

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA FAYETTEVILLE CITY COUNCIL OCTOBER 19, 1999

A meeting of the Fayetteville City Council will be held on October 19, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Items to be discussed:

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the October 5, 1999 City Council meeting.
2. **WILSON PARK TOY SURFACING:** A resolution approving award of Bid #99-74 to Westlin Concrete Inc. in the amount of \$29,145.83 for the installation of a 2,404 square feet concrete base and playground poured-in-place around the current Big Toy at Wilson Park.
3. **HOMEBUYER SALE:** A resolution approving an Offer and Acceptance Contract to sell the property known as 21 East 4th Street to the designated eligible Affordable Homeownership Program applicant.
4. **LIBRARY SURVEYS:** A resolution approving an agreement with Garver Engineers to furnish surveys and geotechnical information for the architect's use in the development of the proposed library site. The contract is a cost plus a fixed fee in the amount not to exceed \$27,960 and includes a fixed fee of \$2,996.

B. OLD BUSINESS

1. **RZ 99-28.00:** An ordinance approving rezoning request RZ 99-28 submitted by Michele Harrington on behalf of William M. Weatherford and Larry and Brenda Swain for property located at 2200 & 2201 W. Deane Street. The property is zoned R-1, Low Density Residential and contains approximately 11.64 acres. The request is to rezone the property to R-2, Medium Density Residential. This item was left on the first reading.

C. NEW BUSINESS

1. **PASSENGER BUS:** An ordinance approving a Bid Waiver to purchase one used Diesel-Powered Forward Control Passenger Bus. This will allow the Mayor and City Clerk to approve for purchase the unit recommended by the Fleet Operations Division, the Youth Center Director, and the Equipment Committee. This unit will be primarily utilized by the Fayetteville Youth Center.
2. **SCIACCA POSSESSION:** An ordinance authorizing the City Attorney to seek court-ordered possession of certain lands (0.22 acre) and easement from property owned by Jerry L. Sciacca in association with the extension of 6th Street to Huntsville Road. Compensation of \$46,565.00 for the acquisition has been agreed upon and approved by City Council with Resolution 85-99. It is the intent of the City to let the courts settle a dispute on the distribution of funds between the property owner and certain lien holder(s).
3. **CAPITAL IMPROVEMENTS:** A resolution approving the 2000-2004 Capital Improvements Program. This is a planning document; any funding will be submitted with the 2000 Operating Budget.
4. **FIREWORKS AMENDMENT:** An ordinance amending Ordinance 3706, Chapter 94, Fire Prevention, Section 94.04, Sale and Use of Fireworks, Subsection (B) of the Fayetteville Code of Ordinances, to regulate the use of fireworks. The amendment would change Subsection (B) to read: "It shall be unlawful for any person to use fireworks within the City at any time except on the dates of July 3 and 4 *and on December 31 and January 1*" (inserted text in italics) to allow for such use by First Night Fayetteville.
5. **SILVERTHORN WAIVER:** A resolution approving a Waiver of Ordinance 3793 to accept money in lieu as the park land requirement for the Silverthorn Subdivision.
6. **RZ 99-29 PC APPEAL:** A resolution reversing the decision of the Planning Commission to approve rezoning request RZ 99-29.00. The request is to rezone approximately 1.0 acres of land located along Sycamore Street from R-1, Low Density Residential, to R-1.5, Moderate Density Residential to allow the development of an upper-scale 6-unit residential Planned Unit Development.
7. **I-540 SCENIC BYWAY:** A resolution supporting the designation of I-540 from Fayetteville to Alma as an Arkansas Scenic Byway.

OCTOBER 19, 1999.

	Roll				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
MAYOR HANNA	✓				
	HD BD Consent.				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
MAYOR HANNA					
	8-0-0.				
	P2 99-28.00.				
REYNOLDS					
AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
RUSSELL					
MAYOR HANNA					

Father
 Day Simmons.
 Fay Dwyer. 1745 N. 5th.
 Chris Harris.
 Roger Hanger
 Annette Boston
 Jim ~~W~~
 clear
 Wayne Mansel.
 Wayne Crew - applicant.
 Andrew Holm - Auditor

Left on
 Second
 Reading.

RA BD. 2ND.
KS
H.

	Panther Buo.		PASS.		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
MAYOR HANNA					
	8-0-0 Scacco possession HD BD. 2ND	8-0-0 KR HD 3RD	8-0 PASS.		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
MAYOR HANNA					
	8-0-0 CIP. RA	8-0-0 RR motor with down	8-0-0		
REYNOLDS					
AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
RUSSELL					
MAYOR HANNA					

Table

H. BD.
H. BD.
H. BD.

BO. KS. 3RD.

PASS.

REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
MAYOR HANNA					
	8-0-0. Silver Hair. RA. H.	8-0-0.	8-0-0.		
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
MAYOR HANNA					
	8-0-0. R29929.				
REYNOLDS					
AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
RUSSELL					
MAYOR HANNA					

Carl Thiel
H. BD.
Lilly
Ferguson.
Timothy Smith
James G. Turner.
Steve Parker.

RR.
1540 RR.
Byway.

REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
MAYOR HANNA					
	8-0-0				
REYNOLDS					
AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
RUSSELL					
MAYOR HANNA					
REYNOLDS					
AUSTIN					
DAVIS					
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DANIEL					
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- 134-99 4. ✓ **LIBRARY SURVEYS:** A resolution approving an agreement with Garver Engineers to furnish surveys and geotechnical information for the architect's use in the development of the proposed library site. The contract is a cost plus a fixed fee in the amount not to exceed \$27,960 and includes a fixed fee of \$2,996.

