for the tower and it was not what she had thought at all.

Ms. Alyssa Colefield, Alltel Communications, stated the application they were discussing was any sort of a free-standing antenna. There were attaching antennas to the top of the structure. The antenna was called a metowave application. Each antenna was 4' by 6', and there would only be three attached – one per face like a triangle.

Mayor Hanna asked if they would be constructing a building on the ground near the water tower.

Ms. Colefield replied they would be putting a prefabricated equipment shelter on the north side near the base of the tower. It was a 12' x 28' shelter. It would be air-conditioned which was not any louder than any normal residential unit. She stated they had addressed most of the environmental concerns. They had been working with the City since February. The existing tower was not high enough or far enough south for their needs. They were trying to offload some existing towers with capacity problems.

Alderman Trumbo noted the people leasing the other tower were getting $1,600 per month.

Ms. Colefield stated they had an acquisition agent. She thought that fee was over what they were accustomed to paying. The owners of the tower would be able to generate money from leasing part of their tower to other companies. They would not have that opportunity leasing the water tower.

Alderman Trumbo stated the only thing the City had to do with the tower location was the fact that it was their water tank. It was located in the county. Alltel would have to go to the county for approval of the tower.

Ms. Colleen Gaston, an area resident, presented a petition with signatures of people who were opposed to the City approving the lease agreement. The signatures had been collected this afternoon. The people out there were concerned. Their concern had started with the construction of the water tower. There had not been any public notice or opportunity for public input on that project, which was in violation of a state statute which required public notification and required it to go through the County Planning Commission. This should have been considered by the county as a large scale development. They had asked that the City commit that there would not be further development on the property. At that time a number of people had been told that there would not be other plans for further development. She commented on how unclear the agreement was. The lease referred to four exhibits. None of those exhibits were attached to the document presented to the City Council. There was no legal description of the easement. There was no description of the notification. She questioned how they could comment of the lease if it was not complete. How could they recommend the lease to be signed when those attachments were not there because they did not know what they were getting or bargaining for. She added some of the structures for cell towers made quite a bit of noise. She questioned if they could further degrade the vista with these cell towers. She thought they would also require additional lighting. She recommended that the City Council not approve the lease at this time. She would like to see a commitment that there would not be anything further done to the property or added to the tower. She recommended that they get a better description that would be made available to the public and that there would be further opportunity for the public on the agreement.

Alderman Trumbo asked why a lot of the attachments were not in the agenda packet.

Mr. Venable replied there were 180 days from the execution of the contract. The legal description would be the top of the tank.

Ms. Alyssa Colefield explained there was a caveat that they would put the legal description that was available to them when they were negotiating. Once the lease agreement was signed they would go in and attach the exact legal for only what they were leasing and the site plan.

Alderman Austin commented that the City Council decision was whether or not they wanted to enter into a business agreement. The County had to approve of the location.

Ms. Colefield stated they would not apply for approval from the County until they had an agreement with the City or a landowner.

Ms. Gaston stated it was her understanding that with the new Washington County cell ordinance, since this was going onto an existing structure, there would basically be no opportunity for public comment during the County process.

Mr. Scott Jones, an area resident, stated he was opposed to the water tower. He had tried to accept the tower because people needed water. The tower was approximately 75 yards from his front door. He noted all the antennae that had been added to the water tower on Mt. Sequoyah and now there were also cell towers next to it.

Mr. Bunn, Assistant Public Works Director, stated the City had acquired enough property so depending on the growth in the area. At some future date that they could consider another water tower up there. They had the room. But it was not within the next five years.

Anglea Laren, an area resident, stated she was disappointed in the City. They had moved out to the County and the City had followed them. She asked the Council to think about the affect of adding three more ugly structures out there that would put more light in the woods.

Susan Hoye, an area resident, stated the water tower was ugly. She had added the planted trees around the area. She was wondering if she would live long enough to see the trees cover the water tower. She asked the Council not to add insult to injury by putting more on the top of the tower.

Dr. Darrell Ginger, an area resident, reiterated that there had not been any notification for the water tower. He did not protest the water tower because it would benefit the City as a whole. But to add a tower to the top of this would make it uglier. It devalued his property. He objected to the towers. The City had extended itself out into the County. This area was still in the growth area. He thought this was a violation of trust for $1000 per month. He thought they should leave well enough alone. He objected to any further structures. He did not believe it would add very much to the City coffers.

Alderman Austin did not know what the County ordinance said. But he thought Alltel could locate a tower out there in the County if they did not locate on the tower. He asked Dr. Ginger if he would prefer a structure on the water tower or would he like a separate structure. He did not want to offend anyone in the area. He questioned if they were solving the problem by not signing the lease.

Dr. Ginger stated the people in the County were objecting to the unsightly eyesores just like the people in the City. He thought they were intruding themselves onto City property which was located in the County. He questioned what these towers were doing to his property values. He added that even though there was a water tower next to him, he still had problems with his water supply. He personally requested that they not add another structure on top of the tower to mar the skyline.

In response to comments from the public, Ms. Colefield stated the antennae would not require any additional lighting. The water tower did not even require additional lighting. The City had

Alderman Davis replied the City had never notified these people of the water tower. If they had told these people that nothing else would be put on this tower, then they needed to keep their word.

Alderman Trumbo stated he was willing to vote against the resolution, because of the mistakes that had been made, but he wanted everyone to know that there would probably be a tower somewhere out there. He thought it would be better on top of the tank. But the lease money could be a lot of money to some land owner.

Ms. Gaston stated she did not know what the best answer was, but the information they had been provided was inadequate. They had been given some oral representation of what Alltel was going to do, but they did not have that in writing. And the public had not had an opportunity to look at it. She thought they needed to ask for additional information. She thought the City should make them show their plans. How many cell towers did they need. Where are the best location for those. They had the opportunity to control the situation somewhat. She was not convinced that there needed to be an additional tower.

Alderman Young thought they should wait two weeks to give them time to think about it and to notify more people.

Ms. Colefield stated they were not trying to come into their neighborhood. They were trying to work in the spirit of co-location. They were trying to do what the ordinances were directing them to do.

Alderman Davis and Trumbo requested the additional information be included.

Ms. Colefield stated it could be provided without a problem.

Ms. Gaston asked if they did not approve this, then what would the alternative be. Why did they need another location. She thought they might be positioning against other companies.

Alderman Trumbo moved to table the resolution. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

Meeting adjourned at 11:05 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
FAYETTEVILLE CITY COUNCIL
SEPTEMBER 21, 1999

A meeting of the Fayetteville City Council will be held on September 21, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

The following items will be discussed:

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the September 7, 1999 City Council meeting.

2. **W/S RELOCATION HWY. 265:** A resolution approving a construction contract and project contingency for Highway 265 widening (Highway 45 to Highway 16) – Water & Sewer Relocations. Bids will open on Wednesday, September 15 to determine the contractor, contract amount and project contingency amount.

info at final agenda.

B. OLD BUSINESS

HANDOUT FOR

1. **WASTEWATER PLANT REPORT:** Report from Burns & McDonnell on the existing wastewater treatment plant. report for afternoon. - See Charlie.

REMOVE FROM AGENDA.

2. **GREATHOUSE PARK:** Discussion and possible action regarding the Greathouse Park Bridge and the tree removal required due to flood prevention for its construction. OCT. 5 AS A REPORT

3. **GREATHOUSE PARK CHANGE ORDER:** A resolution to amend the contract with CEI Engineering Associates, Inc. for the purpose of conducting additional analyses to see if there is any way to avoid major channel improvements to alleviate additional flooding that could be caused by building the park access bridge over Town Branch creek. (poss. Consent)

HANDOUTS FROM ALLTEL.

4. **CELL TOWER SITE:** A resolution approving an agreement with MSA Limited Partnership (Alltell Communications) for lease of tower space on the Gully Road Water Tank for the purpose of installing radio communications equipment and appurtenances (building and antenna). *Item was tabled at September 7 meeting.*

5. **RZ 98-22 AMENDMENT:** An ordinance approving an amendment to the Bill of Assurance for RZ 98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company and successor owner Clem Johnson for property located at 1798 E. Huntsville Road. Ordinance 4175 rezoned this 0.788-acre property from C-1, Neighborhood Commercial, to C-2, Thoroughfare Commercial. This request is for an amendment to the Bill of Assurance to allow automobile restoration and repair in addition to used car sales.

C. NEW BUSINESS

1. **VA 99-11:** An ordinance approving vacation request VA 99-11 as submitted by Curtis and Kathryn Coleman for property located at 2922 Whipporwill Lane. The property is zoned R-1, Low Density Residential, and contains approximately .29 acres. The request is to vacate a portion of a 20-foot utility easement along the north property line. 412 SQ FT.

2. **RZA 99-2:** An ordinance approving annexation request RZA 99-2 as submitted by Michele Harrington, attorney, on behalf of Valerie M. Zamberletti for property on County Road 92 (Zion Road). The property is in the planning growth area and contains approximately 34.72 acres. The request is to annex the subject property into the City of Fayetteville.

3. **RZ 99-26:** An ordinance approving rezoning request RZ 99-26 as submitted by Michele Harrington, attorney, on behalf of Valerie M. Zamberletti for property on County Road 92 (Zion Road). The property is in the planning growth area and contains approximately 34.72 acres. The request is to rezone from A-1, Agricultural, to R-1, Low Density Residential.

4. **RZA 99-3:** An ordinance approving annexation request RZA 99-3 as submitted by Michele Harrington, attorney, on behalf of John DeWeese and Mike Schmidt for property located west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to annex the subject property into the City of Fayetteville.

5. **RZ 99-27:** An ordinance approving rezoning request RZ 99-27 as submitted by Michele Harrington, attorney, on behalf of John DeWeese and Mike Schmidt for property west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to rezone from A-1, Agricultural, to R-1, Low Density Residential.

6. **RZ 99-25:** An ordinance approving rezoning request RZ 99-25 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Butch Robertson for property located west of Rupple Road and east of Meadowlands Subdivision. The property is zoned A-1, Agricultural, and contains 17.40 acres. The request is to rezone the property to R-1.5, Moderate Density Residential.

7. **PASSENGER FACILITY CHARGE:** A resolution approving the implementation and collection of a Passenger Facility Charge application #3 from eligible passengers at Drake Field, the amendment of existing applications #1 and #2, and the closure of application #1. The resolution is a Federal Aviation Administration FAR Part 158 requirement for the application process. As with applications #1 and #2, a $3.00 PFC charge is being requested in application #3. The Airport Board approved this PFC application and amendments at their August meeting. (CONSENT)

STAFF REVIEW FORM

__X__ AGENDA REQUEST
__X__ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of 9-21-99

FROM:

Sid Norbash	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Approval of the Construction Contract with Basic Construction Co., Inc. for Hwy 265 Widening (Hwy 45 to Hwy 16) - Water & Sewer Relocations in the amount of $1,301,170.00 Also, approval of a 10% project contingency in the amount of $130,000, and the related budget adjustment.

COST TO CITY:

$1,431,170.00	$3,999,559	Hwy 265 Water & Sewer Reloc.
Cost of this Request	Category/Project Budget	Category/Project Name
5400-5600-5808-00	629,207	Water & Sewer
Account Number	Funds Used To Date	Program Name
99072- 20 (extra work) 97043-20	$3,370,352.00	Water & Sewer
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:**

Accounting Manager	Date 9-16-99	ADA Coordinator	Date
City Attorney	Date 9-17-99	Internal Auditor	Date
Purchasing Officer	Date 9-16-99		

STAFF RECOMMENDATION: Approval of the Engineering Contract and the contingency amount.

Division Head — Date 17 Sept 99

Cross Reference

Department Director — Date

New Item: Yes X No__

Administrative Services Director — Date

Prev Ord/Res #:_____

Mayor — Date

Orig Contract Date:_____

HWY 265 W/S
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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Fred Hanna, Mayor
Charles Venable, Public Works Director
Jim Beavers, City Engineer JB

From: Sid Norbash, Staff Engineer SN

Date: September 16, 1999

Re: **Highway 265 (Hwy 45 to Hwy 16) Widening / Water & Sewer Relocations - Construction Contract with Basic Construction Co., Inc.**

On September 15, 1999, bids were received for the above referenced project. Four companies submitted bids, and Basic Construction Co., Inc. was the low bidder in the amount of $1,301,170.00. For your information a complete bid tabulation sheet is attached. Basic Construction has acknowledged a $1000 mistake in their addition which is in favor of the City, and the bid price is therefore adjusted from $1,302,170.00 to $1,301,170.00.

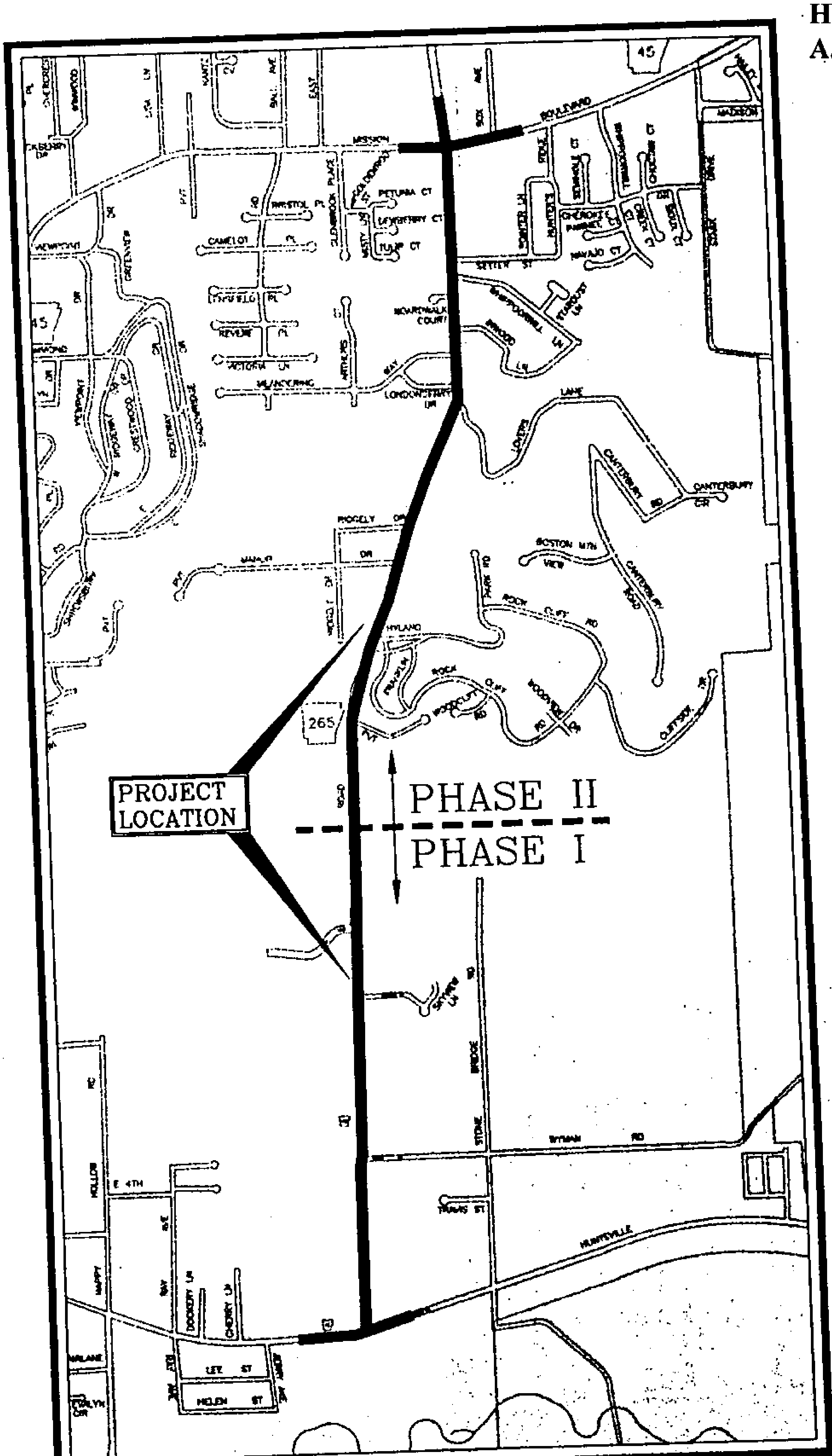
Per the City and Highway Department's Utility Agreement Contract approved by the Council, the Highway Department is to reimburse the City of Fayetteville 51.44% of this cost.

Please note per request of David Jurgens, **included in this project are two 24" waterline roadway crossings, and emergency backup generator for Ash Street Pump Station.** The reason for this inclusion is that the engineering fees and construction costs for the added items will be more favorable as part of a major project such as this. This portion of the contract is in the amount of $92,511.00, and a budget adjustment in the same amount is attached for your approval.

The Staff requests that the Council approve:
(a) The construction Contract with Basic Construction Co.. Inc. in the amount of $1,301,170.00.
(b) A 10% Project Contingency amount of $130,000.
(c) The related budget adjustment, in the amount of $92,511.00.

SN/sn

Attachments: Vicinity Map
Bid Tabulation sheet
Copy of the contract



VICINITY MAP
NO SCALE

ELIMINARY
OR CONSTRUCTION
RAWING IS INCOMPLETE
SUBMITTED FOR REVIEW
SES ONLY. IT IS NOT
ED FOR PERMITTING OR
DDING PURPOSES.
GINEER OF RECORD:
MAS A. HARRIS, P.E.
R. REG. NO. 8589

HWY 265 W/S
A.2 page 4

RJN GROUP, INC.
Engineering and Information Technology Services
An Employee-Owned Firm

September 16, 1999

Mr. Sid Norbash
Assistant City Engineer
113 West Mountain St
Fayetteville, AR 72701

Subject: Highway 265 Water And Sewer Relocations - Phase I

Dear Mr. Norbash:

Attached is a copy of the Bid Tabulations for the Highway 265 project Phase I. The low bidder, Basic Construction, made a $1000.00 error in the addition of his bid total in the City's favor. We have corrected the total and the Bid Tabulation reflects this correction. In addition, Goodwin and Goodwin failed to change the Bid Item Quantities as indicated on Addendum No. 1. The correct quantities resulted in an increase of approximately $41,000 in their bid total.

RJN Group, Inc. recommends that the City award the Highway 265 Water And Sewer Relocations - Phase I, to Basic Construction of Fayetteville, Arkansas, in the amount of $ 1,301,170.00.

Should you have any questions or comments, please call me.

Very truly yours,
RJN GROUP, INC.

Thomas A. Harris, P.E.
Senior Project Manager

12160 Abrams Road, Suite 206 • Dallas, Texas 75243
Phone (972) 437-4300 • FAX (972) 437-2707

HIGHWAY 265 WATER LINE AND SEWER LINE RELOCATION
FAYETTEVILLE, ARKANSAS
BID NO. 99-72

HWY 265 W/S
A.2 page 5

BID OPENING: SEPTEMBER 16, 1999

ITEM	QUANT	UNIT	DESCRIPTION OF ITEM	BASIC CONSTRUCTION UNIT	BASIC CONSTRUCTION TOTAL	NORTHWEST EXCAVATION UNIT	NORTHWEST EXCAVATION TOTAL	GARNEY COMPANY UNIT	GARNEY COMPANY TOTAL	GOODWIN & GOODWIN UNIT	GOODWIN & GOODWIN TOTAL
			HWY 265 SEWER AND WATER LINE RELOCATION						$387,657.50		$434,280.00
					$305,970.00		$351,618.75				
1	4,935	LF	24" Dia. PVC (or ductile) Water Pipe	D 62.00	$305,970.00	71.25	$351,618.75	74.50	$387,657.50	D 88.00	$434,280.00
2	1,756	LF	12" Dia. PVC (or ductile) Water Pipe	D 37.00	$64,972.00	52.25	$91,751.00	66.00	$115,896.00	D 32.00	$56,192.00
3	4,898	LF	8" Dia. PVC (or ductile) Water Pipe	D 25.00	$122,450.00	38.25	$187,348.50	60.00	$293,880.00	D 27.00	$132,246.00
4	300	LF	2" Dia. Copper Water Service Line	11.00	$3,300.00	11.65	$3,495.00	20.00	$6,000.00	12.00	$3,600.00
5	35	LF	Bore and Jack with 36" Dia. Steel Casing	330.00	$11,550.00	300.00	$10,500.00	300.00	$10,500.00	425.00	$14,875.00
6	201	LF	Bore and Jack with 24" Dia. Steel Casing	220.00	$44,220.00	192.00	$38,592.00	200.00	$40,200.00	230.00	$46,230.00
7	247	LF	Bore and Jack with 16" Dia. Steel Casing	170.00	$41,990.00	142.00	$35,074.00	150.00	$37,050.00	180.00	$44,460.00
8	273	LF	36" Dia. Steel Casing by Open Cut	160.00	$43,680.00	133.00	$36,309.00	100.00	$27,300.00	165.00	$45,045.00
9	315	LF	24" Dia. Steel Casing by Open Cut	80.00	$25,200.00	67.00	$21,105.00	75.00	$23,625.00	75.00	$23,625.00
10	426	LF	16" Dia. Steel Casing by Open Cut	62.00	$26,412.00	52.00	$22,152.00	55.00	$23,430.00	70.00	$29,820.00
11	18	TON	Ductile Iron Fittings	6,800.00	$122,400.00	4,170.00	$75,060.00	4,000.00	$72,000.00	8,000.00	$144,000.00
12	6	EA	24" Butterfly Valve & Box	5,500.00	$33,000.00	6,150.00	$36,900.00	5,200.00	$31,200.00	6,400.00	$38,400.00
13	11	EA	12" Butterfly Valve & Box	3,000.00	$33,000.00	2,675.00	$29,425.00	2,400.00	$26,400.00	3,000.00	$33,000.00
14	15	EA	8" Gate Valve & Box	900.00	$13,500.00	890.00	$13,350.00	600.00	$9,000.00	900.00	$13,500.00
15	1	LS	Trench Safety System	2,000.00	$2,000.00	2,850.00	$2,850.00	2,000.00	$2,000.00	20,000.00	$20,000.00
16	19	EA	Fire Hydrant Assemblies	3,000.00	$57,000.00	1,830.00	$34,770.00	2,000.00	$38,000.00	2,300.00	$43,700.00
17	200	SY	Remove and Replace Ex. Asphalt Pavement	20.00	$4,000.00	46.50	$9,300.00	40.00	$8,000.00	85.00	$17,000.00
18	76	SY	Remove and Replace Ex. Concrete Pavement	36.00	$2,736.00	37.50	$2,850.00	50.00	$3,800.00	85.00	$6,460.00
19	50	SY	4" Thick Sidewalk Repair	27.00	$1,350.00	27.50	$1,375.00	35.00	$1,750.00	45.00	$2,250.00
20	1	LS	Soil Erosion Control	2,000.00	$2,000.00	4,450.00	$4,450.00	5,000.00	$5,000.00	4,000.00	$4,000.00
21	1,000	LF	Temporary Fence to Protect Livestock	3.00	$3,000.00	3.40	$3,400.00	3.00	$3,000.00	8.00	$8,000.00
22	1	EA	6" Dual Body Air Release/Vacuum Valve	6,000.00	$6,000.00	8,670.00	$8,670.00	6,000.00	$6,000.00	13,000.00	$13,000.00
23	2	EA	4" Dual Body Air Release/Vacuum Valve	4,900.00	$9,800.00	7,750.00	$15,500.00	5,000.00	$10,000.00	11,000.00	$22,000.00
24	5	EA	2" Dual Body Air Release/Vacuum Valve	3,800.00	$19,000.00	5,270.00	$26,350.00	4,300.00	$21,500.00	10,000.00	$50,000.00
25	3	EA	8" x 8" Tapping Sleeve & Valve	2,400.00	$7,200.00	2,660.00	$7,980.00	1,500.00	$4,500.00	1,900.00	$5,700.00
26	1	EA	Tie-in Existing 8" Water Line	1,500.00	$1,500.00	1,960.00	$1,960.00	1,500.00	$1,500.00	1,500.00	$1,500.00
27	22	EA	Tie-in / Relocate Existing Water Meter	400.00	$8,800.00	260.00	$5,720.00	300.00	$6,600.00	800.00	$17,600.00
28	5	EA	Salvage Existing FH Barrel	200.00	$1,000.00	200.00	$1,000.00	150.00	$750.00	500.00	$2,500.00
28A	2	EA	Abandon Existing Water Line	1,500.00	$3,000.00	520.00	$1,040.00	300.00	$600.00	800.00	$1,600.00
29	400	CY	Rock Excavation	49.00	$19,600.00	85.50	$34,200.00	10.00	$4,000.00	85.00	$34,000.00
30	1,040	LF	Tree Protection Fencing	1.00	$1,040.00	3.25	$3,380.00	3.00	$3,120.00	8.00	$8,320.00
31	520	LF	Root Cutting and Pruning	1.00	$520.00	2.00	$1,040.00	1.00	$520.00	8.00	$4,160.00
32	22	EA	New 3/4" Meter Box Setting	600.00	$13,200.00	305.00	$6,710.00	250.00	$5,500.00	300.00	$6,600.00

HIGHWAY 265 WATER LINE AND SEWER LINE RELOCATION
FAYETTEVILLE, ARKANSAS
BID NO. 99-72

BID OPENING: SEPTEMBER 16, 1999					BASIC CONSTRUCTION		NORTHWEST EXCAVATION		GARNEY COMPANY		GOODWIN & GOODWIN	
33		1	LS	Traffic Control	16,000.00	$16,000.00	12,900.00	$12,900.00	10,000.00	$10,000.00	20,000.00	$20,000.00
34		150	CY	Class 7 Aggregate backfill	18.00	$2,700.00	33.50	$5,025.00	15.00	$2,250.00	25.00	$3,750.00
35		50	CY	flowable (slurry) backfill	60.00	$3,000.00	67.00	$3,350.00	75.00	$3,750.00	95.00	$4,750.00
36		3,000	CY	Hillside backfill	9.00	$27,000.00	11.40	$34,200.00	5.00	$15,000.00	20.00	$60,000.00
37		243	LF	15" Dia PVC Sanitary Sewer Pipe	42.00	$10,206.00	40.25	$9,780.75	50.00	$12,150.00	34.00	$8,262.00
38		1,280	LF	8" Dia. PVC Sanitary Sewer Pipe	25.00	$32,000.00	31.60	$40,448.00	35.00	$44,800.00	28.00	$35,840.00
39		22	LF	6" Dia. PVC Sanitary Sewer Pipe	40.00	$880.00	23.25	$511.50	75.00	$1,650.00	40.00	$880.00
40		6	EA	Abandon 4' Dia. Standard Manhole	300.00	$1,800.00	350.00	$2,100.00	200.00	$1,200.00	700.00	$4,200.00
41		94	VF	Construct 4' Dia Standard Manhole	160.00	$15,040.00	210.00	$19,740.00	125.00	$11,750.00	200.00	$18,800.00
42		26	LF	Remove 12" Sewer Pipe	30.00	$780.00	17.50	$455.00	10.00	$260.00	30.00	$780.00
43		3	EA	Plug Existing 14" Sewer	200.00	$600.00	760.00	$2,280.00	50.00	$150.00	900.00	$2,700.00
44		1	EA	Cut & Plug Existing 6" Sewer	200.00	$200.00	525.00	$525.00	150.00	$150.00	800.00	$800.00
45		1	EA	Cut & Plug Existing 8" Sewer	200.00	$200.00	630.00	$630.00	150.00	$150.00	800.00	$800.00
46		1	LS	Surface Video Documentation	1,000.00	$1,000.00	600.00	$600.00	1,000.00	$1,000.00	1,500.00	$1,500.00
47		1,200	LF	TV Inspection of Ex. 6" and 8" SS	3.00	$3,600.00	3.25	$3,900.00	1.25	$1,500.00	4.00	$4,800.00
48		437	SY	Sodding To Match Existing Sod	3.00	$1,311.00	2.60	$1,136.20	6.00	$2,622.00	5.00	$2,185.00
49		5,641	SY	Seeding and Mulching	1.00	$5,641.00	0.60	$3,384.60	1.00	$5,641.00	1.00	$5,641.00
50		650	CY	Topsoil	7.00	$4,550.00	12.25	$7,962.50	10.00	$6,500.00	15.00	$9,750.00
51		1	LS	Resident Notification of Service Interruption	1,000.00	$1,000.00	1,000.00	$1,000.00	2,000.00	$2,000.00	6,000.00	$6,000.00
52		1	LS	Mobilization and Storage	1.00	$1.00	29,100.00	$29,100.00	75,000.00	$75,000.00	15,000.00	$15,000.00
53		40	LF	16" Steel Split Casin	69.00	$2,760.00	64.00	$2,560.00	150.00	$6,000.00	100.00	$4,000.00
54		160	LF	16" Steel Casing, Bore & Jack Outside R.O.W.	150.00	$24,000.00	142.00	$22,720.00	150.00	$24,000.00	180.00	$28,800.00
				SUBTOTAL, SEWER/WATER LINE RELOCATION		$1,208,659.00		$1,329,533.80		$1,437,801.50	**	$1,564,901.00

HWY 265 W/S
A.2 page 7

HIGHWAY 265 WATER LINE AND SEWER LINE RELOCATION
FAYETTEVILLE, ARKANSAS
BID NO. 99-72

BID OPENING: SEPTEMBER 16, 1999				BASIC CONSTRUCTION		NORTHWEST EXCAVATION		GARNEY COMPANY		GOODWIN & GOODWIN	
			ADDITIONAL WORK: JANICE AND GARLAND AVE WATER LINE AND PAR COURT AND HWY 265 WATER LINE								
A1	377	LF	8" Dia. PVC (or ductile) Water Pipe	D 30.00	$11,310.00	30.00	$11,310.00	86.00	$32,422.00	27.00	$10,179.00
A2	147	LF	Bore and Jack with 16" Dia. Steel Casing	170.00	$24,990.00	142.00	$20,874.00	170.00	$24,990.00	200.00	$29,400.00
A3	0.65	TON	Ductile Iron Fittings	6,000.00	$3,900.00	3,800.00	$2,470.00	4,000.00	$2,600.00	8,000.00	$5,200.00
A4	5	EA	8" Gate Valve & Box	900.00	$4,500.00	1,000.00	$5,000.00	600.00	$3,000.00	900.00	$4,500.00
A5	1	LS	Trench Safety System	100.00	$100.00	450.00	$450.00	500.00	$500.00	2,000.00	$2,000.00
A6	28	SY	Remove and Replace Ex. Asphalt Pavement	30.00	$840.00	46.50	$1,302.00	40.00	$1,120.00	85.00	$2,380.00
A7	20	SY	Remove and Replace Ex. Concrete Pavement	36.00	$720.00	37.50	$750.00	50.00	$1,000.00	85.00	$1,700.00
A8	1	LS	Soil Erosion Control	200.00	$200.00	680.00	$680.00	500.00	$500.00	300.00	$300.00
A9	1	EA	12"x 8" Tapping Sleeve & Valve	2,500.00	$2,500.00	2,950.00	$2,950.00	2,000.00	$2,000.00	2,500.00	$2,500.00
A10	2	EA	Tie-In Existing 8" Water Line	1,500.00	$3,000.00	1,350.00	$2,700.00	1,500.00	$3,000.00	1,500.00	$3,000.00
A11	50	LF	Tree Protection Fencing	1.00	$50.00	3.50	$175.00	3.00	$150.00	8.00	$400.00
A12	20	LF	Root Cutting	1.00	$20.00	2.00	$40.00	1.00	$20.00	8.00	$160.00
A13	1	LS	Pump Station Generator	36,000.00	$36,000.00	37,000.00	$37,000.00	45,000.00	$45,000.00	40,000.00	$40,000.00
A14	20	CY	Class 7 Aggregate backfill	18.00	$360.00	36.00	$720.00	15.00	$300.00	20.00	$400.00
A15	30	CY	Flowable (slurry) backfill	60.00	$1,800.00	66.50	$1,995.00	75.00	$2,250.00	90.00	$2,700.00
A16	12	SY	Sodding To Match Existing Sod	3.00	$36.00	3.00	$36.00	6.00	$72.00	5.00	$60.00
A17	100	SY	Seeding and Mulching	1.00	$100.00	0.60	$60.00	1.00	$100.00	2.00	$200.00
A18	12	CY	Topsoil	7.00	$84.00	13.50	$162.00	10.00	$120.00	15.00	$180.00
A19	1	LS	Resident Notification of Service Interruption	1,000.00	$1,000.00	275.00	$275.00	1,000.00	$1,000.00	300.00	$300.00
A20	1	LS	Traffic Control	1,000.00	$1,000.00	1,425.00	$1,425.00	2,500.00	$2,500.00	3,000.00	$3,000.00
A21	1	LS	Mobilization and Storage	1.00	$1.00	1,475.00	$1,475.00	10,000.00	$10,000.00	2,000.00	$2,000.00
			SUBTOTAL, ADDITIONAL ITEMS		$92,511.00		$91,849.00		$132,644.00		$110,559.00
			TOTAL CONTRACT PRICE	**	$1,301,170.00		$1,421,382.80		$1,570,445.50	**	$1,675,460.00

* PIPE TYPE - P=PVC, D=DUCTILE IRON
** ADJUSTED TOTAL

CONTRACT

THIS AGREEMENT, made and entered into the 21st day of September, 1999, by and between the City of Fayetteville, County of Washington, State of Arkansas, Party of the First Part (hereinafter called the Owner), and Basic Construction Company, Inc. of the City of Springdale, AR, Party of the Second Part (hereinafter called the Contractor).

WITNESSETH THAT:

WHEREAS, the Owner has called for bids for water system improvements, as set out in the Plans and Specifications and approved by the City of Fayetteville, Arkansas; and

WHEREAS, pursuant to the published calls for bids under said Plans and Specifications, the Contractor is the lowest and best qualified bidder for the construction of said Improvements;

NOW THEREFORE, the Contractor agrees with the Owner to commence and complete the construction of:

Bid No. 99-72 which shall be the Highway 265 Water and Sewer Relocations, Phase 1 and Additional Work, Fayetteville, Arkansas; including all Work required for a complete and acceptable installation, for the unit and lump sum prices bid in the Bid Proposal, all of which become and are a part of this Contract, the total sum thus being

One Million, Three Hundred One Thousand, One Hundred Seventy Dollars and 00/100
(text amount)

dollars ($1,301,170.00), such sum being the agreed amount upon which bonds and liabilities are based, and at his own cost and expense furnish all materials, supplies, labor, machinery, equipment, tools, supervision, bonds, insurance and other accessories and services necessary to complete the said construction in accordance with the conditions and prices stated in the Bid attached hereto and made a part hereof, and in accordance with the Technical Specifications, the General Conditions, the Supplementary Conditions, and in accordance with the Plans, which include all maps, plats, blueprints, and other drawings, and written or printed explanatory matter thereof.

The Contractor agrees to commence work under this contract within ten days of the issuance of the Notice to Proceed and substantially complete all work before **December 31, 1999** and totally complete work within one hundred twenty (120) calendar days..

The Owner agrees to pay the Contractor in current funds for the performance of the contract in accordance with the accepted Bid therefor, subject to additions and deductions, as provided in the Specifications, and to make payment on account thereof as provided below.

As soon as is practicable after the first of each calendar month, and in accordance with the Contract Specifications, the Owner will make partial payments to the Contractor for work performed during the preceding calendar month, based upon the Engineer's estimate of work completed, said estimate being certified by the Contractor and accepted by the Owner. Retainage shall be withheld from the partial payments as provided by Arkansas state laws by the Owner until final completion and acceptance by the Owner and Engineer. The Engineer shall then issue a Final Estimate of work done based upon the original contract and subsequent changes made and agreed upon, if any.

Time is hereby expressly declared to be of the essence of this contract, and the time of beginning, manner of progress and time of completion of the work hereunder shall be and are essential conditions hereof.

The Contractor agrees to commence work within ten (10) calendar days from the date of the Notice to Proceed and to proceed with the construction of the work and to prosecute the work with an adequate force and in a manner so as to complete the work within the time stipulated herein. If the Contractor fails in completing the contract within the time stipulated herein, the Contractor agrees to pay the Owner, as liquidated damages the sum of seven hundred and fifty dollars ($750.00) per day for each calendar day of delay in completion, said amounts being fixed and agreed upon by and between the parties hereto. Because of the impracticability and extreme difficulty in fixing and ascertaining the actual damages Owner would in such event sustain, said amounts are to be presumed by the parties to this contract to be the amounts of damage Owner would sustain. Said amounts of liquidated damages shall be deductible from any amount due Contractor under the Final Estimate of said work, after the completion thereof, and Contractor shall be entitled, if any, to the Final Estimate less such amounts of liquidated damages.

If the Contractor be delayed at any time in the progress of the work by any act or neglect of the Owner or of the Owner's employees, or by any other Contractor employed by the Owner, or by changes ordered in the work, or by strikes, lockouts, fire, unusual delay in transportation, unavoidable casualties or any causes beyond the Contractor's control, or by delay authorized by the Engineer pending arbitration, or by any cause which the Engineer shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as the Engineer may decide.

No such extension shall be made for delay occurring more than seven days before claim therefor is made in writing to the Engineer. In the case of a continuing cause for delay, only one claim is necessary.

In the event the Contractor abandons the work hereunder or fails, neglects or refuses to continue the work after ten (10) days written notice, given Contractor by the Owner or by the Engineer, then the Owner shall have the option of 1) declaring this contract at an end, in which event the Owner shall not be liable to the Contractor for any work theretofore performed, or 2) requiring the surety hereto, upon ten (10) days notice, to complete and carry out the contract of Contractor; and in that event, should the surety fail, neglect or refuse to carry out said contract, 3) said Owner may complete the contract as its own expense and maintain an action against the Contractor and the surety hereto for the actual cost of same, together with any damages or other expense sustained or incurred by Owner in completing this contract, less the total amount provided for hereunder to be paid Contractor upon the completion of this contract.

This contract shall be binding upon the heirs, representatives, successors or assigns of the parties hereto, including the surety.

IN WITNESS WHEREOF, the Owner and Contractor have hereto set their hands and seals, respectively.

Basic Construction Co.
Firm Name

By

Witnesses*

CITY OF FAYETTEVILLE, ARKANSAS

By________________
Fred Hanna, Mayor

Attest:

____
Heather Wooddruff, City Clerk

*If corporation, secretary should attest.

End of Contract

City of Fayetteville, Arkansas
Budget Adjustment Form

HWY 265 W/S
A.2 page 11

Budget Year	Department: Public Works	Date Requested	Adjustment #
1999	Division: Capital Water Mains	09/17/99	
	Program:		

Project or Item Requested:
Funding is requested to establish project funding for two 24" waterline roadway crossings and an emergency backup generator for the Ash Street Pump station.

Project or Item Deleted:
Funding for this adjustment is from the Water & Sewer Cost Share projexct.

Justification of this Increase:
These work items were added to the bid documents for the HWY 265 Water/sewer relocation project and they are not related to the project. These projects have been planned and are not of sufficent size to attract bidders as stand alone projects.

Justification of this Decrease:
The requested project is a higher priority project.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Water Line Improvements	92,511	5400	5600		5808	00	99072	20

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Water Line Improvements	92,511	5400	5600		5808	00	97021	20

Approval Signatures

Jim Beavers — 9-17-99
Requested By — Date

9-17-99
Budget Manager — Date

Department Director — Date

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

D:\DATA\99BUDGET\BUDGTADJ\ASH_PUMP.WK4

FAILED

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of September 21, 1999

FROM:

Connie Edmonston	Parks & Recreation	Public Works
Name	Division	Department

ACTION REQUIRED:

Approval of amendment to CEI contract #656 for Greathouse Park bridge

COST TO CITY:

$27,500	$ 134,000	Park Improvements
Cost of this Request	Category/Project Budget	Category/Project Name
2250-9250-5817-00	$ 125,180	
Account Number	Funds Used To Date	Program Name
98004-1	$ 8,820	General/Parks Development/Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ____ Budgeted Item X Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: ____________

Marilyn J. Cramer	9-13-99		
Accounting Manager	Date	ADA Coordinator	Date
	9-13-99	Yolanda Fields	9-14-99
City Attorney	Date	Internal Auditor	Date
	9-13-99		
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Approval of amendment to contract

Connie Edmonston	9-13-99
Division Head	Date
	9-14-99
Department Director	Date
	14 SEPT 99
Administrative Services Director	Date
Fred Hanna	9/14/99
Mayor	Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: 656

Orig Contract Date: ____________

STAFF REVIEW FORM

Description Greathouse Bridge - Contract Amendment Meeting Date Sept. 21

Comments: Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Fred Hanna and City Council

Thru: Charles Venable, Public Works Director *CV*
Connie Edmonston, Parks & Recreation Superintendent *CE*

From: Eric J. Schuldt, Parks Development Coordinator *EJS*

Date: September 10, 1999

Re: Amendment to Contract for Engineering Services

The Parks and Recreation Division requests the approval of an amendment to the contract with CEI Engineering Associates Inc. for their work at Greathouse Park. The contract amendment will approve additional research into potential alternatives to the channelization of Town Branch creek.

The contract amendment is arranged into a series of lump sum analyses. The total amendment to the contract is for $27,500. Some of this funding will not be used if a suitable solution is found in the early stages of research. In the contract under scope of services, sections D and E will only be performed if CEI receives written approval from City staff. The first three alternatives in sections A, B, and C will cost $5,250 plus a fee for reports and meetings at $3,250 for a total cost of $8,500.

Please note that the design of a selected alternative will be covered by an amendment to this contract. Please review the contract amendment and if your have any questions, please call Connie Edmonston at 444-3473.

Attachments: CEI, Amendment to Contract

Engineering Associates, Inc.

City of Fayetteville, Arkansas
Greathouse Park Bridge
Amendment to Contract for Engineering Services
CEI Project No. 13905.1 – September 14, 1999

I. PROJECT DEFINITION

This contract amendment is for the purpose of conducting additional analyses to see if there is anyway to avoid major channel improvements to alleviate additional flooding that could be caused by building the park access bridge over Town Branch creek. The analyses should evaluate: alternative bridge configurations, alternative bridge types, alternative channel improvements, and detailed computer modeling of the creek. The scope of services will be performed as a series of lump sum analyses.