B. OLD BUSINESS

1. ✓ ^{pd} **RZ 99-28.00:** An ordinance approving rezoning request RZ 99-28 submitted by Michele Harrington on behalf of William M. Weatherford and Larry and Brenda Swain for property located at 2200 & 2201 W. Deane Street. The property is zoned R-1, Low Density Residential and contains approximately 11.64 acres. The request is to rezone the property to R-2, Medium Density Residential. This item was left on the first reading.

left on 2nd reading.

- CK on new flags for Veterans Day.
- call for info on Camdenton Institute for location & time.
~~* request contracts for to do.~~

Final Agenda
October 19, 1999
Fayetteville City Council
Page 2

C. NEW BUSINESS

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PASSED
4193

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PASSED
4194

3. **CAPITAL IMPROVEMENTS:** A resolution approving the 2000-2004 Capital Improvements Program. This is a planning document; any funding will be submitted with the 2000 Operating Budget. *Tabled*

Tabled

4. **FIREWORKS AMENDMENT:** An ordinance amending Ordinance 3706, Chapter 94, Fire Prevention, Section 94.04, Sale and Use of Fireworks, Subsection (B) of the Fayetteville Code of Ordinances, to regulate the use of fireworks. The amendment would change Subsection (B) to read: "It shall be unlawful for any person to use fireworks within the City at any time except on the dates of July 3 and 4 *and on December 31 and January 1*" (inserted text in italics) to allow for such use by First Night Fayetteville.

PASSED
4195

5. **SILVERTHORN WAIVER:** A resolution approving a Waiver of Ordinance 3793 to accept money in lieu as the park land requirement for the Silverthorn Subdivision.

PASSED
135-99

6. ^{RD.} **RZ 99-29 PC APPEAL:** ~~A resolution reversing the decision of the Planning Commission to approve rezoning request RZ 99-29.00.~~ The request is to rezone approximately 1.0 acres of land located along Sycamore Street from R-1, Low Density Residential, to R-1.5, Moderate Density Residential to allow the development of an upper-scale 6-unit residential Planned Unit Development. *was begun left on 1st reading*

7. **I-540 SCENIC BYWAY:** A resolution supporting the designation of I-540 from Fayetteville to Alma as an Arkansas Scenic Byway.

PASSED
136-99

**MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
OCTOBER 5, 1999**

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PRESENT: Mayor Fred Hanna; Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Santos, Young, and Russell; City Attorney Jerry Rose; Deputy City Clerk Theresa Johnson; Administrative Services Director Kevin Crosson; Public Works Director Charles Venable; City Planner Tim Conklin; Staff; Press; and Audience.

ABSENT: City Clerk Heather Woodruff

ITEMS DISCUSSED

Approval of the Minutes
Yvonne Richardson Community Center Property
Veterans Memorial Park Entryway / Parking
Three Police Dispatch Trainer Positions
US Able Life Group Policies / Flexible Spending
Reimbursement Wastewater Treatment Project
Public Library Option to Purchase
OMI Contract Renewal
RZ 99-26: Zion Road
RZ 99-27: West of Double Springs Road
RZ 99-25: East of Meadowlands Subdivision
Greathouse Park Contract
RZ 99-28: 2200 & 2201 W. Deane Street
1999 Millage Police / Fire Pension
Public Library Architectural Design
Industrial Park – Proposed Development
Land Possession on Highway 265
City Council Conduct

ACTION TAKEN

Approved	
Approved	Res. 122-99
Approved	Res. 123-99
Approved	Res. 124-99
Approved	Res. 125-99
Approved	Res. 126-99
Approved	Res. 127-99
Approved	Res. 128-99
Passed	Ord. 4188
Passed	Ord. 4189
Passed	Ord. 4190
Approved	Res. 129-99
Left on the first reading	
Passed	Ord. 4191
Approved	Res. 130-99
Approved	Res. 131-99
Passed	Ord. 4192
Withdrawn	

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ABSENT: City Clerk Heather Woodruff

Mayor Hanna asked all to rise to recite the Pledge of Allegiance.

CONSENT AGENDA

APPROVAL OF THE MINUTES

Approval of the minutes of the September 21, 1999 City Council meeting.

YVONNE RICHARDSON COMMUNITY CENTER

A resolution approving an offer and acceptance contract to acquire property at 153 E. Mountain for future expansion of the Yvonne Richardson Community Center.

RESOLUTION 122-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VETERANS MEMORIAL PARK

A resolution approving a budget adjustment in the amount of \$35,201 for overlaying entryway and parking area at Veterans Memorial Park.

RESOLUTION 123-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

POLICE DISPATCH TRAINER POSITIONS

A resolution approving three new dispatch trainer positions for the Central Dispatch Center, and also approval of a budget adjustment.

RESOLUTION 124-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

US ABLE LIFE POLICIES

A resolution approving the purchase of employee group policies from US Able Life to provide Life, AD&D and LTD coverage plus contract to provide third-party administration for an IRS Section 125 Flexible Spending Account. The contract's effective date is January 1, 2000 for a one-year term with four one-year options for renewal by agreement of both parties.

RESOLUTION 125-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

REIMBURSEMENT - WASTEWATER TREATMENT PROJECT

A resolution allowing the City of Fayetteville to reimburse itself certain expenditures paid directly from the operating and capital budgets of the City for the Wastewater Treatment Project from tax-exempt bond proceeds once the project has proceeded to that point. This will allow the City to be reimbursed if we so choose at the time we structure a financing plan.