II. SCOPE OF SERVICES

A. EVALUATE ALTERNATIVE CHANNEL IMPROVEMENTS

Evaluate whether there is another way to improve the channel so as to not impact trees to the extent now included in the design. This will involve preparing computer models to evaluate different channel configurations. While a great number of different configurations were evaluated as part of the original contract, it is believed that there are some additional configurations that should be checked. One specific configuration will be to move the downstream portion of the channel improvements to the north in an attempt to save several old trees on the south bank. It should be stressed that there is no guarantee that these models will be successful, and that there may be no other way to improve the channel other than what has already been designed.

Lump Sum Fee.. $2,500.00

B. EVALUATE A BREAKAWAY BRIDGE

Review available pre-manufactured bridges that are designed to "breakaway" from one side when impacted by a flood and swing with the water flow. Such a bridge would not restrict flood waters and would thus not cause a rise in flood elevation. This analysis should consider not only the capital cost, but also the maintenance requirements and associated costs, and whether the Parks Department will be able to re-attach the bridge or whether special equipment will be required. No computer modeling will be conducted with this alternative.

Lump Sum Fee.. $750.00

C. EVALUATE ELEVATED RAMP

Evaluate whether changing the ramp on the south side from an earthfill ramp to an elevated ramp. This will reduce the obstruction to the passage of flood water, and will perhaps reduce the amount of channel improvements that must be made. This will involve several computer analyses.

Lump Sum Fee.. $2,000.00

D. EVALUATE AN A.D.A. ARCHED BRIDGE

If the results of Evaluations A, B, and C do not result in a viable alternative to the current design, CEI will proceed to the evaluation of an A.D.A. accessible arched bridge. This would be the same as Alternative C, except that the handicapped ramps required will result in on obstruction to the passage of flood waters to the extent that some channel improvements will be needed, though probably less than included in the current design. This will include computer modeling of the channel in several configurations to determine the minimum channel improvements required. CEI will not begin this task until receiving specific written approval from the City.

Lump Sum Fee.. $4,000.00

E. CONDUCT A DETAILED CHANNEL ANALYSIS

CEI will conduct a detailed evaluation of the channel in an attempt to avoid any channel improvements by showing that the existing flood model: is either unjustifiably conservative, resulting in a higher flood elevation that will actually happen; or does not accurately describe the stream channel, thus resulting in a different flood elevation. This will require some survey to better describe several stream cross-sections. It will also require a number of computer models to determine the correct flood elevation. Please note that these analyses might show that the flood elevation, as currently determined, is lower than will actually happen. In this case, the alternative of no channel improvements will not be viable. CEI will not begin this task until receiving specific written approval from the City.

If this evaluation is found to be viable and is selected by the City, it will be necessary to prepare changes to the flood maps, submit these to FEMA, and obtain approval both before and after constructing the improvements. This will result in a minimum of a 6 month delay of the project.

Lump Sum Fee.. $15,000.00

F. MEETINGS and WRITTEN REPORT

Attend meetings with City officials and other regulatory agencies as required to identify various alternatives for evaluation, and to discuss those evaluations in progress and at their completions. Prepare a written report of the results of evaluations. Present this report to the Parks Board and the City Council. If directed by the City, attend meetings and/or maintain communication with neighborhood groups with a valid interest in the park improvements.

Hourly Not to Exceed Fee... $3,250.00

III. CLIENT TO PROVIDE THE FOLLOWING:

A. Review of analyses of alternatives as presented by CEI.
B. A decision as to which alternative the City wishes to implement
C. Access to both sides of the park for survey crew vehicles, if required.
D. A decision on whether alternative access for A.D.A. compliance is to be provided through the Levi Strauss plant.
E. Payment of fees to FEMA.

IV. ADDITIONAL SERVICES

A. Any other evaluations besides those described above will either require an amendment to this amendment or can be performed as extra services using the hourly rates included in the original contract.

B. The design of the selected alternative will be covered by an amendment to the contract.

C. Any costs to re-bid the project and prepare new contracts, if required, will be covered by an amendment.

D. Costs for surveying services are not included in the above items. If a survey is required to satisfy FEMA requirements, the associated costs will be negotiated based on the scope of the specific channel improvements actually constructed.

E. Detailed design of the alternatives to be evaluated is not included in this proposal, since at this time it is not known what must be designed, if anything. Design will be covered by a further amendment to the agreement.

All other provisions of the original contract remain the same.

________________________________ Title: Mayor ________________ Date: ____________
City of Fayetteville

________________________________ Title: Department Head ________________ Date: ____________
Rick W. Rogers
CEI Engineering Associates, Inc.

Engineering Associates, Inc.

City of Fayetteville, Arkansas
Greathouse Park Bridge
Amendment to Contract for Engineering Services
CEI Project No. 13905.1 – September 14, 1999

I. PROJECT DEFINITION

This contract amendment is for the purpose of conducting additional analyses to see if there is anyway to avoid major channel improvements to alleviate additional flooding that could be caused by building the park access bridge over Town Branch creek. The analyses should evaluate: alternative bridge configurations, alternative bridge types, alternative channel improvements, and detailed computer modeling of the creek. The scope of services will be performed as a series of lump sum analyses.

II. SCOPE OF SERVICES

A. EVALUATE ALTERNATIVE CHANNEL IMPROVEMENTS

Evaluate whether there is another way to improve the channel so as to not impact trees to the extent now included in the design. This will involve preparing computer models to evaluate different channel configurations. While a great number of different configurations were evaluated as part of the original contract, it is believed that there are some additional configurations that should be checked. One specific configuration will be to move the downstream portion of the channel improvements to the north in an attempt to save several old trees on the south bank. It should be stressed that there is no guarantee that these models will be successful, and that there may be no other way to improve the channel other than what has already been designed.

Lump Sum Fee.. $2,500.00

B. EVALUATE A BREAKAWAY BRIDGE

Review available pre-manufactured bridges that are designed to "breakaway" from one side when impacted by a flood and swing with the water flow. Such a bridge would not restrict flood waters and would thus not cause a rise in flood elevation. This analysis should consider not only the capital cost, but also the maintenance requirements and associated costs, and whether the Parks Department will be able to re-attach the bridge or whether special equipment will be required. No computer modeling will be conducted with this alternative.

Lump Sum Fee.. $750.00

C. EVALUATE ELEVATED RAMP

Evaluate whether changing the ramp on the south side from an earthfill ramp to an elevated ramp. This will reduce the obstruction to the passage of flood water, and will perhaps reduce the amount of channel improvements that must be made. This will involve several computer analyses.

Lump Sum Fee.. $2,000.00

D. EVALUATE AN A.D.A. ARCHED BRIDGE

If the results of Evaluations A, B, and C do not result in a viable alternative to the current design, CEI will proceed to the evaluation of an A.D.A. accessible arched bridge. This would be the same as Alternative C, except that the handicapped ramps required will result in on obstruction to the passage of flood waters to the extent that some channel improvements will be needed, though probably less than included in the current design. This will include computer modeling of the channel in several configurations to determine the minimum channel improvements required. CEI will not begin this task until receiving specific written approval from the City.

Lump Sum Fee.. $4,000.00

E. CONDUCT A DETAILED CHANNEL ANALYSIS

CEI will conduct a detailed evaluation of the channel in an attempt to avoid any channel improvements by showing that the existing flood model: is either unjustifiably conservative, resulting in a higher flood elevation that will actually happen; or does not accurately describe the stream channel, thus resulting in a different flood elevation. This will require some survey to better describe several stream cross-sections. It will also require a number of computer models to determine the correct flood elevation. Please note that these analyses might show that the flood elevation, as currently determined, is lower than will actually happen. In this case, the alternative of no channel improvements will not be viable. CEI will not begin this task until receiving specific written approval from the City.

If this evaluation is found to be viable and is selected by the City, it will be necessary to prepare changes to the flood maps, submit these to FEMA, and obtain approval both before and after constructing the improvements. This will result in a minimum of a 6 month delay of the project.

Lump Sum Fee.. $15,000.00

F. MEETINGS and WRITTEN REPORT

Attend meetings with City officials and other regulatory agencies as required to identify various alternatives for evaluation, and to discuss those evaluations in progress and at their completions. Prepare a written report of the results of evaluations. Present this report to the Parks Board and the City Council. If directed by the City, attend meetings and/or maintain communication with neighborhood groups with a valid interest in the park improvements.

Hourly Not to Exceed Fee.. $3,250.00

III. CLIENT TO PROVIDE THE FOLLOWING:

A. Review of analyses of alternatives as presented by CEI.
B. A decision as to which alternative the City wishes to implement
C. Access to both sides of the park for survey crew vehicles, if required.
D. A decision on whether alternative access for A.D.A. compliance is to be provided through the Levi Strauss plant.
E. Payment of fees to FEMA.

IV. ADDITIONAL SERVICES

A. Any other evaluations besides those described above will either require an amendment to this amendment or can be performed as extra services using the hourly rates included in the original contract.

B. The design of the selected alternative will be covered by an amendment to the contract.

C. Any costs to re-bid the project and prepare new contracts, if required, will be covered by an amendment.

D. Costs for surveying services are not included in the above items. If a survey is required to satisfy FEMA requirements, the associated costs will be negotiated based on the scope of the specific channel improvements actually constructed.

E. Detailed design of the alternatives to be evaluated is not included in this proposal, since at this time it is not known what must be designed, if anything. Design will be covered by a further amendment to the agreement.

All other provisions of the original contract remain the same.

________________________________ Title: Mayor ____________________ Date: ____________

City of Fayetteville

________________________________ Title: Department Head ____________________ Date: ____________

Rick W. Rogers
CEI Engineering Associates, Inc.

STAFF REVIEW FORM

XX AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of September 21, 1999

FROM:

Dale Frederick	Airport	General GMT.
Name	Division	Department

ACTION REQUIRED: The Airport staff requests approval of a Resolution to implement and collect Passenger Facility Charge application #3 from eligible passengers at Drake Field, amend the existing applications #1 and #2, and close application #1. The Resolution is an FAA FAR Part 158 requirement for the application process. As with application #1 and #2, a $3.00 PFC charge is being requested in application #3. The airport board was advised and did approve this PFC application and amendments at their August meeting.

COST TO CITY:

$ .00	$ .00	N/A
Cost of this Request	Category/Project Budget	Category/Project Name
N/A	$ .00	N/A
Account Number	Funds used to date	Program Name
N/A	$ .00	N/A
Project Number	Remaining Balance	Fund

BUDGET REVIEW: N/A Budgeted Item ___ Budget Adjustment Attached

Budget Coordinator ______ Administrative Services Director ______

CONTRACT/GRANT/LEASE REVIEW:

Marilyn J Cramer — Accounting Manager — Date 9-10-99

(see note) — City Attorney — Date 9-10-99

— Purchasing Officer — Date 9-10-99

GRANTING AGENCY: ______

ADA Coordinator — Date

Yolanda Fields — Internal Auditor — Date 9-10-99

STAFF RECOMMENDATION: **Staff recommends approval of Resolution.**

Division Head — Date Sep 8, 1999

Department Director — Date

Administrative Services Director — Date

Mayor — Date 9/10/99

Cross Reference

New Item: Yes No
Pre. Ord/Res#: ___
Orig Cont. Date:_____

FAYETTEVILLE

AIRPORT DEPARTMENT
THE CITY OF FAYETTEVILLE, ARKANSAS

TO: **THE FAYETTEVILLE CITY COUNCIL**

THRU: **FRED HANNA, MAYOR**

FROM: **DALE FREDERICK, AIRPORT MANAGER**

DATE: **SEPTEMBER 7, 1999**

SUBJECT: **A RESOLUTION TO IMPLEMENT PASSENGER FACILITY CHARGE APPLICATION #3, AMEND APPLICATIONS #1 AND #2, AND CLOSE APPLICATION #1.**

The Airport staff requests approval of a Resolution to implement and collect Passenger Facility Charge application #3 from eligible passengers at Drake Field, amend the existing applications #1 and #2, and close application #1. The Resolution must be approved by the City Council and submitted to the Federal Aviation Administration as a part of the application process. As in application #1 and #2, a $3.00 PFC charge is being requested in application #3. Modifications to applications #1 and #2 are generated from the completion and changes in funding and the scope of the approved PFC Projects.

The PFC program allows reimbursement to the airport for costs paid with airport funds toward eligible Airport Improvement Projects. Resolution No. 96-95 authorized the implementation of the collection of PFCs on October 25, 1995, with application #1.

Projects previously completed and future grant projects shall be reimbursed with the approval of Application #3 in the estimated amount of $960,303.00. Projects included in application #3 are: Localizer-Type Directional Aid (LDA), Taxiway Rehabilitation, and PFC Application and Administrative Costs. As soon as this process has been completed most of the funds will be reimbursed to the airport for use in much needed industrial and general aviation projects.

The Airport Board and Airport staff recommends approval of this PFC application and amendments.

Attachments: Agenda Request Form
Copies of Application #3
Application #1 and #2 Amendments
Closeout Application #1
Copy of Original Resolution #96-95 and #109-97

4500 SOUTH SCHOOL AVENUE, SUITE F • AIRPORT TERMINAL BUILDING • FAYETTEVILLE, AR 72701
PHONE 501-718-7640 Ext. 5 • FAX 501-718-7646

October 2, 1999

Mr. Ben Guttery
Airports Division
Federal Aviation Administration
Fort Worth, Texas 76193-0650

Re: Passenger Facility Charge Application 95-01-C-00-FYV Closeout

Dear Mr. Guttery:

The City of Fayetteville, Arkansas is pleased to submit this Passenger Facility Charge Closeout report and required attachments. As the closeout report shows, excess revenue totaling $482,043 was collected under this PFC Application. The City of Fayetteville plans to use this excess revenue on approved projects in application #98-02-C-00-FYV and #99-03-C-00-FYV.

As the responsible official for the City of Fayetteville I, Fred B. Hanna, Jr., certify that all projects have been accomplished under the Passenger Facility Charge Program Application # 95-01-C-00-FYV and that all applicable regulations under Part 158 have been met.

Respectfully Submitted,

City of Fayetteville, Arkansas

By:____________________
Fred B. Hanna, Jr.
Mayor

PFC Closeout Report
City of Fayetteville, Arkansas
Drake Field-Fayetteville Municipal Airport
Fayetteville, Arkansas
95-01-C-00-FYV

History

The City of Fayetteville, Arkansas was approved to impose and use a PFC at Fayetteville Municipal Airport by the FAA on October 25, 1995, with a $3 PFC level and a charge effective date of January 1, 1996. The total recommended PFC revenue was $2,584,339 and the charge expiration date was August 1, 1999. The application was numbered 95-01-C-00-FYV.

Amendments

This PFC program was amended once by notice dated July 29,1999. The amendment notice revised the PFC amount to $1,149,945. The amendment is a "Type A" (allowable under 158.37(a)). The amendment changed the project costs on projects I through V to actual costs. The total PFC amount to be collected under this application changed from $2,584,339 to $1,149,945. See the attached Notice of Amendment

Projects

The project title is followed by the amount approved for collection in the original application. It may or may not reflect the total project cost. Project initiation and completion dates are also noted, along with the final PFC amount used on the project. The projects total funding sources are listed on the attached spreadsheet.

1. **Master Plan Update**. The approved amount was $7,500. The project began in July 1995 and completed in June 1996 at a cost of $14,073.

2. **Airfield Safety Area Improvements**. The approved amount was $1,342,338. The project began in July 1995 and completed in December 1997 at a final cost of $71,666.

3. **Terminal Expansion**. The approved amount was $960,029. The project began in July 1991 and completed in September 1996 at a final cost of $784,187.

4. **Land Acquisition/Easements**. The approved amount was $141,421. The project began in September 1991 and completed in December 1995 at a final cost of $130,700.

5. **Airfield Safety Improvements**. The approved amount was $108,051. The project began in January 1992 and completed in September 1995 at a final cost of $124,319.

FAYETTEVILLE

AIRPORT DEPARTMENT
THE CITY OF FAYETTEVILLE, ARKANSAS

July 29, 1999

Official Notice of Drake Field Airport Estimated PFC Expiration Date Change and Revised PFC Amount for Application #95-01-C-00-FYV.

The Passenger Facility Charge application #95-01-C-00-FYV (#1) for Drake Field Airport was approved on October 24, 1995. The total amount approved for collection was $2,584,339. These projects have all now been completed and we have updated total costs and funding sources. The revised PFC amount for the first application is now anticipated to be $1,149,945. See attached PFC project spreadsheet for updated costs and funding sources for the first PFC Application.

Additionally, attached as a separate notice of proposed amendment, Application #98-02-00-FYV (#2) is anticipated to decrease from $2,726,590 to $118,887. (See the PFC Amendment Notice for Application #2 attached.). Also attached as a separate notice of proposed "impose and use" PFC application #3 in the amount of 960,303. Based on the changes in the total PFC funds needed and enplanement information now available, Fayetteville Airports currently estimates the charge expiration date for all three applications to be December 1, 2000.

In accordance with the requirements of section 158.37(a) of the Federal Aviation Regulations (14CFR Part 158) this letter is intended to serve as official notice by the City of Fayetteville, of the new PFC amounts required in Applications #1 and the new estimated expiration date. The proposed effective date of this change in the estimated PFC charge expiration date is April 1, 2000 (after FAA approval of the proposed Application #3).

We will be discussing this notice and the proposed amendment to PFC Application #2, along with the new Application #3 at our air carrier consultation meeting scheduled for August 31, 1999 at 2:00 p.m. local time, in the Drake Field Airport Terminal Building- Conference Room located in the Airport Managers Office, 4500 S. School Ave., Fayetteville, Arkansas 72701. Please feel free to call me if you have any questions about these proposed changes prior to our presentation on August 31, 1999.

Sincerely,

Dale Fred

Dale Frederick
Airport Manager

CC: Donald Harris, FAA
Tom Brown, ATA

FYV1AMD1.123

DRAKE FIELD
Fayetteville, Arkansas

Passenger Facility Charges
Amendment #1 to Application # 95-01-C-00-FYV
Project Costs and Funding Sources

July 29, 1999

	Original Project Amounts						Revised Project Amounts					
		Funding Sources						Funding Sources				
Capital Improvement Projects	Estimated Project Costs	FAA Grants	State Grants	Airport Revenues	PFC Revenues	Total Funding	Estimated Project Costs	FAA Grants	State Grants	Airport Revenues	PFC Revenues	Total Funding
I. Master Plan (AIP 21)	$150,000	$135,000	$7,500	$0	$7,500	$150,000	$300,865	$253,318	$14,074	$19,400	$14,073	$300,865
II. Airfield Safety Area Improvements												
a. North R/W Drainage Ditch (AIP 20)	846,750	762,075	42,337	0	42,338	846,750	756,734	680,161	37,786	0	37,787	756,734
b. Runway 3/4 Improvements	1,300,000	0	0	0	1,300,000	1,300,000	682,585	609,827	33,878	5,000	33,879	682,585
Subtotal	2,146,750	762,075	42,337	0	1,342,338	2,146,750	1,438,319	1,289,988	71,665	5,000	71,666	1,438,319
III. Terminal Expansion												
a. Baggage Claim/Gate Expansion	332,654	0	0	0	332,654	332,654	332,654	0	0	0	332,654	332,654
b. Terminal Expansion (AIP 19)	547,488	492,739	27,374	0	27,375	547,488	543,723	489,351	27,186	0	27,186	543,723
c. Terminal Expansion - Phase 2	600,000	0	0	0	600,000	600,000	484,347	0	60,000	0	424,347	484,347
Subtotal	1,480,142	492,739	27,374	0	960,029	1,480,142	1,360,724	489,351	87,186	0	784,187	1,360,724
IV. Land Acquisition/Easements												
a. AIP 15	2,713,735	2,452,335	130,700	0	130,700	2,713,735	2,638,933	2,352,603	130,700	24,930	130,700	2,638,933
b. Land	214,420	192,978	10,721	0	10,721	214,420	<— Project Deleted —>					
Subtotal	2,928,155	2,645,313	141,421	0	141,421	2,928,155	2,638,933	2,352,603	130,700	24,930	130,700	2,638,933
V. Airfield Safety Improvements												
a. Rehab MIRL/MITL (AIP 16)	286,128	256,854	14,687	0	14,587	286,128	286,128	256,954	14,275	623	14,276	286,128
b. Extend Taxiway (AIP 17)	982,395	884,155	49,120	0	49,120	982,395	937,683	843,233	44,722	757	48,971	937,683
c. R/W Markings/Obstructions (AIP 18)	486,677	438,189	24,344	0	24,344	486,677	449,356	403,969	22,443	500	22,443	449,356
d. Airfield Control Lighting	20,000	0	0	0	20,000	20,000	38,629	0	0	0	38,629	38,629
Subtotal	1,775,400	1,579,298	88,051	0	108,051	1,775,400	1,711,795	1,504,156	81,440	1,880	124,319	1,711,795
VI. PFC Administrative Costs	25,000	0	0	0	25,000	25,000	25,000	0	0	0	25,000	25,000
Project Totals	$8,505,447	$5,614,425	$308,683	$0	$2,584,339	$8,505,447	$7,475,636	$5,889,416	$365,065	$51,210	$1,149,945	$7,475,636

Note:
Column and row totals may contain addition errors due to rounding of calculated values.

6. **PFC Application and Administration Costs**. The approved amount was $25,000. The project began in April 1995 and completed in April 1996 at a final cost of $25,000.

Collection Summary

The total amount approved for collection and use was $2,584,339 prior to the notice amendment. Total net PFC revenue collected for this application was $1,628,095. Total PFC revenue (net collections plus interest was) was $1,631,988. Total allowable project costs were $1,149,945. Collection for Application #1 ceased on June 30, 1998. Excess revenue (total revenue collected minus total allowable project costs) in the amount of $482,043 was collected. These excess funds were applied to approved projects in application #98-02-C-00-FYV and #99-03-C-00-FYV.

AIP Reductions

AIP reductions were not applicable to Fayetteville Municipal Airport.

Audit Summary

FAA files contain no audits from the City of Fayetteville for the PFC collection period.

Assurances

All PFC Assurances filed with the application appear to have been complied with.

Finding

This Passenger Facility Program is complete.

U.S. Department of Transportation
Federal Aviation Administration

Passenger Facility Charge (PFC) Application

1. Application Type *(Check all that apply)*

- [ ] a. Impose PFC Charges
- [ ] b. Use PFC Revenue
- [X] c. Amend PFC No.: 98-02-C-00-FYV

FAA USE ONLY

Date Received	Action		Date of Action:
	[ ] Approved		
	[ ] Approved in Part		
	[ ] Disapproved	PFC No.:	

PART I

2. Public Agency Name, Address, and Contact Person

Agency Name: City of Fayetteville, Arkansas
Address: 4500 South School Ave, Suite F
City, State, ZIP: Fayetteville, Arkansas 72701
Contact Person: Dale Frederick, Airport Manager

3. Airport(s) to Use:

Fayetteville Municipal Airport- Drake Field

PART II

4. Charges

a. Airport to Impose:	b. Total Estimated Net PFC Revenue:	c. Level:	d. Proposed Effective Date:	e. Estimated Expiration Date:
Fayetteville Municipal Airport Drake Field	$ 118,887 revised	[ ] $1.00 [ ] $2.00 [x] $3.00	April 1, 2000	April 1, 2000

PART III

5. Attachments *(Check all that Apply)*

	Attached	Submitted with Application Dated:		
a.	[ ]	[X]	December 18, 1997	Airport Capital Improvement Plan
b.	[ ]	[X]	December 18, 1997	Project Information
c.	[x]	[ ]		Air Carrier Consultation Information
d.	[ ]	[ ]	n/a	Request to Exclude Class(es) of Carriers
e.	[X]	[ ]		Justification
f.	[x]	[ ]		Additional Information

6a. Date of Written Notice to Air Carriers: July 29, 1999

6b. Date of Consultation Meeting with Air Carriers: August 31, 1999

PART IV

7.With respect to this PFC application I hereby certify as follows:

To the best of my knowledge and belief, all data in this application are true and correct;
This application has been duly authorized by the governing body of the public agency;
The public agency will comply with the attached assurances if the application is approved; and

For those projects for which approval to use PFC revenue is requested, all applicable ALP approvals, airspace determinations, and environmental reviews required by the National Environmental Policy Act have been completed.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number / d. Fax Number
Mr. Fred B. Hanna, Jr.	Mayor, City of Fayetteville, AR	c. Telephone Number (501) 718-7640 d. Fax Number (501) 718-7646

e. Signature of Authorized Representative	f. Date Signed
	October 1, 1999

Agency Display of Estimated Burden

Public reporting burden of this collection of information is estimated to average 5-160 hours per response depending on the complexity. Send comments regarding the accuracy of this burden estimate or any other aspect of this information collection to the Office of Management and Budget (OMB), Paperwork Reduction Project 2120-0557, Washington, DC 20503 and to the Department of Transportation, Federal Aviation Administration, Program Support Branch, ARP-11, 800 Independence Avenue, SW, Washington, DC 20591.

Drake Field, Fayetteville, Arkansas
PFC ASSURANCES CERTIFICATION STATEMENT

The undersigned Mayor for the City of Fayetteville, Arkansas, assures and certifies, with respect to the PFC application and projects including each individual project work element submitted in its application to impose a PFC at FYV Airport:

1) Responsibility and authority of the public agency. It has legal authority to impose a PFC and to finance and carry out the proposed projects. A resolution, motion or similar action has been duly adopted or passed as an official act of the City of Fayetteville, Arkansas authorizing the application, including all understandings and assurances contained therein, and directing and authorizing the person or persons holding the position of Mayor as the official representative of the public agency to act in connection with the application.

2) Compliance with regulation. It will comply with all legal provisions of 14 CFR Part 158 not inconsistent with the provisions of the Airport Noise and Capacity Act of 1990 (enacted November 5, 1990) and the authority of the Secretary of Transportation to issue regulations implementing Section 9110 of the Act.

3) Compliance with state and local laws and regulations. It has complied, or will comply, with all applicable state and local laws and regulations.

4) Environmental, airspace and airport layout plan (ALP) requirements. It will not use PFC revenue on a project until the FAA has notified the public agency that:

> a) Any actions required under the National Environmental Policy act of 1969 have been completed;
>
> b) The appropriate airspace finding required by FAA regulations has been made; and
>
> c) The FAA Airport Layout Plan (ALP) with respect to the project or project work element has been approved to the extent such approval authority of the FAA is required by regulation of the FAA for such project or an individual project work element, and the regulation or related guidelines requiring ALP approval is available to the public agency at the time of submission of a PFC application for approval to use PFC revenues.

5) Nonexclusivity of contractual agreements. It will not enter into an exclusive long term lease or use agreement with an air carrier or foreign air carrier for the use of projects funded with PFC revenue. Such lease or use agreements will not preclude the public agency from funding or developing new capacity at the airport using PFC and other sources of airport revenues or funds, and reserving and assigning such new capacity for the use of new entry carriers or expanding competitive carriers.

6) Carryover provisions. It will not enter into any lease or use agreement with an air carrier or foreign air carrier for the use of any airport facilities financed in whole or in part with revenue derived from a PFC if such agreement for such facility contains a carryover provision regarding a renewal option which, upon expiration of the original lease, would operate to automatically extend the term of such agreement with such carrier in preference over any potentially completing air carrier or foreign air carrier seeking to negotiate a lease or use agreement for such facilities.

7) Competitive access. It agrees that any lease or use agreements between the public agency and any air carrier or foreign air carrier for any facility financed in whole or in part with revenue derived from a PFC will contain a provision that permits a public agency to terminate the lease or agreement if-

a) The air carrier or foreign air carrier has an exclusive lease or use agreement for existing facilities at such airport; and

b) Any portion of its existing exclusive use facilities is not fully utilized and is not made available for use by potential competing air carriers or foreign air carriers at compensatory rates not exceeding the rates paid for such similar facilities to the public agency.

8) Rates, fees and charges.

a) It will not treat PFC revenue as airport revenue for the purpose of establishing a rate, fee or charge pursuant to a contract with an air carrier or foreign air carrier.

b) It will not include in its rate base by means of depreciation, amortization or any other method, that portion of the capital costs of a project paid for by PFC revenue for the purpose of establishing a rate, fee or charge pursuant to a contract with an air carrier or foreign air carrier.

c) Notwithstanding the limitation provided in subparagraph (b) , with respect to a project for terminal development, gates and related areas, or a facility occupied or used by one or more air carriers or foreign air carriers on an exclusive or preferential basis, the rates, fees and charges payable by such carriers that use such facilities will be no less than the rates, fees, and charges paid by such carriers using similar facilities at the airport that were not financed by PFC revenue.

9) Standards and specifications. It will carry out the project in accordance with FAA airport design, construction and equipment standards and specifications contained in advisory circulars current on the date of project approval with the understanding that such standards are minimum standards of compliance.

10) Record keeping and audit. It will maintain an accounting record for audit purposes for a period of 3 years after completion of the project. All records will satisfy the requirement of 14 CFR Part 158 and will contain documentary evidence for all items of project costs.

11) Reports. It will submit reports in accordance with the requirements of 14 CFR Part 158, Subpart D, and as the Administrator may reasonably request.

12) Airport Noise and Capacity Act of 1990. I understand that sections 9304 and 9307 of the Airport Noise and Capacity Act of 1990 require the authority to impose a PFC be terminated if the Administrator determines the public agency has failed to comply with that act or with the implementing regulations promulgated thereunder.

Fred B. Hanna, Jr.
Mayor

FYV2AMD1.123

DRAKE FIELD
Fayetteville, Arkansas

Passenger Facility Charges
Amendment #1 to Application # 98-02-C-00-FYV
Project Costs and Funding Sources

July 29, 1999

Capital Improvement Projects	Original Project Amounts: Estimated Project Costs	Original: Funding Sources: FAA Grants	State Grants	Airport Revenues	PFC Revenues	Total Funding	Revised Project Amounts: Estimated Project Costs	Revised: Funding Sources: FAA Grants	State Grants	Airport Revenues	PFC Revenues	Total Funding
I. Snow Removal Equipment (AIP 21,22)	$608,422	$372,979	$20,721	$0	$214,722	$608,422	$413,113	$371,564	$20,642	$265	$20,642	$413,113
II. ARFF Building and ARFF Truck	648,360	583,524	32,418	0	32,418	648,360	1,065,224	958,342	53,241	400	53,241	1,065,224
III. Terminal Area Improvements	3,217,000	0	0	804,250	2,412,750	3,217,000	← Project Deleted →					
IV. Commercial Ramp Rehabilitation and Extension	640,000	576,000	32,000	0	32,000	640,000	316,564	284,458	15,803	500	15,803	316,564
V. Part 107 Access Control System	110,000	99,000	5,500	0	5,500	110,000	← Project Deleted →					
VI. PFC Application and Administrative Costs	29,200	0	0	0	29,200	29,200	29,200	0	0	0	29,200	29,200
Project Totals	$5,252,982	$1,631,503	$90,639	$804,250	$2,726,590	$5,252,982	$1,824,102	$1,614,364	$89,687	$1,165	$118,887	$1,824,102

Note:
Column and row totals may contain addition errors due to rounding of calculated values.

OMB Approved 2120-0557

U.S. Department of Transportation
Federal Aviation Administration

Passenger Facility Charge (PFC) Application

1. Application Type *(Check all that apply)*

- [x] a. Impose PFC Charges
- [x] b. Use PFC Revenue
- [ ] c. Amend PFC No.: ______

FAA USE ONLY

Date Received ______ Action: [ ] Approved [ ] Approved in Part [ ] Disapproved — Date of Action: ______ PFC No.: ______

PART I

2. Public Agency Name, Address, and Contact Person

Agency Name	City of Fayetteville, Arkansas
Address	4500 South School Ave, Suite F
City, State, ZIP	Fayetteville, Arkansas 72701
Contact Person	Dale Frederick, Airport Manager

3. Airport(s) to Use:

Fayetteville Municipal Airport- Drake Field

PART II

4. Charges

a. Airport to Impose:	b. Total Estimated Net PFC Revenue:	c. Level:	d. Proposed Effective Date:	e. Estimated Expiration Date:
Fayetteville Municipal Airport Drake Field	$ 960,303	[ ] $1.00 [ ] $2.00 [x] $3.00	April 1, 2000	December 31, 2000

PART III

5. Attachments *(Check all that Apply)*

	Attached	Submitted with Application Dated:		
a.	[x]	[ ]		Airport Capital Improvement Plan
b.	[x]	[ ]		Project Information
c.	[x]	[ ]		Air Carrier Consultation Information
d.	[ ]	[ ]	n/a	Request to Exclude Class(es) of Carriers
e.	[ ]	[ ]	n/a	Alternative Uses / Projects
f.	[x]	[ ]		Additional Information

6a. Date of Written Notice to Air Carriers: July 29, 1999

6b. Date of Consultation Meeting with Air Carriers: August 31, 1999

PART IV

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The public agency will comply with the attached assurances if the application is approved; and

For those projects for which approval to use PFC revenue is requested, all applicable ALP approvals, airspace determinations, and environmental reviews required by the National Environmental Policy Act have been completed.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number / d. Fax Number
Mr. Fred B. Hanna, Jr.	Mayor, City of Fayetteville, AR	(501) 718-7640 / (501) 718-7646

e. Signature of Authorized Representative	f. Date Signed
	September 30, 1999

Agency Display of Estimated Burden

Public reporting burden of this collection of information is estimated to average 5-160 hours per response depending on the complexity. Send comments regarding the accuracy of this burden estimate or any other aspect of this information collection to the Office of Management and Budget (OMB), Paperwork Reduction Project 2120-0557, Washington, DC 20503 and to the Department of Transportation, Federal Aviation Administration, Program Support Branch, ARP-11, 800 Independence Avenue, SW, Washington, DC 20591.

FAA Form 5500-1 (6-94) NSN: 0052-00-915-9000

Drake Field, Fayetteville, Arkansas
PFC ASSURANCES CERTIFICATION STATEMENT

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2) Compliance with regulation. It will comply with all legal provisions of 14 CFR Part 158 not inconsistent with the provisions of the Airport Noise and Capacity Act of 1990 (enacted November 5, 1990) and the authority of the Secretary of Transportation to issue regulations implementing Section 9110 of the Act.

3) Compliance with state and local laws and regulations. It has complied, or will comply, with all applicable state and local laws and regulations.

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> a) Any actions required under the National Environmental Policy act of 1969 have been completed;
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> b) The appropriate airspace finding required by FAA regulations has been made; and
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> c) The FAA Airport Layout Plan (ALP) with respect to the project or project work element has been approved to the extent such approval authority of the FAA is required by regulation of the FAA for such project or an individual project work element, and the regulation or related guidelines requiring ALP approval is available to the public agency at the time of submission of a PFC application for approval to use PFC revenues.

5) Nonexclusivity of contractual agreements. It will not enter into an exclusive long term lease or use agreement with an air carrier or foreign air carrier for the use of projects funded with PFC revenue. Such lease or use agreements will not preclude the public agency from funding or developing new capacity at the airport using PFC and other sources of airport revenues or funds, and reserving and assigning such new capacity for the use of new entry carriers or expanding competitive carriers.

6) Carryover provisions. It will not enter into any lease or use agreement with an air carrier or foreign air carrier for the use of any airport facilities financed in whole or in part with revenue derived from a PFC if such agreement for such facility contains a carryover provision regarding a renewal option which, upon expiration of the original lease, would operate to automatically extend the term of such agreement with such carrier in preference over any potentially completing air carrier or foreign air carrier seeking to negotiate a lease or use agreement for such facilities.

7) Competitive access. It agrees that any lease or use agreements between the public agency and any air carrier or foreign air carrier for any facility financed in whole or in part with revenue derived from a PFC will contain a provision that permits a public agency to terminate the lease or agreement if-

a) The air carrier or foreign air carrier has an exclusive lease or use agreement for existing facilities at such airport; and

b) Any portion of its existing exclusive use facilities is not fully utilized and is not made available for use by potential competing air carriers or foreign air carriers at compensatory rates not exceeding the rates paid for such similar facilities to the public agency.

8) Rates, fees and charges.

a) It will not treat PFC revenue as airport revenue for the purpose of establishing a rate, fee or charge pursuant to a contract with an air carrier or foreign air carrier.

b) It will not include in its rate base by means of depreciation, amortization or any other method, that portion of the capital costs of a project paid for by PFC revenue for the purpose of establishing a rate, fee or charge pursuant to a contract with an air carrier or foreign air carrier.

c) Notwithstanding the limitation provided in subparagraph (b) , with respect to a project for terminal development, gates and related areas, or a facility occupied or used by one or more air carriers or foreign air carriers on an exclusive or preferential basis, the rates, fees and charges payable by such carriers that use such facilities will be no less than the rates, fees, and charges paid by such carriers using similar facilities at the airport that were not financed by PFC revenue.

9) Standards and specifications. It will carry out the project in accordance with FAA airport design, construction and equipment standards and specifications contained in advisory circulars current on the date of project approval with the understanding that such standards are minimum standards of compliance.

10) Record keeping and audit. It will maintain an accounting record for audit purposes for a period of 3 years after completion of the project. All records will satisfy the requirement of 14 CFR Part 158 and will contain documentary evidence for all items of project costs.

11) Reports. It will submit reports in accordance with the requirements of 14 CFR Part 158, Subpart D, and as the Administrator may reasonably request.

12) Airport Noise and Capacity Act of 1990. I understand that sections 9304 and 9307 of the Airport Noise and Capacity Act of 1990 require the authority to impose a PFC be terminated if the Administrator determines the public agency has failed to comply with that act or with the implementing regulations promulgated thereunder.

Fred B. Hanna, Jr.
Mayor

SUMMARY OF CIP PROJECT REQUESTS

Capital Improvements Program 2000-2004

City of Fayetteville, Arkansas

Department General Government

Division Airport

Funding Source Airport Fund

Category Airport Improvements

Priority Number	Project Title	Fiscal Year 2000	Fiscal Year 2001	Fiscal Year 2002	Fiscal Year 2003	Fiscal Year 2004	Five Year Total	Costs Beyond 2000-2004
1	Ernest Lancaster Drive Extension	487,000					487,000	
2	Federal Grant Matches	109,900	31,500	27,600			169,000	
3	Professional Services	90,000	70,000	30,000			190,000	
4	High Intensity Runway Lights	50,000					50,000	
5	Maintenance and Rehabilitation of Pavements	833,333	833,333	133,334			1,800,000	
6	T-Hangar Unit Expansion	300,000			380,000		680,000	
7	Individual Hangar	115,000	142,000	145,000		193,000	595,000	
8	Pavement Maintenance				80,000		80,000	
9	Airfield Marking				81,000		81,000	
							0	
							0	
							0	
	Revised 8-22-99 bjm						0	
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							0	
							0	
							0	
							0	
							0	
							0	
							0	
	'TOTAL	1,985,233	1,076,833	335,934	541,000	193,000	4,132,000	0

Division Head Signature: ____________ Date ____________

Filename: C:\APP\DATA\123DATA\CIPPFC.WK4

RESOLUTION NO. 96-95

A RESOLUTION TO IMPLEMENT AND COLLECT A PASSENGER FACILITY CHARGE ON ELIGIBLE PASSENGERS AT DRAKE FIELD.

WHEREAS, the City of Fayetteville has investigated the feasibility of implementing and collecting a Passenger Facility Charge ("PFC") on eligible enplaned passengers at Drake Field ("Airport") in accordance with the Aviation Safety and Capacity Expansion Act of 1990 as approved by the Federal Aviation Administration ("FAA") and desires to impose and collect a Passenger Facility Charge upon eligible enplaned passengers at Drake Field, under terms and conditions that are consistent with said Act as approved by the FAA and to expend such funds on FAA approved eligible projects; and

WHEREAS, the City operates, maintains and develops the Airport with federal grants and user fees; and

WHEREAS, a PFC is a user fee authorized by Federal Law and imposed only on eligible enplaned passengers utilizing the Airport; and

WHEREAS, the Airport Division after thorough investigation has determined that the funds generated by adopting and collecting a PFC are needed to accomplish projects designed to enhance capacity, safety and development of the Airport.

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

Section 1. The Council hereby adopts and implements the Passenger Facility charge under the following:

Section I. DEFINITIONS. As used in this resolution, the following definitions apply:

1.1 "Airport" shall mean the estimated 600 acre area of Drake Field.

1.2 "Charge Effective Date" shall mean the date on which the Passenger Facility Charge is effective as provided in §3.1 of this Resolution.

1.3 "Enplaned Passenger" means a domestic, territorial or international revenue passenger enplaned at the Airport in a scheduled or nonscheduled aircraft in interstate, intrastate, or foreign commerce, provided that Enplaned Passenger shall not include a passenger enplaning to a destination receiving essential air service (compensation) as provided by 14 C.P.R. 158.9 or a passenger both enplaning and deplaning at the Airport.

1.4 "Manager" shall mean the Airport Manager for the City of Fayetteville.

1.5 "FAA" shall mean the Federal Aviation Administration, Department of Transportation, United States of America.

1.6 "Passenger Facility Charge" shall mean the charge imposed on Enplaned Passengers pursuant to §3.1 of this resolution.

Section II. FINDINGS AND PURPOSE.