RESOLUTION 126-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PUBLIC LIBRARY OPTION TO PURCHASE

A resolution authorizing the Mayor and City Clerk to execute the Option to Purchase negotiated by representatives of Washington Regional MediCorp. for the proposed site for the new public library. Terms would include: payment of \$1000 for a three-year option, to be applied toward the purchase price at closing; purchase price not to exceed \$268,000; and use limited to library.

RESOLUTION 127-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OMI CONTRACT RENEWAL

A resolution giving notice of renewal of the OMI contract for Operations, Maintenance and Management Services for an additional five-year term beginning January 1, 2000 subject to and contingent upon yearly budget approval by the City of Fayetteville.

RESOLUTION 128-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Daniel moved to approve the Consent Agenda. Alderman Davis seconded the motion. Upon roll call, the motion carried unanimously, 8-0-0.

OLD BUSINESS

RZ 99-26

An ordinance approving rezoning request RZ 99-26 as submitted by Michele Harrington on behalf of Valerie M. Zamberletti for property on 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. This item was left on the first reading at the September 21, 1999 City Council meeting.

Mr. Rose read the ordinance for the second time.

Alderman Austin moved to suspend the rules and go to the third and final reading. Alderman Trumbo seconded the motion. Upon roll call, the motion carried unanimously, 8-0-0.

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

Mayor Hanna asked for further comment; there was none.

Upon roll call, the ordinance passed unanimously, 8-0-0.

ORDINANCE 4188 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 99-27

An ordinance approving rezoning request RZ 99-27 as submitted by Michele Harrington 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. This item was left on the first reading at the September 21, 1999 City Council meeting.

Mr. Rose read the ordinance for the second time.

Mayor Hanna asked for comments from the council or the audience; there was none.

Alderman Trumbo moved to suspend the rules and go to the third and final reading. Alderman Daniel seconded the motion. Upon roll call, the motion carried unanimously, 8-0-0.

Mayor Hanna asked for further comments; there was none.

Upon roll call, the ordinance passed unanimously, 8-0-0.

ORDINANCE 4189 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ99-25

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 Ruppel Road and east of Meadowlands Subdivision. The property is zoned A-1, Agricultural, and contains 17.10 acres. The request is to rezone the property to R-1.5, Moderate Density Residential. This item was left on the second reading at the September 21, 1999 City Council meeting.

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

Mayor Hanna asked for comments; there was none.

Upon roll call, the ordinance passed unanimously, 8-0-0.

ORDINANCE 4190 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

GREATHOUSE PARK CONTRACT

Discussion of new information and possible action on Greathouse Park Bridge and the tree removal required due to flood prevention for its construction.

Mr. David Todd, CEI Engineering, explained that they had still been waiting for a permit from the Corp of Engineers the last time that they had come to Council. The Corp had wanted them to do one additional analysis of the creek to see if they couldn't do an elevated walkway and reduce the blockage, improving the flood situation. This was something that was on the contract amendment that did not pass at the last Council meeting, but the evaluation was something that the Corp still required of them. One of the CEI engineers had approached Mr. Todd and showed him that there was something wrong with their computer models. These models, Mr. Todd explained, are pretty complex. Basically stated, the Federal Emergency Management Agency (FEMA) takes the characteristics of the creek fairly wide apart, in this case over 600 feet apart. The computer map is a series of two-dimensional models strung together by a length between the two-dimensional cross-sections. The sum of these three things -- the two dimensions of the cross-section and the length from one cross-section to the other -- gives you the stream characteristics. FEMA, obviously, is working with miles and miles of creek and they can't analyze it precisely for any one particular portion of a creek. But CEI Engineering had the opportunity to reevaluate the model and cut the channel improvements. The improved model actually brought the flood elevation down even with the bridge added. Mr. Todd was surprised and spoke with the Corp of Engineers and FEMA and they told him that most times that you make your model more exact it causes the calculations for the flood elevation to go up. The

result of this reevaluation is that they can do away with most of the channel improvements. Mr. Todd brought out a map showing the area they had included for channel improvements in their previous design and the area that they would have to do now to get the bridge footings in, to get the approaches on both sides, and to restore the area – clearly a significant reduction. It would still require the removal of some trees; however they would be only trees of a 6-12 inch caliber.

Mayor Hanna asked Mr. Todd if this would still allow us to build a bridge that would be handicapped accessible.

Mr. Todd replied yes, that they had changed the location of the ramp and made it shorter than before, but it would still be ADA accessible.

Alderman Trumbo pointed out the amount of public comment and controversy surrounding the Greathouse Park Bridge. He asked Mr. Todd if, in their permitting process, the recalculation of the computer model would have come to pass anyway regardless of the alternative viewpoints brought to the issue.

Mr. Todd said he couldn't guarantee that the recalculation would have taken its course, being that this fell within the 25 out of 1000 ways that this model could have been checked but wasn't. The extra time and the requirements of the Corps of Engineers headed them in the direction of checking into alternatives. He commented that this change would fit within the scope of their original contract and wouldn't have to be let out for bids again, and could be set up as a deductive change order, taking \$10,000 - \$30,000 off the cost of the job.