2.1 The City finds that:

2.1.1 The City owns and controls that certain Airport and air navigation facility located in Washington County, State of Arkansas, and known as Drake Field ("Airport"); and

2.1.2 The Airport promotes a strong economic base for the community, assists and encourages world trade opportunities , and is of vital importance to the health, safety, and welfare of the State of Arkansas; and

2.1.3 The Airport is a commercial service airport as that phase is defined in 14 Code of Federal Regulations Part 158, as adopted by FAA, being a public airport enplaning 2,500 or more scheduled air passengers per year; and

2.1.4 The deregulation of the airline industry, the restructuring of airline ownerships, and fluctuating market changes in the field of commercial aviation have placed new financial challenges on the City; and

2.1.5 The operation of Drake Field as a public facility attracting scheduled airline passenger service by airline carriers at the Airport imposes financial responsibility on the City for airport facilities and operations; and

2.1.6 The City will require substantial expenditure for capital investment, operation, maintenance, and development of the Airport facilities to meet the demand for passenger air travel; and

2.1.7 The Congress of the United States has authorized the adoption of a Passenger Facility Charge program by local airports pursuant to the Aviation Safety and Capacity Expansion Act of 1990 (Pub.L. 101-508, Title IX Subtitle B, November 5, 1990)(hereinafter the "Act"); and

2.1.8 It is in the City's best economic interest to adopt and in the interest of airline passengers that the City adopt a Passenger Facility Charge program as identified in this Resolution to maintain and further expand the transportation facilities of the City; and

2.1.9 In establishing and implementing the Passenger Facility Charge program, the passengers using the Airport should contribute to a greater degree toward the development of Airport Facilities used by passengers and continued development thereof; and

2.1.10 The fees implemented by this Resolution are reasonable for the use of the Airport and aviation facilities by the general public.

2.2. The purpose of this Resolution is to enact a Passenger Facility Charge program consistent with the above findings and this Resolution and the regulations published pursuant thereto shall be liberally construed to effectuate the purposes expressed.

Section III. PASSENGER FACILITY CHARGE.

3.1 Commencing not later than the first day of the second month thirty days after the approval by the FAA of the City's Passenger Facility Charge program authorized by this Resolution, or on such date thereafter as the Passenger Facility Charge can be collected as determined by the Manager ("Charge Effective Date"), thereafter shall be imposed at Drake Field, a Passenger Facility Charge of three dollars ($3.00) (Passenger Facility Charge").

3.2 The Passenger Facility Charge authorized by this Resolution shall expire on the date determined pursuant to regulations adopted by FAA.

3.3 The Airport Manager or designee is authorized to execute the FAA application for authorization of the City's PFC program including the assurances contained therein and other documents necessary for implementation of the PFC program on behalf of the City.

Section IV. ELIGIBLE PROJECTS.

4.1 The Passenger Facility Charge collected pursuant to this program shall be expended only for projects approved by the City Council and determined by the FAA to be eligible under the Act and rules and regulations adopted by FAA pursuant to such statute.

Section V. COMPLIANCE WITH FAA REQUIREMENTS.

5.1 The Passenger Facility Charge authorized by this Resolution shall be collected and distributed pursuant to the rules and regulations adopted by FAA pursuant to such statute.

Section VI. VIOLATIONS.

6.1 Sanctions. In the event any airline violates any term or condition of this Resolution, the City may exercise any rights or remedies allowed by law or equity.

Section VII. SAVINGS CLAUSE.

7.1 In the event any phrase, clause, sentence, paragraph, or paragraphs of this Resolution is declared invalid for any reason, the remainder of this Resolution shall not be invalidated, but shall remain in full force and effect, all parts of this Resolution being declared separable and independent of all others.

PASSED AND APPROVED this 5th day of July, 1995.

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Traci Paul
Traci Paul, City Clerk

RESOLUTION NO. 109-97

MICROFILMED

A RESOLUTION AUTHORIZING THE EXPENDITURE OF THE PASSENGER FACILITY CHARGES FOR APPROVED PROJECTS.

WHEREAS, it would be in the public interest to perform the below the listed projects at Drake Filed Airport; and

WHEREAS, funding these projects through Passenger Facility Charges would be in the public interest; and

WHEREAS, City Resolution No. 96-95, Section 4.1, provides that Passenger Facility Charges shall be expended for projects approved by resolution of the City Council and approved by the Federal Aviation Administration.

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

Section 1. That the Passenger Facility Charges collected pursuant to Resolution 96-95 are hereby authorized to be expended on the following projects:

1. Snow Removal Equipment;
2. ARFF Building and ARFF Truck;
3. Terminal Area Improvements;
4. Commercial Ramp Rehabilitation and Extension;
5. Part 107 Access Control System;
6. PFC Application and Administrative Costs.

Section 2. That this resolution shall become effective immediately upon adoption.

PASSED AND APPROVED this 18th day of November, 1997.

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

CITY OF FAYETTEVILLE ARKANSAS

ATTEST:

By: Traci Paul
Traci Paul, City Clerk

Report of Study
Evaluation of Treatment Plant Capacity

Paul R. Noland Wastewater Treatment Plant
Fayetteville, Arkansas

Submitted to

City of Fayetteville, Arkansas
Public Works Department

September 1999

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

Burns & McDonnell
SINCE 1898

Burns & McDonnell 100 1898 · 1998

September 8, 1999

Mr. Charles E. Venable, P.E.
Public Works Director
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

TRANSMITTAL OF REPORT
Evaluation of Noland Wastewater Treatment Plant
Project Number 99-589-4

Dear Mr. Venable:

In accordance with our contract with the City of Fayetteville, Burns & McDonnell is pleased to submit 15 copies of our report which evaluates the capacity of the Paul R. Noland Wastewater Treatment Plant in Fayetteville. Burns & McDonnell recommends in the report that the City regard the plant's design capacity to be 12.6 million gallons per day.

As you requested, we will be pleased to attend the City Council meeting the evening of September 21, 1999, to respond to questions the Council might have regarding our recommendations. Unless you need the construction records sooner, we will plan to return them to the City when we see you on the 21st. We look forward to seeing you and Mr. Don Bunn at that time.

We appreciate the opportunity to be of service to the City and look forward to future assignments with the Public Works Department.

Sincerely,

Jerry L. Sonderegger, P.E.
Project Manager

David L. Hauser, P.E.
Project Engineer

ENGINEERS • ARCHITECTS • CONSULTANTS
9400 Ward Parkway
Kansas City, Missouri 64114-3319
Tel: 816 333-9400
Fax: 816 333-3690
http://www.burnsmcd.com

EVALUATION OF TREATMENT PLANT CAPACITY
PAUL R. NOLAND WASTEWATER TREATMENT PLANT
FAYETTEVILLE, ARKANSAS

PROJECT NUMBER 99-589-4

INDEX AND ENDORSEMENT PAGE

REPORT INDEX

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II	INTRODUCTION	3
III	DISCUSSION	13

ENDORSEMENT

STATE OF ARKANSAS
★ ★ ★
REGISTERED
PROFESSIONAL
ENGINEER
★ ★ ★
No.8082
DAVID L. HAUSER

David L. Hauser
9/7/99

TABLE OF CONTENTS

Part I
EXECUTIVE SUMMARY

In a contract with the City of Fayetteville, Burns & McDonnell was requested to make an evaluation of the Paul R. Noland Wastewater Treatment Plant's capacity. To that end, Burns & McDonnell has met with the City's staff, made observations at the plant site, analyzed the construction drawings and flow records, formed conclusions based on our findings, and makes the recommendation that the average treatment capacity of the facility be considered 12.6 mgd.

We have made calculations and compared them to published engineering design criteria as well to our own engineering judgment developed over the last century. In the pages which follow, our procedures and methodology in carrying out this assignment are discussed in the following sequence:

- The existing plant is described to give the reader a sense of the size and function of the plant and its components. These descriptions are intended to be a statement of facts without conclusions and no evaluation or assessments are made.

- The design criteria, standards, and restrictions under which the plant is operated and regulated is described. This section reviews the many basic operating parameters that are commonly used in evaluating a plant's performance and states how they will be applied in this assignment.

- In a section on findings, Burns & McDonnell presents the facts that have been observed, measured, or recorded. This section is a record of our investigation and describes the calculations, flows, elevations, and capacities that were established.

- In consideration of the findings, Burns & McDonnell concludes that certain criteria are significant and should be applied to the evaluation of this plant. This section contains our conclusions as to the average and peak capacity of the plant.

- Following a discussion of the conclusions, we make a recommendation that the treatment capacity be considered as 12.6 mgd.

Inasmuch as the Noland facility is now operating at 91 percent of its design capacity and at 93 percent of the limitations of the NPDES permit, it is appropriate for the City of Fayetteville to consider your options for proper treatment of additional wastewater flows to maintain the very stringent effluent requirements.

Part II
INTRODUCTION

PURPOSE OF ASSIGNMENT

This report was authorized by and conducted in accordance with a contract dated August 3rd, 1999 between the City of Fayetteville and Burns & McDonnell Engineering Company, Inc. Questions have arisen about the actual treatment capacity of the Paul R. Noland Wastewater Treatment Plant located on North Fox Hunter Road in Fayetteville and various reports and studies have been used in support of one position or another during deliberations on how to best serve the wastewater needs of an expanding Fayetteville. This letter report contains the results of an independent review of existing records and calculations to support a recommendation of an appropriate "rating" of the treatment capacity.

SCOPE OF STUDY

The scope of this study is confined to an evaluation of the plant's capacity to receive, convey, and treat the wastewater received. It is beyond the scope to review or comment on the remaining life of the plant, the population-equivalent capacity, or to assess the ability of the plant to treat to a concentration better than that required by the NPDES permit in order to extend the life of the plant.

Terminology

The capacity ratings recommended in this study were limited to two terms—Average Design (AD), and Peak Design (PD). The two terms evaluated here describe, respectively, the amount of wastewater which can be continually treated, and the maximum amount of wastewater which can flow through the plant and still receive the level of treatment required to meet the NPDES permit limits. The two terms are related by the peaking factor—the ratio of the peak design flow to the average design flow. While a plant can receive and treat average design flow on a daily basis without stress, the peak design flow represents the reserve capacity of the plant to receive and treat flow resulting from periodic storm events or other extraordinary flows. Were it not for the wide variations in flow received, a plant could be rated at the higher peak design rating. However, once a plant is habitually operated to treat the peak design flows on a *daily* basis, the city loses its reserve capacity to deal with storm events and the peak capacity becomes, instead, the average capacity.

It should be noted that such calculated ratings are subjective and are only indicators of how various influent flows and strengths will affect a plant. Calculation of flow volumes achieved in a hydraulic system is based on assumptions such as pipe wall roughness and disturbances to the flow as it passes around bends and through fittings. The actual conditions, even if they could be measured, are not uniform throughout the system. Regardless of the calculated design flows recommended in this report, the only definitive proof of a plant's actual capacity is that which the operators are able to treat and discharge without violation.

Some other terms, such as Annual Average Day, Peak Month, and Peak Week, are in use in the industry, but they are more appropriately used during the design phase of a plant to describe or evaluate particular historical wastewater flow, stormwater events, and normal variations in wastewater flow. While these terms are useful in other contexts, they do not advance the understanding of the issue being addressed in this study. They are still just ways of trying to answer the designer's questions *of "on average, what should the plant be expected to treat?"*, and , *"what is the most flow the plant can expect to receive?"*.

Some Master Plans or Facilities Plans may use other terminology which refers to plants as being capable of serving a certain population, rather than stating a volume capacity. Basing a plant's rating on the population served is convenient and an easily understandable measuring stick, however, such ratings can quickly be rendered meaningless as a result of changing industrial, commercial, or institutional discharges and by domestic per capita flows which differ from original projections.

This study was confined to the hydraulic and organic capacity of the liquid train facilities through the influent pumping station, primary clarifiers, aeration basins, secondary clarifiers, effluent filters, chlorine contact basins, effluent pumping station, the two effluent discharge pipes, and the plant's associated interconnecting piping. Evaluation of electrical, mechanical, structural and other features of this plant, or of process equipment or solids handling was outside the scope of this study and report. No observations or conclusions were made regarding reliability, efficiency, safety, or operational aspects of the plant. Likewise, the study did not evaluate or confirm design assumptions made by the plant's designer.

Materials Reviewed

Information examined by Burns & McDonnell in the course of this study included the Conformed-to-Construction Records of the plant's original construction (generally referred to as the "as-builts"), flow and treatment records for the years 1988-1999 as provided by the plant's operator, OMI, Inc., the NPDES permit issued to the plant by Arkansas Department of Environmental Quality (ADEQ), and other previous correspondence on the plant's capacity.

In addition to examining the records and material provided by the City, Burns & McDonnell made physical observations of the plant as well as interviewing technical and management staff of OMI, Inc., before making the capacity calculations. In the Recommendations section of this report, Burns & McDonnell suggests values for Average Design flow and Peak Design flow when describing the capacity of the Noland facility. The units of flow are in millions of gallons per day (mgd).

In preparation of this report, the information provided to us by the City of Fayetteville was used by Burns & McDonnell to make certain assumptions with respect to conditions which may exist in the future. While we believe the assumptions made are reasonable for purposes of this report, Burns & McDonnell makes no representation that the conditions will, in fact, occur. In addition, while we have no reason to believe that the information provided by the City of Fayetteville, and on which this report is based, is inaccurate in any material respect, Burns & McDonnell has not independently verified such information and cannot guarantee its accuracy or completeness. To the extent that actual future conditions differ from those assumed herein or from the information provided to us, the actual results will vary from those forecast.

ORGANIZATION OF REPORT

This report consists of three parts. The Executive Summary is Part I and provides a brief synopsis of the recommendations of the report and the methodology used in their determination. Part II introduces the remainder of the report and gives the general background, purpose, and scope of the study, while Part III, Discussion, is the body of the report and contains the details describing the existing plant, the criteria and standards applied in the study, the findings, the conclusions, and the recommendations which Burns & McDonnell makes to the City regarding the rating of the plant.

* * * * *

Part III
DISCUSSION

EXISTING FACILITIES

The Noland facility is an advanced biological nutrient removal (BNR) wastewater treatment plant designed to remove carbonaceous biochemical oxygen demand (BOD_5); total suspended solids (TSS); and total phosphorus, and reduction of ammonia nitrogen. The plant uses the activated sludge process, effluent filtration, and disinfection to meet the stringent effluent requirements of the NPDES permit. The plant as now configured was constructed in 1988. The new plant was situated adjacent to the previous plant which was converted to provide preliminary treatment and solids handling.

The existing facilities consist of two elements that must be considered and evaluated in determination of the capacity of this plant—the *treatment* capacity of the basins, and the *hydraulic* capacity of the piping. Excess capacity in one system is of no benefit without the corresponding capacity in the other. The plant is designed to pump the incoming flows to a level where the wastewater can then flow by gravity through the piping to the successive process basins. The ability of the plant piping to carry those flows is evaluated using accepted hydraulic formulae and the basins are evaluated by examining, among other items, the ability of the basin to provide the intended removal as measured by the rate at which the flow is applied, the detention time in the basins, or other appropriate characteristics.

Treatment Plant Components

A plant flow schematic is shown in Figure III-1. Each treatment unit shown is either a physical or biological process designed to remove specific components of the pollutants from the waste before discharging the water on to the next process. The plant has sufficient valves and gates such that flow can be directed to multiple trains as desired by the operating staff. The plant also provides for emergency bypass pipes which are not shown here and are not a consideration of this study.

The primary clarifier splitter box splits the influent flows between two 100-ft. diameter clarifiers where partial removal of BOD_5 and TSS is accomplished by settling, a physical process. One or both of the clarifiers can be used at the same time. The primary clarifiers sit well out of the ground with the normal water surface elevation approximately 24 feet above grade. As the solids settle to the bottom of the clarifier, the clarified effluent from each primary basin flows over a weir at the water surface and is collected in a 36-inch pipe. The effluent lines from each clarifier join and the combined effluent flows by gravity to the aeration basin splitter structure in a single 48-inch diameter pipe.

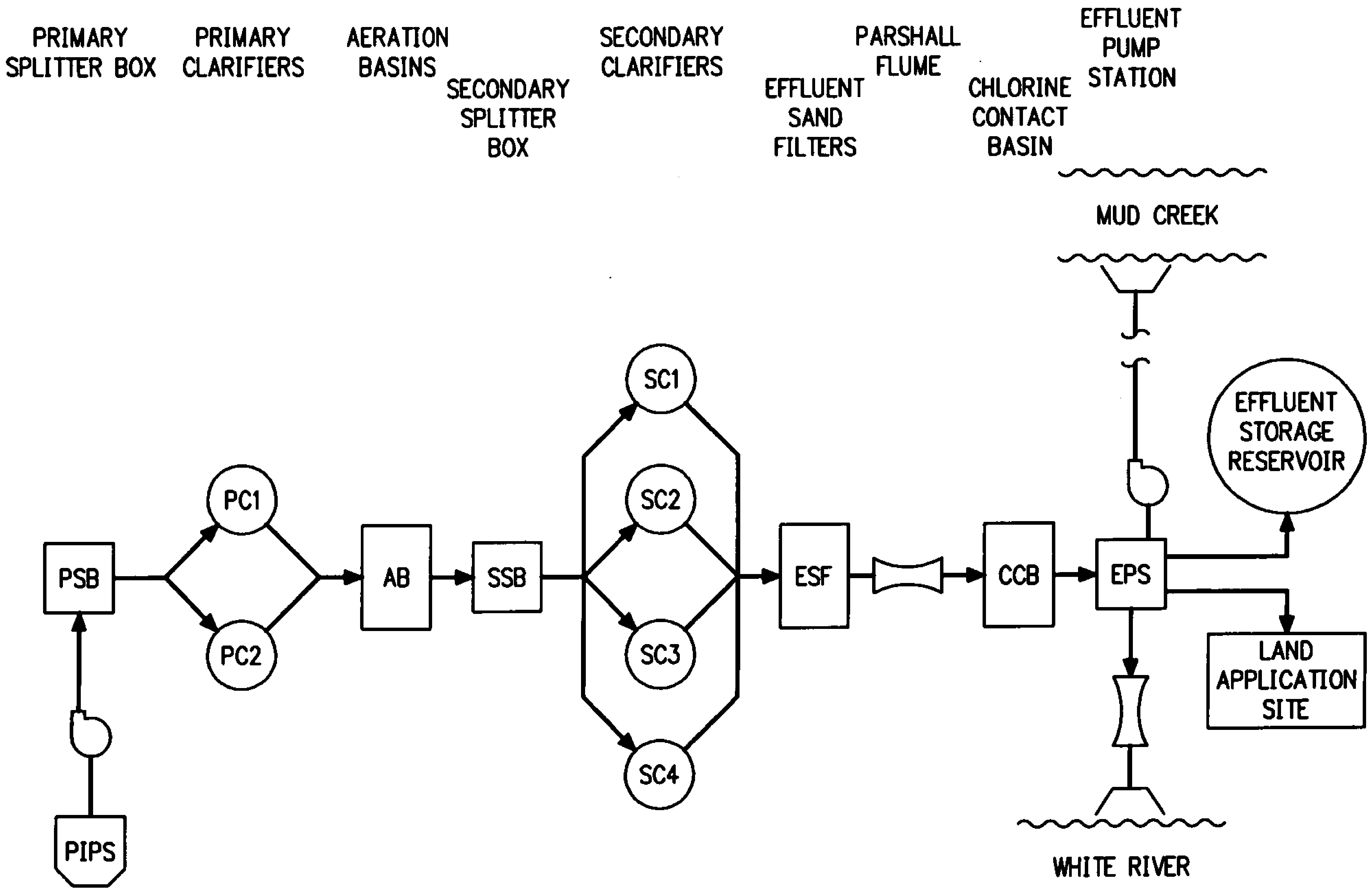


FIGURE III-1
LIQUID FLOW SCHEMATIC

The aeration basin splitter structure distributes the flow to two aeration treatment trains which contain low-horsepower mixers in successive anaerobic and anoxic zones followed by aeration in successive oxic zones with 100-horsepower two-speed fixed aerators. The aeration basin is a biological process in which the aerators bring the organics in the wastewater into close contact with microorganisms in the presence of oxygen to facilitate biological degradation. Biochemical oxygen demand, suspended solids, and phosphorus is removed and the ammonia is nitrified in the aeration basins. The total volume of the eight aeration basins is approximately 800,000 ft^3.

The contents of the aeration basins, known as mixed liquor suspended solids (MLSS), flow by gravity in a 54-inch pipeline to the secondary clarifier splitter box where the flow is distributed evenly to up to four 100-ft. diameter secondary clarifiers. Solids are separated from the mixed liquor in from one to four clarifiers. The clarified effluent flows from the secondary clarifiers by gravity in a 42-inch pipeline to the filter gallery where the effluent is further clarified by gravity filtration through sand media. The ten filters have a total area of 4,800 ft^2.

Exiting the filter gallery, the wastewater passes through a Parshall measuring flume before entering the disinfection facilities. At the time of initiation of this study, disinfection was being accomplished by injection of chlorine. During the study, the City has had ultraviolet disinfection equipment installed. This substitution has no effect of the outcome of this study.

After disinfection, the effluent flows by gravity through a 60-inch plant effluent line to the effluent pumping station for disposal.

Disposal Options

Several options for disposal are available to the operator. Most of the time, the flow is discharged either by gravity to the White River watershed or pumped to Mud Creek, a tributary of the Illinois River, but, should compelling reasons require it, the operators can also discharge treated or partially treated effluent to a secondary effluent storage reservoir. From this reservoir, the stored effluent is pumped back to the head of the wastewater plant for additional treatment. Another disposal option for the treated effluent is land application to an irrigation site.

Flow Measurement

Determination of influent flows to the Noland facility is problematic in that there is no flow measuring device at the head of the plant. The Parshall flume in the old plant was removed after contributing to the serious flooding of the plant in December 1987 and the flume was not rebuilt during the 1988 plant addition. Flows are measured in a Parshall flume after exiting the sand filters and again in the White River outfall downstream of the effluent pumping station. Operators calculate the plant influent flow by adding and subtracting the various sidestreams and underflows from the flow measured by the effluent metering devices.

CRITERIA AND STANDARDS

In this section, we discuss the standards that were applied in the evaluation of the plant, the methodology and procedures used, and the design criteria used in the analysis. The concept used to arrive at a plant rating was to first find the peak capacity and then to divide it by a peaking factor to arrive at the average design flow which the plant could be expected to consistently treat.

Specific Project Procedures

The requirement of this assignment was to determine a justifiable average volume of flow, and its associated peaks, which could flow through the existing plant by gravity and still receive the treatment level required by the State of Arkansas. To accomplish this, Burns & McDonnell first examined the Noland plant's historical flow records to look for trends in the flow as well as to determine peaks and average flows which have been experienced in the past. Then the physical plant was examined to calculate the maximum flow that could flow through and be treated by the plant. Lastly, the observed peaking factor was applied to the maximum capability of the plant and the resulting flow volume is designated the average design capacity of the plant.

Historical Records. The purpose of the historical records review is to determine the peak flow, average flow, and the peaking factor which has been experienced in the past. The plant operator, OMI, Inc., provided Burns & McDonnell the flow and treatment computer records which cover the period March 1988 through June 1999. The period of January 1996 to April 1999 was deemed to be sufficient for this analysis and those records were entered into a spreadsheet, sorted, and plotted. The period before 1996 is not considered to be representative of the current conditions because of the extensive improvements made between 1990 and 1995 in response to the EPA's Administrative Order, which expired in December 1995. This order required improvements to the wastewater collection system to substantially reduce sanitary sewer overflows.

Physical Evaluation Procedures. The elevation to which a water column will rise while wastewater flows under pressure through the pipes and basins of a treatment plant is represented by the hydraulic profile and is a function of the volume of flow, the diameter of the conduit, and the roughness coefficient of the pipe. Using the Hazen-Williams equation, the engineer will calculate the amount of elevation difference required to cause a given volume of water to flow between two points in a pipe of given diameter. The elevation difference, or hydraulic head, is used to set the elevations of the flow control structures—proceeding upstream from the surface of the receiving water body through the headworks of the facility. The purpose of a hydraulic profile in a *new design* is to set the pipe diameters and elevation of weirs and overflow structures such that the peak flows do not submerge the weirs.

In this investigation of the Noland facility, the situation is reversed. Rather than calculating the required elevations to match a given flow, the existing elevations were used to calculate the maximum amount of water which will flow through the plant and still not exceed the existing elevations. In the analysis of the pipelines, each segment of pipe between unit processes or flow control structures was evaluated to determine the maximum amount of water that would flow through that segment of pipe given the fixed conditions shown on the construction drawings. The maximum pipeline capacity is taken to be the capacity of the weakest part of the system.

Surface overflow rates (SOR), expressed as gallons per day per square foot (gpd/ft^2) of basin area for varying wastewater treatment plant conditions were used to assess the hydraulic loading capacity of the primary and secondary clarifiers. In general terms, a lower SOR is more conservative and will permit more solids to settle out than when applying the wastewater at a higher rate. Recommended SORs are contained in several engineering reference books, professional association handbooks, and regulatory agency publications, as well as being part of most engineering firms' design standards.

Application. After the capacity of the piping was found, that flow rate was divided by the actual area of the clarifiers to determine the loading at peak and average flows. The SORs thus calculated were compared to the standards referenced above to see if minimum standards were met. Where the derived SORs exceeded the recommended values, the peak and average hydraulic capacities were reduced to be in accordance with the standard for loading.

Discharge Permit

The last step in determining a recommended plant capacity rating was to compare the values determined in the preceding paragraphs with the restrictions contained in the NPDES permit. While the permit restrictions are not a physical restraint such as that imposed by pipe diameters or weir elevations, this is a very stringent permit and a very real restriction. The limits of this permit are very low and require constant operator attention to remain in compliance. The permit restrictions affect the amount of wastewater that can be processed due to the limitations in flow volume and mass loading of BOD_5, TSS, ammonia nitrogen, and phosphorus.

The permit is based on a seasonally adjusted monthly average flow of 12.0 to 12.3 mgd and lists a maximum concentration level of pollutants and a maximum mass of pollutants that can be discharged to each of the city's outfalls. The mass loading cannot be exceeded regardless of the flow discharged. The physical capacity of the plant was compared to the restrictions contained in the permit and it is noted when the calculated capacity is in excess of that allowed by the permit.

The current permit number AR0020010 was issued June 30, 1994 and was effective for the period August 1, 1995 through November 30, 1997. Even though this permit has expired and the City is in the process of obtaining a new permit, the plant continues to operate to the standards contained in the referenced permit and reports the results to the ADEQ.

Concentration. The permit restricts the plant from discharging pollutants in excess of the levels shown in Table III-1.

Table III-1
SELECTED DISCHARGE LIMITATIONS

Pollutant Characteristic	Concentration, Monthly Average	
	April - November	December - March
BOD_5	5 mg/l	10 mg/l
TSS	5 mg/l	15 mg/l
Ammonia-Nitrogen	2 mg/l	5 mg/l
Phosphorus	1 mg/l	1 mg/l

Mass Loading. In addition to the concentration limitations, the permit further limits the discharge by placing a restriction on the total *mass* of pollutants that may be discharged to the receiving water bodies. The mass loading in pounds per day is calculated by multiplying the flow in mgd times the concentration in mg/l times 8.34 to convert to pounds per day.

Flow. Maximum flow is not a uniform restriction of the permit. The volume discharged to the outfall to the White River is not limited during nine months of the year, but during July through September, some restrictions in volume apply. The volume discharged to Mud Creek is limited throughout the year.

An example from the NPDES Permit which illustrates how flow and BOD_5 restrictions vary throughout the year and between discharge points is shown in Table III-2.

Table III-2
EXAMPLE OF NPDES PERMIT REQUIREMENTS[4]

	WHITE RIVER DISCHARGE			MUD CREEK DISCHARGE		
		BOD_5			BOD_5	
PERIOD	Max Flow, mgd	Mass Loading, lbs/day	Maximum Concentration, mg/l	Max Flow, mgd[3]	Mass Loading, lbs/day	Maximum Concentration, mg/l
Jan-Mar	6.2[1]	517	10	6.1	517	10
Apr-June	6.2[1]	259	5	6.1	259	5
July-Sept	6.0[2]	259	5	6.1	259	5
Oct-Nov	6.2[1]	259	5	6.1	259	5
Dec	6.2[1]	517	10	6.1	517	10

[1]No maximum flow stated, but maximum mass loading restriction and maximum concentration corresponds to a flow of 6.2 mgd. More flow can be accepted by stream if treatment concentration is reduced accordingly. Calculated flows are derived by the equation:

$$Q = \text{Mass Loading}/(\text{concentration} \times 8.34)$$

[2]Page 25 of Part III of NPDES Permit states maximum flow is 6.0 mgd, but maximum mass loading restriction and maximum concentration corresponds to flow of 6.2 mgd. Calculated flows are derived by the equation:

$$Q = \text{Mass Loading}/(\text{concentration} \times 8.34)$$

[3]Mud Creek effluent discharge is limited to 6.1 mgd, or 50 percent of total flow of both outfalls, *whichever is less.*

[4]Permit Number AR0020010, effective August 1, 1995 and expired on November 30, 1997

FUTURE CONDITIONS

The City is in the process of applying to the ADEQ for a new NPDES permit for the Noland facility and for a new permit for a future plant to be located on the west side of Fayetteville. It is not known whether conditions will be relaxed for the Noland facility or whether they will become more restrictive. Therefore, until negotiations are concluded, it must be assumed that the Noland facility will continue to operate under the same conditions as the current permit and that no additional capacity can be claimed from a less restrictive permit.

FINDINGS

The findings from the examination of the historical records, hydraulic calculations, and organic loadings are found this section.

Historical Records

Plant operating records from January 1996 through April 1999 were reviewed and compared to the original Technical Memorandum prepared by CH_2M Hill in 1983. These are summarized in Table III-3. The maximum recorded volume of flow for the study period was 28.21 mgd and occurred on June 17, 1997. The peak month was March 1998 when the monthly flow averaged 19.34 mgd. The average daily flow for the period is 11.46 mgd. The historical ratio of Peak Day to Average Day is 2.46. The significance of this ratio is that it is used to calculate an average design flow from the peak flow which can be conveyed by the plant piping. The observed peaking factor of 2.46 accounts for storm events or other normal variations in flow in excess of the plant's average design flow. Occasional plant flows up to the peak design capacity can still receive appropriate treatment at a level to meet the NPDES permit restrictions, but cannot be relied on to maintain the appropriate treatment for extended periods of time. Corresponding values used by the plant's designers are also shown in the table.

Table III-3
MILESTONE FLOW EVENTS

Criteria	Actual Flows, mgd	CH_2M Hill Technical Memorandum, mgd
Peak Day	28.21	30.0
Peak Month	19.34	17.0
Average Day	11.46	11.4
Peak Day Factor, PD/AD	2.46	2.63
Peak Month Factor, PM/AD	1.69	1.49

A graph of the daily treatment plant influent flows for the study period is seen in Figure III-2, and Figure III-3 contains a graph of monthly averages and the maximum day in each month.

Figure III-2
Daily Flows

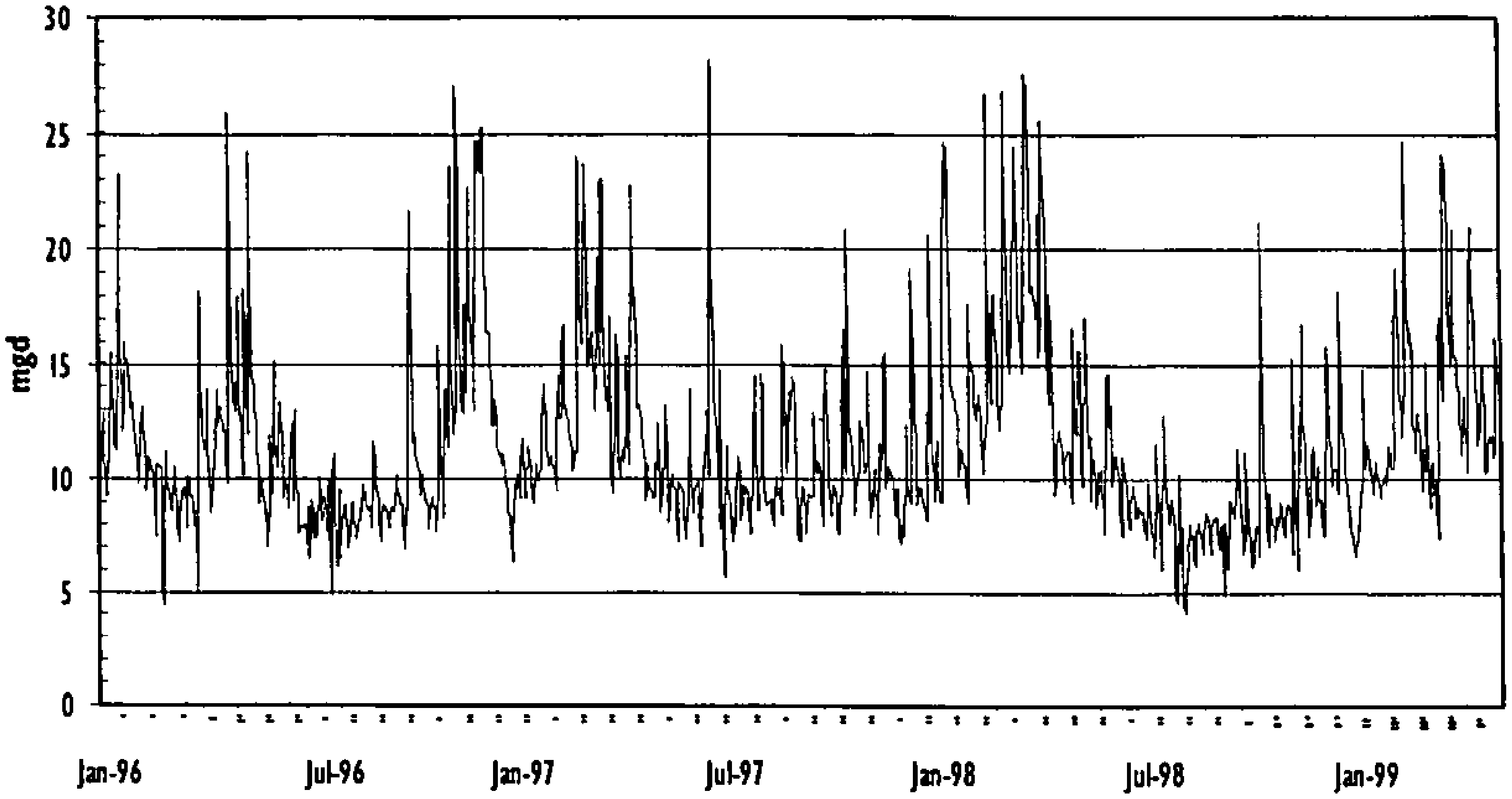
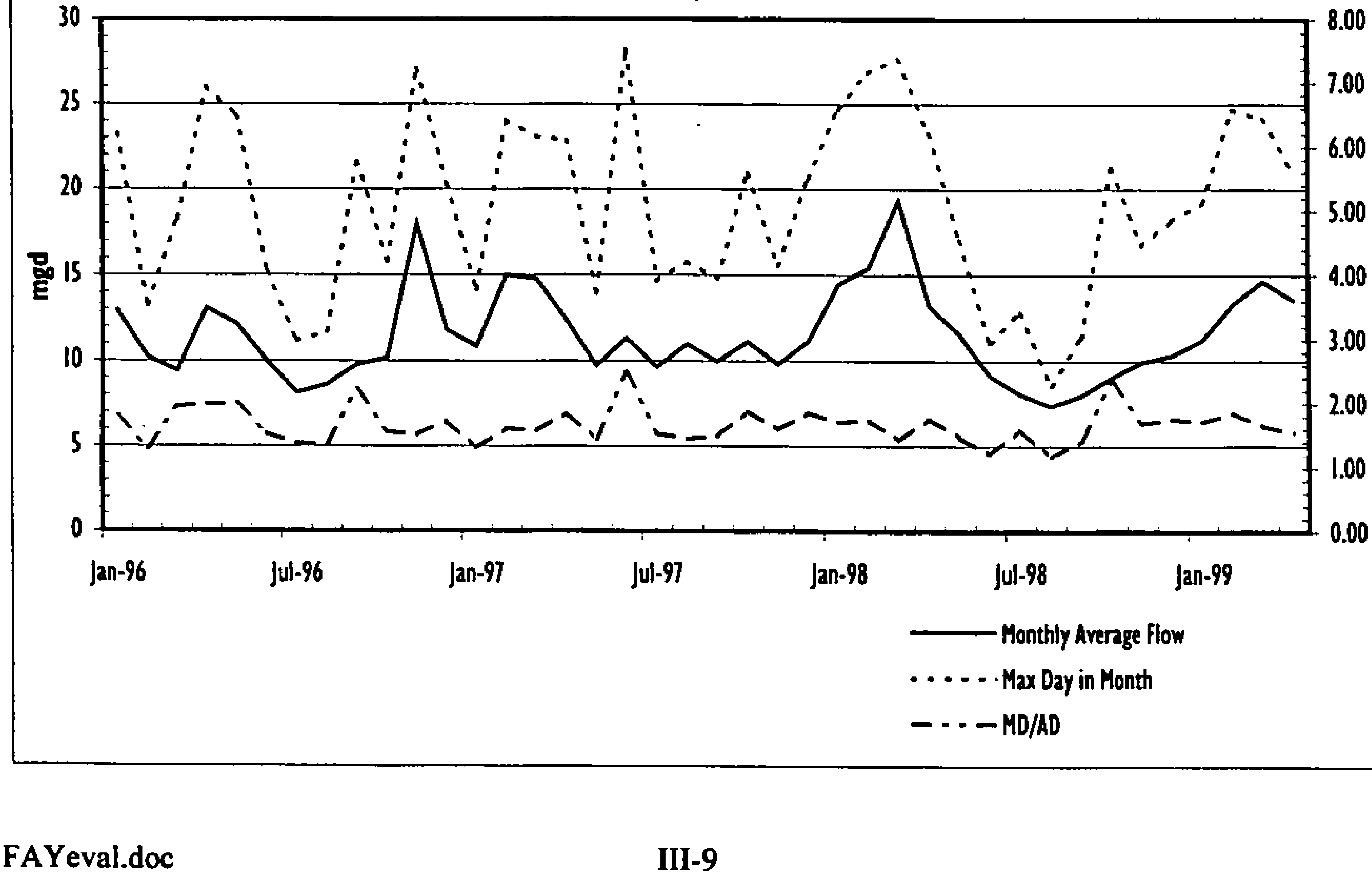


Figure III-3
Monthly Flows



Plant Hydraulics

Calculation of the hydraulic profile through the plant facilities from the influent pumping station through the plant outfalls reveals the peak hydraulic capacity of the plant is approximately 32 mgd. This is only a hydraulic capacity based on existing pipe sizes and water surface elevations controlled by the basins' weirs, and is not a design rating. It must be further confirmed that the treatment basins can be loaded to this level without exceeding their design limits.

The review of historical records indicates that the observed ratio between peak day to average day is 2.46. Therefore, the initial average design capacity of the plant would be the peak design of 32 mgd divided by the peaking factor of 2.46 for an initial average design rating of 13 mgd. As with the peak design capacity discussed above, this initial value must be confirmed by checking if the treatment basins can be loaded to this level without exceeding their design limits.

Basin Loading

It is Burns & McDonnell's opinion that the hydraulic loading on primary clarifiers at average design flow should not exceed a surface overflow rate (SOR) of 800 gpd/ft^2 of basin area and no more than 2,000 gpd/ft^2 at peak design flow. Using the initial average design and peak design rates above, the derived SORs of 827 gpd/ft^2 and 2,037 gpd/ft^2 would slightly exceed the recommended maximums. Substituting for acceptable SORs of 800 gpd/ft^2 and 2,000 gpd/ft^2, respectively, the average design and peak design flows based on the capacity of the basins are 12.6 mgd and 31.4 mgd.

Similarly, the SORs for secondary clarifiers are recommended not to exceed 500 gpd/ft^2 at average design flow and 1,000 gpd/ft^2 at peak design flow. Neither SOR is exceeded when applying the average design flow or peak design flow discussed above.

Aeration Basin Capacity. The design of aeration basins is a complicated task and involves a multitude of parameters. Aeration basin "capacity" is not simply assessed by such measures as overflow rates or volume and their performance is affected by variables such as the amount of oxygen, pH, temperature, nutrient level, and toxic wastes. A review of the treatment records for the study period indicates the aeration basins have successfully treated up to the peak day flow of 28.21 mgd without violation of the NPDES permit.

Utilizing the treatment records supplied by OMI, Burns & McDonnell has analyzed the aeration basins at the Noland facility and found that, at the present average flows being received at the plant, the basins are under loaded at the present conditions. Observations of parameters such as hydraulic retention time, volumetric loading, and F/M ratio indicate the aeration basins are under loaded and could accept a flow of 31.4 mgd. Table III-4 summarizes the aeration basin observations and the value of each parameter is appropriate, given that the plant is producing an effluent which is meeting its removal and ammonia reduction goal.