Mr. Venable stated that they would ask the contractor to look at this. He had already spoken with the Corps of Engineers and Mr. Todd had kept them apprized of the changes. It looks like we are ready to go on, he said, and he and Mr. Todd would talk over the cost savings with the contractor. He thought they could use the extra money to hard pave the gravel parking area at the park. He didn't know if they needed to vote on the change order since they had exceeded the contract and there was a cost savings for the engineer, but he thought it would be best if Council went ahead and voted on the changes.

Mayor Hanna commented that it was not often that you could save money and make everyone happy at the same time.

Alderman Santos mentioned that this was participatory democracy at its best, they were saving money, and had found a solution that pleased everybody. **Alderman Santos moved to approve the resolution. Alderman Davis seconded the motion.**

Alderman Reynolds thanked Mr. Todd and all the people in South Fayetteville for going the extra mile on this effort, and he thought that everyone would be pleased with this project.

Mr. Todd thanked him for saying so, but added that it takes fifty "atta-boys" to erase one screw-up.

Alderman Austin said he would second that, saying "atta-boy."

Mayor Hanna asked for further comments.

Alderman Daniel stated that she was very happy how this had worked out and added that she hoped all of the old wounds on this subject would be healed now.

Upon roll call, the resolution was approved unanimously, 8-0-0.

RESOLUTION 129-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 99-28

An ordinance approving rezoning request RZ 99-28 submitted by Michele Harrington on behalf of William M. Weatherford and Larry and Brenda Swain for property located at 2200 & 2201 W. Deane Street. The property is zoned R-1, Low Density Residential and contains approximately 11.64 acres. The request is to rezone the property to R-2, Medium Density Residential.

Mr. Rose read the ordinance for the first time.

Alderman Daniel stated that this property was in Ward 4, her ward. She said she would like to make a motion to leave the item on the first reading.

Mr. Rose and Mayor Hanna commented that they didn't need to make a motion in order to do that.

Alderman Russell said that he would like to hear from Michele Harrington and the others who had come tonight about this agenda item.

Mickey Harrington, representing Realty Resources, introduced herself. She stated that this was a classic case of an infill in an area that is already densely settled. It is an R-1 neighborhood from a long time ago, but it should be considered an R-2 given its population. She noted several pieces of R-3 zoning in the area. This would become an apartment complex development that would be built in such a way to preserve the row of pine trees in the area. There have been concerns stated at the Planning Commission level that she wished to address. One was that this would be a drastic change for the neighborhood; she disagreed because the neighborhood was already heavily populated with rental homes, rental duplexes, triplexes, four-plexes and five-plexes, rental apartments and rental mobile homes. This would change a field into a dwelling

area, but she felt this was a natural evolution of the City as it grows. This development would be targeted at students; there would be a bus route servicing this apartment complex. There had been concern that students would take Sang Avenue to get to the university, but she thought that most people going to the university would take Garland Avenue instead. She and the Planning Department didn't believe that the traffic situation would be affected. She also didn't believe that the quality of life would be affected by this development because the neighborhood was already largely R-2 and R-3 zoning. Flooding and storm water run-off had also been mentioned at the Planning Commission meeting; this developer would be required to meet all requirements of the City on this subject and she didn't think run-off would be a significant problem at all. There would be every attempt made to make this a quality development and a different kind of apartment complex, and they would have the parking run along the outer edge of the property so that the buildings would not be along the edge of the street. She felt that turning this infill piece of property into an R-2 zoning would not cause any problems for the neighbors and would end up being a good development for the City, the area and the university students.

Jeff Whitmer, Lindsey & Associates Realty, was introduced by Ms. Harrington. He stated that Realty Resources had contacted him last year to find property on which to build apartments that met three criteria: 1) to be near the university, 2) to be on a bus route, and 3) to have the correct zoning. Using Highway 62 and Highway 71B as their borders, there was nothing on the market at that time except property that was not already zoned. They found this piece and contacted the owner who had said that he couldn't sell the property with its R-1 zoning. They chose the property because they thought an apartment complex would blend in with what was already there. Everything to the west -- a row of apartments, duplexes and single-family residences -- is already zoned R-2, except for one piece with a duplex on it. Directly across the street from this mixture is R-3 zoning -- a 22-unit mobile home park and a 38-unit apartment complex. The University of Arkansas Experimental Farm and Feed Mill are to the north. To the south is a vacant field. Of the 78 housing units in the area he had described, 71 are rental units, approximately 90%.

Alderman Santos asked whether the Planning Commission required a Bill of Assurance for the 12-15 units per acre proposed.

Ms. Harrington replied that they did not request a Bill of Assurance because the Planning Commission was reluctant to require those because of the tracking required. The number of units would be determined at the Large Scale Development stage.

Richard Maynard, 1717 N. Sang Avenue, introduced himself as an adjoining property owner. Three weeks ago he had come down before the Planning Commission regarding this rezoning. He stated that he was joined by many neighbors who were opposed to this rezoning because it would have a major negative impact on their homes, their way of life, their property values, the neighborhood and the City of Fayetteville. He asked for a show of hands to show those opposed