Table III-4
AERATION BASIN DESIGN PARAMETERS

Parameter	Average Value Observed During Study Period
Volumetric Loading	15 lb. BOD/day/1000 ft^3
F/M Ratio	0.12 lb. BOD/day/lb. MLVSS
Hydraulic Detention Time	10 hours

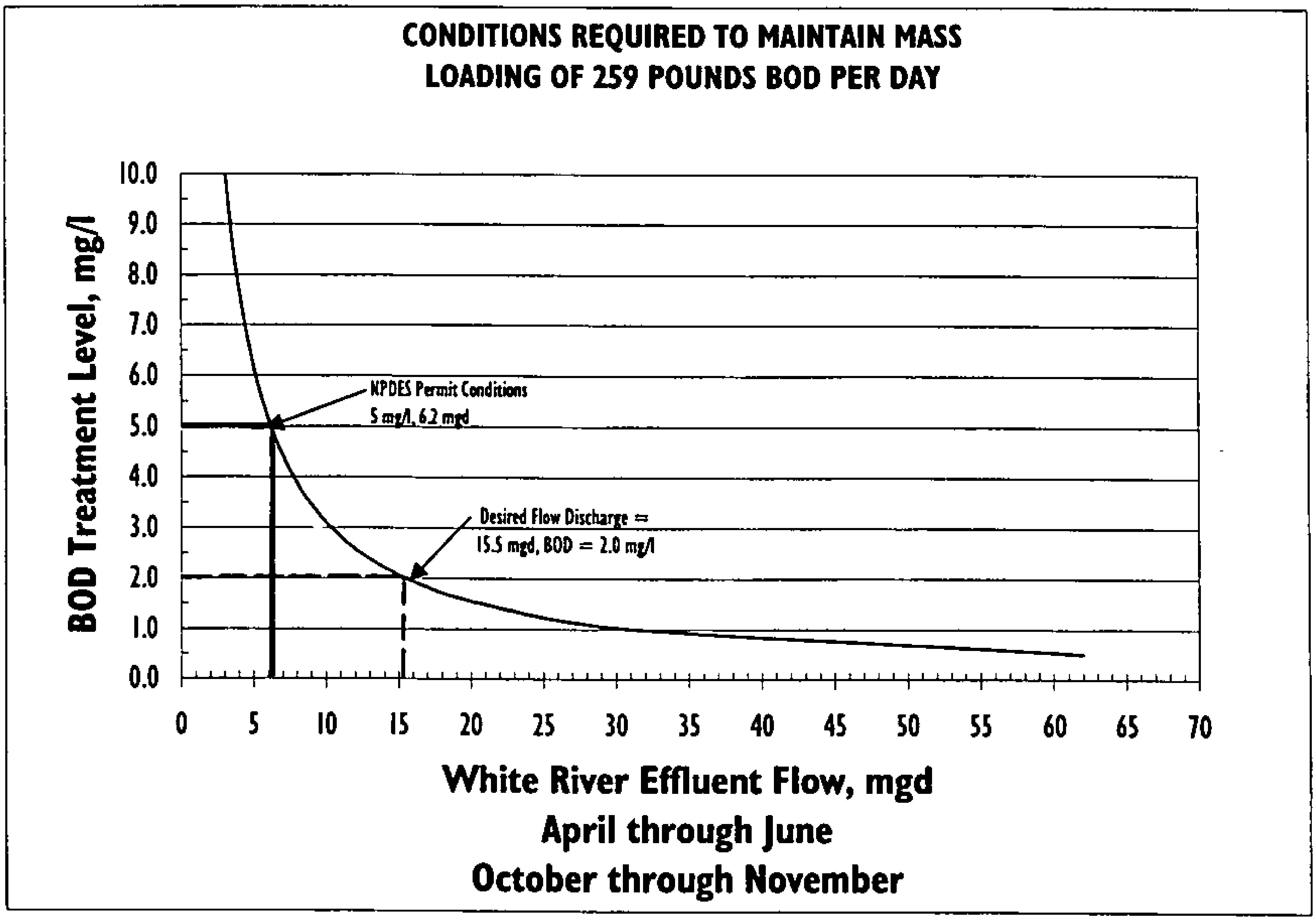
Sand Filter Capacity. The operating data received by Burns & McDonnell for the effluent TSS are largely incomplete and consequently, the only usable data for evaluation of the effluent gravity sand filters were the effluent TSS data for 1999. With the small amount of data available, it appears the filters are working in an acceptable manner.

Filtration rates are not recommended to exceed 5 gpm/ft^2 at peak design flow with one filter out of service. At a flow of 31.4 mgd, the filtration rate over nine filters would be 5.05 gpm/ft^2.

CONCLUSIONS

Burns & McDonnell has compared the flow values calculated for the piping and for the basins and has concluded that the smaller of these two values is an appropriate rating for the Noland facility. It has also been concluded that it is reasonable to use a ratio of peak design to average design of 2.46. Accordingly, it is concluded that the average design flow for the Noland facility is 12.6 mgd and the peak design flow is 31.4 mgd. The average day flow at the present time at the Noland plant is approximately 11.5 and when the plant's average daily flow consistently exceeds 12.6 mgd, the ability of the plant to treat the expected peaks will be diminished and the plant can be said to be at maximum design capacity. With the present growth trends in Fayetteville and the Noland facility presently operating at 91 percent of its design capacity and at 93 percent of its NPDES limitations, we conclude that it is appropriate for the City to consider further options for meeting the very stringent effluent restrictions.

It is acknowledged that the current NPDES permit limits flow under some conditions to only 12.3 mgd, but these are subject to change and are not constrained by physical construction, as are the treatment works. Additionally, the NPDES permit does not, in every case, state a maximum flow that may be discharged from the plant. The true restraint to the plant's operation is the limitation of mass loading of pollutants to each outfall, and from this, a corresponding flow can be calculated. When conditions are right and the plant is not experiencing process upsets, this limitation in flow may be overcome by the plant's operating personnel by operating the plant to achieve a higher treatment standard than required. The treatment concentration, the flow, and the mass loading restrictions contained in the NPDES permit are all related, and if one characteristic increases (for example, the flow), the increase can be accommodated by lowering the treatment level concentration. In effect, the flow that can be released to the White River outfall is theoretically unlimited if there is a corresponding theoretical decrease in concentration coming from the plant. This is illustrated by the graph in Figure III-4.



RECOMMENDATIONS

Notwithstanding the limitations imposed by the current NPDES permit of 12.3 mgd, Burns & McDonnell recommends that the City of Fayetteville consider the average design capacity of the Paul R. Noland Wastewater Treatment Plant to be 12.6 mgd.

* * * * *

STAFF REVIEW FORM

_X_ Agenda Request
___ Contract Review
___ Grant Review

For the Fayetteville City Council meeting of September 21, 1999.

FROM:

Alett Little	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company and successor owner Clem Johnson for property located at 1798 E. Huntsville Road. Ordinance #4175 rezoned this 0.788 acre property from C-1, Neighborhood Commercial to C-2 Thoroughfare Commercial for the purpose of installing a used car lot. This request is for an amendment to that ordinance to allow automobile restoration and repair in addition to used car sales.

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 9-20-99	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff did not recommend approval of RZ98-22. Planning Commission approved RZ98-22 at the regular meeting of January 11, 1999, with a vote of 5-4-0. Mr. Forney, Ms. Hoover, Ms. Johnson, and Mr. Tucker voted against the motion. Staff now recommends in favor of allowing restoration and repair of automobiles in addition to used car sales in a C-2 zone for this property located at 1798 East Huntsville Road as associated with ordinance 4175.

Division Head	Date 9-9-99	**Cross Reference**
Department Director	Date	New Item: **Yes** **No**
Administrative Services Director	Date	Prev Ord/Res#:______
Mayor	Date	Orig Contract Date: ______

AMENDED BILL OF ASSURANCE

This declaration of a Bill of Assurance is made this ______ day of September, 1999, by Clem Johnson, successor owner to Littlefield Investment Co. of real property located in Fayetteville, Washington County, Arkansas, more particularly described as follows, to wit:

> A part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Twenty-three (23), Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows: Beginning at the Northeast corner of said 40 acre tract, said point being an existing railroad spike in Happy Hollow Road; thence S89°59'01"W along the north line of said 40 acre tract 190.80 feet; thence S00°22'50"E 141.99 feet to a chiseled 'X' in a concrete drive on the north right of way of State Highway 16E (Huntsville Road); thence S68°26'03"E along said right of way 205.70 feet to a set cotton spindle in Happy Hollow Road on the east line of said 40 acre tract; thence N00°22'50"W 217.66 feet to the point of beginning, containing 0.788 acres, more or less, Fayetteville, Washington County, Arkansas. The above described 0.788 acre tract being subject to the right of way of Happy Hollow Road along the entire east boundary.

WHEREAS, Littlefield Investment Co. applied to the City of Fayetteville for a re-zoning of the above described real property from C-1 to C-2 on July 6, 1999; and

WHEREAS, said rezoning was approved by the City Council by Ordinance 4175; and

WHEREAS, Littlefield Investment Co., owner at that time, and Clem Johnson, present owner, desire to restrict the use of the property described hereinabove to a used car lot and/or automobile restoration and repair for a maximum of fifteen (15) vehicle to be located behind a six (6) foot wooden fence or any use allowable in a C-1 zoning.

NOW, THEREFORE, Clem Johnson, present owner, hereby declares that the real property described herein shall be held, developed, transferred, sold, conveyed, and occupied subject to the restriction that if it is zoned C-2 by the City Council of the City of Fayetteville the use thereof shall be restricted to a "used car lot and/or automobile restoration and repair for a maximum of fifteen (15) vehicles to be located behind a six (6) foot wooden fence" (which requires C-2 zoning), or any use allowable in a C-1 zone. In the event that said property ceases to be used as a used car lot and/or automobile restoration and repair for a maximum of fifteen (15) vehicles behind a six (6) foot wooden fence for one (1) year, said property shall be rezoned to C-1 by the City of Fayetteville.

Nothing contained herein shall prohibit Clem Johnson from petitioning the City of Fayetteville for the removal of this Bill of Assurance or seeking a different zoning classification.

Executed this _______ day of September, 1999.

____
CLEM JOHNSON

STATE OF ARKANSAS)
)SS
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public, duly qualified, commissioned and acting within and for the aforesaid State and County, Clem Johnson, and stated that he had executed the same.

Witness my hand and seal as such Notary Public this _______ day of September, 1999.

____
Notary Public

My Commission Expires:

____

STAFF REVIEW FORM

X Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of September 21, 1999.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for VA99-11 as submitted by Curtis and Kathryn Coleman for property located at 2922 Whippoorwill Lane. The property is zoned R-1, Low Density Residential, and contains approximately .29 acres. The request is to vacate a portion of a 20 foot utility easement along the north property line.

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	ADA Coordinator	Date
City Attorney	Date 9-1-99	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the request on the Consent Agenda with a unanimous vote of 9-0-0.

Division Head	Date 8-31-99
Department Director	Date 9-2-99
Administrative Services Director	Date 9-2-99
Mayor	Date 9/1/99

Cross Reference

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

Prev Ord/Res#: ______

Orig Contract Date: ______

PC Meeting of 23 Aug 99

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.

Fayetteville, AR 72701

Utility Easement Vacation
Curtis & Kathryn Coleman

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Ron Petrie, P.E., Staff Engineer
DATE: August 23, 1999

Project: **VA 99-11.00: Easement Vacation (Coleman, pp 411)** was submitted by Curtis and Kathryn Coleman for property located at 2922 Whippoorwill Lane. The property is zoned R-1, Low Density Residential, and contains approximately .29 acres. The request is to vacate a portion of a 20' utility easement along the north property line.

Please refer to the attached drawings for exact location and dimensions.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric - No objections.
Southwestern Electric Power Company - No service.
Arkansas Western Gas - No objections.
SW Bell - No objections.
TCA Cable - No objections.

City of Fayetteville:
Water/Sewer - No objections.
Street Department - No objections.
Solid Waste - No objections.

Recommendation: Approval of the requested easement vacation.

PLANNING COMMISSION ACTION: __yes__ **Required**
_____ **Approved** _____ **Denied**

Date: 8 / 23 / 99

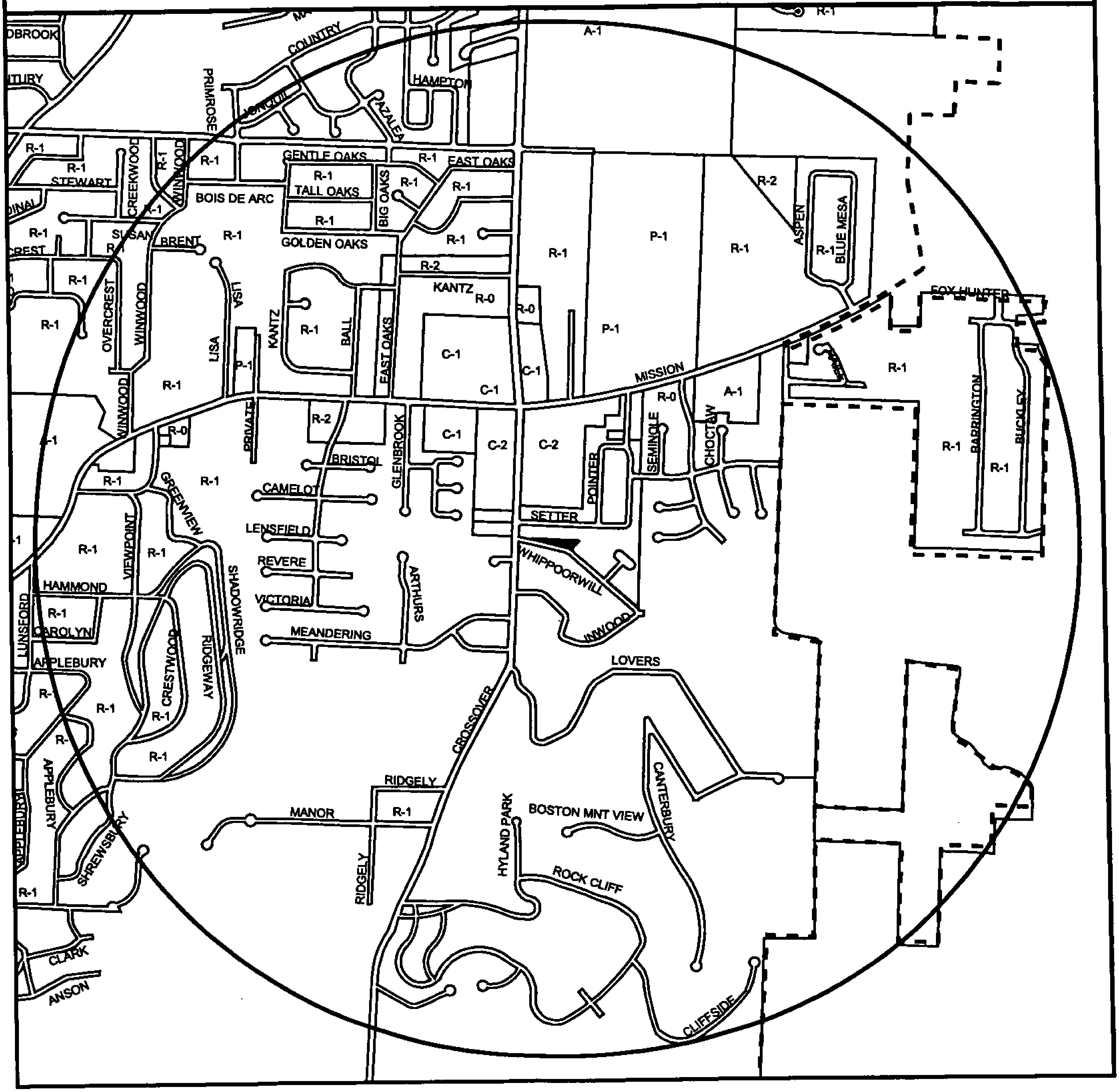
Comments:

____
____
____

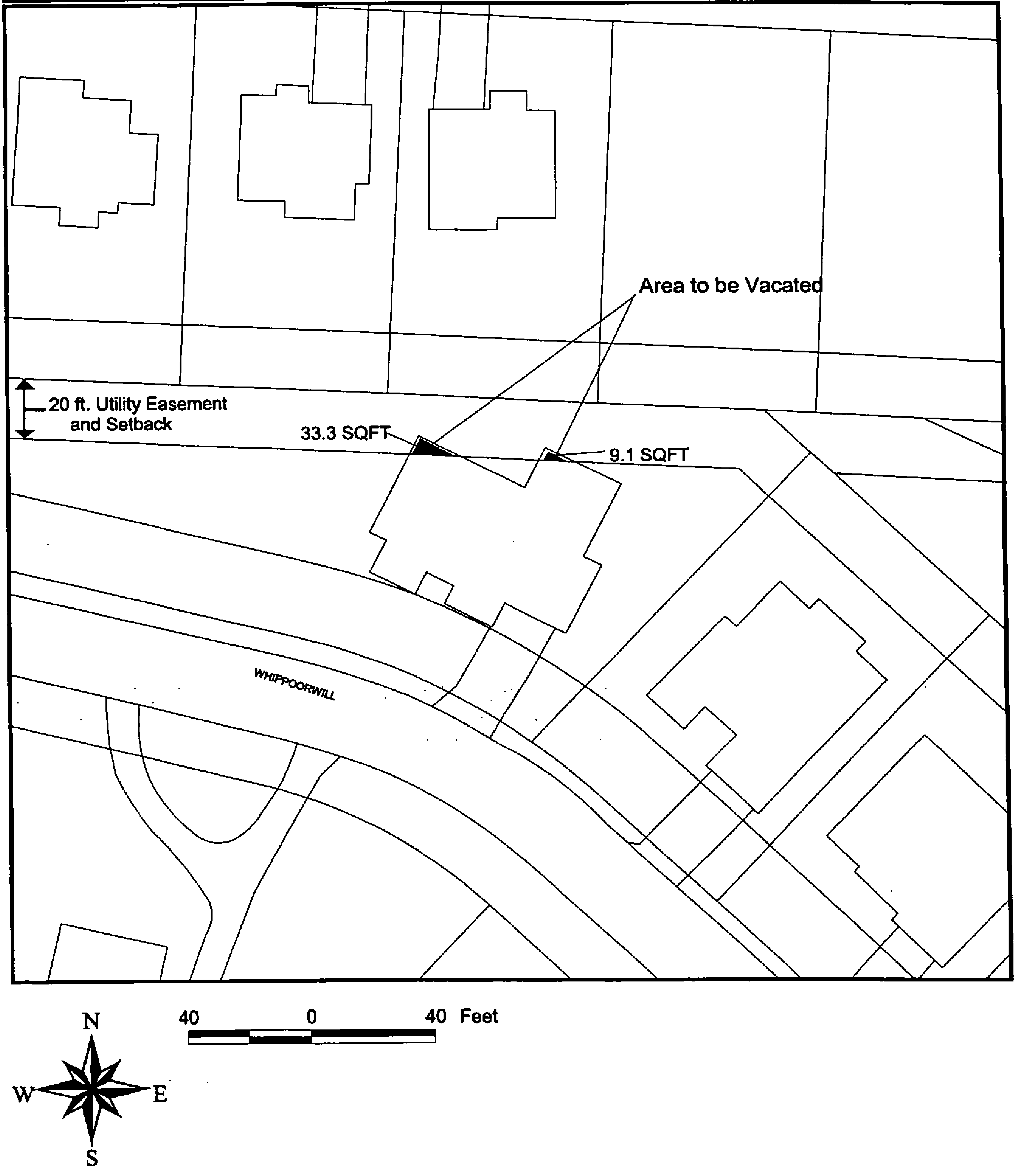
CITY COUNCIL ACTION: __yes__**Required**
______**Approved** ______**Denied**

Date: __/__/__

VA99-11.00 - Coleman - One Mile Diameter



VA99-11.00 - Coleman - Close Up



CONSENT AGENDA

Approval of August 9, 1999 minutes.

**VA99-11: EASEMENT VACATION
COLEMAN, PP401**

This item was submitted by Curtis and Kathryn Coleman for property located at 2922 Whippoorwill Lane. The property is zoned R-1, Low Density Residential, and contains approximately .29 acres. The request is to vacate a portion of a 20 foot utility easement along the north property line.

**AD99-17: ADMINISTRATIVE ITEM
WEDINGTON PLACE APTS, PP401**

This item was submitted by Bruce Adams for property located at lot 4 of Wedington Place Addition. The property is zoned R-2, Medium Density Residential and contains approximately 7.73 acres. The request is for a waiver from Section 5.4.3 of the City's Drainage Criteria Manual to allow a building setback of less than 100 feet from a permanent water feature and also to accept the use of a permanent lake in lieu of the dry detention pond.

**AD99-18: ADMINISTRATIVE ITEM
DOE'S EAT PLACE PP484**

This item was submitted by Jim Huson for property located at 316 W. Dickson Street. The request is for a waiver of 4 parking spaces in the C-3 zoning district.

**AD99-19: ADMINISTRATIVE ITEM
NELM'S AUTO PARK, PP248/249**

This item was submitted by Audy Lack of Miller, Boskus, & Lack on behalf of Nelm's Auto Park for property located at the northeast corner of the I-540 and Hwy 112 intersection. The request is for a variance from Section 161.21(D)(7) of the Unified Development Ordinance concerning site lighting requirements for a development within the Design Overlay District.

Committee Discussion

Johnson: I will call to order the August 23, meeting of the Fayetteville Planning Commission. I see we have all Commissioners in their places tonight. We have several items on the Consent Agenda in addition to approval of the minutes. Is there anyone on the Commission who would like to pull from the Consent Agenda any of these items? Seeing none, is there anyone in audience who would request that we discuss any one of these items and pull it from the Consent Agenda. Seeing none then, we will vote on the Consent Agenda consisting of 5 items.

Roll Call

Upon roll call, the Consent Agenda was approved with a unanimous vote of 9-0-0.

STAFF REVIEW FORM

_X_ Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of September 21, 1999.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZA99-2 submitted by Michele Harrington, attorney on behalf of Valerie M. Zamberletti for property on County Road 92 (Zion Road.) The property is in the planning growth area and contains approximately 34.72 acres. The request is to annex the subject property into the City of Fayetteville.

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 9-1-99	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the request with a unanimous vote of 9-0-0.

Division Head	8-31-99 Date	**Cross Reference**
Department Director	9-2-99 Date	New Item: **Yes** **No**
Administrative Services Director	Date	Prev Ord/Res#: ____
Mayor	9/2/99 Date	Orig Contract Date: ____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO:	**Fayetteville Planning Commission Members**
THRU:	**Tim Conklin, City Planner**
FROM:	**Brent Vinson, Associate Planner**
DATE:	**August 23, 1999**

RZA 99-2.00: Annexation (Zamberletti, pp 100) was submitted by Michele Harrington, attorney on behalf of Valerie M. Zamberletti for property on County Road 92 (Zion Road). The property is in the planning growth area and contains approximately 34.72 acres. The request is to annex the subject property into the City of Fayetteville.

RECOMMENDED MOTION:

Staff recommends approval of the requested annexation based on the findings included as part of this report.

PLANNING COMMISSION ACTION: __YES__ **Required**
_____**Approved** _____**Denied**

Date: __August 23, 1999__

Comments:

____

____

CITY COUNCIL ACTION: __YES__ **Required**
_____**Approved** _____**Denied**

Date: __/ /__

BACKGROUND :

The applicant requests the annexation of approximately 35 acres along Zion Road east of Crossover (Hwy. 265.) The property adjoins and is east of the future Stonewood Subdivision which was rezoned to R-1 in May 1999. A preliminary plat was approved by the Planning Commission on June 28, 1999 with 119 lots (see attached minutes.) Approximately 1,288 feet of the property adjoins the Fayetteville City Limits. There is approximately 195 feet of frontage along Zion Road. The Order of Annexation was signed by the Washington County Judge on August 17, 1999. The applicant has requested to have the property rezoned to R-1 to develop single family residences.

ADJACENT LAND USE AND ZONING:

North: Single family residences and undeveloped property exist outside the city limits.

South: Single family residences and undeveloped property exist outside the city limits.

East: Single family residences and undeveloped property exist outside the city limits.

West: Undeveloped property zoned R-1 exists with plans to build single family residences in the near future.

INFRASTRUCTURE:

Streets: Zion Road is a Residential street with 40' of ROW (20' from centerline), Crossover (Hwy. 265) which is approximately 1400 feet west is a Principal Arterial with 110' of ROW (55' from centerline), and Butterfield Coach which is approximately 1400' east of the property is a Collector with 70' of ROW (35' from centerline.)

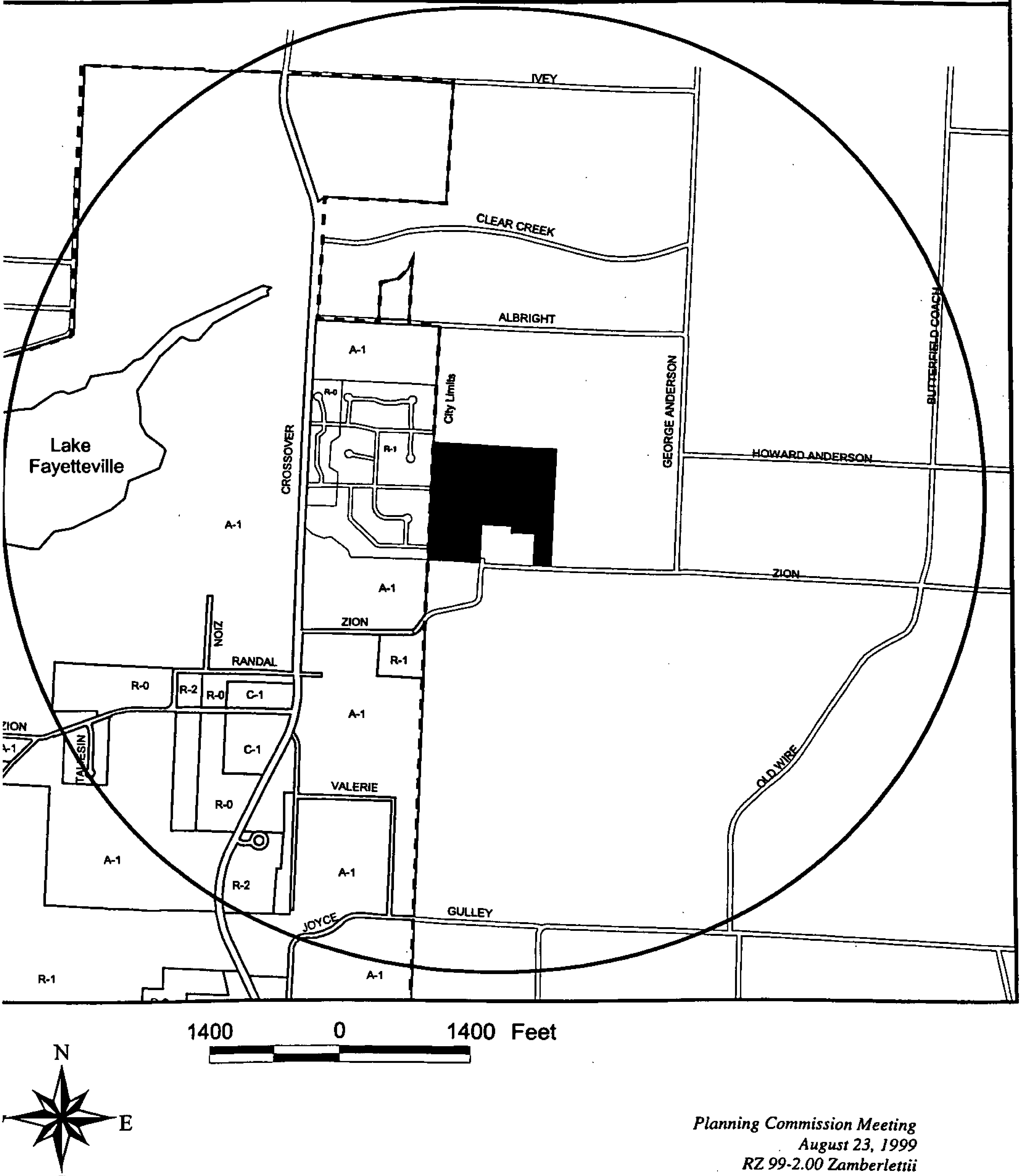
Water: There is a 6" waterline existing from Zion running into the property and a 12" waterline along the south side of Zion.

Sewer: The nearest sewer line is an 8" sewer line at Zion (west of Hwy. 265.)

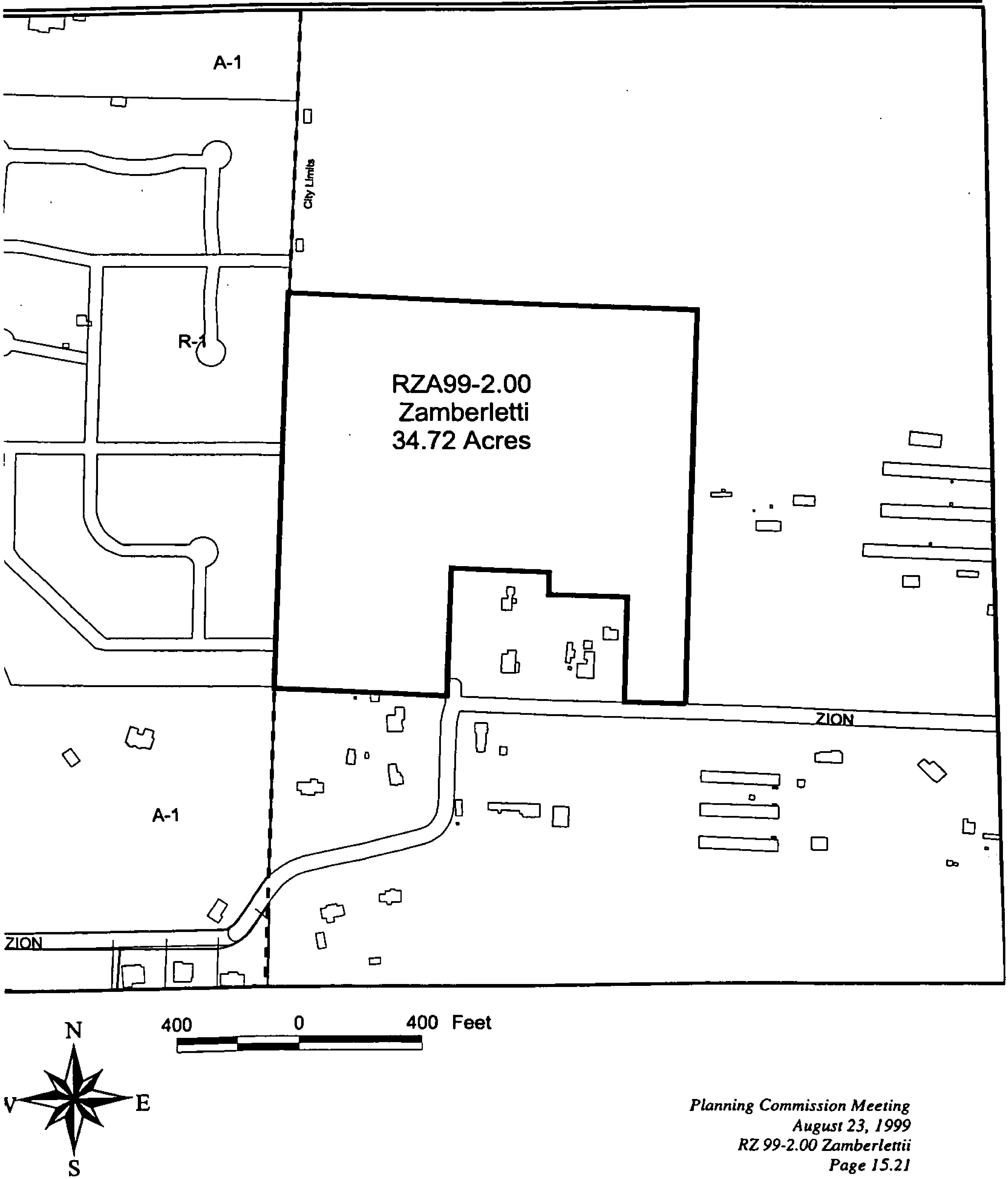
LAND USE PLAN:

The General Plan 2020 shows this area as Residential.

RZA99-2.00 - Zamberletti - One Mile Diameter



RZA99-2.00 - Zamberletti - Close Up



RZA99-2: ANNEXATION
ZAMBERLETTI, PP100

This item was submitted by Michele Harrington, attorney on behalf of Valerie M. Zamberletti for property located on County Road 92 (Zion Road.) The property is in the planning growth area and contains approximately 34.72 acres. The request is to annex the subject property into the City of Fayetteville.

Micki Harrington was present on behalf of the request.

Staff recommended approval of the requested annexation based on the findings included in the staff report.

Commission Discussion

Johnson: On page 15.1, is this correctly numbered? RZA, is that for annexation?

Conklin: Yes, that is correct.

Johnson: I believe that this property along one entire line does adjoin the city all along the west. It adjoins which subdivision?

Conklin: That's Stonewood Subdivision to the west.

Johnson: Does it adjoin the city on the south?

Conklin: It only joins the city limits on the west side.

Johnson: Would you explain the staff's rationale for recommending this annexation to the city?

Conklin: This is approximately a 35 acre annexation. It does have approximately 190 feet of frontage along Zion Road. The county judge did approve the Order of Annexation on August 17, 1999. We also included in your packet on page 15.20, a new map showing Stonewood Subdivision in the preliminary plat that was approved. It does provide access through 2 streets to this property. Stonewood Subdivision currently is under development and would allow for future connections into this 35 acres. Staff has recommended approval and annexing this property in the City of Fayetteville would require them to comply with our subdivision regulations which provides for fire protection, street lights, park land dedication, water and sewer.

Johnson: I have a question about the drawing on page 15.19. The area that is not a part of this acreage along Zion Road, what are those buildings in essence to help me get oriented?

Conklin: Those are single family homes on large lots.

Harrington: Good evening. I don't really have anything else to add. The property across from this is owned by Youth Bridge, I believe. There are residential houses on the corner there but it is a residential use even though it is a Youth Bridge owned property on the corner where Zion turns to the east. Everything else there is single family. We hope that you will support the request for annexation.

Public Comment

Mark Foster, the developer of Stonewood Subdivision, was present to address the commission.

Foster: I'm not for this.

Johnson: Now you realize this is an annexation.

Foster: Yes. I don't think there's a need to annex more. If they annex it they are going to develop it. I think that would create too many lots in one spot.

Johnson: At this point, we are limiting the discussion to the annexation of the 34 acres into the City. You need to give us insight into that. Do you have the subdivision to the west?

Foster: I just brought it through the approval process last month.

MOTION

Marr: I would like to recommend approval of RZA99-2.

Hoffman: Second.

Johnson: We have the motion by Commissioner Marr and the second by Commissioner Hoffman to approve annexation RZA99-2. Is there discussion of the motion to annex?

Roll Call

Upon roll call, the motion passed with a unanimous vote of 9-0-0.

Johnson: The recommendation to Council is approved with a vote of 9 to 0.

STAFF REVIEW FORM

X Agenda Request
___ Contract Review
___ Grant Review

For the Fayetteville City Council meeting of September 21, 1999.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ99-26 submitted by Michele Harrington, attorney on behalf of Valerie M. Zamberletti for property on County Road 92 (Zion Road.) The property is in the planning growth area and contains approximately 34.72 acres. The request is to rezone from A-1, Agricultural to R-1, Low Density Residential.

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	ADA Coordinator	Date
City Attorney	9-7-99 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the request with a unanimous vote of 9-0-0.

Division Head	8-31-99 Date	**Cross Reference**
Department Director	9-2-99 Date	New Item: **Yes** **No**
Administrative Services Director	2 Sep 99 Date	Prev Ord/Res#: ___
Mayor	9/1/99 Date	Orig Contract Date: ___

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO:	**Fayetteville Planning Commission Members**
THRU:	**Tim Conklin, City Planner**
FROM:	**Brent Vinson, Associate Planner**
DATE:	**August 23, 1999**

RZ 99-26.00: Rezoning (Zamberletti, pp 100) was submitted by Michele Harrington, attorney on behalf of Valerie M. Zamberletti for property on County Road 92 (Zion Road). The property is in the planning growth area and contains approximately 34.72 acres. The request is to rezone from A-1, Agricultural to R-1, Low Density Residential.

RECOMMENDED MOTION:

Staff recommends approval of the proposed R-1 zoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: YES Required
_____Approved _____Denied

Date: August 23, 1999

Comments:

____

____

CITY COUNCIL ACTION: YES Required
_____Approved _____Denied

Date: / /

BACKGROUND :

The applicant requests the annexation of approximately 35 acres along Zion Road east of Crossover (Hwy. 265.) The property adjoins and is east of the future Stonewood Subdivision which was rezoned to R-1 in May 1999. A preliminary plat was approved by the Planning Commission on June 28, 1999 with 119 lots (see attached minutes.) Approximately 1,288 feet of the property adjoins the Fayetteville City Limits. There is approximately 195 feet of frontage along Zion Road. The Order of Annexation was signed by the Washington County Judge on August 17, 1999. The applicant has requested to have the property rezoned to R-1 to develop single family residences. The rezoning is contingent upon the annexation of the property.

ADJACENT LAND USE AND ZONING:

North: Single family residences and undeveloped property exists outside the city limits.

South: Single family residences and undeveloped property exist outside the city limits.

East: Single family residences and undeveloped property exist outside the city limits.

West: Undeveloped property zoned R-1 exist with plans to build single family residences in the near future.

INFRASTRUCTURE:

Streets: Zion Road is a Residential street with 40' of ROW (20' from centerline), Crossover (Hwy. 265) which is approximately 1400 feet west is a Principal Arterial with 110' of ROW (55' from centerline), and Butterfield Coach which is approximately 1400' east of the property is a Collector with 70' of ROW (35' from centerline.)

Water: There is a 6" waterline existing from Zion running into the property and a 12" waterline along the south side of Zion.

Sewer: The nearest sewer line is an 8" sewer line at Zion (west of Hwy. 265.)

LAND USE PLAN:

The General Plan 2020 shows this area as Residential.

RZ 99.00-6.00 FINDINGS OF THE STAFF

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

Finding: **The Land Use Plan (General Plan 2020) shows this area as residential. The proposed zoning of R-1 (Single Family Residential) is consistent with the plan.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed zoning R-1 is justified and needed at this time.**

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

Finding: **The proposed zoning would not create or appreciably increase traffic danger and congestion in this area.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zonings would not alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities. On-site and off-site improvements will be required at the time of Large Scale Development or Preliminary Plat approval.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

Rezoning Application for Valerie Zamberletti

Item #6.

a. The proposed zoning change is from A-1 (the automatic zoning upon annexation) to R-1 for the purpose of building single family homes within the restrictions of the R-1 zone.

b. The reason for the requested zoning change is that a single family residence subdivision is not permitted in the A-1 zone.

c. (1) The development of this property into a single family residential subdivision will be the same type of use as the surrounding properties (similar residential development in the area) and an adjacent agricultural area is under proposals for similar development at this time;

(2) will not significantly increase traffic on East Zion Road; will tie into subdivision proposed to west which shows 2 points of ingress/egress as per city request;

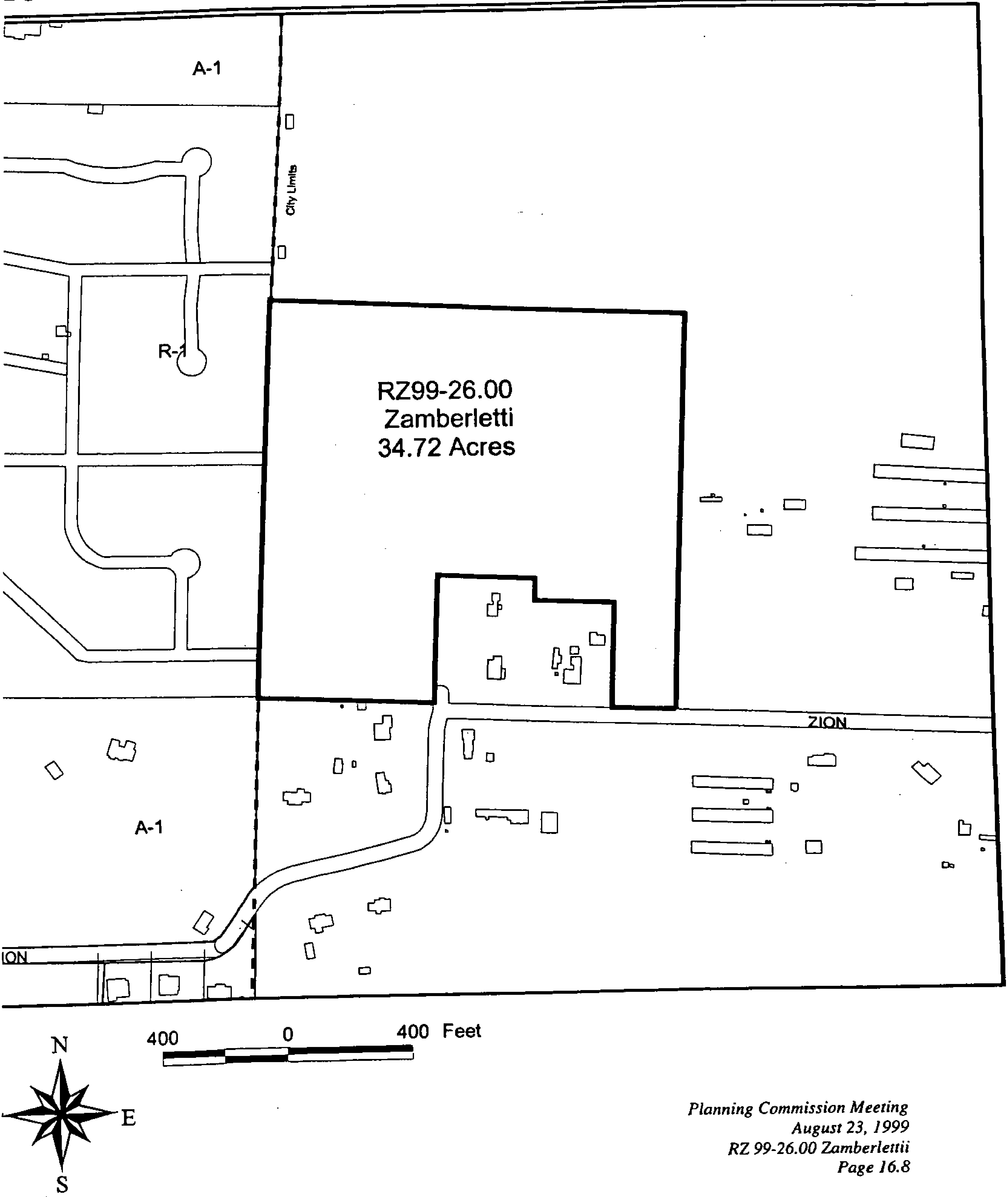
(3) will be harmonious in appearance with the development in the area;

(4) signage will involve only the subdivision sign.

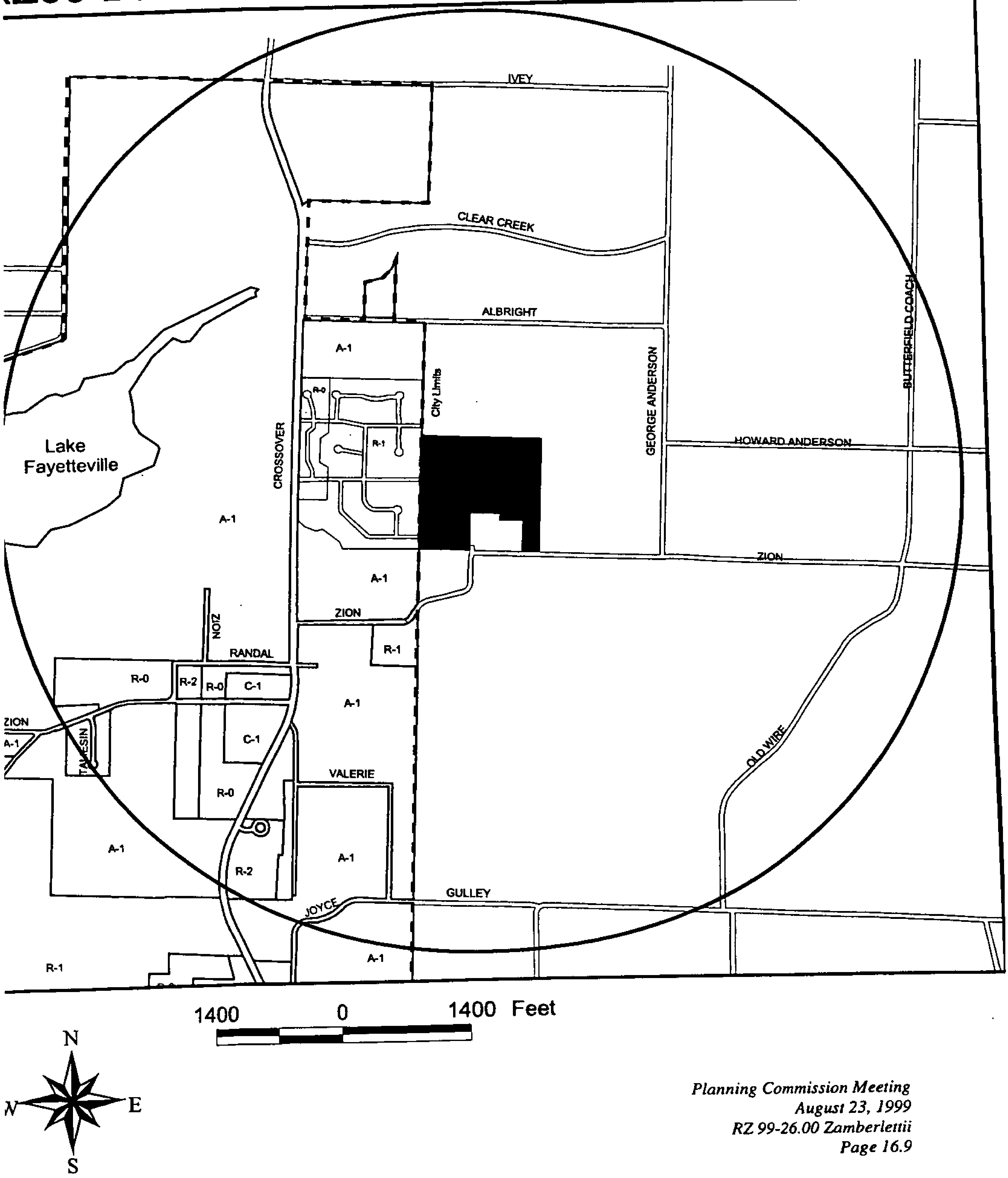
d. Water and sewer is available.

RZ 99-26
C. 3. page 6

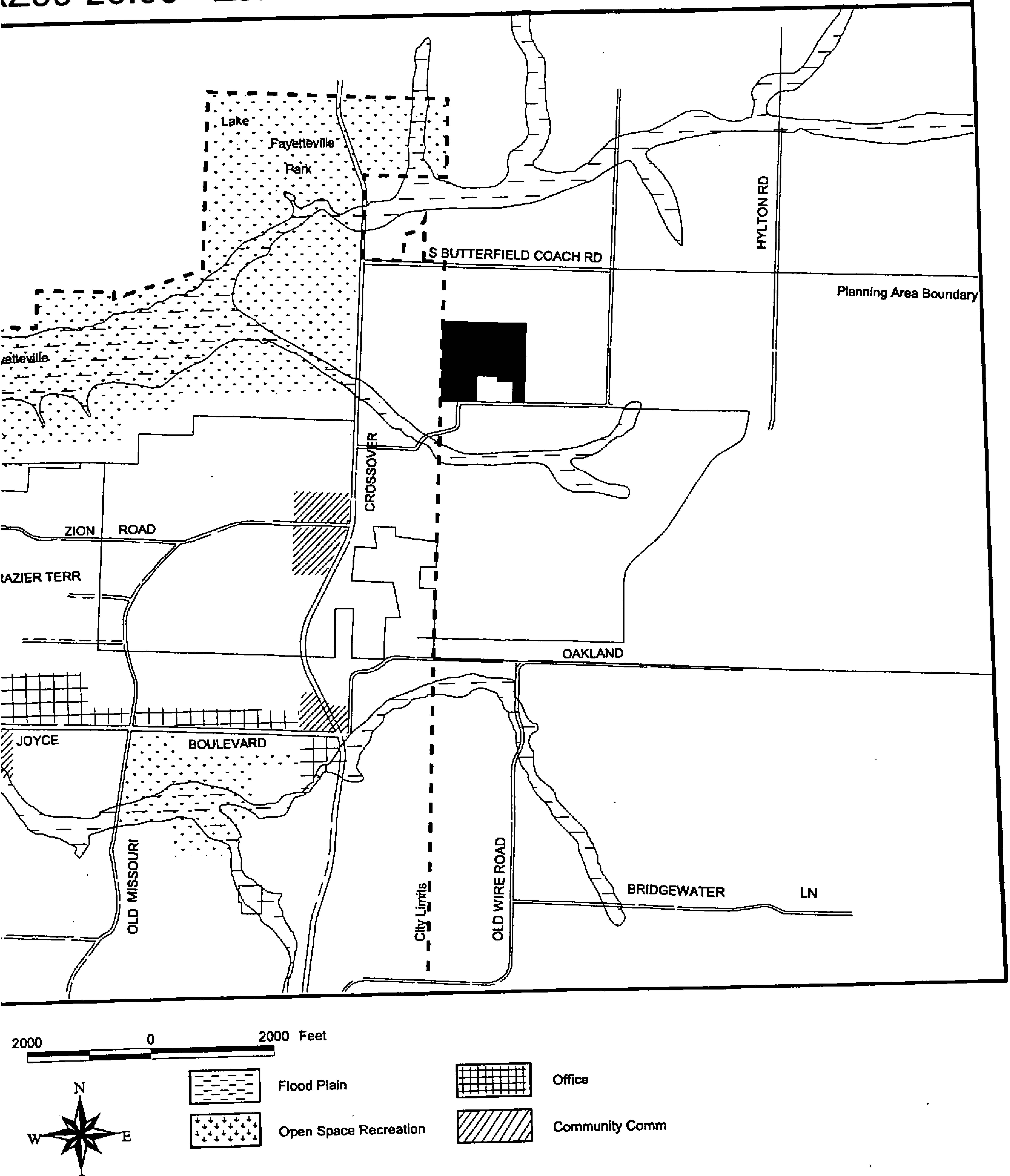
Z99-26.00 - Zamberletti - Close Up



RZ99-26.00 - Zamberletti - One Mile Diameter



RZ99-26.00 - Zamberletti - 2020 Plan



**RZ99-26: REZONING
ZAMBERLETTI, PP100**

This item was submitted by Michele Harrington, attorney on behalf of Valerie M. Zamberletti for property on County Road 92 (Zion Road.) The property is in the planning growth area and contains approximately 34.72 acres. The request is to rezone from A-1, Agricultural to R-1, Low Density Residential.

Micki Harrington was present on behalf of the request.

Staff recommended approval of the proposed R-1 zoning based on the findings included as part of the staff report.

Committee Discussion

Johnson: This is the rezoning on the same tract that was recommended for annexation to the Council. The request to rezone is from A-1 to R-1, low density residential. The staff has recommended approval. Staff will you give us your rationale behind your recommendation to approve this proposed rezoning?

Conklin: Staff is recommending approval of the R-1 zone immediately west of and adjoining Stonewood Subdivision. This borders approximately 1,200 feet along that boundary. R-1 is consistent with the existing zoning inside the city of Fayetteville and therefore staff is recommending approval.

Johnson: Ms. Harrington, you represent the applicant on this property, too?

Harrington: Yes, ma'am.

Johnson: Do you have anything to add other than to be available to our questions?

Harrington: No. It's obvious from the approval of the plat that the streets were stubbed out to the east and those streets would access this property and it will be a very comparable development with the size of lots and the size of houses as an appropriate development for this area. It's very similar in nature to the rest of the area.

Johnson: Initial questions?

Hoffman: How many lots can be supported on this?

Conklin: R-1 allows 4 units per acre. Typically in low density residential development we're seeing about 2 to 3 units per acre. That would be about 140 units.

Harrington: There will not be that many because larger lots than that are anticipated here. We will not be doing the minimum lot sizes and it will likely be 85 lots or less.

Hoffman: 85. Okay, thanks. I ask that question because I do want to remind everybody that we are close to capacity on our sewer plant and should this be approved, I don't think you are guaranteed utility availability.

Johnson: That might have been a reason for it to stay in the county.

Harrington: It is my understanding from Mr. Crosson that normal growth would continue including this type of development and it's relatively small compared to some of the other things that you look at.

Johnson: The last time I guess I was at a Subdivision Committee meeting where this kind of thing was discussed, we had sort of gotten into the business of warning developers of new property that you proceed at your own risk and if a development stalls because we don't have adequate sewer facilities, then you suffer along with all the rest of the folks who are trying to develop. It's a heads up in case a worst case scenario comes to pass.

Public Comments

None.

MOTION

Marr: I would like to recommend approval of RZ99-26.

Johnson: Is there a second?

Odom: I'll second.

Johnson: We have the motion by Commissioner Marr, seconded by Commissioner Odom that we approve RZ99-26 of the 34.72 acres to R-1. Any concerns or questions about this proposed rezoning?

Roll Call

Upon roll call, the motion passed with a unanimous vote of 9-0-0.

Johnson: The rezoning carried on a vote of 9 to 0 so the Planning Commission recommends the rezoning and it will go forward to the Council for final action.

STAFF REVIEW FORM

X Agenda Request
___ Contract Review
___ Grant Review

For the Fayetteville City Council meeting of September 21, 1999.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZA99-3 submitted by Michele Harrington, attorney on behalf of John DeWeese and Mike Schmidt for property located west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to annex the subject property into the City of Fayetteville.

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 9-7-99	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the request with a unanimous vote of 9-0-0.

Division Head	8-31-99 Date	**Cross Reference**
Department Director	9-2-99 Date	New Item: **Yes** **No**
Administrative Services Director	2 Sept 99 Date	Prev Ord/Res#: ______
Mayor	9/2/99 Date	Orig Contract Date: ______

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO:	**Fayetteville Planning Commission Members**
THRU:	**Tim Conklin, City Planner**
FROM:	**Brent Vinson, Associate Planner**
DATE:	**August 23, 1999**

RZA 99-3.00: Annexation (DeWeese/Schmidt, pp 474) was submitted by Michele Harrington, attorney on behalf of John DeWeese and Mike Schmidt for property located west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to annex the subject property into the City of Fayetteville.

RECOMMENDED MOTION:

Staff recommends approval of the requested annexation based on the findings included as part of this report.

PLANNING COMMISSION ACTION: _YES_ Required
_____Approved _____Denied

Date: August 23, 1999

Comments:

CITY COUNCIL ACTION: _YES_ Required
_____Approved _____Denied

Date: __/__/__

BACKGROUND :

The applicant requests the annexation of property along Double Springs Road to the south and west of Fayetteville City Limits in order to rezone the property to R-1 (Single Family Residential.) The property is owned by John DeWeese, Mike Schmidt, and Karen Schmidt. On August 9, 1999, the Washington County Judge confirmed the Order of Annexation for the property to be annexed into the City of Fayetteville. The property is located west of Fayetteville and south on Double Springs Road between Fayetteville and Farmington. Approximately 200 feet of the subject property adjoins the Fayetteville City Limits. The property is approximately 1000 feet north of the Farmington City Limits.

ADJACENT LAND USE AND ZONING:

North: Owl Creek, undeveloped property, and single family residences exist to the north.

South: A subdivision of single family residences exist outside the Fayetteville City Limits and Farmington City Limits to the south.

East: Single family residences exist outside the city limits.

West: Single family and undeveloped land exist outside the city limits.

INFRASTRUCTURE:

Streets: Double Springs Road is a minor arterial with 90' of R.O.W. (45' from centerline)

Water: There is a 4" waterline along the west side of Double Springs Road.

Sewer: There is a 10" force main existing along Owl Creek northeast of the property. It ends at a lift station located approximately 1250' north of the property.

LAND USE PLAN:

The General Plan 2020 shows this area as Residential.

'99 AUG 9 AM 9 05
MARILYN EDWARDS
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF:
ANNEXATION OF CERTAIN LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS

Case No. CC 99-8

ORDER OF ANNEXATION

Now on this 9th day of August, 1999, this cause comes on to be heard, the Petitioners, John DeWeese, Mike Schmidt and Karen Schmidt, represented by their attorney, Michele A. Harrington, of Harrington, Miller, Neihouse & Krug, P.A., of Springdale, Arkansas, announcing ready for a hearing of the cause and there being no protests or objections filed, whereupon, the matter is submitted to the Court upon the verified petition filed herein, and the oral and documentary evidence adduced, the Court being well and sufficiently advised finds:

1. The petition in this cause was filed July 6, 1999, at which time this Court fixed August 9, 1999, at 9:00 a.m., as the date of hearing for said cause, and that a full thirty (30) days notice of hearing was given as required by law and the proof of publication of said notice is now on file with the Clerk of this Court and the Court has jurisdiction of this cause.

2. The Court is satisfied that the allegations of the petition are sustained by the proof; that the limits of the territory to be annexed have been properly filed; that a majority of the property owners having a freehold interest in the property hereinafter described joined in the petition and constitute of the real owners of the area affected.

3. The land proposed to be annexed to the City of Fayetteville, Washington County, Arkansas, in this cause is described as follows:

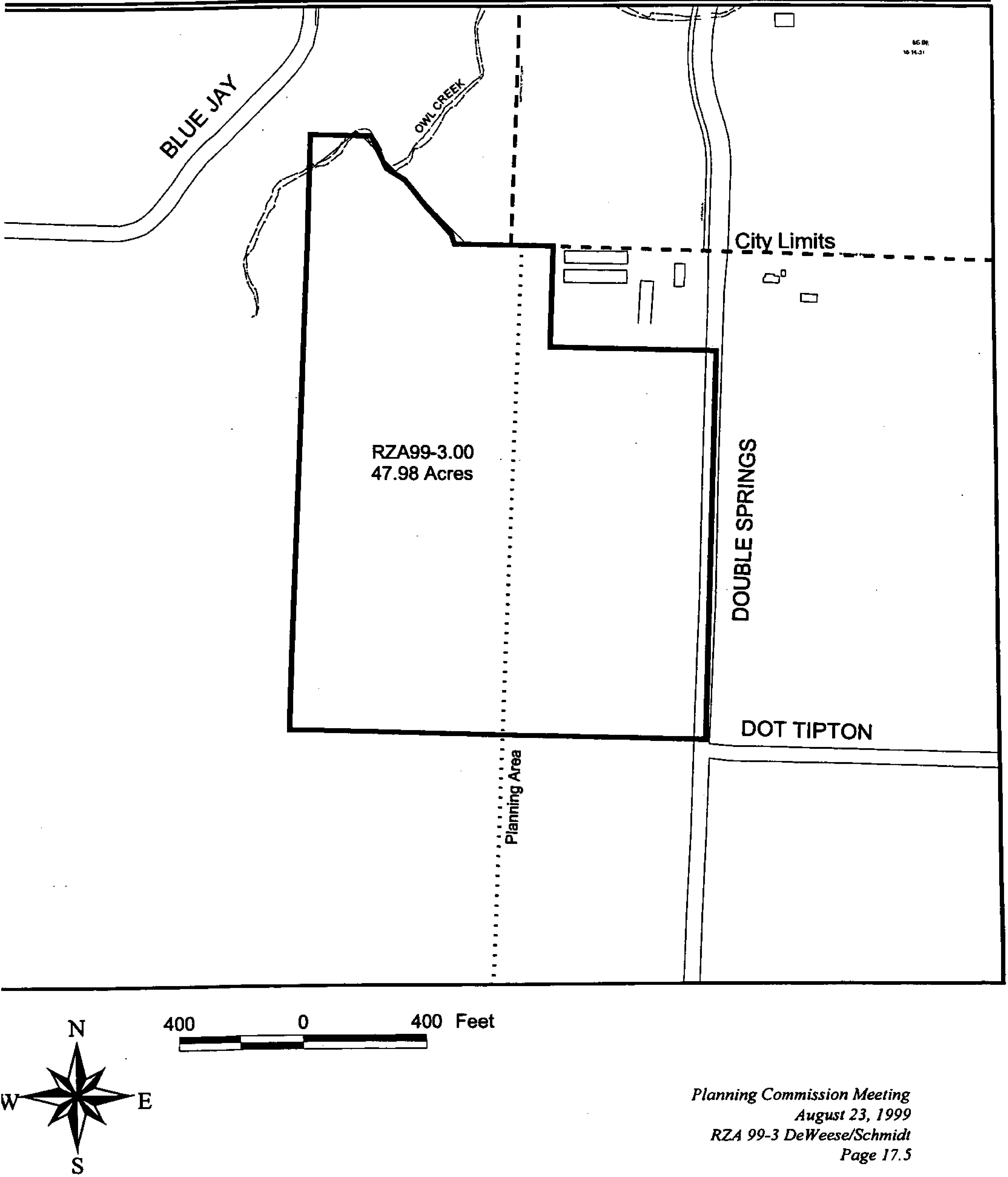
See Exhibit "A" attached

4. The area is not unusually large and it is contiguous and adjacent to and adjoins the present corporate limits of the City of Fayetteville, and it is peculiarly adapted for urban purposes and this territory should be annexed to and made a part of the City of Fayetteville, Arkansas.

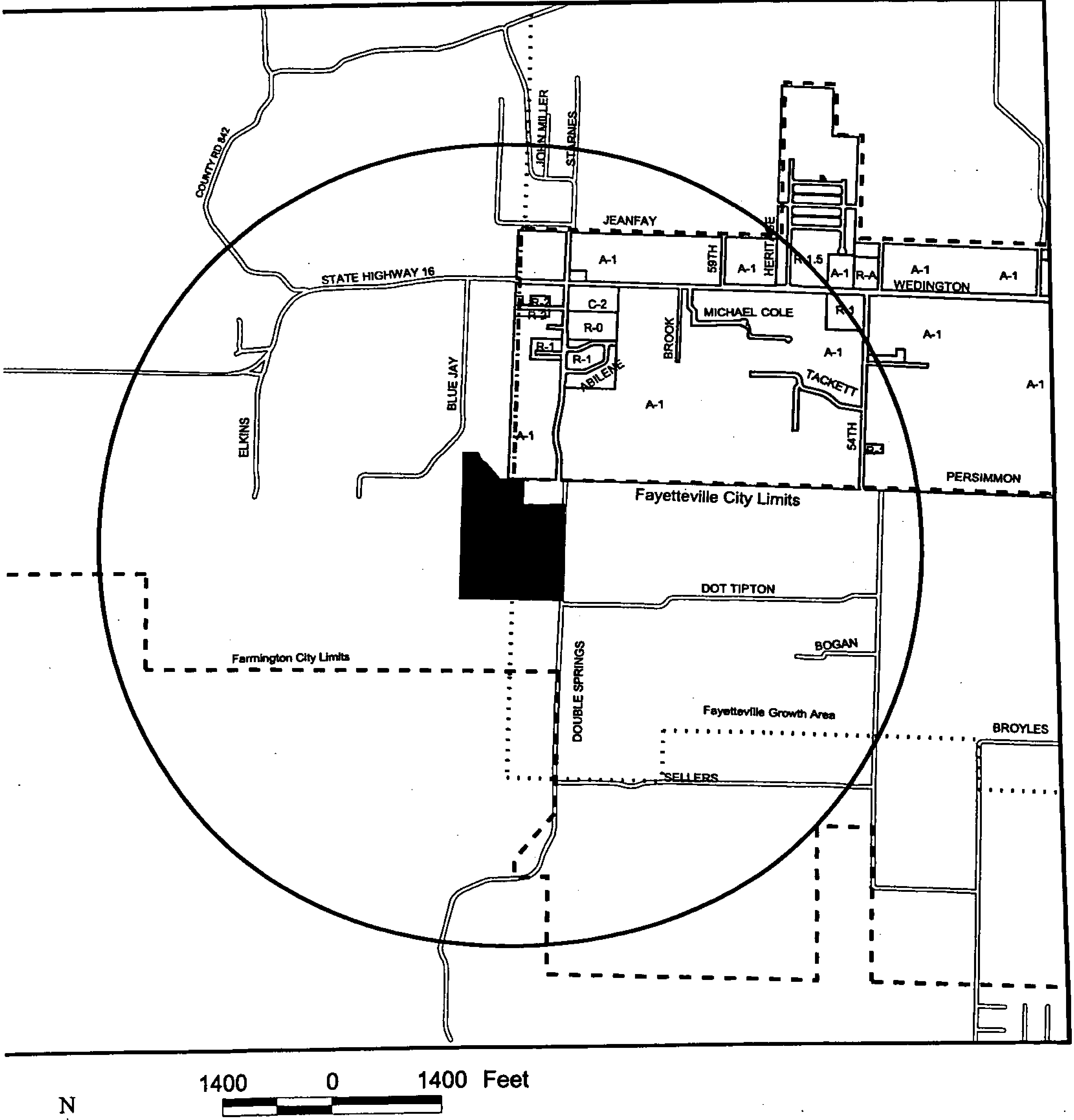
IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made a part of the City of Fayetteville, Arkansas, in accordance with Act No. 1 of the acts of the Legislature of 1875 of the State of Arkansas and all acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1963, as codified in Ark. Code Ann. §14-40-601, et seq., and this Order shall be duly recorded by the Clerk of Washington County.

JERRY HUNTON, County Judge

RZA99-3.00 - Deweese/Schmidt - Close Up



RZA99-3.00 - Deweese/Schmidt - One Mile Diameter



RZA99-3: ANNEXATION
DEWESSE/SCHMIDT, PP474

This item was submitted by Michele Harrington, attorney on behalf of John DeWeese and Mike Schmidt for property located west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to annex the subject property into the City of Fayetteville.

Michele Harrington was present on behalf of the request.

Staff recommended approval of the request annexation based on the findings included in the staff report.

Commission Discussion

Conklin: The applicant originally came to the City with a subdivision in our growth area. At that time, staff checked our regulations and determined that being adjacent to our city limits, we required them to put in curb and gutter, storm drainage, and more urban type infrastructure than would be required for a subdivision that does not adjoin our city limits. Based on that, when they came through the technical plat review process, they withdrew their subdivision request and petitioned to annex into the City of Fayetteville. Once again, if annexed into the City of Fayetteville, they come under more stringent subdivision regulations which will require fire protection, street lights, park land dedication or money in lieu and staff has recommended approval. It does have approximately 200 feet of common boundary with our city limits and is located on Double Springs Road.

Johnson: Where does it touch the city limits? To the east on Double Springs?

Conklin: It's going to be touching our city limits if you refer to page 18.6, it will be right in the center of the tract.

Johnson: You mean 17.6 or 18.6?

Conklin: 17.6. The city limit line is the thicker dotted line right in the center part of the north boundary.

Johnson: So, it only touches a small portion.

Conklin: Once again, our staff encouraged them to annex into the City of Fayetteville in order to develop their subdivision under urban subdivision standards.

Johnson: Do you see any draw backs from the staff's point of view to this annexation?

Conklin: I think it benefits the city and the citizens anytime we have a development that adjoins our city limits, for them to come in and provide water, sewer, fire protection, police protection, and become part of our city.

Johnson: Do you have anything to add, Ms. Harrington?

Harrington: I'm representing John DeWeese and Mike Schmidt. I don't think I have anything further to add because Tim explained it very well. We ask you to support this annexation.

Public Comment

None.

MOTION

Ward: I'll make a motion that we approve RZA99-3 for annexation.

Johnson: Is there a second?

Bunch: Second.

Johnson: We have the motion by Commissioner Ward, the second by Commissioner Bunch that we approve RZA99-3.

Roll Call

Upon roll call, the motion passed with a unanimous vote of 9-0-0.

Johnson: The proposed annexation does get a positive vote of 9 to 0 and it will go forward to the Council for its action.

STAFF REVIEW FORM

_X_ Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of September 21, 1999.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ99-27 submitted by Michele Harrington, attorney on behalf of John DeWeese and Mike Schmidt for property west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to rezone from A-1, Agricultural to R-1, Low Density Residental.

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	ADA Coordinator	Date
City Attorney	9-1-99 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the request with a unanimous vote of 9-0-0.

Division Head	8-31-99 Date	**Cross Reference**
Department Director	9-2-99 Date	New Item: **Yes** **No**
Administrative Services Director	2 Sept 99 Date	Prev Ord/Res#: ____
Mayor	9/2/99 Date	Orig Contract Date: ____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Brent Vinson, Associate Planner
DATE: August 23, 1999

RZ 99-27.00: Rezoning (DeWeese/Schmidt, pp 474) was submitted by Michele Harrington, attorney on behalf of John DeWeese and Mike Schmidt for property west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to rezone from A-1, Agricultural to R-1, Low Density Residential.

RECOMMENDED MOTION:

Staff recommends approval of the proposed R-1 zoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: **<u>YES</u> Required**
_____Approved _____Denied

Date: <u>August 23, 1999</u>

Comments:

CITY COUNCIL ACTION: **<u>YES</u> Required**
_____Approved _____Denied

Date: __/__/__

BACKGROUND :

The applicant requests the rezoning of approximately 48 acres along Double Springs Road to the south and west of Fayetteville City Limits to R-1 (Single Family Residential.) The property is owned by John DeWeese, Mike Schmidt, and Karen Schmidt. The property is located west of Fayetteville and south on Double Springs Road between Fayetteville and Farmington. Approximately 200 feet of the subject property adjoins the Fayetteville City Limits. There is approximately 1300 feet of frontage along Double Springs Road. The property is approximately 1000 feet north of the Farmington City Limits. The rezoning is contingent upon the annexation of the 48 acres.

ADJACENT LAND USE AND ZONING:

North: Owl Creek, undeveloped property, and single family residences exist to the north.

South: A subdivision of single family residences exist outside the Fayetteville City Limits and Farmington City Limits to the south.

East: Single family residences exist outside the city limits.

West: Single family and undeveloped land exist outside the city limits.

INFRASTRUCTURE:

Streets: Double Springs Road is a minor arterial with 90' of R.O.W. (45' from centerline)

Water: There is a 4" waterline along the west side of Double Springs Road.

Sewer: There is a 10" force main existing along Owl Creek northeast of the property. It ends at a lift station located approximately 1250' north of the property.

LAND USE PLAN:

The General Plan 2020 shows this area as Residential.

RZ 99.00-6.00 FINDINGS OF THE STAFF

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

Finding: **The Land Use Plan (General Plan 2020) shows this area as residential. The proposed zoning of R-1 (Single Family Residential) is consistent with the plan.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed zoning R-1 is justified and needed at this time.**

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

Finding: **The proposed zoning would not create or appreciably increase traffic danger and congestion in this area.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zonings would not alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities. On-site and off-site improvements including sewer will be required at the time of Large Scale Development and Preliminary Plat approval.**

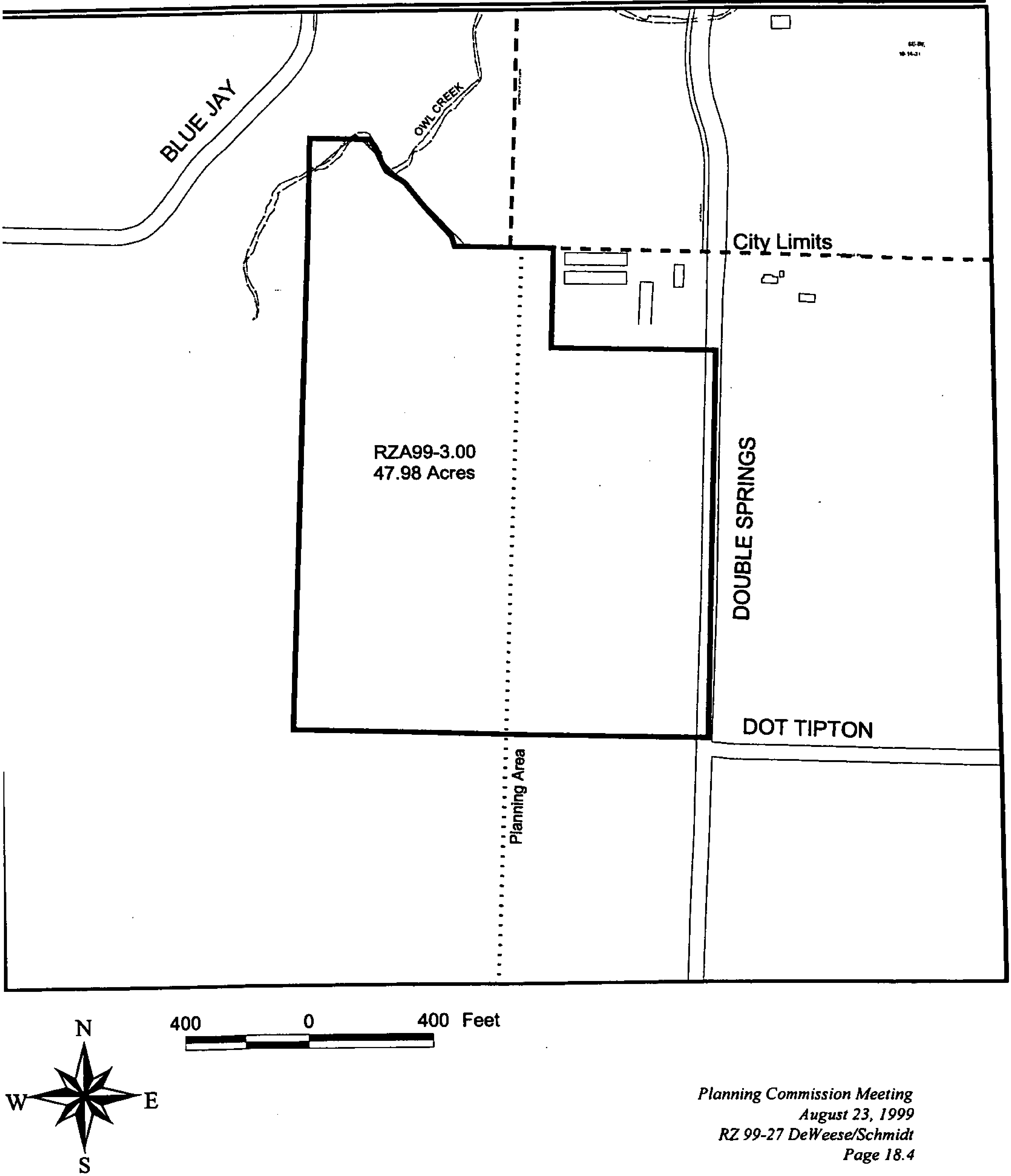
5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

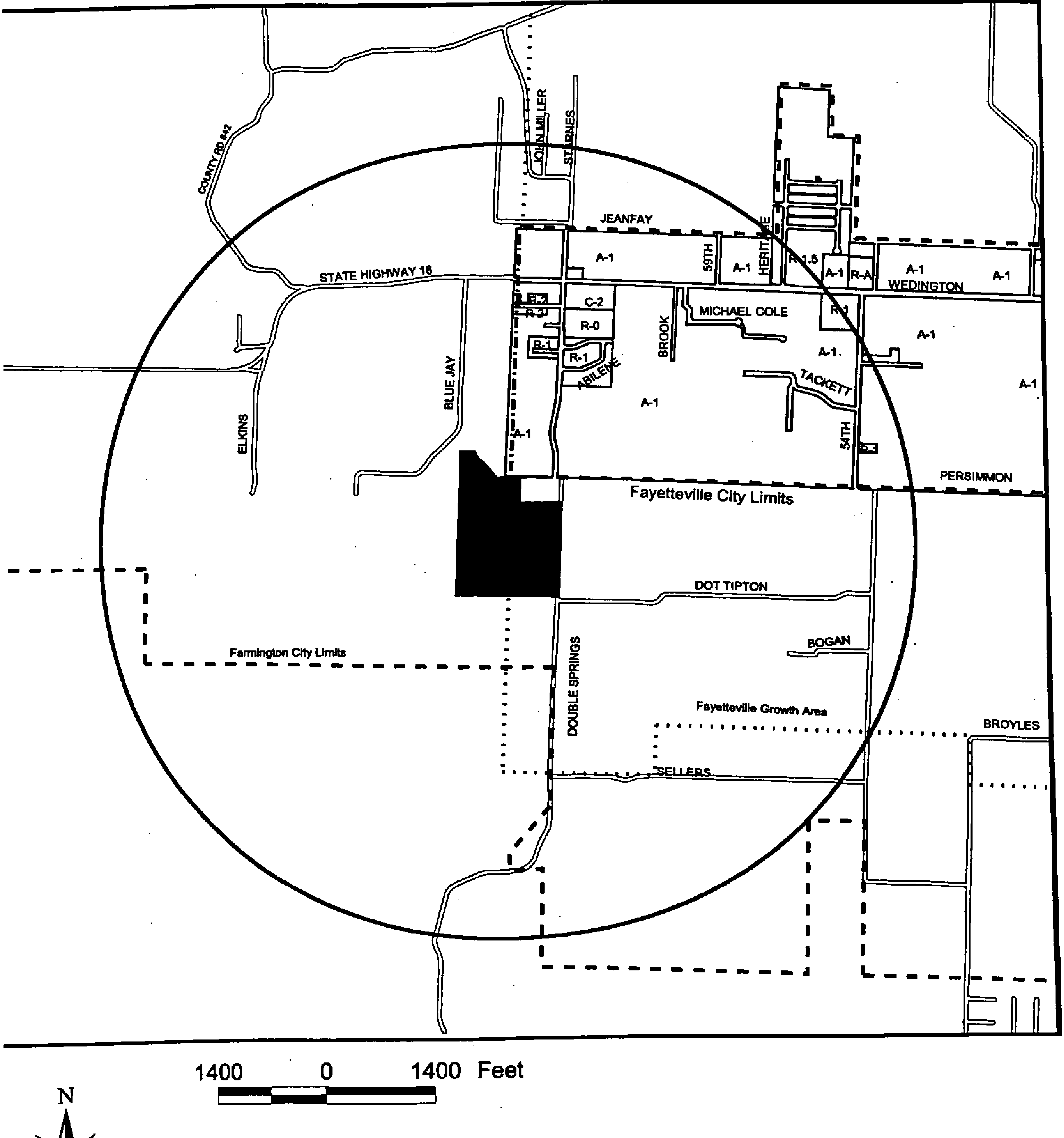
    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

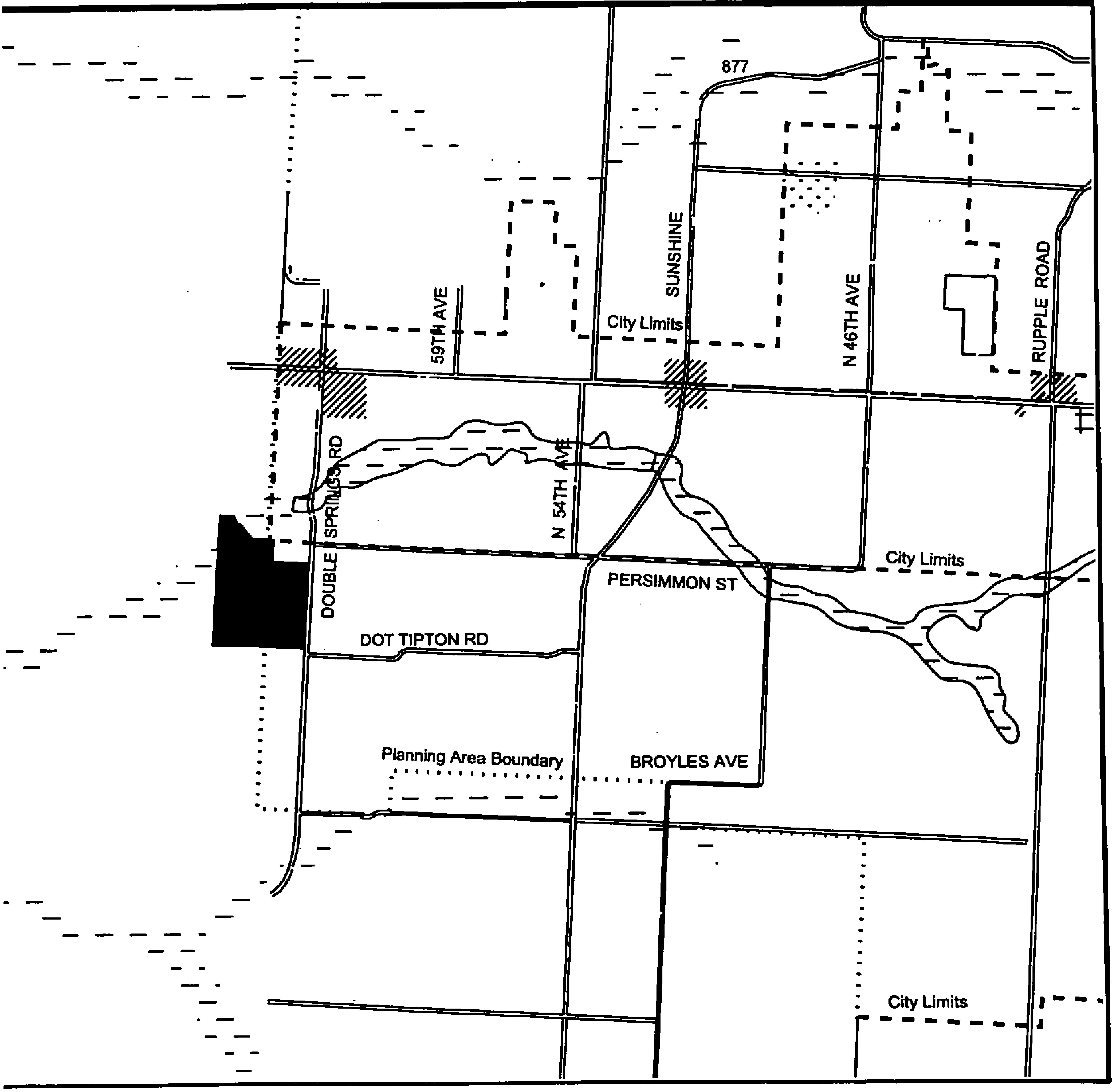
RZ99-27.00 - Deweese/Schmidt - Close Up

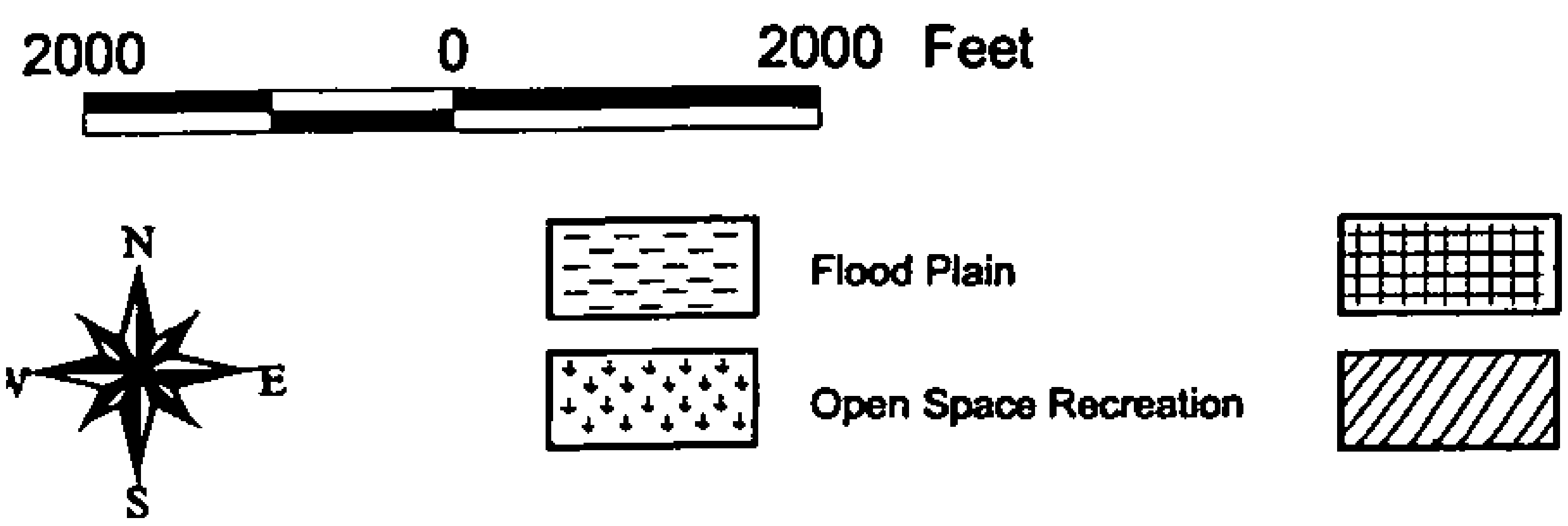


RZ99-27.00 - Deweese/Schmidt - One Mile Diameter



RZ99-27.00 - Deweese/Schmidt - 2020 Plan





**RZ99-27: REZONING
DEWEESE/SCHMIDT, PP474**

This item was submitted by Michele Harrington, attorney on behalf of John DeWeese and Mike Schmidt for property west of Double Springs Road. The property is in the planning growth area and contains approximately 47.98 acres. The request is to rezone from A-1, Agricultural to R-1, Low Density Residential.