to this project; approximately 18 people raised their hands. He stated that this all comes down to the question of "why": why are we doing this, what compelling need is there to change this rezoning, how does it benefit the community, how does it improve the neighborhood and how does it serve the university. He hoped that the Council would consider the question "why" rather than "why not." He admitted that if he didn't live in the neighborhood, he might also think why not. He might also think that in reality that the zoning was not R-1 because of the duplexes, the quadplex, and the trailer park. If he only looked there, where Ms. Harrington wants all to look, he would also say to himself that there is very little R-1 property left in the area and there has not been in some time. But that would not correlate with the map he saw that afternoon in the Planning Department office which showed R-1 zoning through most of that area. You would see the mobile home park and the Encore Apartments, but those were a relatively contained area. One block east of that past Lewis Avenue is R-1 zoning; south of the Asbell school are R-1 homes; south of the Baptist church are R-1 homes; west of him across Porter Avenue are R-1 homes. What you would find are little niches carved out in the area for R-2 apartments. The map in the area shows 95% R-1 zoning. When he came here six years ago, he looked for months for a property that he could afford in a neighborhood that he liked with a huge backyard. The house was in bad need of repair and he had developed it into an investment and into his home. He saw the mobile home park, the duplexes and the quad-plex to the South of him, and he questioned whether this would be a good place for him to live. The duplexes existed in that area before there was any zoning and are zoned R-1. The only area zoned R-3 is a compact 11-12 acre area. Right now, they were changing the rules on his neighborhood and on his neighbors who had bought into this neighborhood and thought they were safe. They were talking about changing the rules so that two people could make a deal. He had no idea what this would do to his property values. Ms. Harrington could say what she would but it gave him no faith in what would happen to his home unless the Council could give him a good reason as to why this needed to change at this time. If the status quo is R-1, then they should give him convincing evidence as to why it should be changed. He understood that before they could grant this there had to be four specific findings of fact that must be made to grant the applicant's request for rezoning. He had spoken with Mr. Conklin and Alderman Santos and questioned how this would affect the flood plain. Nobody could guarantee that this private development would not have a disastrous impact on his property. He had given each of the Councilmen a packet including letters of protest from the neighbors about this rezoning. The four findings of the staff include the first finding, that land use be consistent with the 2020 Plan, designating what would be residential and commercial. Because this is an apartment complex and would be residential, he agreed that this would be consistent with the letter but not the spirit of the Plan. The second finding is a determination as to whether the proposed zoning is justified or needed at the time rezoning is proposed. Mr. Estes was the only one on the Planning Commission that asked how the Planning staff had come to this recommendation, and there had been no clear answer. Mr. Maynard could only come up with one justification for this, and it was that the university needs more housing. He had done research into this and had included a list of randomly-chosen apartments to show the availability of housing at this time. He had also included the Campus

Master Plan, which showed that they had proposed 2300 new beds. He didn't think this was the impetus behind this rezoning but rather a proposal to put as many apartments in this area as possible. The third finding regards the impact on the traffic situation of Sang Avenue. He had spoken to Perry Franklin in the Traffic Department. He knew this would be a student population and he knew that you couldn't put 280-300+ cars on that road. He knew that Sang Avenue would be the choice to the university and that no student would be using that bus route even if they increased it. He felt that they were inviting a tragedy to happen by increasing the density in front of an R-1 area in front of the school. Those living there already were conscious of the small children playing in the area. He didn't think that those living in a transient neighborhood would have that same awareness and care for the neighborhood. The fourth finding concerns whether this would increase the need for public services. Planning Commissioner Marilyn Johnson had pointed out that the experimental farm was north of there and this project would probably not constitute an increase on the water and sewer lines. He hoped that this was not the only consideration that they would have. There is nothing like this in the neighborhood, Sang to Porter, Deane to Wedington. Additionally, Mr. Maynard pointed out that it would be impractical to use the land for any of the uses permitted under its existing classification. He had gotten an education in his neighborhood in the last three weeks. Megan Place and Linda Jo Place have beautiful homes there. If he could be assured that the R-2 apartments going in there would be the same, there wouldn't be a problem. He sees R-2 and R-3 zoning only in certain areas. There is Porter Place at the corner of Deane and Porter, which is an eyesore and is not even completed and seems to be falling apart already. He is afraid that something similar would be going into his own backyard. And finally, his neighbors were concerned about the traffic and the flood plain. They had had flooding problems already and would have to shell out a lot of money for flood insurance. He wanted to ask the Council whether they could guarantee that they wouldn't be ruined by this, and wouldn't have to move because of this, that it wouldn't create more flooding problems. There were a lot of good intentions and beliefs here, but that wasn't good enough for him and his neighbors. This neighborhood, he admits, is imbalanced but he knew that if they put this complex in here it would be a disaster and would deteriorate property values. Right now it was a beautiful, peaceful, livable neighborhood. At some point he felt this would have to become personal. Would they want this in their backyard and behind their property. If not, how could they ask for them to have it in theirs. Once the zoning was changed, the impact would be irreversible. He hoped that they would at least think about this before they voted on it, and vote no, because if they didn't vote no, they would basically be telling him he needed to find a new home.

Mayor Hanna asked for further comments from the Council.

Alderman Davis asked if this was on the third year Flood Plan.

Mr. Conklin replied that it does contain areas classified as Zone A; no detailed study had been conducted by FEMA. They would have to, as part of this project, calculate the amount of water

coming onto and leaving the site.

Alderman Austin asked Mr. Conklin if he would comment on the R-1 and R-2 zoning in the neighborhood, given that Ms. Harrington and Mr. Maynard seemed to disagree on this.

Mr. Conklin asked them to refer to C.2 page 8 to the zoning map with its classifications. To the west is R-2 zoning which has developed with duplexes; further to the west is R-1. To the east of the site is R-1 and R-3 zoning. With regard to the amount of R-1 versus R-2 zoning, further to the south is primarily R-1; to the east is R-2 and R-3.

Alderman Austin commented that he had a constituent that would like to comment on this rezoning at a future time.