Michele Harrington was present on behalf of the request.

Staff recommends approval of the proposed R-1 zoning based on the findings included in the staff report.

Commission Discussion

Johnson: This is related to RZA99-3. This is a request to rezone from A-1, Agricultural to R-1, Low Density Residential. The staff has recommended this. The reason being, I take it, since the whole idea was to subdivide this tract and the City feels like it does better when a subdivision is on it's border that it be brought into the city so that the more stringent city requirements apply and the greater city services that are available. Tim, what do you have to add to your positive recommendation for this rezoning.

Conklin: Once again, this is an opportunity to develop this land under our urban subdivision regulations. Once again, they get city services plus we get streets to city standards, street lights, and the other things that go along with those more stringent standards. We did recommend approval.

Johnson: I don't recall that we've mentioned yet but I believe that at agenda session on Thursday, you told us that you had spoken with the City of Farmington and the City of Farmington has no opposition to this annexation coming into the City of Fayetteville. I should have brought that out on the previous vote.

Conklin: I did speak with the City of Farmington. Actually, this developer did approach the City of Farmington about possibly being within their city. They were not contiguous with their city limits. They are contiguous with the city limit of Fayetteville. Therefore, they chose to come into Fayetteville.

Public Comment

None.

MOTION

Shackelford: I'll make a motion to approve RZ99-27 to rezone this.

Johnson: Is there a second?

Hoffman: I'll second that with the same admonition about utility availability.

Johnson: First, let me restate the motion which is for approval of this rezoning 99-27 moved by Commissioner Shackelford and seconded by Commission Hoffman. Is there discussion?

Hoffman: For the record, utility availability is a subject of concern.

Roll Call

Upon roll call, the motion passed with a unanimous vote of 9-0-0.

Johnson: The motion carried with a vote of 9 to 0 so that we recommend the rezoning to the Council which has final say on rezonings as well.

Meeting adjourned at 7:18 p.m.

STAFF REVIEW FORM

X Agenda Request
___ Contract Review
___ Grant Review

For the Fayetteville City Council meeting of September 21, 1999.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ99-25 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Butch Robertson for property located west of Rupple Road and east of Meadowlands Subdivision. The property is zoned A-1, Agricultural and contains 17.40 acres. The request is to rezone the property to R-1.5, Moderate Density Residential.

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	ADA Coordinator	Date
City Attorney	Date 9-1-99	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the request with a unanimous vote of 9-0-0.

Division Head	Date 8-31-99	**Cross Reference**
Department Director	Date 9-2-99	New Item: **Yes** **No**
Administrative Services Director	Date 2 Sep 99	Prev Ord/Res#: ____________
Mayor	Date 9/2/99	Orig Contract Date: ______

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Brent Vinson, Associate Planner
DATE: August 9, 1999

RZ 99-25: Rezoning (Robertson, pp 439) was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Butch Robertson for the property located west of Rupple Rd. and east of Meadowlands Subdivision. The property is zoned A-1, Agricultural and contains 17.40 acres. The request is to rezone the property to R-1.5, Moderate Density Residential.

RECOMMENDED MOTION:

Staff recommends approval of the requested rezoning from A-1 to R-1.5 based on the findings included as part of this report.

PLANNING COMMISSION ACTION: __YES__ **Required**
_____**Approved** _____**Denied**

Date: __August 9, 1999__

Comments:

____

____

CITY COUNCIL ACTION: __YES__ **Required**
_____**Approved** _____**Denied**

Date: __/ /__

BACKGROUND :

The applicant requests 17.40 acres located south of Wedington Drive be rezoned to R-1.5 (Moderate Density Residential.) The property is located between the Meadowlands Subdivision and Rupple Road. The property is owned by Melinda McIlroy.

On February 22, 1999, the applicant requested the rezoning of 31.19 acres east of Rupple Road to R-2. The northernmost 21.19 acres was rezoned and the southernmost 10 acres was left as A-1 (see attached minutes of the February 22, 1999 Planning Commission Meeting.)

ADJACENT LAND USE AND ZONING:

North: A single family residence exists to the north, zoned A-1.

South: The property outside the city limits is currently being used for agricultural purposes.

East: The property to the east of the undeveloped Rupple Road is zoned R-2. A Youth Center is planned for the A-1 property on the southernmost portion of the property inside the city limits.

West: The Meadowlands Subdivision is located to the west, zoned R-1.5 and R-1.

INFRASTRUCTURE:

Streets: The subject property is off of Highway 16 West (Wedington Drive) which is classified as a Principal Arterial with 110' of R.O.W. Highway 16 West is in the process of being widened to five lanes. Rupple Road is gravel and is a dead end south of the intersection of Highway 16 West.

Water: An 8" waterline exists along Highway 16 West. It is proposed to become an 18" waterline with the expansion of Highway 16 West (Wedington Drive.)

Sewer: A 6" sewer line exists along Highway 16 West (Wedington Drive.)

LAND USE PLAN:

The General Plan 2020 shows this area as Residential. The area to the east past the R-2 property is shown as Office and the property around the Wedington Drive/Rupple Road intersection is Community Commercial.

§161.05 DISTRICT R-1.5 MODERATE DENSITY RESIDENTIAL.

A. Purpose. The Moderate Density Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

B. Uses.

1. Permitted Uses..

Unit 1	City-Wide Uses by Right
Unit 2	Single-Family and Two-Family Dwellings
Unit 26	Single-Family Dwellings
Unit 29	Single-Family, Two-Family and Three-Family Dwellings

2. Uses Permissible on Appeal to the Planning Commission

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities

C. Density.

Families Per Acre	12 or Less

D. Bulk and Area Regulations.

	One-Family	Two-Family	Three-Family
Lot Minimum Width:	60 ft.	70 ft.	90 ft.
Lot Area Minimum:	6,000 sq. ft.	7,260 sq. ft.	10,890 sq. ft.

	One-Family	Two-Family	Three-Family
Land Area Per Dwelling Unit:	6,000 sq. ft.	3,630 sq. ft.	3,630 sq. ft.

RZ 99.00-6.00 FINDINGS OF THE STAFF

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

Finding: **The Land Use Plan (General Plan 2020) shows this area as residential. The zoning of R-1.5 (Moderate Density Residential) is consistent with the plan.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed zoning of R-1.5 is justified and needed at this time.**

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

Finding: **The proposed zoning would not create or appreciably increase traffic danger and congestion.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

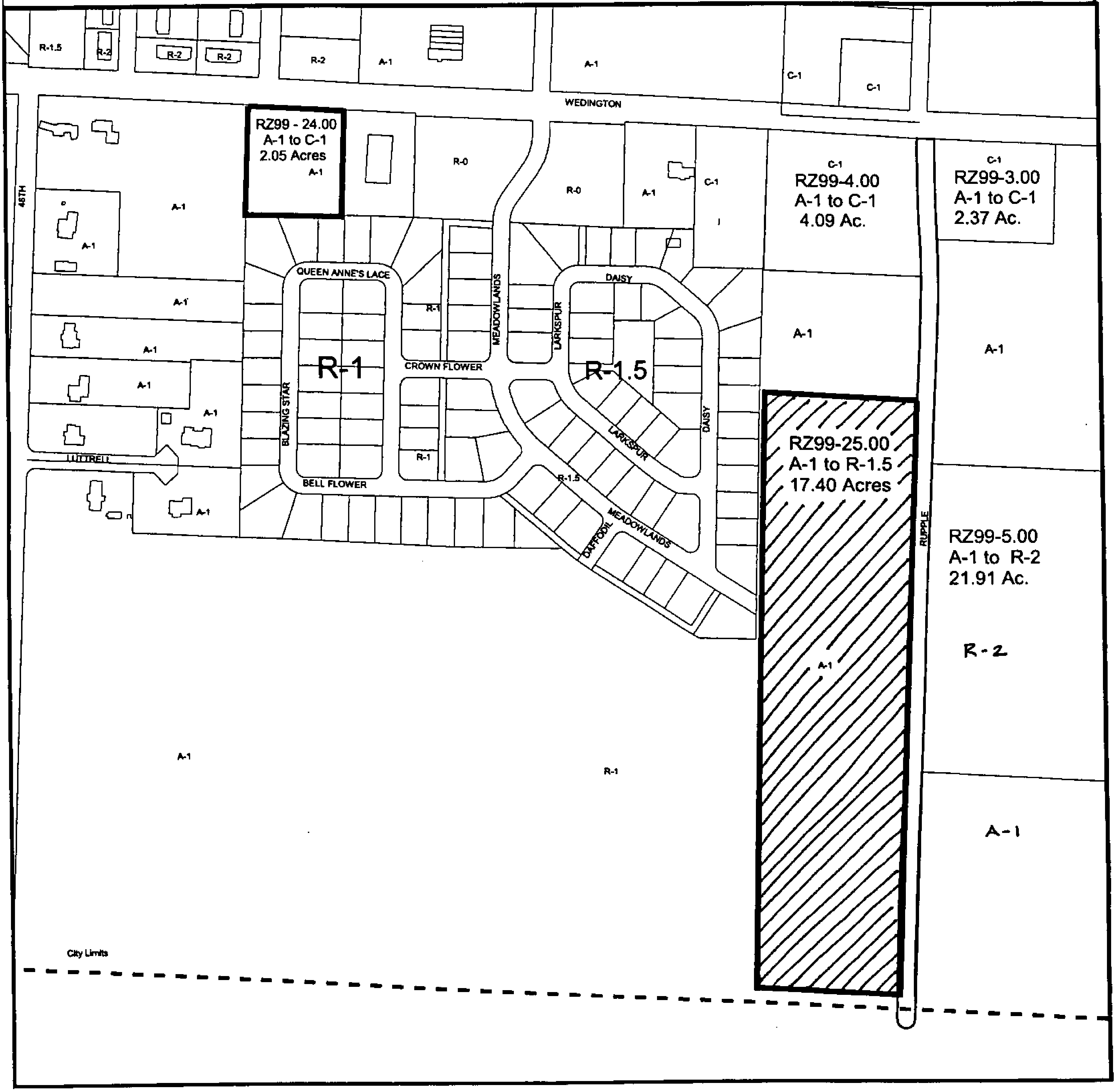
Finding: **The proposed zoning would not undesirably increase the population density and would not undesirably increase the load on public services including schools, water, and sewer facilities. The applicant is advised that onsite and offsite improvements will be required at the time of development.**

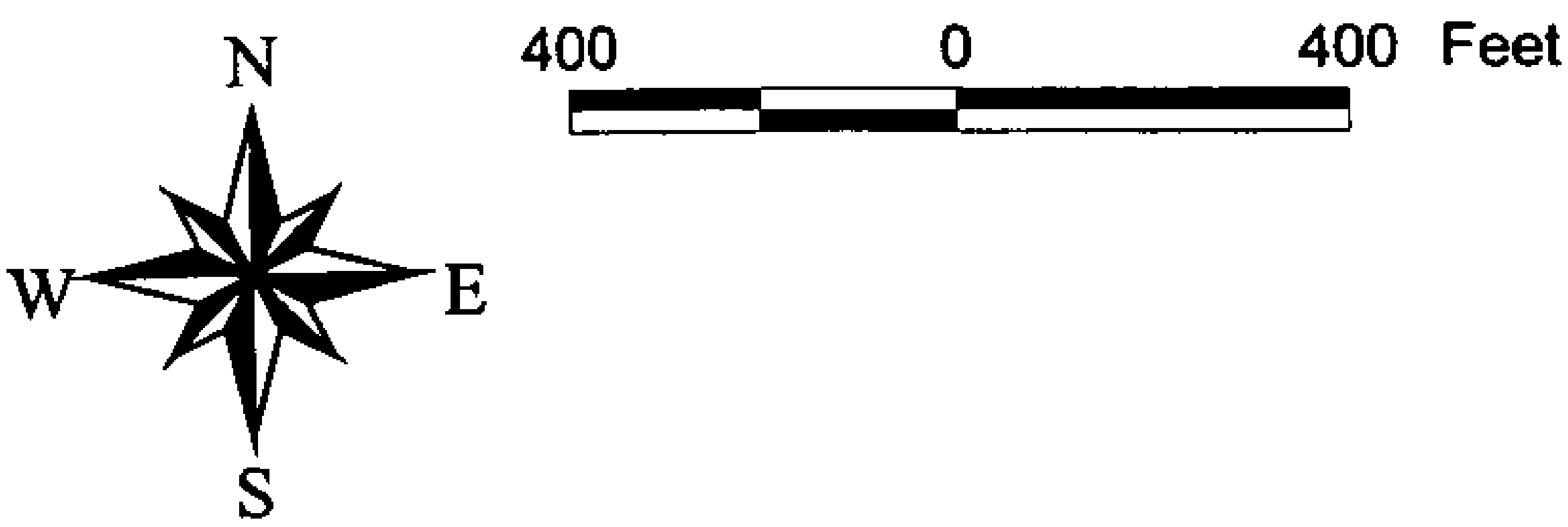
5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

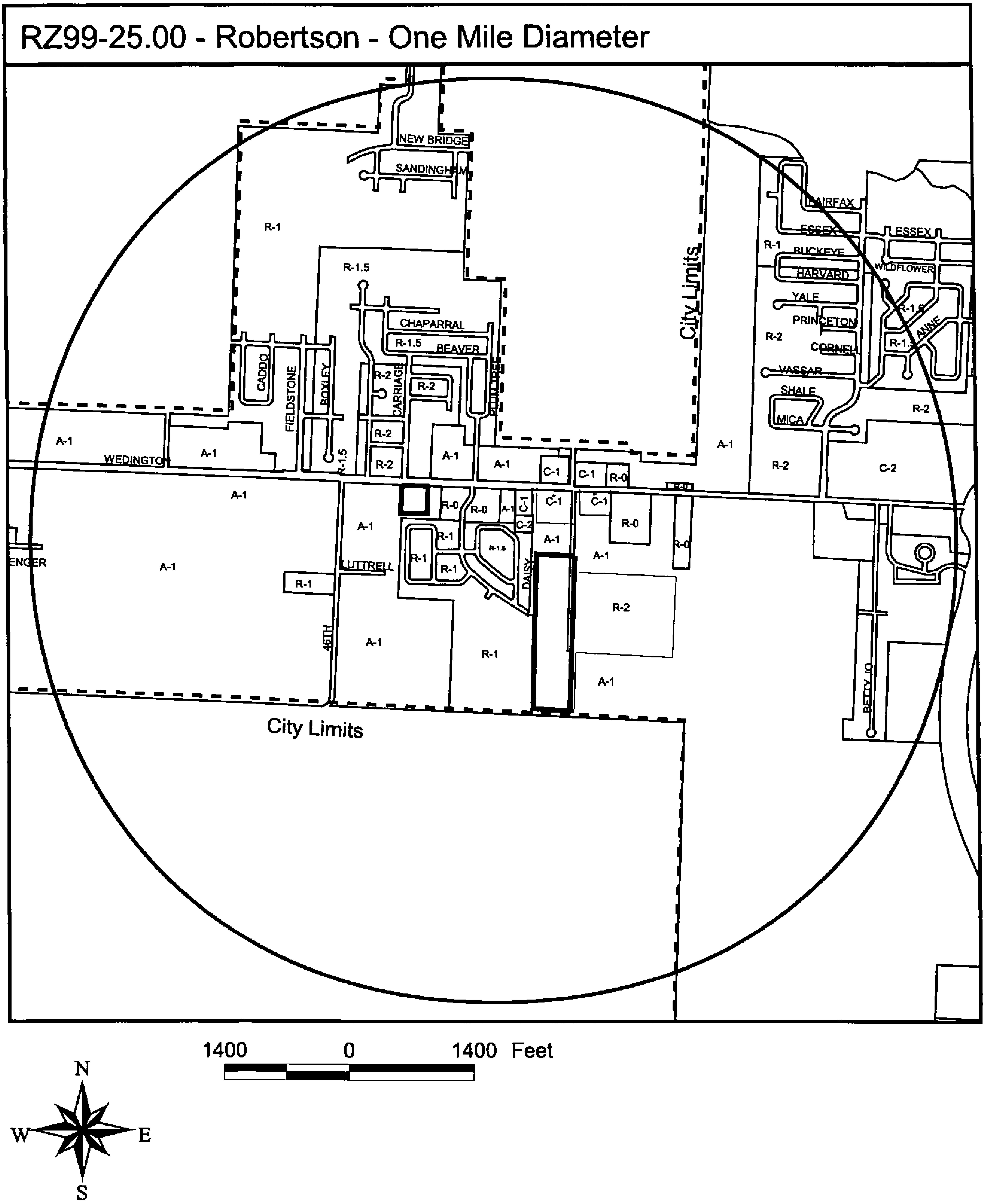
RZ 99-25
C. 6. page 6

RZ99-25.00 - Robertson - Close Up

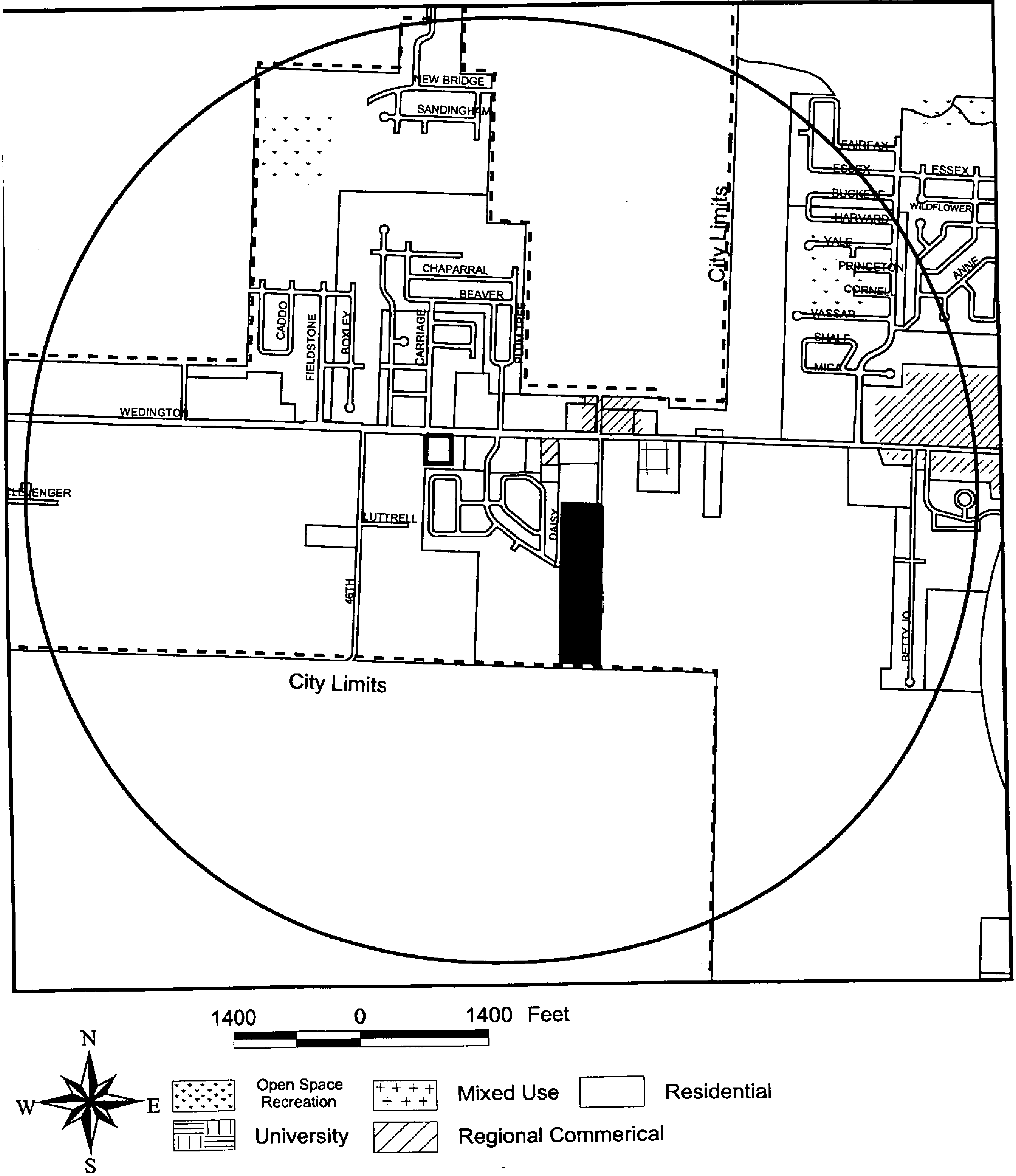




RZ99-25.00 - Robertson - One Mile Diameter



RZ99-25.00 - Robertson - General Plan - 2020 - Future Use Plan



RZ99-25: REZONING
ROBERTSON, PP439

This item was submitted by Dave Jorgensen of Jorgensen of Associates on behalf of Butch Robertson for property located west of Rupple Road and east of Meadowlands Subdivision. The property is zoned A-1, Agricultural and contains 17.40 acres. The request is to rezone the property to R-1.5, Moderate Density Residential.

Dave Jorgensen and Butch Robertson were present on behalf of the request.

Staff recommended approval of the requested rezoning from A-1 to R-1.5 based on the findings in the staff report.

Commission Discussion

Johnson: Tim do you have rationale for your recommendation to approve this rezoning?

Conklin: Staff has recommended approval of the rezoning from A-1 to R-1.5. It is adjacent to Meadowlands Subdivision which part of it was developed as R-1.5. To the east, it is adjacent to an R-2 zone which was approved in January of this year. This is located on the west side of Rupple Road and it will be extended per the Master Street Plan. There has been discussion regarding a new youth center and if you'll look at page 14.9 you see the proposed location of the youth center. Our general plan does recommend a mix of residential uses and therefore, staff does recommend approval.

Johnson: This is pretty straight forward. Mr. Jorgensen, do you have anything to add to the staff's presentation?

Jorgensen: Nothing other than in this case, we happen to agree with the staff comments.

Public Comment

None.

MOTION

Odom: I'll move approval of rezoning 99-25.

Johnson: Is there a second?

Bunch: Second.

Johnson: I have the motion by Commissioner Odom, seconded by Commissioner Bunch to approve RZ99-25. Is there discussion of the motion?

Roll Call

Upon roll call, the motion passed with a unanimous vote of 9-0-0.

Johnson: The rezoning is recommended to the Council.

STAFF REVIEW FORM

XX AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of September 21, 1999

FROM:

Dale Frederick	Airport	General GMT.
Name	Division	Department

ACTION REQUIRED: The Airport staff requests approval of a Resolution to implement and collect Passenger Facility Charge application #3 from eligible passengers at Drake Field, amend the existing applications #1 and #2, and close application #1. The Resolution is an FAA FAR Part 158 requirement for the application process. As with application #1 and #2, a $3.00 PFC charge is being requested in application #3. The airport board was advised and did approve this PFC application and amendments at their August meeting.

COST TO CITY:

$ .00	$ .00	N/A
Cost of this Request	Category/Project Budget	Category/Project Name
N/A	$ .00	N/A
Account Number	Funds used to date	Program Name
N/A	$ .00	N/A
Project Number	Remaining Balance	Fund

BUDGET REVIEW: N/A Budgeted Item ___ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

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

Marilyn J Cramer — Accounting Manager — Date 9-10-99

(see note) — City Attorney — Date 9-10-99

Purchasing Officer — Date 9-10-99

ADA Coordinator

Yolanda Fields — Internal Auditor — Date 9-10-99

STAFF RECOMMENDATION: **Staff recommends approval of Resolution.**

Division Head — Date Sep 8, 1999

Cross Reference

Department Director — Date

New Item: Yes No
Pre. Ord/Res#: ___
Orig Cont. Date:___

Administrative Services Director — Date

Mayor — Date 9/10/99

FAYETTEVILLE

AIRPORT DEPARTMENT
THE CITY OF FAYETTEVILLE, ARKANSAS

TO: **THE FAYETTEVILLE CITY COUNCIL**

THRU: **FRED HANNA, MAYOR**

FROM: **DALE FREDERICK, AIRPORT MANAGER**

DATE: **SEPTEMBER 7, 1999**

SUBJECT: **A RESOLUTION TO IMPLEMENT PASSENGER FACILITY CHARGE APPLICATION #3, AMEND APPLICATIONS #1 AND #2, AND CLOSE APPLICATION #1.**

The Airport staff requests approval of a Resolution to implement and collect Passenger Facility Charge application #3 from eligible passengers at Drake Field, amend the existing applications #1 and #2, and close application #1. The Resolution must be approved by the City Council and submitted to the Federal Aviation Administration as a part of the application process. As in application #1 and #2, a $3.00 PFC charge is being requested in application #3. Modifications to applications #1 and #2 are generated from the completion and changes in funding and the scope of the approved PFC Projects.

The PFC program allows reimbursement to the airport for costs paid with airport funds toward eligible Airport Improvement Projects. Resolution No. 96-95 authorized the implementation of the collection of PFCs on October 25, 1995, with application #1.

Projects previously completed and future grant projects shall be reimbursed with the approval of Application #3 in the estimated amount of $960,303.00. Projects included in application #3 are: Localizer-Type Directional Aid (LDA), Taxiway Rehabilitation, and PFC Application and Administrative Costs. As soon as this process has been completed most of the funds will be reimbursed to the airport for use in much needed industrial and general aviation projects.

The Airport Board and Airport staff recommends approval of this PFC application and amendments.

Attachments: Agenda Request Form
Copies of Application #3
Application #1 and #2 Amendments
Closeout Application #1
Copy of Original Resolution #96-95 and #109-97

October 2, 1999

Mr. Ben Guttery
Airports Division
Federal Aviation Administration
Fort Worth, Texas 76193-0650

Re: Passenger Facility Charge Application 95-01-C-00-FYV Closeout

Dear Mr. Guttery:

The City of Fayetteville, Arkansas is pleased to submit this Passenger Facility Charge Closeout report and required attachments. As the closeout report shows, excess revenue totaling $482,043 was collected under this PFC Application. The City of Fayetteville plans to use this excess revenue on approved projects in application #98-02-C-00-FYV and #99-03-C-00-FYV.

As the responsible official for the City of Fayetteville I, Fred B. Hanna, Jr., certify that all projects have been accomplished under the Passenger Facility Charge Program Application # 95-01-C-00-FYV and that all applicable regulations under Part 158 have been met.

Respectfully Submitted,

City of Fayetteville, Arkansas

By:______________________
Fred B. Hanna, Jr.
Mayor

PFC Closeout Report
City of Fayetteville, Arkansas
Drake Field-Fayetteville Municipal Airport
Fayetteville, Arkansas
95-01-C-00-FYV

History

The City of Fayetteville, Arkansas was approved to impose and use a PFC at Fayetteville Municipal Airport by the FAA on October 25, 1995, with a $3 PFC level and a charge effective date of January 1, 1996. The total recommended PFC revenue was $2,584,339 and the charge expiration date was August 1, 1999. The application was numbered 95-01-C-00-FYV.

Amendments

This PFC program was amended once by notice dated July 29,1999. The amendment notice revised the PFC amount to $1,149,945. The amendment is a "Type A" (allowable under 158.37(a)). The amendment changed the project costs on projects I through V to actual costs. The total PFC amount to be collected under this application changed from $2,584,339 to $1,149,945. See the attached Notice of Amendment

Projects

The project title is followed by the amount approved for collection in the original application. It may or may not reflect the total project cost. Project initiation and completion dates are also noted, along with the final PFC amount used on the project. The projects total funding sources are listed on the attached spreadsheet.

1. **Master Plan Update**. The approved amount was $7,500. The project began in July 1995 and completed in June 1996 at a cost of $14,073.

2. **Airfield Safety Area Improvements**. The approved amount was $1,342,338. The project began in July 1995 and completed in December 1997 at a final cost of $71,666.

3. **Terminal Expansion**. The approved amount was $960,029. The project began in July 1991 and completed in September 1996 at a final cost of $784,187.

4. **Land Acquisition/Easements**. The approved amount was $141,421. The project began in September 1991 and completed in December 1995 at a final cost of $130,700.

5. **Airfield Safety Improvements**. The approved amount was $108,051. The project began in January 1992 and completed in September 1995 at a final cost of $124,319.

FAYETTEVILLE

AIRPORT DEPARTMENT
THE CITY OF FAYETTEVILLE, ARKANSAS

July 29, 1999

Official Notice of Drake Field Airport Estimated PFC Expiration Date Change and Revised PFC Amount for Application #95-01-C-00-FYV.

The Passenger Facility Charge application #95-01-C-00-FYV (#1) for Drake Field Airport was approved on October 24, 1995. The total amount approved for collection was $2,584,339. These projects have all now been completed and we have updated total costs and funding sources. The revised PFC amount for the first application is now anticipated to be $1,149,945. See attached PFC project spreadsheet for updated costs and funding sources for the first PFC Application.

Additionally, attached as a separate notice of proposed amendment, Application #98-02-00-FYV (#2) is anticipated to decrease from $2,726,590 to $118,887. (See the PFC Amendment Notice for Application #2 attached.). Also attached as a separate notice of proposed "impose and use" PFC application #3 in the amount of 960,303. Based on the changes in the total PFC funds needed and enplanement information now available, Fayetteville Airports currently estimates the charge expiration date for all three applications to be December 1, 2000.

In accordance with the requirements of section 158.37(a) of the Federal Aviation Regulations (14CFR Part 158) this letter is intended to serve as official notice by the City of Fayetteville, of the new PFC amounts required in Applications #1 and the new estimated expiration date. The proposed effective date of this change in the estimated PFC charge expiration date is April 1, 2000 (after FAA approval of the proposed Application #3).

We will be discussing this notice and the proposed amendment to PFC Application #2, along with the new Application #3 at our air carrier consultation meeting scheduled for August 31, 1999 at 2:00 p.m. local time, in the Drake Field Airport Terminal Building- Conference Room located in the Airport Managers Office, 4500 S. School Ave., Fayetteville, Arkansas 72701. Please feel free to call me if you have any questions about these proposed changes prior to our presentation on August 31, 1999.

Sincerely,

Dale Frederick

Dale Frederick
Airport Manager

CC: Donald Harris, FAA
Tom Brown, ATA

4500 SOUTH SCHOOL AVENUE, SUITE F • AIRPORT TERMINAL BUILDING • FAYETTEVILLE, AR 72701
PHONE 501-521-4750 Ext. 6 • FAX 501-521-1735

FYV1AMD1.123

DRAKE FIELD
Fayetteville, Arkansas

Passenger Facility Charges
Amendment #1 to Application # 95-01-C-00-FYV
Project Costs and Funding Sources

July 29, 1999

Capital Improvement Projects	Original Project Amounts: Estimated Project Costs	Original – Funding Sources: FAA Grants	State Grants	Airport Revenues	PFC Revenues	Total Funding	Revised Project Amounts: Estimated Project Costs	Revised – Funding Sources: FAA Grants	State Grants	Airport Revenues	PFC Revenues	Total Funding
I. Master Plan (AIP 21)	$150,000	$135,000	$7,500	$0	$7,500	$150,000	$300,865	$253,318	$14,074	$19,400	$14,073	$300,865
II. Airfield Safety Area Improvements												
a. North R/W Drainage Ditch (AIP 20)	846,750	762,075	42,337	0	42,338	846,750	755,734	680,161	37,786	0	37,787	755,734
b. Runway 3/4 Improvements	1,300,000	0	0	0	1,300,000	1,300,000	682,585	609,827	33,879	5,000	33,879	682,585
Subtotal	2,146,750	762,075	42,337	0	1,342,338	2,146,750	1,438,319	1,289,988	71,665	5,000	71,666	1,438,319
III. Terminal Expansion												
a. Baggage Claim/Gate Expansion	332,654	0	0	0	332,654	332,654	332,654	0	0	0	332,654	332,654
b. Terminal Expansion (AIP 19)	547,488	492,739	27,374	0	27,375	547,488	543,723	489,351	27,186	0	27,186	543,723
c. Terminal Expansion - Phase 2	600,000	0	0	0	600,000	600,000	484,347	0	60,000	0	424,347	484,347
Subtotal	1,480,142	492,739	27,374	0	960,029	1,480,142	1,360,724	489,351	87,186	0	784,187	1,360,724
IV. Land Acquisition/Easements												
a. AIP 15	2,713,735	2,452,335	130,700	0	130,700	2,713,735	2,638,933	2,352,603	130,700	24,930	130,700	2,638,933
b. Land	214,420	192,978	10,721	0	10,721	214,420	<—— Project Deleted ——>					
Subtotal	2,928,155	2,645,313	141,421	0	141,421	2,928,155	2,638,933	2,352,603	130,700	24,930	130,700	2,638,933
V. Airfield Safety Improvements												
a. Rehab MIRL/MITL (AIP 16)	286,128	256,954	14,587	0	14,587	286,128	286,128	256,954	14,275	623	14,276	286,128
b. Extend Taxiway (AIP 17)	982,395	884,155	49,120	0	49,120	982,395	937,683	843,233	44,722	757	48,971	937,683
c. R/W Markings/Obstructions (AIP 18)	486,877	438,189	24,344	0	24,344	486,877	449,355	403,969	22,443	500	22,443	449,355
d. Airfield Control Lighting	20,000	0	0	0	20,000	20,000	38,629	0	0	0	38,628	38,629
Subtotal	1,775,400	1,579,298	88,051	0	108,051	1,775,400	1,711,795	1,504,156	81,440	1,880	124,319	1,711,795
VI. PFC Administrative Costs	25,000	0	0	0	25,000	25,000	25,000	0	0	0	25,000	25,000
Project Totals	$8,505,447	$5,614,425	$308,683	$0	$2,584,339	$8,505,447	$7,475,636	$5,889,416	$385,065	$51,210	$1,149,945	$7,475,636

Note:
Column and row totals may contain addition errors due to rounding of calculated values.

6. **PFC Application and Administration Costs**. The approved amount was $25,000. The project began in April 1995 and completed in April 1996 at a final cost of $25,000.

<u>Collection Summary</u>

The total amount approved for collection and use was $2,584,339 prior to the notice amendment. Total net PFC revenue collected for this application was $1,628,095. Total PFC revenue (net collections plus interest was) was $1,631,988. Total allowable project costs were $1,149,945. Collection for Application #1 ceased on June 30, 1998. Excess revenue (total revenue collected minus total allowable project costs) in the amount of $482,043 was collected. These excess funds were applied to approved projects in application #98-02-C-00-FYV and #99-03-C-00-FYV.

<u>AIP Reductions</u>

AIP reductions were not applicable to Fayetteville Municipal Airport.

<u>Audit Summary</u>

FAA files contain no audits from the City of Fayetteville for the PFC collection period.

<u>Assurances</u>

All PFC Assurances filed with the application appear to have been complied with.

<u>Finding</u>

This Passenger Facility Program is complete.

U.S. Department of Transportation
Federal Aviation Administration

Passenger Facility Charge (PFC) Application

1. Application Type *(Check all that apply)*

- [ ] a. Impose PFC Charges
- [ ] b. Use PFC Revenue
- [X] c. Amend PFC No.: 98-02-C-00-FYV

FAA USE ONLY

Date Received ________

Action: [ ] Approved [ ] Approved in Part [ ] Disapproved

Date of Action: ________

PFC No.: ________

PART I

2. Public Agency Name, Address, and Contact Person

Agency Name: City of Fayetteville, Arkansas

Address: 4500 South School Ave, Suite F

City, State, ZIP: Fayetteville, Arkansas 72701

Contact Person: Dale Frederick, Airport Manager

3. Airport(s) to Use:

Fayetteville Municipal Airport- Drake Field

PART II

4. Charges

a. Airport to Impose:	b. Total Estimated Net PFC Revenue:	c. Level:	d. Proposed Effective Date:	e. Estimated Expiration Date:
Fayetteville Municipal Airport Drake Field	$ 118,887 revised	[ ] $1.00 [ ] $2.00 [x] $3.00	April 1, 2000	April 1, 2000

PART III

5. Attachments *(Check all that Apply)*

	Attached	Submitted with Application Dated:		
a.	[ ]	[X]	December 18, 1997	Airport Capital Improvement Plan
b.	[ ]	[X]	December 18, 1997	Project Information
c.	[x]	[ ]		Air Carrier Consultation Information
d.	[ ]	[ ]	n/a	Request to Exclude Class(es) of Carriers
e.	[X]	[ ]		Justification
f.	[x]	[ ]		Additional Information

6a. Date of Written Notice to Air Carriers: July 29, 1999

6b. Date of Consultation Meeting with Air Carriers: August 31, 1999

PART IV

7.With respect to this PFC application I hereby certify as follows:

To the best of my knowledge and belief, all data in this application are true and correct;
This application has been duly authorized by the governing body of the public agency;
The public agency will comply with the attached assurances if the application is approved; and

For those projects for which approval to use PFC revenue is requested, all applicable ALP approvals, airspace determinations, and environmental reviews required by the National Environmental Policy Act have been completed.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number / d. Fax Number
Mr. Fred B. Hanna, Jr.	Mayor, City of Fayetteville, AR	c. (501) 718-7640 d. (501) 718-7646

e. Signature of Authorized Representative	f. Date Signed
	October 1, 1999

Drake Field, Fayetteville, Arkansas
PFC ASSURANCES CERTIFICATION STATEMENT

The undersigned Mayor for the City of Fayetteville, Arkansas, assures and certifies, with respect to the PFC application and projects including each individual project work element submitted in its application to impose a PFC at FYV Airport:

1) Responsibility and authority of the public agency. It has legal authority to impose a PFC and to finance and carry out the proposed projects. A resolution, motion or similar action has been duly adopted or passed as an official act of the City of Fayetteville, Arkansas authorizing the application, including all understandings and assurances contained therein, and directing and authorizing the person or persons holding the position of Mayor as the official representative of the public agency to act in connection with the application.

2) Compliance with regulation. It will comply with all legal provisions of 14 CFR Part 158 not inconsistent with the provisions of the Airport Noise and Capacity Act of 1990 (enacted November 5, 1990) and the authority of the Secretary of Transportation to issue regulations implementing Section 9110 of the Act.

3) Compliance with state and local laws and regulations. It has complied, or will comply, with all applicable state and local laws and regulations.

4) Environmental, airspace and airport layout plan (ALP) requirements. It will not use PFC revenue on a project until the FAA has notified the public agency that:

a) Any actions required under the National Environmental Policy act of 1969 have been completed;

b) The appropriate airspace finding required by FAA regulations has been made; and

c) The FAA Airport Layout Plan (ALP) with respect to the project or project work element has been approved to the extent such approval authority of the FAA is required by regulation of the FAA for such project or an individual project work element, and the regulation or related guidelines requiring ALP approval is available to the public agency at the time of submission of a PFC application for approval to use PFC revenues.

5) Nonexclusivity of contractual agreements. It will not enter into an exclusive long term lease or use agreement with an air carrier or foreign air carrier for the use of projects funded with PFC revenue. Such lease or use agreements will not preclude the public agency from funding or developing new capacity at the airport using PFC and other sources of airport revenues or funds, and reserving and assigning such new capacity for the use of new entry carriers or expanding competitive carriers.

6) Carryover provisions. It will not enter into any lease or use agreement with an air carrier or foreign air carrier for the use of any airport facilities financed in whole or in part with revenue derived from a PFC if such agreement for such facility contains a carryover provision regarding a renewal option which, upon expiration of the original lease, would operate to automatically extend the term of such agreement with such carrier in preference over any potentially completing air carrier or foreign air carrier seeking to negotiate a lease or use agreement for such facilities.

7) Competitive access. It agrees that any lease or use agreements between the public agency and any air carrier or foreign air carrier for any facility financed in whole or in part with revenue derived from a PFC will contain a provision that permits a public agency to terminate the lease or agreement if-

a) The air carrier or foreign air carrier has an exclusive lease or use agreement for existing facilities at such airport; and

b) Any portion of its existing exclusive use facilities is not fully utilized and is not made available for use by potential competing air carriers or foreign air carriers at compensatory rates not exceeding the rates paid for such similar facilities to the public agency.

8) Rates, fees and charges.

a) It will not treat PFC revenue as airport revenue for the purpose of establishing a rate, fee or charge pursuant to a contract with an air carrier or foreign air carrier.

b) It will not include in its rate base by means of depreciation, amortization or any other method, that portion of the capital costs of a project paid for by PFC revenue for the purpose of establishing a rate, fee or charge pursuant to a contract with an air carrier or foreign air carrier.

c) Notwithstanding the limitation provided in subparagraph (b) , with respect to a project for terminal development, gates and related areas, or a facility occupied or used by one or more air carriers or foreign air carriers on an exclusive or preferential basis, the rates, fees and charges payable by such carriers that use such facilities will be no less than the rates, fees, and charges paid by such carriers using similar facilities at the airport that were not financed by PFC revenue.

9) Standards and specifications. It will carry out the project in accordance with FAA airport design, construction and equipment standards and specifications contained in advisory circulars current on the date of project approval with the understanding that such standards are minimum standards of compliance.

10) Record keeping and audit. It will maintain an accounting record for audit purposes for a period of 3 years after completion of the project. All records will satisfy the requirement of 14 CFR Part 158 and will contain documentary evidence for all items of project costs.

11) Reports. It will submit reports in accordance with the requirements of 14 CFR Part 158, Subpart D, and as the Administrator may reasonably request.

12) Airport Noise and Capacity Act of 1990. I understand that sections 9304 and 9307 of the Airport Noise and Capacity Act of 1990 require the authority to impose a PFC be terminated if the Administrator determines the public agency has failed to comply with that act or with the implementing regulations promulgated thereunder.

Fred B. Hanna, Jr.
Mayor

FYV2AMD1.123

DRAKE FIELD
Fayetteville, Arkansas

Passenger Facility Charges
Amendment #1 to Application # 98-02-C-00-FYV
Project Costs and Funding Sources

July 29, 1999

Capital Improvement Projects	Original Project Amounts						Revised Project Amounts					
		Funding Sources						Funding Sources				
	Estimated Project Costs	FAA Grants	State Grants	Airport Revenues	PFC Revenues	Total Funding	Estimated Project Costs	FAA Grants	State Grants	Airport Revenues	PFC Revenues	Total Funding
I. Snow Removal Equipment (AIP 21,22)	$608,422	$372,979	$20,721	$0	$214,722	$608,422	$413,113	$371,564	$20,642	$265	$20,642	$413,113
II. ARFF Building and ARFF Truck	648,360	583,524	32,418	0	32,418	648,360	1,065,224	958,342	53,241	400	53,241	1,065,224
III. Terminal Area Improvements	3,217,000	0	0	804,250	2,412,750	3,217,000	← Project Deleted					
IV. Commercial Ramp Rehabilitation and Extension	640,000	576,000	32,000	0	32,000	640,000	316,564	284,458	15,803	500	15,803	316,564
V. Part 107 Access Control System	110,000	99,000	5,500	0	5,500	110,000	← Project Deleted					
VI. PFC Application and Administrative Costs	29,200	0	0	0	29,200	29,200	29,200	0	0	0	29,200	29,200
Project Totals	$5,252,982	$1,631,503	$90,639	$804,250	$2,726,590	$5,252,982	$1,824,102	$1,614,364	$89,687	$1,165	$118,887	$1,824,102

Note:
Column and row totals may contain addition errors due to rounding of calculated values.

OMB Approved 2120-0557

U.S. Department of Transportation
Federal Aviation Administration

Passenger Facility Charge (PFC) Application

1. Application Type *(Check all that apply)*

- [x] a. Impose PFC Charges
- [x] b. Use PFC Revenue
- [ ] c. Amend PFC No.: ______

FAA USE ONLY

Date Received	Action		
	☐ Approved	Date of Action:	______
	☐ Approved in Part		
______	☐ Disapproved	PFC No.:	______

PART I

2. Public Agency Name, Address, and Contact Person

Agency Name	City of Fayetteville, Arkansas
Address	4500 South School Ave, Suite F
City, State, ZIP	Fayetteville, Arkansas 72701
Contact Person	Dale Frederick, Airport Manager

3. Airport(s) to Use:

Fayetteville Municipal Airport- Drake Field

PART II

4. Charges

a. Airport to Impose:	b. Total Estimated Net PFC Revenue:	c. Level:	d. Proposed Effective Date:	e. Estimated Expiration Date:
Fayetteville Municipal Airport Drake Field	$ 960,303	☐ $1.00 ☐ $2.00 ☒ $3.00	April 1, 2000	December 31, 2000

PART III

5. Attachments *(Check all that Apply)*

	Attached	Submitted with Application Dated:		
a.	x	☐		Airport Capital Improvement Plan
b.	x	☐		Project Information
c.	x	☐		Air Carrier Consultation Information
d.	☐	☐	n/a	Request to Exclude Class(es) of Carriers
e.	☐	☐	n/a	Alternative Uses / Projects
f.	x	☐		Additional Information

6a. Date of Written Notice to Air Carriers:
July 29, 1999

6b. Date of Consultation Meeting with Air Carriers:
August 31, 1999

PART IV

7.With respect to this PFC application I hereby certify as follows:
To the best of my knowledge and belief, all data in this application are true and correct;
This application has been duly authorized by the governing body of the public agency;
The public agency will comply with the attached assurances if the application is approved; and

For those projects for which approval to use PFC revenue is requested, all applicable ALP approvals, airspace determinations, and environmental reviews required by the National Environmental Policy Act have been completed.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number / d. Fax Number
Mr. Fred B. Hanna, Jr.	Mayor, City of Fayetteville, AR	c. Telephone Number (501) 718-7640 d. Fax Number (501) 718-7646
e. Signature of Authorized Representative		f. Date Signed September 30, 1999

Agency Display of Estimated Burden
Public reporting burden of this collection of information is estimated to average 5-160 hours per response depending on the complexity. Send comments regarding the accuracy of this burden estimate or any other aspect of this information collection to the Office of Management and Budget (OMB), Paperwork Reduction Project 2120-0557, Washington, DC 20503 and to the Department of Transportation, Federal Aviation Administration, Program Support Branch, ARP-11, 800 Independence Avenue, SW, Washington, DC 20591.

Drake Field, Fayetteville, Arkansas
PFC ASSURANCES CERTIFICATION STATEMENT

The undersigned Mayor for the City of Fayetteville, Arkansas, assures and certifies, with respect to the PFC application and projects including each individual project work element submitted in its application to impose a PFC at FYV Airport:

1) Responsibility and authority of the public agency. It has legal authority to impose a PFC and to finance and carry out the proposed projects. A resolution, motion or similar action has been duly adopted or passed as an official act of the City of Fayetteville, Arkansas authorizing the application, including all understandings and assurances contained therein, and directing and authorizing the person or persons holding the position of Mayor as the official representative of the public agency to act in connection with the application.

2) Compliance with regulation. It will comply with all legal provisions of 14 CFR Part 158 not inconsistent with the provisions of the Airport Noise and Capacity Act of 1990 (enacted November 5, 1990) and the authority of the Secretary of Transportation to issue regulations implementing Section 9110 of the Act.

3) Compliance with state and local laws and regulations. It has complied, or will comply, with all applicable state and local laws and regulations.

4) Environmental, airspace and airport layout plan (ALP) requirements. It will not use PFC revenue on a project until the FAA has notified the public agency that:

a) Any actions required under the National Environmental Policy act of 1969 have been completed;

b) The appropriate airspace finding required by FAA regulations has been made; and

c) The FAA Airport Layout Plan (ALP) with respect to the project or project work element has been approved to the extent such approval authority of the FAA is required by regulation of the FAA for such project or an individual project work element, and the regulation or related guidelines requiring ALP approval is available to the public agency at the time of submission of a PFC application for approval to use PFC revenues.

5) Nonexclusivity of contractual agreements. It will not enter into an exclusive long term lease or use agreement with an air carrier or foreign air carrier for the use of projects funded with PFC revenue. Such lease or use agreements will not preclude the public agency from funding or developing new capacity at the airport using PFC and other sources of airport revenues or funds, and reserving and assigning such new capacity for the use of new entry carriers or expanding competitive carriers.

6) Carryover provisions. It will not enter into any lease or use agreement with an air carrier or foreign air carrier for the use of any airport facilities financed in whole or in part with revenue derived from a PFC if such agreement for such facility contains a carryover provision regarding a renewal option which, upon expiration of the original lease, would operate to automatically extend the term of such agreement with such carrier in preference over any potentially completing air carrier or foreign air carrier seeking to negotiate a lease or use agreement for such facilities.

7) Competitive access. It agrees that any lease or use agreements between the public agency and any air carrier or foreign air carrier for any facility financed in whole or in part with revenue derived from a PFC will contain a provision that permits a public agency to terminate the lease or agreement if-

a) The air carrier or foreign air carrier has an exclusive lease or use agreement for existing facilities at such airport; and

b) Any portion of its existing exclusive use facilities is not fully utilized and is not made available for use by potential competing air carriers or foreign air carriers at compensatory rates not exceeding the rates paid for such similar facilities to the public agency.

8) Rates, fees and charges.

a) It will not treat PFC revenue as airport revenue for the purpose of establishing a rate, fee or charge pursuant to a contract with an air carrier or foreign air carrier.

b) It will not include in its rate base by means of depreciation, amortization or any other method, that portion of the capital costs of a project paid for by PFC revenue for the purpose of establishing a rate, fee or charge pursuant to a contract with an air carrier or foreign air carrier.

c) Notwithstanding the limitation provided in subparagraph (b) , with respect to a project for terminal development, gates and related areas, or a facility occupied or used by one or more air carriers or foreign air carriers on an exclusive or preferential basis, the rates, fees and charges payable by such carriers that use such facilities will be no less than the rates, fees, and charges paid by such carriers using similar facilities at the airport that were not financed by PFC revenue.

9) Standards and specifications. It will carry out the project in accordance with FAA airport design, construction and equipment standards and specifications contained in advisory circulars current on the date of project approval with the understanding that such standards are minimum standards of compliance.

10) Record keeping and audit. It will maintain an accounting record for audit purposes for a period of 3 years after completion of the project. All records will satisfy the requirement of 14 CFR Part 158 and will contain documentary evidence for all items of project costs.

11) Reports. It will submit reports in accordance with the requirements of 14 CFR Part 158, Subpart D, and as the Administrator may reasonably request.

12) Airport Noise and Capacity Act of 1990. I understand that sections 9304 and 9307 of the Airport Noise and Capacity Act of 1990 require the authority to impose a PFC be terminated if the Administrator determines the public agency has failed to comply with that act or with the implementing regulations promulgated thereunder.

Fred B. Hanna, Jr.
Mayor

SUMMARY OF CIP PROJECT REQUESTS

City of Fayetteville, Arkansas

Capital Improvements Program 2000-2004

Department General Government

Funding Source Airport Fund

Division Airport

Category Airport Improvements

Priority Number	Project Title	Fiscal Year 2000	Fiscal Year 2001	Fiscal Year 2002	Fiscal Year 2003	Fiscal Year 2004	Five Year Total	Costs Beyond 2000-2004
1	Ernest Lancaster Drive Extension	487,000					487,000	
2	Federal Grant Matches	109,900	31,500	27,600			169,000	
3	Professional Services	90,000	70,000	30,000			190,000	
4	High Intensity Runway Lights	50,000					50,000	
5	Maintenance and Rehabilitation of Pavements	833,333	833,333	133,334			1,800,000	
6	T-Hangar Unit Expansion	300,000			380,000		680,000	
7	Individual Hangar	115,000	142,000	145,000		193,000	595,000	
8	Pavement Maintenance				80,000		80,000	
9	Airfield Marking				81,000		81,000	
							0	
							0	
	Revised 8-22-99 bjm						0	
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	*TOTAL	1,985,233	1,076,833	335,934	541,000	193,000	4,132,000	0

Division Head
Signature:

Date

Filename: C:\APP\DATA\123DATA\CIPPFC.WK4

RESOLUTION NO. 96-95

A RESOLUTION TO IMPLEMENT AND COLLECT A PASSENGER FACILITY CHARGE ON ELIGIBLE PASSENGERS AT DRAKE FIELD.

WHEREAS, the City of Fayetteville has investigated the feasibility of implementing and collecting a Passenger Facility Charge ("PFC") on eligible enplaned passengers at Drake Field ("Airport") in accordance with the Aviation Safety and Capacity Expansion Act of 1990 as approved by the Federal Aviation Administration ("FAA") and desires to impose and collect a Passenger Facility Charge upon eligible enplaned passengers at Drake Field, under terms and conditions that are consistent with said Act as approved by the FAA and to expend such funds on FAA approved eligible projects; and

WHEREAS, the City operates, maintains and develops the Airport with federal grants and user fees; and

WHEREAS, a PFC is a user fee authorized by Federal Law and imposed only on eligible enplaned passengers utilizing the Airport; and

WHEREAS, the Airport Division after thorough investigation has determined that the funds generated by adopting and collecting a PFC are needed to accomplish projects designed to enhance capacity, safety and development of the Airport.

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

Section 1. The Council hereby adopts and implements the Passenger Facility charge under the following:

Section I. DEFINITIONS. As used in this resolution, the following definitions apply:

1.1 "Airport" shall mean the estimated 600 acre area of Drake Field.

1.2 "Charge Effective Date" shall mean the date on which the Passenger Facility Charge is effective as provided in §3.1 of this Resolution.

1.3 "Enplaned Passenger" means a domestic, territorial or international revenue passenger enplaned at the Airport in a scheduled or nonscheduled aircraft in interstate, intrastate, or foreign commerce, provided that Enplaned Passenger shall not include a passenger enplaning to a destination receiving essential air service (compensation) as provided by 14 C.P.R. 158.9 or a passenger both enplaning and deplaning at the Airport.

1.4 "Manager" shall mean the Airport Manager for the City of Fayetteville.

1.5 "FAA" shall mean the Federal Aviation Administration, Department of Transportation, United States of America.

1.6 "Passenger Facility Charge" shall mean the charge imposed on Enplaned Passengers pursuant to §3.1 of this resolution.

Section II. FINDINGS AND PURPOSE.

2.1 The City finds that:

2.1.1 The City owns and controls that certain Airport and air navigation facility located in Washington County, State of Arkansas, and known as Drake Field ("Airport"); and

2.1.2 The Airport promotes a strong economic base for the community, assists and encourages world trade opportunities , and is of vital importance to the health, safety, and welfare of the State of Arkansas; and

2.1.3 The Airport is a commercial service airport as that phase is defined in 14 Code of Federal Regulations Part 158, as adopted by FAA, being a public airport enplaning 2,500 or more scheduled air passengers per year; and

2.1.4 The deregulation of the airline industry, the restructuring of airline ownerships, and fluctuating market changes in the field of commercial aviation have placed new financial challenges on the City; and

2.1.5 The operation of Drake Field as a public facility attracting scheduled airline passenger service by airline carriers at the Airport imposes financial responsibility on the City for airport facilities and operations; and

2.1.6 The City will require substantial expenditure for capital investment, operation, maintenance, and development of the Airport facilities to meet the demand for passenger air travel; and

2.1.7 The Congress of the United States has authorized the adoption of a Passenger Facility Charge program by local airports pursuant to the Aviation Safety and Capacity Expansion Act of 1990 (Pub.L. 101-508, Title IX Subtitle B, November 5, 1990)(hereinafter the "Act"); and

2.1.8 It is in the City's best economic interest to adopt and in the interest of airline passengers that the City adopt a Passenger Facility Charge program as identified in this Resolution to maintain and further expand the transportation facilities of the City; and

2.1.9 In establishing and implementing the Passenger Facility Charge program, the passengers using the Airport should contribute to a greater degree toward the development of Airport Facilities used by passengers and continued development thereof; and

2.1.10 The fees implemented by this Resolution are reasonable for the use of the Airport and aviation facilities by the general public.

2.2. The purpose of this Resolution is to enact a Passenger Facility Charge program consistent with the above findings and this Resolution and the regulations published pursuant thereto shall be liberally construed to effectuate the purposes expressed.

Section III. PASSENGER FACILITY CHARGE.

3.1 Commencing not later than the first day of the second month thirty days after the approval by the FAA of the City's Passenger Facility Charge program authorized by this Resolution, or on such date thereafter as the Passenger Facility Charge can be collected as determined by the Manager ("Charge Effective Date"), thereafter shall be imposed at Drake Field, a Passenger Facility Charge of three dollars ($3.00) (Passenger Facility Charge").

3.2 The Passenger Facility Charge authorized by this Resolution shall expire on the date determined pursuant to regulations adopted by FAA.

3.3 The Airport Manager or designee is authorized to execute the FAA application for authorization of the City's PFC program including the assurances contained therein and other documents necessary for implementation of the PFC program on behalf of the City.

Section IV. ELIGIBLE PROJECTS.

4.1 The Passenger Facility Charge collected pursuant to this program shall be expended only for projects approved by the City Council and determined by the FAA to be eligible under the Act and rules and regulations adopted by FAA pursuant to such statute.

Section V. COMPLIANCE WITH FAA REQUIREMENTS.

5.1 The Passenger Facility Charge authorized by this Resolution shall be collected and distributed pursuant to the rules and regulations adopted by FAA pursuant to such statute.

Section VI. VIOLATIONS.

6.1 Sanctions. In the event any airline violates any term or condition of this Resolution, the City may exercise any rights or remedies allowed by law or equity.

Section VII. SAVINGS CLAUSE.

7.1 In the event any phrase, clause, sentence, paragraph, or paragraphs of this Resolution is declared invalid for any reason, the remainder of this Resolution shall not be invalidated, but shall remain in full force and effect, all parts of this Resolution being declared separable and independent of all others.

PASSED AND APPROVED this 5th day of July, 1995.

APPROVED:

By: Fred Hanna

Fred Hanna, Mayor

ATTEST:

By: Traci Paul

Traci Paul, City Clerk

RESOLUTION NO. 109-97

A RESOLUTION AUTHORIZING THE EXPENDITURE OF THE PASSENGER FACILITY CHARGES FOR APPROVED PROJECTS.

WHEREAS, it would be in the public interest to perform the below the listed projects at Drake Filed Airport; and

WHEREAS, funding these projects through Passenger Facility Charges would be in the public interest; and

WHEREAS, City Resolution No. 96-95, Section 4.1, provides that Passenger Facility Charges shall be expended for projects approved by resolution of the City Council and approved by the Federal Aviation Administration.

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

Section 1. That the Passenger Facility Charges collected pursuant to Resolution 96-95 are hereby authorized to be expended on the following projects:

1. Snow Removal Equipment;
2. ARFF Building and ARFF Truck;
3. Terminal Area Improvements;
4. Commercial Ramp Rehabilitation and Extension;
5. Part 107 Access Control System;
6. PFC Application and Administrative Costs.

Section 2. That this resolution shall become effective immediately upon adoption.

PASSED AND APPROVED this 18th day of November, 1997.

CITY OF FAYETTEVILLE ARKANSAS

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Traci Paul
Traci Paul, City Clerk

STAFF REVIEW FORM

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of September 21, 1999

FROM:

Connie Edmonston	Parks & Recreation	Public Works
Name	Division	Department

ACTION REQUIRED:

Approval of amendment to CEI contract #656 for Greathouse Park bridge

COST TO CITY:

$27,500	$ 134,000	Park Improvements
Cost of this Request	Category/Project Budget	Category/Project Name
2250-9250-5817-00	$ 125,180	
Account Number	Funds Used To Date	Program Name
98004-1	$ 8,820	General/Parks Development/Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ___ Budgeted Item X Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: ___

Accounting Manager	9-13-99 Date	ADA Coordinator	Date
City Attorney	9-13-99 Date	Internal Auditor	9-14-99 Date
Purchasing Officer	9-13-99 Date		

STAFF RECOMMENDATION:

Approval of amendment to contract

Division Head	9-13-99 Date
Department Director	9-14-99 Date
Administrative Services Director	14SEP99 Date
Mayor	9/14/99 Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: 656

Orig Contract Date: ___

DEPARTMENTAL CORRESPONDENCE

To: Mayor Fred Hanna and City Council

Thru: Charles Venable, Public Works Director
Connie Edmonston, Parks & Recreation Superintendent

From: Eric J. Schuldt, Parks Development Coordinator

Date: September 10, 1999

Re: Amendment to Contract for Engineering Services

The Parks and Recreation Division requests the approval of an amendment to the contract with CEI Engineering Associates Inc. for their work at Greathouse Park. The contract amendment will approve additional research into potential alternatives to the channelization of Town Branch creek.

The contract amendment is arranged into a series of lump sum analyses. The total amendment to the contract is for $27,500. Some of this funding will not be used if a suitable solution is found in the early stages of research. In the contract under scope of services, sections D and E will only be preformed if CEI receives written approved from City staff. The first three alternatives in sections A, B, and C will cost $5,250 plus a fee for reports and meetings at $3,250 for a total cost of $8,500.

Please note that the design of a selected alternative will be covered by an amendment to this contract. Please review the contract amendment and if your have any questions, please call Connie Edmonston at 444-3473.

Attachments: CEI, Amendment to Contract

Engineering Associates, Inc.

City of Fayetteville, Arkansas
Greathouse Park Bridge
Amendment to Contract for Engineering Services
CEI Project No. 13905.1 – September 14, 1999

I. PROJECT DEFINITION

This contract amendment is for the purpose of conducting additional analyses to see if there is anyway to avoid major channel improvements to alleviate additional flooding that could be caused by building the park access bridge over Town Branch creek. The analyses should evaluate: alternative bridge configurations, alternative bridge types, alternative channel improvements, and detailed computer modeling of the creek. The scope of services will be performed as a series of lump sum analyses.

II. SCOPE OF SERVICES

A. EVALUATE ALTERNATIVE CHANNEL IMPROVEMENTS

Evaluate whether there is another way to improve the channel so as to not impact trees to the extent now included in the design. This will involve preparing computer models to evaluate different channel configurations. While a great number of different configurations were evaluated as part of the original contract, it is believed that there are some additional configurations that should be checked. One specific configuration will be to move the downstream portion of the channel improvements to the north in an attempt to save several old trees on the south bank. It should be stressed that there is no guarantee that these models will be successful, and that there may be no other way to improve the channel other than what has already been designed.

Lump Sum Fee.. $2,500.00

B. EVALUATE A BREAKAWAY BRIDGE

Review available pre-manufactured bridges that are designed to "breakaway" from one side when impacted by a flood and swing with the water flow. Such a bridge would not restrict flood waters and would thus not cause a rise in flood elevation. This analysis should consider not only the capital cost, but also the maintenance requirements and associated costs, and whether the Parks Department will be able to re-attach the bridge or whether special equipment will be required. No computer modeling will be conducted with this alternative.

Lump Sum Fee... $750.00

C. EVALUATE ELEVATED RAMP

Evaluate whether changing the ramp on the south side from an earthfill ramp to an elevated ramp. This will reduce the obstruction to the passage of flood water, and will perhaps reduce the amount of channel improvements that must be made. This will involve several computer analyses.

Lump Sum Fee.. $2,000.00

D. EVALUATE AN A.D.A. ARCHED BRIDGE

If the results of Evaluations A, B, and C do not result in a viable alternative to the current design, CEI will proceed to the evaluation of an A.D.A. accessible arched bridge. This would be the same as Alternative C, except that the handicapped ramps required will result in on obstruction to the passage of flood waters to the extent that some channel improvements will be needed, though probably less than included in the current design. This will include computer modeling of the channel in several configurations to determine the minimum channel improvements required. CEI will not begin this task until receiving specific written approval from the City.

Lump Sum Fee.. $4,000.00

E. CONDUCT A DETAILED CHANNEL ANALYSIS

CEI will conduct a detailed evaluation of the channel in an attempt to avoid any channel improvements by showing that the existing flood model: is either unjustifiably conservative, resulting in a higher flood elevation that will actually happen; or does not accurately describe the stream channel, thus resulting in a different flood elevation. This will require some survey to better describe several stream cross-sections. It will also require a number of computer models to determine the correct flood elevation. Please note that these analyses might show that the flood elevation, as currently determined, is lower than will actually happen. In this case, the alternative of no channel improvements will not be viable. CEI will not begin this task until receiving specific written approval from the City.

If this evaluation is found to be viable and is selected by the City, it will be necessary to prepare changes to the flood maps, submit these to FEMA, and obtain approval both before and after constructing the improvements. This will result in a minimum of a 6 month delay of the project.

Lump Sum Fee.. $15,000.00

F. MEETINGS and WRITTEN REPORT

Attend meetings with City officials and other regulatory agencies as required to identify various alternatives for evaluation, and to discuss those evaluations in progress and at their completions. Prepare a written report of the results of evaluations. Present this report to the Parks Board and the City Council. If directed by the City, attend meetings and/or maintain communication with neighborhood groups with a valid interest in the park improvements.

Hourly Not to Exceed Fee... $3,250.00

III. CLIENT TO PROVIDE THE FOLLOWING:

A. Review of analyses of alternatives as presented by CEI.
B. A decision as to which alternative the City wishes to implement
C. Access to both sides of the park for survey crew vehicles, if required.
D. A decision on whether alternative access for A.D.A. compliance is to be provided through the Levi Strauss plant.
E. Payment of fees to FEMA.

IV. ADDITIONAL SERVICES

A. Any other evaluations besides those described above will either require an amendment to this amendment or can be performed as extra services using the hourly rates included in the original contract.

B. The design of the selected alternative will be covered by an amendment to the contract.

C. Any costs to re-bid the project and prepare new contracts, if required, will be covered by an amendment.

D. Costs for surveying services are not included in the above items. If a survey is required to satisfy FEMA requirements, the associated costs will be negotiated based on the scope of the specific channel improvements actually constructed.

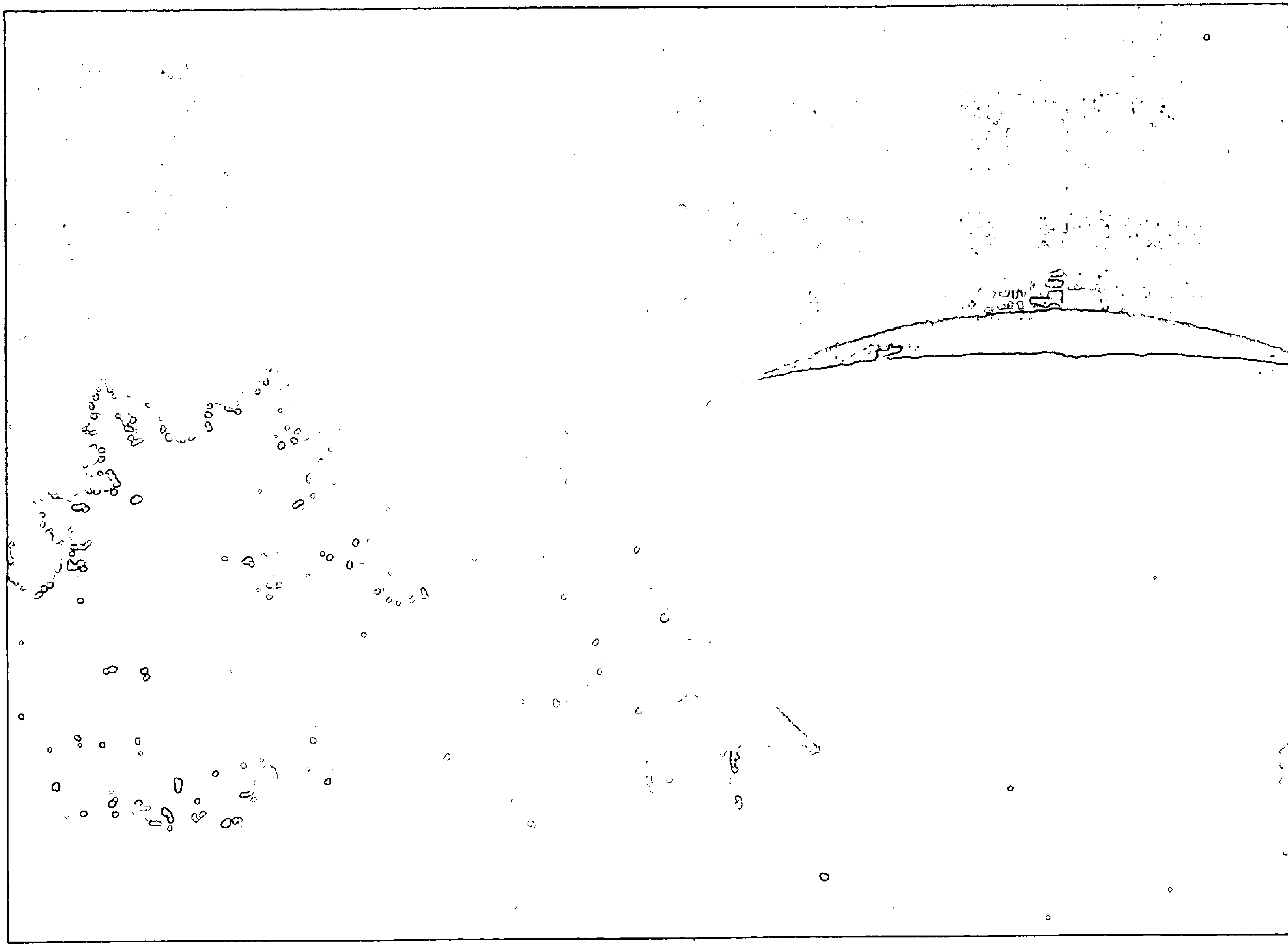
E. Detailed design of the alternatives to be evaluated is not included in this proposal, since at this time it is not known what must be designed, if anything. Design will be covered by a further amendment to the agreement.

All other provisions of the original contract remain the same.

________________________________ Title: Mayor ______________ Date: ____________
City of Fayetteville

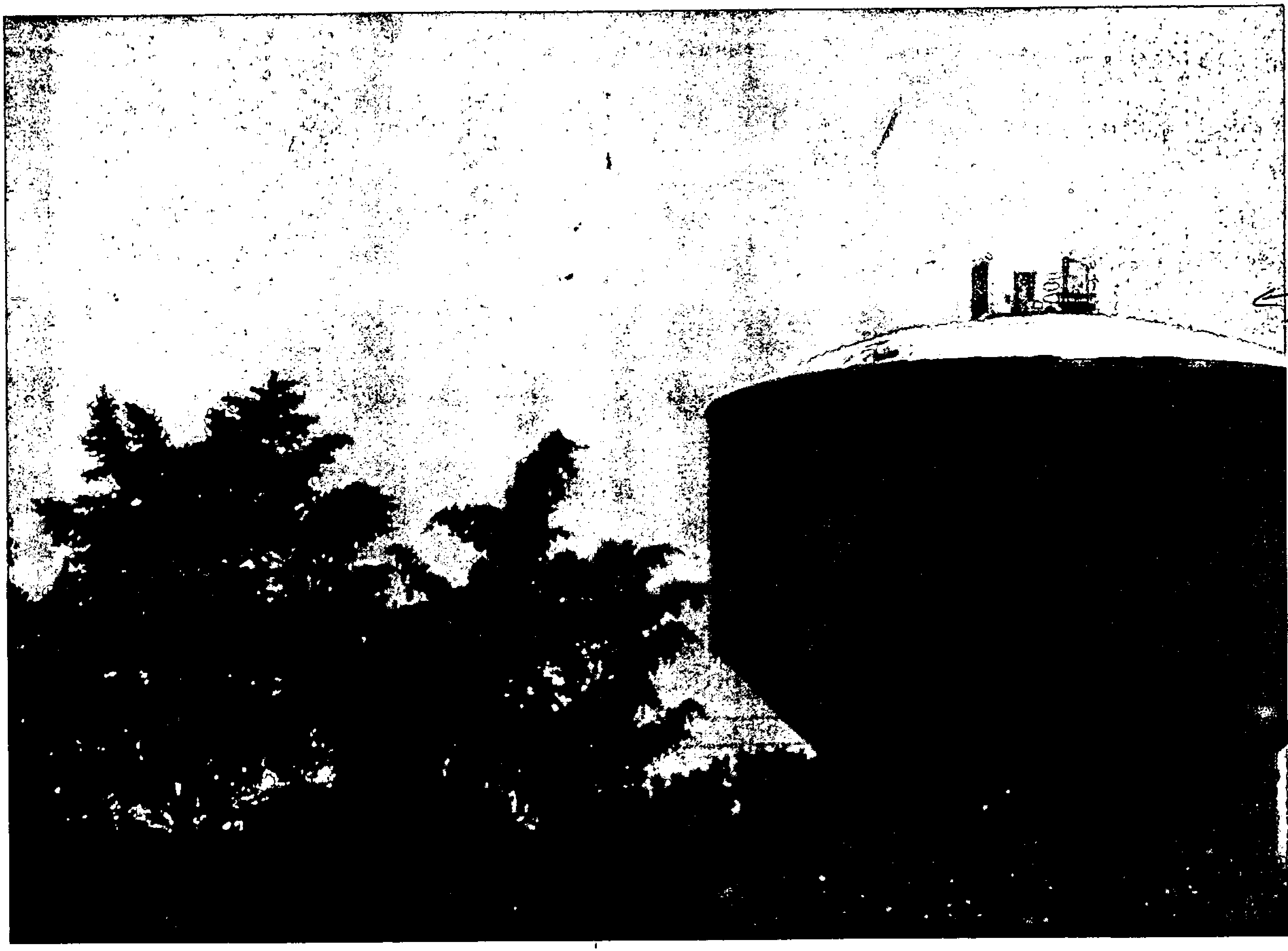
________________________________ Title: Department Head ________ Date: ____________
Rick W. Rogers
CEI Engineering Associates, Inc.

CELL TOWER SITE



W/O ANTENNAS

CELL TOWER SITE



← WITH ANTENNA

Packet:

Site plan
picture of shelter
rendering
legal descript. of site
legal descript. of easement
antenna specs

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of September 21, 1999

FROM:

Connie Edmonston	Parks & Recreation	Public Works
Name	Division	Department

ACTION REQUIRED:

Approval of amendment to CEI contract #656 for Greathouse Park bridge

COST TO CITY:

$27,500	$ 134,000	Park Improvements
Cost of this Request	Category/Project Budget	Category/Project Name
2250-9250-5817-00	$ 125,180	
Account Number	Funds Used To Date	Program Name
98004-1	$ 8,820	General/Parks Development/Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ____ Budgeted Item X Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: ____

Marilyn J. Cramer — Accounting Manager — Date 9-13-99

ADA Coordinator — Date

City Attorney — Date 9-13-99

Yolanda Fields — Internal Auditor — Date 9-14-99

Purchasing Officer — Date 9-13-99

STAFF RECOMMENDATION:

Approval of amendment to contract

Connie Edmonston — Division Head — Date 9-13-99

Department Director — Date 9-14-99

Administrative Services Director — Date 14SEP99

Fred Hanna — Mayor — Date 9/14/99

Cross Reference

New Item: Yes No

Prev Ord/Res #: 656

Orig Contract Date: ____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Fred Hanna and City Council

Thru: Charles Venable, Public Works Director
Connie Edmonston, Parks & Recreation Superintendent

From: Eric J. Schuldt, Parks Development Coordinator

Date: September 10, 1999

Re: Amendment to Contract for Engineering Services

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The contract amendment is arranged into a series of lump sum analyses. The total amendment to the contract is for $27,500. Some of this funding will not be used if a suitable solution is found in the early stages of research. In the contract under scope of services, sections D and E will only be p~~ro~~erformed if CEI receives written approv~~ed~~al from City staff. The first three alternatives in sections A, B, and C will cost $5,250 plus a fee for reports and meetings at $3,250 for a total cost of $8,500.

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Attachments: CEI, Amendment to Contract

Engineering Associates, Inc.

I. PROJECT DEFINITION

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II. SCOPE OF SERVICES

A. EVALUATE ALTERNATIVE CHANNEL IMPROVEMENTS

Evaluate whether there is another way to improve the channel so as to not impact trees to the extent now included in the design. This will involve preparing computer models to evaluate different channel configurations. While a great number of different configurations were evaluated as part of the original contract, it is believed that there are some additional configurations that should be checked. One specific configuration will be to move the downstream portion of the channel improvements to the north in an attempt to save several old trees on the south bank. It should be stressed that there is no guarantee that these models will be successful, and that there may be no other way to improve the channel other than what has already been designed.

Lump Sum Fee.. $2,500.00

B. EVALUATE A BREAKAWAY BRIDGE

Review available pre-manufactured bridges that are designed to "breakaway" from one side when impacted by a flood and swing with the water flow. Such a bridge would not restrict flood waters and would thus not cause a rise in flood elevation. This analysis should consider not only the capital cost, but also the maintenance requirements and associated costs, and whether the Parks Department will be able to re-attach the bridge or whether special equipment will be required. No computer modeling will be conducted with this alternative.

Lump Sum Fee.. $750.00

C. EVALUATE ELEVATED RAMP

Evaluate whether changing the ramp on the south side from an earthfill ramp to an elevated ramp. This will reduce the obstruction to the passage of flood water, and will perhaps reduce the amount of channel improvements that must be made. This will involve several computer analyses.

Lump Sum Fee... $2,000.00

D. EVALUATE AN A.D.A. ARCHED BRIDGE

If the results of Evaluations A, B, and C do not result in a viable alternative to the current design, CEI will proceed to the evaluation of an A.D.A. accessible arched bridge. This would be the same as Alternative C, except that the handicapped ramps required will result in on obstruction to the passage of flood waters to the extent that some channel improvements will be needed, though probably less than included in the current design. This will include computer modeling of the channel in several configurations to determine the minimum channel improvements required. CEI will not begin this task until receiving specific written approval from the City.

Lump Sum Fee... $4,000.00

E. CONDUCT A DETAILED CHANNEL ANALYSIS

CEI will conduct a detailed evaluation of the channel in an attempt to avoid any channel improvements by showing that the existing flood model: is either unjustifiably conservative, resulting in a higher flood elevation that will actually happen; or does not accurately describe the stream channel, thus resulting in a different flood elevation. This will require some survey to better describe several stream cross-sections. It will also require a number of computer models to determine the correct flood elevation. Please note that these analyses might show that the flood elevation, as currently determined, is lower than will actually happen. In this case, the alternative of no channel improvements will not be viable. CEI will not begin this task until receiving specific written approval from the City.

If this evaluation is found to be viable and is selected by the City, it will be necessary to prepare changes to the flood maps, submit these to FEMA, and obtain approval both before and after constructing the improvements. This will result in a minimum of a 6 month delay of the project.

Lump Sum Fee.. $15,000.00

F. MEETINGS and WRITTEN REPORT

Attend meetings with City officials and other regulatory agencies as required to identify various alternatives for evaluation, and to discuss those evaluations in progress and at their completions. Prepare a written report of the results of evaluations. Present this report to the Parks Board and the City Council. If directed by the City, attend meetings and/or maintain communication with neighborhood groups with a valid interest in the park improvements.

Hourly Not to Exceed Fee.. $3,250.00

III. CLIENT TO PROVIDE THE FOLLOWING:

A. Review of analyses of alternatives as presented by CEI.
B. A decision as to which alternative the City wishes to implement
C. Access to both sides of the park for survey crew vehicles, if required.
D. A decision on whether alternative access for A.D.A. compliance is to be provided through the Levi Strauss plant.
E. Payment of fees to FEMA.

IV. ADDITIONAL SERVICES

A. Any other evaluations besides those described above will either require an amendment to this amendment or can be performed as extra services using the hourly rates included in the original contract.

B. The design of the selected alternative will be covered by an amendment to the contract.

C. Any costs to re-bid the project and prepare new contracts, if required, will be covered by an amendment.

D. Costs for surveying services are not included in the above items. If a survey is required to satisfy FEMA requirements, the associated costs will be negotiated based on the scope of the specific channel improvements actually constructed.

E. Detailed design of the alternatives to be evaluated is not included in this proposal, since at this time it is not known what must be designed, if anything. Design will be covered by a further amendment to the agreement.

All other provisions of the original contract remain the same.

______________________________ Title: Mayor ______________________ Date: ____________
City of Fayetteville

______________________________ Title: Department Head ______________________ Date: ____________
Rick W. Rogers
CEI Engineering Associates, Inc.

Report of Study
Evaluation of Treatment Plant Capacity

Paul R. Noland Wastewater Treatment Plant
Fayetteville, Arkansas

Submitted to

City of Fayetteville, Arkansas
Public Works Department

September 1999

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Burns & McDonnell

SINCE 1898

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Burns & McDonnell

SINCE 1898

Burns & McDonnell

100

1898 · 1998

September 8, 1999

Mr. Charles E. Venable, P.E.
Public Works Director
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

TRANSMITTAL OF REPORT
Evaluation of Noland Wastewater Treatment Plant
Project Number 99-589-4

Dear Mr. Venable:

In accordance with our contract with the City of Fayetteville, Burns & McDonnell is pleased to submit 15 copies of our report which evaluates the capacity of the Paul R. Noland Wastewater Treatment Plant in Fayetteville. Burns & McDonnell recommends in the report that the City regard the plant's design capacity to be 12.6 million gallons per day.

As you requested, we will be pleased to attend the City Council meeting the evening of September 21, 1999, to respond to questions the Council might have regarding our recommendations. Unless you need the construction records sooner, we will plan to return them to the City when we see you on the 21st. We look forward to seeing you and Mr. Don Bunn at that time.

We appreciate the opportunity to be of service to the City and look forward to future assignments with the Public Works Department.

Sincerely,

J L Sonderegger

Jerry L. Sonderegger, P.E.
Project Manager

David L. Hauser

David L. Hauser, P.E.
Project Engineer

ENGINEERS • ARCHITECTS • CONSULTANTS
9400 Ward Parkway
Kansas City, Missouri 64114-3319
Tel: 816 333-9400
Fax: 816 333-3690
http://www.burnsmcd.com

EVALUATION OF TREATMENT PLANT CAPACITY
PAUL R. NOLAND WASTEWATER TREATMENT PLANT
FAYETTEVILLE, ARKANSAS

PROJECT NUMBER 99-589-4

INDEX AND ENDORSEMENT PAGE

REPORT INDEX

ENDORSEMENT

STATE OF ARKANSAS
★ ★ ★
REGISTERED PROFESSIONAL ENGINEER
★ ★ ★
No.8082
DAVID L. HAUSER

David L. Hauser
9/7/99

TABLE OF CONTENTS

Part I
EXECUTIVE SUMMARY

In a contract with the City of Fayetteville, Burns & McDonnell was requested to make an evaluation of the Paul R. Noland Wastewater Treatment Plant's capacity. To that end, Burns & McDonnell has met with the City's staff, made observations at the plant site, analyzed the construction drawings and flow records, formed conclusions based on our findings, and makes the recommendation that the average treatment capacity of the facility be considered 12.6 mgd.

We have made calculations and compared them to published engineering design criteria as well to our own engineering judgment developed over the last century. In the pages which follow, our procedures and methodology in carrying out this assignment are discussed in the following sequence:

- The existing plant is described to give the reader a sense of the size and function of the plant and its components. These descriptions are intended to be a statement of facts without conclusions and no evaluation or assessments are made.

- The design criteria, standards, and restrictions under which the plant is operated and regulated is described. This section reviews the many basic operating parameters that are commonly used in evaluating a plant's performance and states how they will be applied in this assignment.

- In a section on findings, Burns & McDonnell presents the facts that have been observed, measured, or recorded. This section is a record of our investigation and describes the calculations, flows, elevations, and capacities that were established.