Ms. Harrington asked to address some of Mr. Maynard's comments. As to why change the zoning, she felt that the landowner needed to be considered. If Mr. Maynard had been the owner of this land and had not been able to sell it, would he feel this would be a viable project. The Weatherfords and the Swains had tried to sell this property as an R-1 and had failed. She held up a map showing that there was a lot of R-3 zoning in the area. The landowners have a right to market their property and sell it. Ultimately, the landowners would be the most affected. Also, how could you have a lot of duplexes and tri-plexes in an R-1 zone. The City would rarely rezone property that had been grandfathered in; it was up to the discretion of the landowner if they wanted to add another unit or change the use. Lastly, looking at the apartment availability for right now only was short-sighted.

Mr. Maynard responded that yes, he might try to sell his property too. But they were not against Mr. Weatherford trying to sell his property, they simply wanted him to do it within the rules. He stated that he had heard that the basis of why Mr. Weatherford hadn't been able to sell the property was based on the amount he was asking for the property. The people who had attended tonight believed that they, too, were affected by this rezoning. Yes, Mr. Weatherford had a right to sell his property for as much money as he could but he needed to take into consideration all of the people he was affecting.

Alderman Santos asked when the sign notice about this project came up and down.

Mr. Conklin stated that the sign should remain up until the City Council acts on the request, and admitted that sometimes the sign would inadvertently disappear.

Alderman Young added that this was a good reason why they should save this for another night.

THE ITEM WAS LEFT ON THE FIRST READING.

1999 MILLAGE – POLICE & FIRE PENSION

An ordinance adopting real and personal property tax rates (1.0 mil) for 1999 for the Police and Fire Pension Funds. Police Pension Fund levy would equal 0.5 mil and the Fire Pension Fund levy would equal 0.5 mil. There is no millage proposed for general government operations.

Mr. Rose read the ordinance for the first time.

Mayor Hanna noted that this was something that Council had to vote on every year.

Alderman Trumbo moved to suspend the rules and go to the second reading. Alderman Davis seconded the motion. Upon roll call, the motion carried, 7-0-0, Daniel was absent.

Mr. Rose read the ordinance for the second time.

Alderman Trumbo stated that there was \$268,000 in each pension fund. The Fire Pension Fund is not actuarially sound; the Police Pension Fund was.

Mayor Hanna noted that one reason the Police Pension Fund was actuarially sound was because this millage went into their fund.

Alderman Russell moved to suspend the rules and go to the third and final reading. Alderman Trumbo seconded the motion. Upon roll call, the motion carried, 7-0-0, Daniel was absent.

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

Mayor Hanna asked for comments from the audience and the Council.

Upon roll call, the ordinance passed unanimously, 8-0-0.

ORDINANCE 4191 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PUBLIC LIBRARY DESIGN

A resolution approving an architectural agreement with Meyer, Scherer and Rockcastle, Ltd. of Minneapolis, MN for the design of the City's proposed library (Phase I). And approval of a budget adjustment in the amount of \$160,000.

Alderman Trumbo stated that this was a lot of money and a big project, that it was going to go to a vote for a bond issue. If we were to build a first-class facility, it would be a very costly structure. Therefore, he was in favor of spending the money to go forward with the project.

Alderman Trumbo moved to approve the resolution. Alderman Austin seconded the motion.

Mayor Hanna asked for public comment.

Mr. Venable noted that the \$160,000 would cover two things: 1) the architect and his expenses which came to \$113,000 for Phase I and 2) the agreement with the engineer to do some survey and geotechnical work at the site, which brought the total up to \$160,000. Unless the bonds are voted on and the funds are made available, then the project would not go forward.

Alderman Young asked whether the soil survey was included in this cost.

Mr. Venable said yes.

Upon roll call, the resolution was approved unanimously, 8-0-0.

RESOLUTION 130-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

INDUSTRIAL PARK – PROPOSED DEVELOPMENT

A resolution authorizing the sale of 14 acres of Lot 13 in the Fayetteville Industrial Park to a proposed development.

Jim Crider, Economic Development Coordinator for the Chamber of Commerce, introduced himself. He read from a letter he had written to the Council regarding the purchase of this property by Dayco Products, Inc.

He added that Dan Bekebrede, Plant Manager for Dayco Products Inc. was present and could answer other questions.

Alderman Young asked whether he was recommending approval of this sale without the tax-incremental financing criterion.

Mr. Crider agreed that was correct.

Mayor Hanna stated that the sale was for \$16,000 per acre and the extension of the cul-de-sac.

Mr. Crider agreed, stating that the revenues would offset the costs and that the street extension was important to the construction of this project so that it fronted onto the extension of the street.

Alderman Austin noted that the number one reason to support this project was to retain this

company in our area of economy. The number two reason would be to raise our local economy by \$2.8 million with the additional jobs. The number three reason would be for the increase in taxes to our schools and our area.

Alderman Davis mentioned that by extending the street by 900 feet would bring us to meet the 7.6 acres that would be by itself if we didn't extend this road.

Mr. Venable added that it would be closer to 1000 feet of extension.

Alderman Davis also liked the fact that it would increase the appeal of Lot 14 because there is very little frontage there as in Lot 13. He thought it would be good to bring Dayco back to Fayetteville, where they had started out.

Mayor Hanna thought that if Mr. Crider's figures were correct, then the \$640 per mil that Dayco would generate with their property would equate to \$28,160 per year for our schools. He thought this was something we needed to consider.