- In consideration of the findings, Burns & McDonnell concludes that certain criteria are significant and should be applied to the evaluation of this plant. This section contains our conclusions as to the average and peak capacity of the plant.

- Following a discussion of the conclusions, we make a recommendation that the treatment capacity be considered as 12.6 mgd.

Inasmuch as the Noland facility is now operating at 91 percent of its design capacity and at 93 percent of the limitations of the NPDES permit, it is appropriate for the City of Fayetteville to consider your options for proper treatment of additional wastewater flows to maintain the very stringent effluent requirements.

Part II
INTRODUCTION

PURPOSE OF ASSIGNMENT

This report was authorized by and conducted in accordance with a contract dated August 3rd, 1999 between the City of Fayetteville and Burns & McDonnell Engineering Company, Inc. Questions have arisen about the actual treatment capacity of the Paul R. Noland Wastewater Treatment Plant located on North Fox Hunter Road in Fayetteville and various reports and studies have been used in support of one position or another during deliberations on how to best serve the wastewater needs of an expanding Fayetteville. This letter report contains the results of an independent review of existing records and calculations to support a recommendation of an appropriate "rating" of the treatment capacity.

SCOPE OF STUDY

The scope of this study is confined to an evaluation of the plant's capacity to receive, convey, and treat the wastewater received. It is beyond the scope to review or comment on the remaining life of the plant, the population-equivalent capacity, or to assess the ability of the plant to treat to a concentration better than that required by the NPDES permit in order to extend the life of the plant.

Terminology

The capacity ratings recommended in this study were limited to two terms—Average Design (AD), and Peak Design (PD). The two terms evaluated here describe, respectively, the amount of wastewater which can be continually treated, and the maximum amount of wastewater which can flow through the plant and still receive the level of treatment required to meet the NPDES permit limits. The two terms are related by the peaking factor—the ratio of the peak design flow to the average design flow. While a plant can receive and treat average design flow on a daily basis without stress, the peak design flow represents the reserve capacity of the plant to receive and treat flow resulting from periodic storm events or other extraordinary flows. Were it not for the wide variations in flow received, a plant could be rated at the higher peak design rating. However, once a plant is habitually operated to treat the peak design flows on a *daily* basis, the city loses its reserve capacity to deal with storm events and the peak capacity becomes, instead, the average capacity.

It should be noted that such calculated ratings are subjective and are only indicators of how various influent flows and strengths will affect a plant. Calculation of flow volumes achieved in a hydraulic system is based on assumptions such as pipe wall roughness and disturbances to the flow as it passes around bends and through fittings. The actual conditions, even if they could be measured, are not uniform throughout the system. Regardless of the calculated design flows recommended in this report, the only definitive proof of a plant's actual capacity is that which the operators are able to treat and discharge without violation.

Some other terms, such as Annual Average Day, Peak Month, and Peak Week, are in use in the industry, but they are more appropriately used during the design phase of a plant to describe or evaluate particular historical wastewater flow, stormwater events, and normal variations in wastewater flow. While these terms are useful in other contexts, they do not advance the understanding of the issue being addressed in this study. They are still just ways of trying to answer the designer's questions *of "on average, what should the plant be expected to treat?"*, and , *"what is the most flow the plant can expect to receive?"*.

Some Master Plans or Facilities Plans may use other terminology which refers to plants as being capable of serving a certain population, rather than stating a volume capacity. Basing a plant's rating on the population served is convenient and an easily understandable measuring stick, however, such ratings can quickly be rendered meaningless as a result of changing industrial, commercial, or institutional discharges and by domestic per capita flows which differ from original projections.

This study was confined to the hydraulic and organic capacity of the liquid train facilities through the influent pumping station, primary clarifiers, aeration basins, secondary clarifiers, effluent filters, chlorine contact basins, effluent pumping station, the two effluent discharge pipes, and the plant's associated interconnecting piping. Evaluation of electrical, mechanical, structural and other features of this plant, or of process equipment or solids handling was outside the scope of this study and report. No observations or conclusions were made regarding reliability, efficiency, safety, or operational aspects of the plant. Likewise, the study did not evaluate or confirm design assumptions made by the plant's designer.

Materials Reviewed

Information examined by Burns & McDonnell in the course of this study included the Conformed-to-Construction Records of the plant's original construction (generally referred to as the "as-builts"), flow and treatment records for the years 1988-1999 as provided by the plant's operator, OMI, Inc., the NPDES permit issued to the plant by Arkansas Department of Environmental Quality (ADEQ), and other previous correspondence on the plant's capacity.

In addition to examining the records and material provided by the City, Burns & McDonnell made physical observations of the plant as well as interviewing technical and management staff of OMI, Inc., before making the capacity calculations. In the Recommendations section of this report, Burns & McDonnell suggests values for Average Design flow and Peak Design flow when describing the capacity of the Noland facility. The units of flow are in millions of gallons per day (mgd).

In preparation of this report, the information provided to us by the City of Fayetteville was used by Burns & McDonnell to make certain assumptions with respect to conditions which may exist in the future. While we believe the assumptions made are reasonable for purposes of this report, Burns & McDonnell makes no representation that the conditions will, in fact, occur. In addition, while we have no reason to believe that the information provided by the City of Fayetteville, and on which this report is based, is inaccurate in any material respect, Burns & McDonnell has not independently verified such information and cannot guarantee its accuracy or completeness. To the extent that actual future conditions differ from those assumed herein or from the information provided to us, the actual results will vary from those forecast.

ORGANIZATION OF REPORT

This report consists of three parts. The Executive Summary is Part I and provides a brief synopsis of the recommendations of the report and the methodology used in their determination. Part II introduces the remainder of the report and gives the general background, purpose, and scope of the study, while Part III, Discussion, is the body of the report and contains the details describing the existing plant, the criteria and standards applied in the study, the findings, the conclusions, and the recommendations which Burns & McDonnell makes to the City regarding the rating of the plant.

* * * * *

Part III
DISCUSSION

EXISTING FACILITIES

The Noland facility is an advanced biological nutrient removal (BNR) wastewater treatment plant designed to remove carbonaceous biochemical oxygen demand (BOD_5); total suspended solids (TSS); and total phosphorus, and reduction of ammonia nitrogen. The plant uses the activated sludge process, effluent filtration, and disinfection to meet the stringent effluent requirements of the NPDES permit. The plant as now configured was constructed in 1988. The new plant was situated adjacent to the previous plant which was converted to provide preliminary treatment and solids handling.

The existing facilities consist of two elements that must be considered and evaluated in determination of the capacity of this plant—the *treatment* capacity of the basins, and the *hydraulic* capacity of the piping. Excess capacity in one system is of no benefit without the corresponding capacity in the other. The plant is designed to pump the incoming flows to a level where the wastewater can then flow by gravity through the piping to the successive process basins. The ability of the plant piping to carry those flows is evaluated using accepted hydraulic formulae and the basins are evaluated by examining, among other items, the ability of the basin to provide the intended removal as measured by the rate at which the flow is applied, the detention time in the basins, or other appropriate characteristics.

Treatment Plant Components

A plant flow schematic is shown in Figure III-1. Each treatment unit shown is either a physical or biological process designed to remove specific components of the pollutants from the waste before discharging the water on to the next process. The plant has sufficient valves and gates such that flow can be directed to multiple trains as desired by the operating staff. The plant also provides for emergency bypass pipes which are not shown here and are not a consideration of this study.

The primary clarifier splitter box splits the influent flows between two 100-ft. diameter clarifiers where partial removal of BOD_5 and TSS is accomplished by settling, a physical process. One or both of the clarifiers can be used at the same time. The primary clarifiers sit well out of the ground with the normal water surface elevation approximately 24 feet above grade. As the solids settle to the bottom of the clarifier, the clarified effluent from each primary basin flows over a weir at the water surface and is collected in a 36-inch pipe. The effluent lines from each clarifier join and the combined effluent flows by gravity to the aeration basin splitter structure in a single 48-inch diameter pipe.

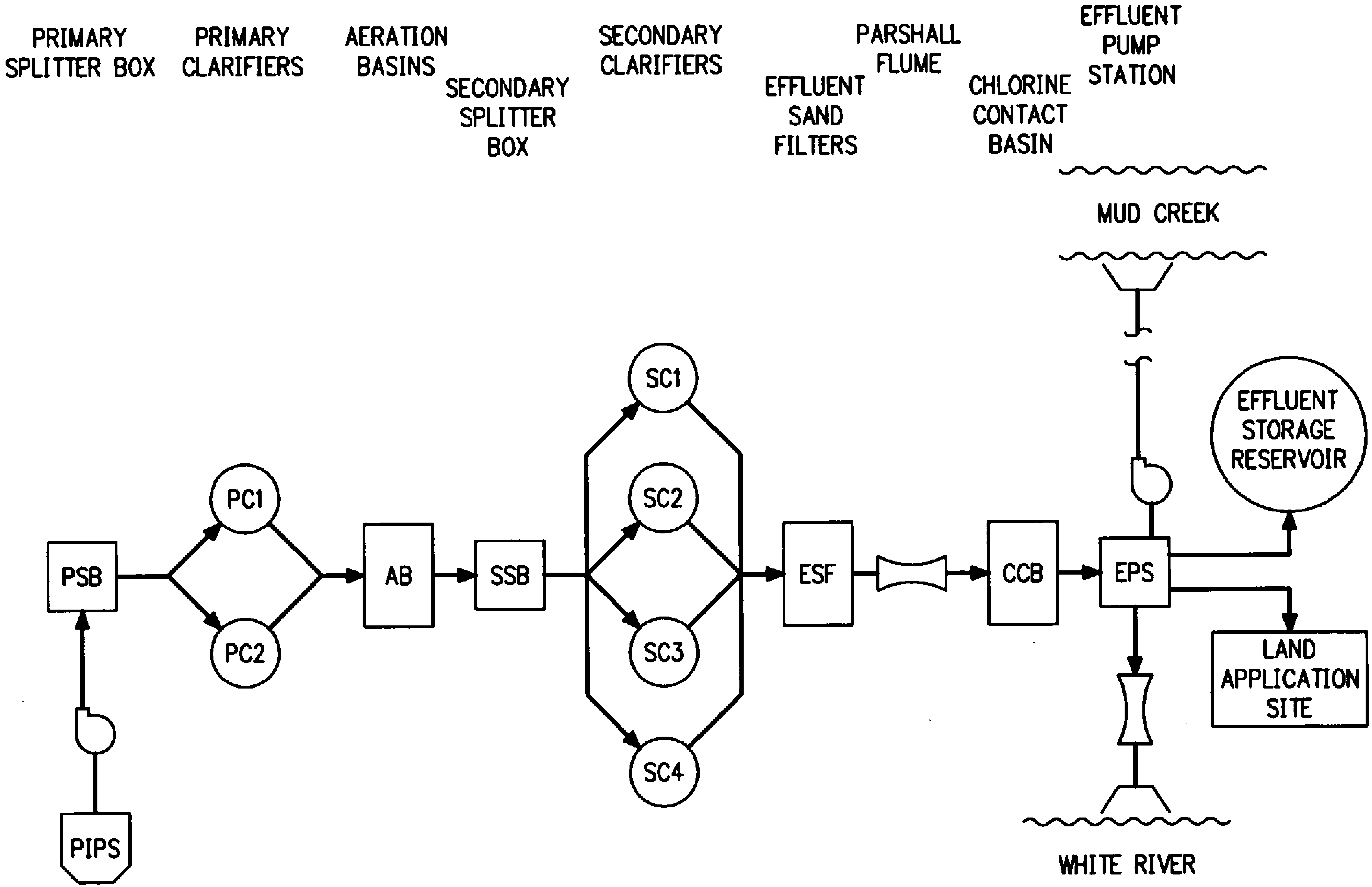


FIGURE III-1
LIQUID FLOW SCHEMATIC

The aeration basin splitter structure distributes the flow to two aeration treatment trains which contain low-horsepower mixers in successive anaerobic and anoxic zones followed by aeration in successive oxic zones with 100-horsepower two-speed fixed aerators. The aeration basin is a biological process in which the aerators bring the organics in the wastewater into close contact with microorganisms in the presence of oxygen to facilitate biological degradation. Biochemical oxygen demand, suspended solids, and phosphorus is removed and the ammonia is nitrified in the aeration basins. The total volume of the eight aeration basins is approximately 800,000 ft^3.

The contents of the aeration basins, known as mixed liquor suspended solids (MLSS), flow by gravity in a 54-inch pipeline to the secondary clarifier splitter box where the flow is distributed evenly to up to four 100-ft. diameter secondary clarifiers. Solids are separated from the mixed liquor in from one to four clarifiers. The clarified effluent flows from the secondary clarifiers by gravity in a 42-inch pipeline to the filter gallery where the effluent is further clarified by gravity filtration through sand media. The ten filters have a total area of 4,800 ft^2.

Exiting the filter gallery, the wastewater passes through a Parshall measuring flume before entering the disinfection facilities. At the time of initiation of this study, disinfection was being accomplished by injection of chlorine. During the study, the City has had ultraviolet disinfection equipment installed. This substitution has no effect of the outcome of this study.

After disinfection, the effluent flows by gravity through a 60-inch plant effluent line to the effluent pumping station for disposal.

Disposal Options

Several options for disposal are available to the operator. Most of the time, the flow is discharged either by gravity to the White River watershed or pumped to Mud Creek, a tributary of the Illinois River, but, should compelling reasons require it, the operators can also discharge treated or partially treated effluent to a secondary effluent storage reservoir. From this reservoir, the stored effluent is pumped back to the head of the wastewater plant for additional treatment. Another disposal option for the treated effluent is land application to an irrigation site.

Flow Measurement

Determination of influent flows to the Noland facility is problematic in that there is no flow measuring device at the head of the plant. The Parshall flume in the old plant was removed after contributing to the serious flooding of the plant in December 1987 and the flume was not rebuilt during the 1988 plant addition. Flows are measured in a Parshall flume after exiting the sand filters and again in the White River outfall downstream of the effluent pumping station. Operators calculate the plant influent flow by adding and subtracting the various sidestreams and underflows from the flow measured by the effluent metering devices.

CRITERIA AND STANDARDS

In this section, we discuss the standards that were applied in the evaluation of the plant, the methodology and procedures used, and the design criteria used in the analysis. The concept used to arrive at a plant rating was to first find the peak capacity and then to divide it by a peaking factor to arrive at the average design flow which the plant could be expected to consistently treat.

Specific Project Procedures

The requirement of this assignment was to determine a justifiable average volume of flow, and its associated peaks, which could flow through the existing plant by gravity and still receive the treatment level required by the State of Arkansas. To accomplish this, Burns & McDonnell first examined the Noland plant's historical flow records to look for trends in the flow as well as to determine peaks and average flows which have been experienced in the past. Then the physical plant was examined to calculate the maximum flow that could flow through and be treated by the plant. Lastly, the observed peaking factor was applied to the maximum capability of the plant and the resulting flow volume is designated the average design capacity of the plant.

Historical Records. The purpose of the historical records review is to determine the peak flow, average flow, and the peaking factor which has been experienced in the past. The plant operator, OMI, Inc., provided Burns & McDonnell the flow and treatment computer records which cover the period March 1988 through June 1999. The period of January 1996 to April 1999 was deemed to be sufficient for this analysis and those records were entered into a spreadsheet, sorted, and plotted. The period before 1996 is not considered to be representative of the current conditions because of the extensive improvements made between 1990 and 1995 in response to the EPA's Administrative Order, which expired in December 1995. This order required improvements to the wastewater collection system to substantially reduce sanitary sewer overflows.

Physical Evaluation Procedures. The elevation to which a water column will rise while wastewater flows under pressure through the pipes and basins of a treatment plant is represented by the hydraulic profile and is a function of the volume of flow, the diameter of the conduit, and the roughness coefficient of the pipe. Using the Hazen-Williams equation, the engineer will calculate the amount of elevation difference required to cause a given volume of water to flow between two points in a pipe of given diameter. The elevation difference, or hydraulic head, is used to set the elevations of the flow control structures—proceeding upstream from the surface of the receiving water body through the headworks of the facility. The purpose of a hydraulic profile in a *new design* is to set the pipe diameters and elevation of weirs and overflow structures such that the peak flows do not submerge the weirs.

In this investigation of the Noland facility, the situation is reversed. Rather than calculating the required elevations to match a given flow, the existing elevations were used to calculate the maximum amount of water which will flow through the plant and still not exceed the existing elevations. In the analysis of the pipelines, each segment of pipe between unit processes or flow control structures was evaluated to determine the maximum amount of water that would flow through that segment of pipe given the fixed conditions shown on the construction drawings. The maximum pipeline capacity is taken to be the capacity of the weakest part of the system.

Surface overflow rates (SOR), expressed as gallons per day per square foot (gpd/ft^2) of basin area for varying wastewater treatment plant conditions were used to assess the hydraulic loading capacity of the primary and secondary clarifiers. In general terms, a lower SOR is more conservative and will permit more solids to settle out than when applying the wastewater at a higher rate. Recommended SORs are contained in several engineering reference books, professional association handbooks, and regulatory agency publications, as well as being part of most engineering firms' design standards.

Application. After the capacity of the piping was found, that flow rate was divided by the actual area of the clarifiers to determine the loading at peak and average flows. The SORs thus calculated were compared to the standards referenced above to see if minimum standards were met. Where the derived SORs exceeded the recommended values, the peak and average hydraulic capacities were reduced to be in accordance with the standard for loading.

Discharge Permit

The last step in determining a recommended plant capacity rating was to compare the values determined in the preceding paragraphs with the restrictions contained in the NPDES permit. While the permit restrictions are not a physical restraint such as that imposed by pipe diameters or weir elevations, this is a very stringent permit and a very real restriction. The limits of this permit are very low and require constant operator attention to remain in compliance. The permit restrictions affect the amount of wastewater that can be processed due to the limitations in flow volume and mass loading of BOD_5, TSS, ammonia nitrogen, and phosphorus.

The permit is based on a seasonally adjusted monthly average flow of 12.0 to 12.3 mgd and lists a maximum concentration level of pollutants and a maximum mass of pollutants that can be discharged to each of the city's outfalls. The mass loading cannot be exceeded regardless of the flow discharged. The physical capacity of the plant was compared to the restrictions contained in the permit and it is noted when the calculated capacity is in excess of that allowed by the permit.

The current permit number AR0020010 was issued June 30, 1994 and was effective for the period August 1, 1995 through November 30, 1997. Even though this permit has expired and the City is in the process of obtaining a new permit, the plant continues to operate to the standards contained in the referenced permit and reports the results to the ADEQ.

Concentration. The permit restricts the plant from discharging pollutants in excess of the levels shown in Table III-1.

Table III-1
SELECTED DISCHARGE LIMITATIONS

Pollutant Characteristic	Concentration, Monthly Average	
	April - November	December - March
BOD_5	5 mg/l	10 mg/l
TSS	5 mg/l	15 mg/l
Ammonia-Nitrogen	2 mg/l	5 mg/l
Phosphorus	1 mg/l	1 mg/l

Mass Loading. In addition to the concentration limitations, the permit further limits the discharge by placing a restriction on the total *mass* of pollutants that may be discharged to the receiving water bodies. The mass loading in pounds per day is calculated by multiplying the flow in mgd times the concentration in mg/l times 8.34 to convert to pounds per day.

Flow. Maximum flow is not a uniform restriction of the permit. The volume discharged to the outfall to the White River is not limited during nine months of the year, but during July through September, some restrictions in volume apply. The volume discharged to Mud Creek is limited throughout the year.

An example from the NPDES Permit which illustrates how flow and BOD_5 restrictions vary throughout the year and between discharge points is shown in Table III-2.

Table III-2
EXAMPLE OF NPDES PERMIT REQUIREMENTS[4]

	WHITE RIVER DISCHARGE			MUD CREEK DISCHARGE		
		BOD_5			BOD_5	
PERIOD	Max Flow, mgd	Mass Loading, lbs/day	Maximum Concentration, mg/l	Max Flow, mgd[3]	Mass Loading, lbs/day	Maximum Concentration, mg/l
Jan-Mar	6.2[1]	517	10	6.1	517	10
Apr-June	6.2[1]	259	5	6.1	259	5
July-Sept	6.0[2]	259	5	6.1	259	5
Oct-Nov	6.2[1]	259	5	6.1	259	5
Dec	6.2[1]	517	10	6.1	517	10

[1]No maximum flow stated, but maximum mass loading restriction and maximum concentration corresponds to a flow of 6.2 mgd. More flow can be accepted by stream if treatment concentration is reduced accordingly. Calculated flows are derived by the equation:

$$Q = \text{Mass Loading}/(\text{concentration} \times 8.34)$$

[2]Page 25 of Part III of NPDES Permit states maximum flow is 6.0 mgd, but maximum mass loading restriction and maximum concentration corresponds to flow of 6.2 mgd. Calculated flows are derived by the equation:

$$Q = \text{Mass Loading}/(\text{concentration} \times 8.34)$$

[3]Mud Creek effluent discharge is limited to 6.1 mgd, or 50 percent of total flow of both outfalls, *whichever is less.*

[4]Permit Number AR0020010, effective August 1, 1995 and expired on November 30, 1997

FUTURE CONDITIONS

The City is in the process of applying to the ADEQ for a new NPDES permit for the Noland facility and for a new permit for a future plant to be located on the west side of Fayetteville. It is not known whether conditions will be relaxed for the Noland facility or whether they will become more restrictive. Therefore, until negotiations are concluded, it must be assumed that the Noland facility will continue to operate under the same conditions as the current permit and that no additional capacity can be claimed from a less restrictive permit.

FINDINGS

The findings from the examination of the historical records, hydraulic calculations, and organic loadings are found this section.

Historical Records

Plant operating records from January 1996 through April 1999 were reviewed and compared to the original Technical Memorandum prepared by CH_2M Hill in 1983. These are summarized in Table III-3. The maximum recorded volume of flow for the study period was 28.21 mgd and occurred on June 17, 1997. The peak month was March 1998 when the monthly flow averaged 19.34 mgd. The average daily flow for the period is 11.46 mgd. The historical ratio of Peak Day to Average Day is 2.46. The significance of this ratio is that it is used to calculate an average design flow from the peak flow which can be conveyed by the plant piping. The observed peaking factor of 2.46 accounts for storm events or other normal variations in flow in excess of the plant's average design flow. Occasional plant flows up to the peak design capacity can still receive appropriate treatment at a level to meet the NPDES permit restrictions, but cannot be relied on to maintain the appropriate treatment for extended periods of time. Corresponding values used by the plant's designers are also shown in the table.

Table III-3
MILESTONE FLOW EVENTS

Criteria	Actual Flows, mgd	CH_2M Hill Technical Memorandum, mgd
Peak Day	28.21	30.0
Peak Month	19.34	17.0
Average Day	11.46	11.4
Peak Day Factor, PD/AD	2.46	2.63
Peak Month Factor, PM/AD	1.69	1.49

A graph of the daily treatment plant influent flows for the study period is seen in Figure III-2, and Figure III-3 contains a graph of monthly averages and the maximum day in each month.

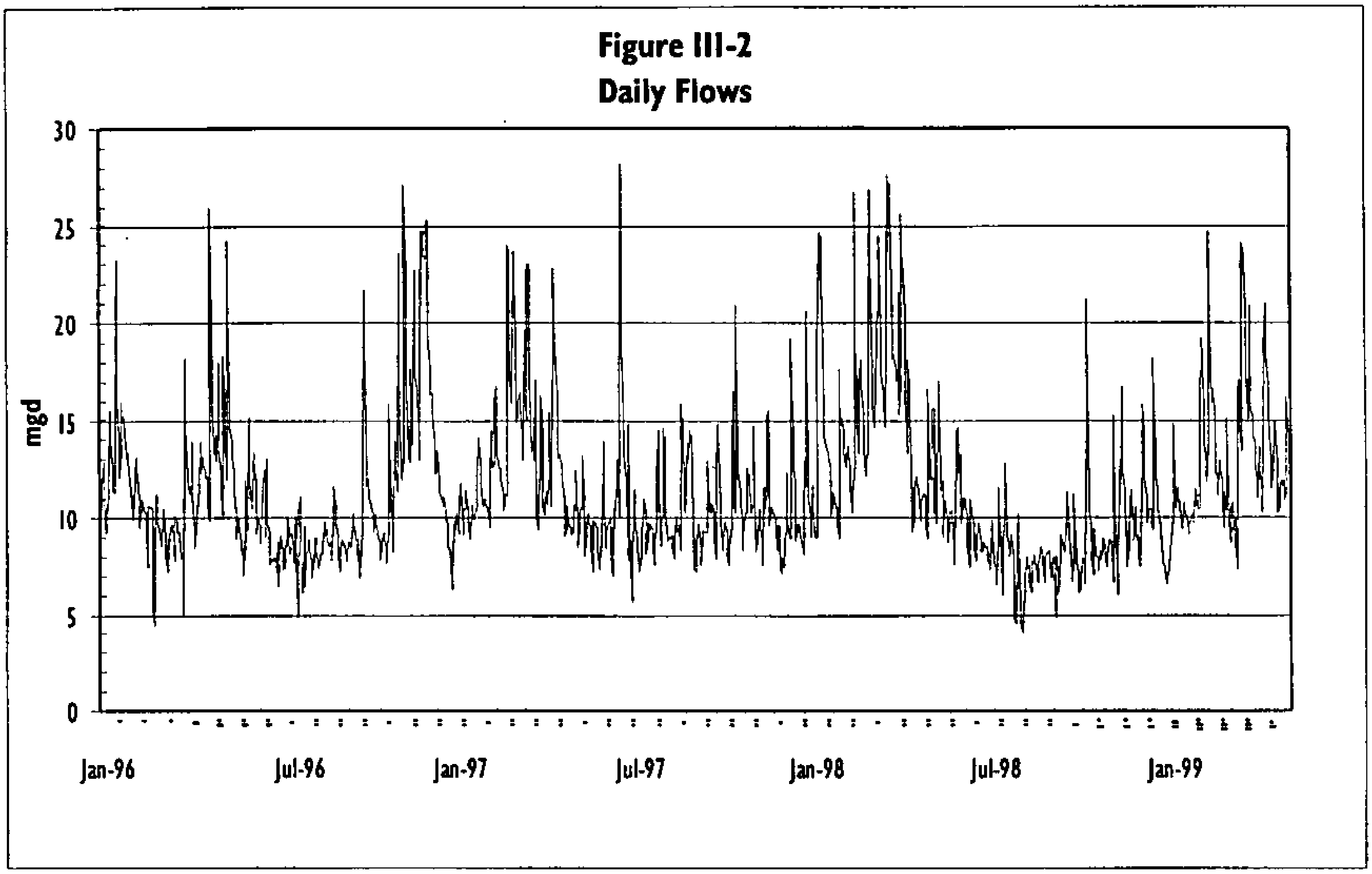


Figure III-2
Daily Flows
mgd
30
25
20
15
10
5
0
Jan-96
Jul-96
Jan-97
Jul-97
Jan-98
Jul-98
Jan-99

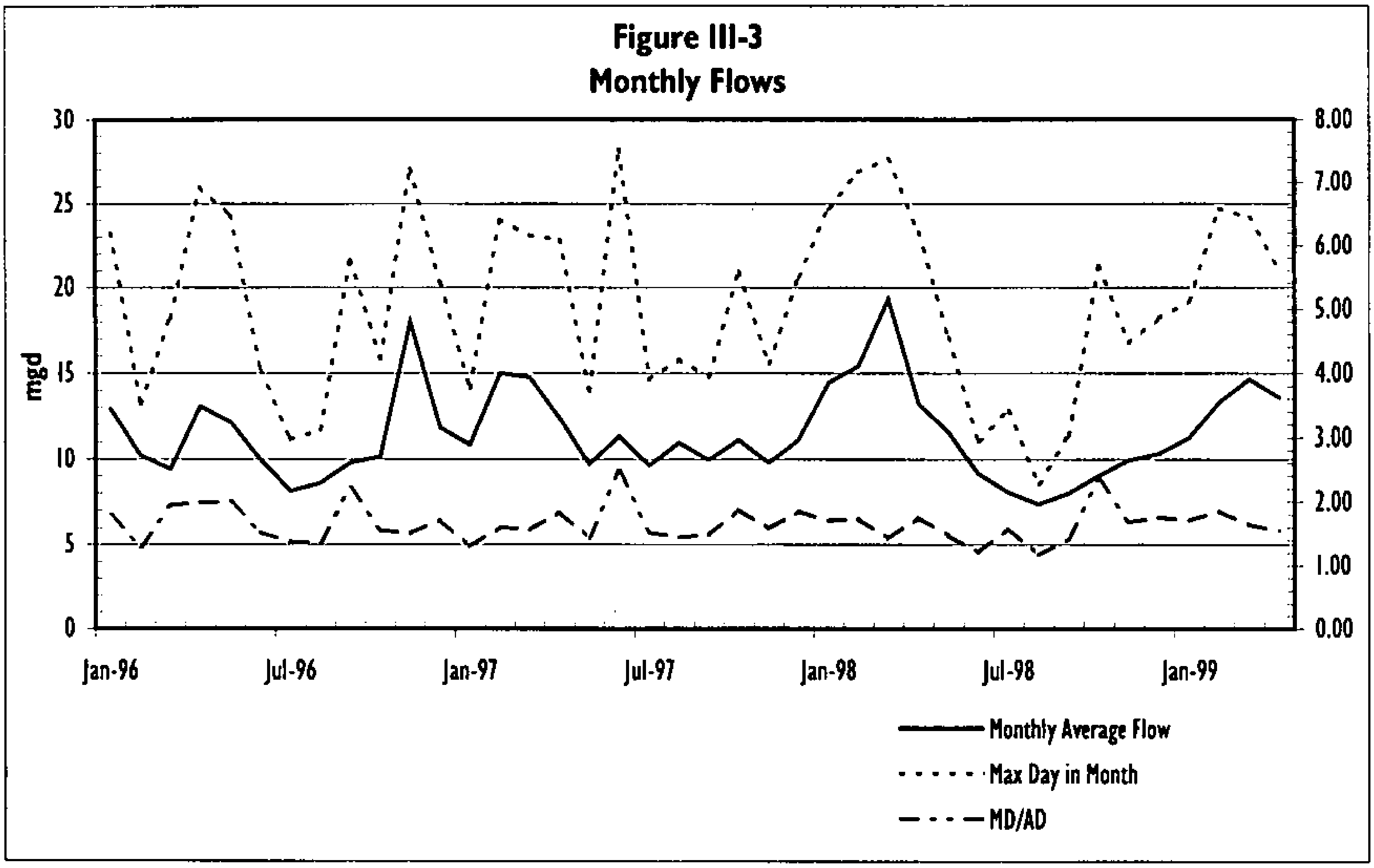


Figure III-3
Monthly Flows
mgd
30
25
20
15
10
5
0
8.00
7.00
6.00
5.00
4.00
3.00
2.00
1.00
0.00
Jan-96
Jul-96
Jan-97
Jul-97
Jan-98
Jul-98
Jan-99
Monthly Average Flow
Max Day in Month
MD/AD

Plant Hydraulics

Calculation of the hydraulic profile through the plant facilities from the influent pumping station through the plant outfalls reveals the peak hydraulic capacity of the plant is approximately 32 mgd. This is only a hydraulic capacity based on existing pipe sizes and water surface elevations controlled by the basins' weirs, and is not a design rating. It must be further confirmed that the treatment basins can be loaded to this level without exceeding their design limits.

The review of historical records indicates that the observed ratio between peak day to average day is 2.46. Therefore, the initial average design capacity of the plant would be the peak design of 32 mgd divided by the peaking factor of 2.46 for an initial average design rating of 13 mgd. As with the peak design capacity discussed above, this initial value must be confirmed by checking if the treatment basins can be loaded to this level without exceeding their design limits.

Basin Loading

It is Burns & McDonnell's opinion that the hydraulic loading on primary clarifiers at average design flow should not exceed a surface overflow rate (SOR) of 800 gpd/ft^2 of basin area and no more than 2,000 gpd/ft^2 at peak design flow. Using the initial average design and peak design rates above, the derived SORs of 827 gpd/ft^2 and 2,037 gpd/ft^2 would slightly exceed the recommended maximums. Substituting for acceptable SORs of 800 gpd/ft^2 and 2,000 gpd/ft^2, respectively, the average design and peak design flows based on the capacity of the basins are 12.6 mgd and 31.4 mgd.

Similarly, the SORs for secondary clarifiers are recommended not to exceed 500 gpd/ft^2 at average design flow and 1,000 gpd/ft^2 at peak design flow. Neither SOR is exceeded when applying the average design flow or peak design flow discussed above.

Aeration Basin Capacity. The design of aeration basins is a complicated task and involves a multitude of parameters. Aeration basin "capacity" is not simply assessed by such measures as overflow rates or volume and their performance is affected by variables such as the amount of oxygen, pH, temperature, nutrient level, and toxic wastes. A review of the treatment records for the study period indicates the aeration basins have successfully treated up to the peak day flow of 28.21 mgd without violation of the NPDES permit.

Utilizing the treatment records supplied by OMI, Burns & McDonnell has analyzed the aeration basins at the Noland facility and found that, at the present average flows being received at the plant, the basins are under loaded at the present conditions. Observations of parameters such as hydraulic retention time, volumetric loading, and F/M ratio indicate the aeration basins are under loaded and could accept a flow of 31.4 mgd. Table III-4 summarizes the aeration basin observations and the value of each parameter is appropriate, given that the plant is producing an effluent which is meeting its removal and ammonia reduction goal.

Table III-4
AERATION BASIN DESIGN PARAMETERS

Parameter	Average Value Observed During Study Period
Volumetric Loading	15 lb. BOD/day/1000 ft^3
F/M Ratio	0.12 lb. BOD/day/lb. MLVSS
Hydraulic Detention Time	10 hours

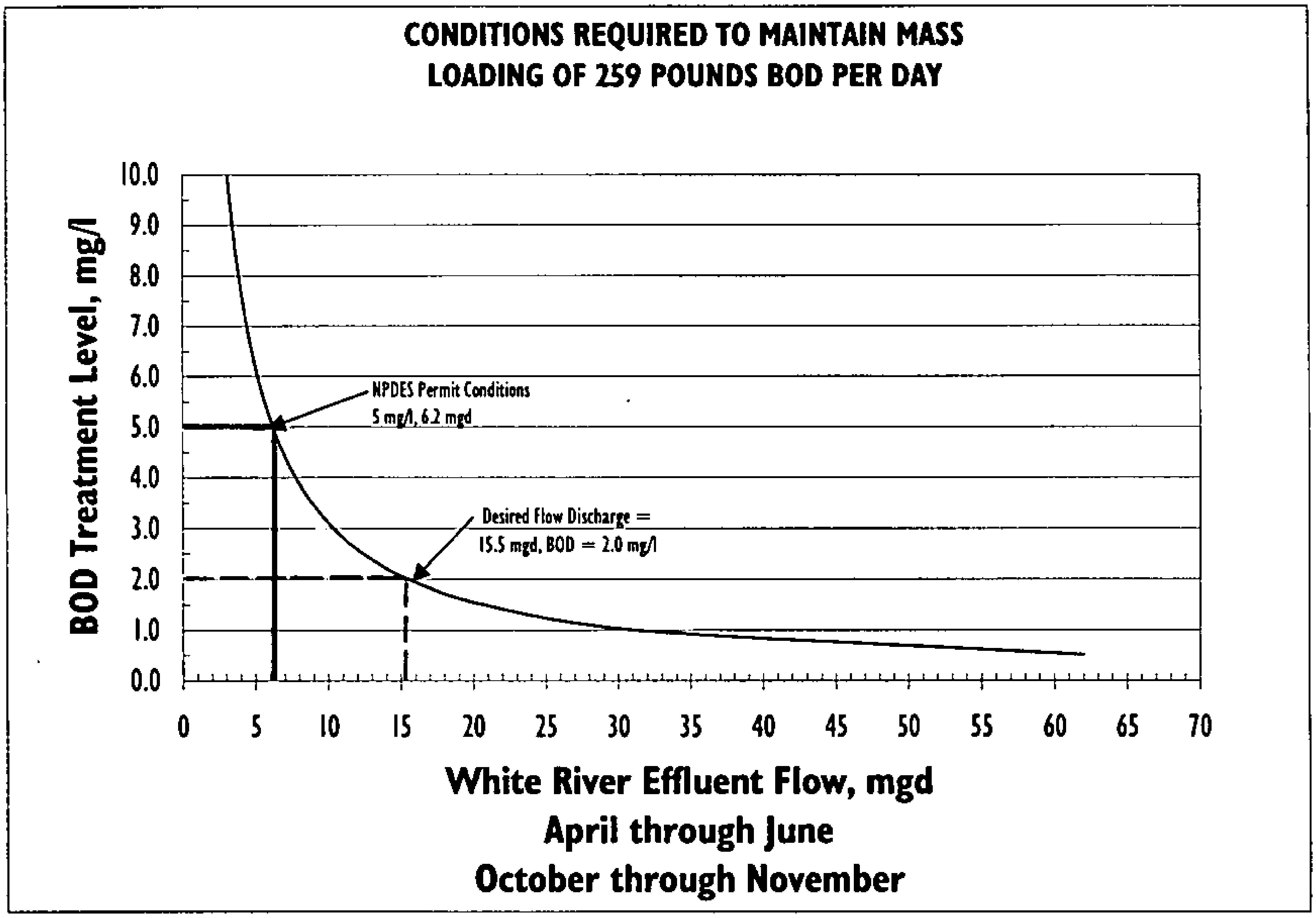
Sand Filter Capacity. The operating data received by Burns & McDonnell for the effluent TSS are largely incomplete and consequently, the only usable data for evaluation of the effluent gravity sand filters were the effluent TSS data for 1999. With the small amount of data available, it appears the filters are working in an acceptable manner.

Filtration rates are not recommended to exceed 5 gpm/ft^2 at peak design flow with one filter out of service. At a flow of 31.4 mgd, the filtration rate over nine filters would be 5.05 gpm/ft^2.

CONCLUSIONS

Burns & McDonnell has compared the flow values calculated for the piping and for the basins and has concluded that the smaller of these two values is an appropriate rating for the Noland facility. It has also been concluded that it is reasonable to use a ratio of peak design to average design of 2.46. Accordingly, it is concluded that the average design flow for the Noland facility is 12.6 mgd and the peak design flow is 31.4 mgd. The average day flow at the present time at the Noland plant is approximately 11.5 and when the plant's average daily flow consistently exceeds 12.6 mgd, the ability of the plant to treat the expected peaks will be diminished and the plant can be said to be at maximum design capacity. With the present growth trends in Fayetteville and the Noland facility presently operating at 91 percent of its design capacity and at 93 percent of its NPDES limitations, we conclude that it is appropriate for the City to consider further options for meeting the very stringent effluent restrictions.

It is acknowledged that the current NPDES permit limits flow under some conditions to only 12.3 mgd, but these are subject to change and are not constrained by physical construction, as are the treatment works. Additionally, the NPDES permit does not, in every case, state a maximum flow that may be discharged from the plant. The true restraint to the plant's operation is the limitation of mass loading of pollutants to each outfall, and from this, a corresponding flow can be calculated. When conditions are right and the plant is not experiencing process upsets, this limitation in flow may be overcome by the plant's operating personnel by operating the plant to achieve a higher treatment standard than required. The treatment concentration, the flow, and the mass loading restrictions contained in the NPDES permit are all related, and if one characteristic increases (for example, the flow), the increase can be accommodated by lowering the treatment level concentration. In effect, the flow that can be released to the White River outfall is theoretically unlimited if there is a corresponding theoretical decrease in concentration coming from the plant. This is illustrated by the graph in Figure III-4.



RECOMMENDATIONS

Notwithstanding the limitations imposed by the current NPDES permit of 12.3 mgd, Burns & McDonnell recommends that the City of Fayetteville consider the average design capacity of the Paul R. Noland Wastewater Treatment Plant to be 12.6 mgd.

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voluntarily added the lighting to the tower. The only reason they would have a generator on the property would be for an emergency. They did not keep a backup generator there. Generators would only be permitted in an emergency case.

Alderman Daniel asked if their lease request was turned down, what would they do.

Ms. Colefield stated their alternative would be to look for another site. They were originally going to do that. A moratorium had been issued in both the City and County. They had to get real creative. This was not the best option for them, in the spirit of co-location and the fact that they were trying to co-locate to different sectors and to minimize additional towers in the area. This was their option they were proposing. They had designed it to go onto this water tank. If they had to locate another tower it would be a little further to the north. There would only be one light on the shelter to light the entrance to the building. They typically painted the antennae the same color as the tank.

Alderman Santos explained in the spirit of the ordinance they were trying to encourage co-locations so they would not have to have another tower built. He thought the people who lived in this area would prefer to have the antennae on the tower rather than have a tower constructed. He thought it was preferable to have the addition to the tower rather than have another 150-foot tower constructed. He stated they were trying to have fewer towers built. If they did not approve the lease they were encouraging more towers to be constructed in the area.

Ms. Gaston stated generally co-location was preferable, however, when they were usually talking about co-location they were talking about structures that had gone through some sort of process, which was not the case here. She was skeptical of any landowners in the area that would be willing to lease any land for a tower to be constructed. She thought it would be very difficult for a communications company to find a lease in the vicinity of the existing tower. She thought they could say that they preferred that there would be nothing additional added to the water tower. She did not believe another tower would be located there and if it did, it would have to go through a hearing process even though it would be minimal at the County level, which would allow for some sort of public input.

Alderman Davis cautioned that one of her neighbors, for $12,000, would let them put up a tower. The City was looking at putting up antennae on top of the water tower.

Alderman Austin stated he was willing to vote for her request to be a good neighbor. This was a business decision. In his eyes, he was not willing to offend those people for a thousand dollars a month. It was the County issue whether or not it met their ordinances.

Alderman Santos stated the spirit of the City's ordinance was to encourage co-location.