Alderman Santos stated that he would like to see our Industrial Park developed fully also. He added that the street extension shouldn't be considered as an even cost because it would not only provide access to Dayco's 14 acres, but also to the 7.6 acres, and would split the 37.4 acres in Lot 14. He mentioned that when they ask the developers if the infrastructure would end when they make the development, in this Industrial Park we are the developers.

Alderman Russell thought this sounded like the sort of thing the Industrial Park was supposed to be for. But he was curious as to what exactly the Council would be approving, what would be the structure of the contract, and what the "short list" referred to.

Mr. Crider stated that the "short list" included five or fewer cities still vying for the project. It had nothing to do with our personal negotiations but showed that they should still be aware of involvement by other cities.

Alderman Russell stated that one of his concerns was that by selling this land at a discounted price, if they did not come here, we would not own or control the land anymore.

Mr. Crider responded that in this case the company has emphasized that the negotiations on this agreement have a short-term turn-around. The answer to Alderman Russell's concerns would be to place a caveat on the agreement stating that if development does not start within a two-year period from the official date of the acquisition that the property would come back to the City.

Mayor Hanna pointed out that since this company is presently operating in Springdale, that they already have their labor force intact, which is another plus for the City of Fayetteville and Dayco.

Alderman Daniel asked what percentage of Fayetteville citizens are employed by Dayco now.

Mr. Crider stated that he didn't know the figure for the City of Fayetteville itself, but that the rate of unemployment in Washington County is 2.8%, which fluctuates from year to year. Last year it was 3.8%.

Alderman Daniel mentioned that one of the companies in the Industrial Park had had trouble keeping its employees. She asked how the \$12 per hour wage compared with other companies in the Industrial Park.

Mr. Crider stated that it was well above the norm and was an average wage that is very attractive to the involvement of the Arkansas Economic Development Commission which, he added, provided the Council approved this item, they would probably expect to see him again to cover the AEDC's technical requirements for the company's participation in the Arkansas Advantage program, at which time the City would become the conduit through which funding would flow to the client.

Alderman Daniel noted that they had done the same thing before for other companies.

Alderman Russell pointed out that there were at least three people present -- Alett Little, Charles Venable, or the Mayor -- who could answer his question: what role did Alett Little, the Economic Development Coordinator, have in projects like this once they get going.

Mayor Hanna answered that he didn't think that the City's Economic Development Department nor the Chamber of Commerce would be involved with the company once they got started.

Alderman Young added unless the company needed the City's help.

Alderman Russell stated that he thought that when the Economic Development department was established that Ms. Little's role was to shepherd the client through the planning and development process.

Mr. Crider also wished to stress that Dayco is a "clean" operation because it was an assembly and not a manufacturing operation.

Alderman Trumbo asked Mr. Bekebrede if there was anyone with Dayco who was related to the Mayor because they had just sold acreage to his son out there. He added that Dayco was getting a good deal with this contract.

Mr. Rose asked if we were giving Dayco their money back if they didn't develop within two

years.

Mr. Crider explained that if ground was not broken within two years after the execution of the contract, that the property would revert back to the City.

Mr. Bekebrede assured the Council that Dayco was not interested whatsoever in becoming a property developer, and stated that the proposal that they had offered was an option to purchase. They had narrowed their choices down to four sites. By clearing this hurdle, they would better understand what the City could offer in terms of the road, etc. Dayco would not be the legal owner of the property; someone else would build the building for them and lease it back to Dayco.

Alderman Russell noted that they needed to make the offer with the legal owner, keeping the provision they had already discussed.

Mr. Crider stated that he had drawn up a sample agreement which he would pass on to Mr. Rose.

Mr. Rose stated that he wanted to make sure that he understood their conversation perfectly, so that he could draw up the resolution.

Mayor Hanna clarified that they were agreeing to approve an option to purchase the 14 designated acres to Dayco with the caveat, if ground is not broken within two years, then the City could repurchase the property.

Alderman Young added with the extension of the street.

Jeff Erf, area resident, asked why the Chamber of Commerce was negotiating this contract rather than the City, since the City owns the property and has an Economic Development department.

Alderman Young stated that it sounded like Dayco had gone to the Chamber.

Mr. Bekebrede agreed.

Alderman Austin moved to approve the resolution. Alderman Reynolds seconded the motion. Upon roll call, the resolution was approved, 7-0-0, Reynolds was absent.

RESOLUTION 131-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LAND POSSESSION – HIGHWAY 265

An ordinance authorizing the City Attorney to seek possession of certain land located along Highway 265 by the Power of Eminent Domain, in association with the required easements for the Highway 265 Water and Sewer Relocations. The total offer amount for this property would be \$1,595.00; such as is owned by Richard L. Mayes and Ethel L. Mayes (Parcel No. 765-02253-000).

Mr. Rose read the ordinance for the first time.

Alderman Daniel stated that she hadn't gotten any calls on this item. She thought the City had tried its best on this item.

Mayor Hanna stated it was the Arkansas Highway Department that wanted the City to proceed with this item.

Alderman Austin stated that he had known Richard and Ethel Mayes for 25 years and hadn't heard anything from either of them. He added that there would still be negotiations on this item after this meeting.

Mayor Hanna explained that this would give the City the authority to proceed with their relocation.

Alderman Daniel moved to suspend the rules and go to the second reading. Alderman Davis seconded the motion. Upon roll call, the motion carried, 7-0-0, Young was absent.

Mr. Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and go to the third and final reading. Alderman Russell seconded the motion. Upon roll call, the motion carried, 7-0-0, Young was absent.

Mayor Hanna asked for public comment; there was none.

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

Upon roll call, the ordinance passed, 8-0-0.

ORDINANCE 4192 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CITY COUNCIL CONDUCT

A resolution establishing the City's lead in exemplifying an attitude of professionalism and consideration of others in its business sessions as shown by speaker recognition, concise language, and discussion length.

Alderman Davis mentioned that he thought that they had all been pretty well behaved that night.

Alderman Austin stated that he thought the introduction of this resolution had been sufficient to show his point, and would like to respectfully withdraw the resolution.

ITEM WAS WITHDRAWN AT THE REQUEST OF ALDERMAN AUSTIN.

Meeting was adjourned at 8:25 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

**AGENDA SESSION
OCTOBER 12, 1999**

FOR

**CITY COUNCIL MEETING
OCTOBER 19, 1999**

NEW ITEMS

LIBRARY SITE DEVELOPMENT: Agreement with Garver Engineers for Geotechnical information for the development of the proposed library site.

PLANNING COMMISSION APPEAL: Appeal of a Planning Commission decision regarding a rezoning request for property located along Sycamore street.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

**AGENDA SESSION
OCTOBER 12, 1999**

FOR

**CITY COUNCIL MEETING
OCTOBER 19, 1999**

NEW ITEMS

*add info
consent*

LIBRARY SITE DEVELOPMENT: Agreement with Garver Engineers for Geotechnical information for the development of the proposed library site.

*New
Business*

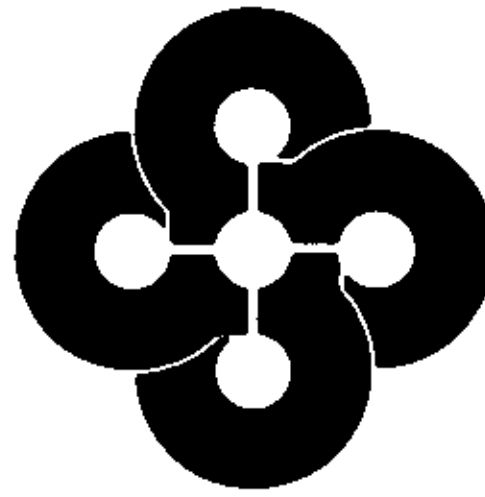
PLANNING COMMISSION APPEAL: Appeal of a Planning Commission decision regarding a rezoning request for property located along Sycamore street.

Principals

Danny L. Brown, P.E.
Bob H. Crafton, P.E.
Thomas E. Hopper, P.E.
Cline L. Mansur, P.E., R.L.S.
R.E. (Gene) Reece, P.E.
David Swearingen, A.I.A.
James L. Tull, C.D.A.

Principal Emeritus

Lemuel H. Tull, P.E.



Crafton, Tull & Associates, Inc.

Architects, Engineers & Surveyors

Associates

Everett L. Balk, P.E.
Al Harris, R.L.S.
Kurtis J. Jones, P.E.
James W. Kooistra, A.I.A.
Tom Mansur, P.E.
Robert C. Reece, P.E.
Rick G. Rose, R.L.S.
George G. Strella, P.E., D.E.E.
James P. Swearingen, A.I.A.
Richard Wright, R.L.S.

Harry G. Gray, P.E.
(1941-1997)

October 12, 1999

Fayetteville City Council
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Atlas Construction Rezoning Request
CTA No. 99136.00

Dear Council Members:

On behalf of the owner, Atlas Construction, we are appealing the decision of the Fayetteville Planning Commission made 10/11/99 regarding the above referenced rezoning request. The request is to rezone approximately 1.0 acres of land located along Sycamore Street from R-1 (Low Density Residential) to R-1.5 (Moderate Density Residential) to allow the development of an upper-scale 6-unit residential Planned Unit Development. The owner does intend to offer the units for individual sale upon completion of the project, and has agreed to offer a Bill of Assurance for the property that would limit the development of the property to six units per acre.

The property surrounding this site is currently zoned R-1, R-O, R-1.5, and P-1. We feel that the owner's proposed use of this property conforms with the general use of the surrounding property, and believe that the proposed rezoning to R-1.5 will not significantly increase the potential for traffic problems in the area over that for the existing R-1 zoning.

The City Planning Staff supported this rezoning request at the Planning Commission meeting, and a majority of the Planning Commissioners present at that meeting voted in favor of the rezoning. Unfortunately, there were only six Planning Commissioners present at the meeting, and the request received only four favorable votes (one short of the five required for rezoning approval).

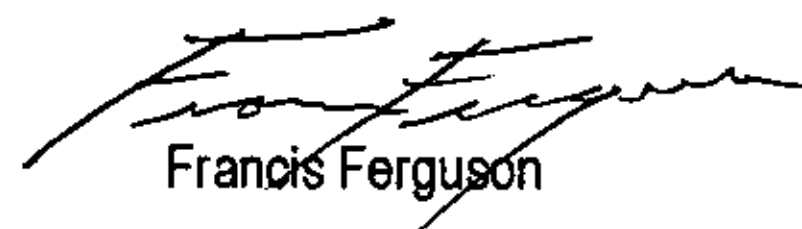
We greatly appreciate your thoughtful consideration regarding this matter.

Sincerely,

CRAFTON, TULL & ASSOCIATES, INC.


Kurtis J. Jones, P.E.

ATLAS CONSTRUCTION


Francis Ferguson

RECEIVED

OCT 12 1999

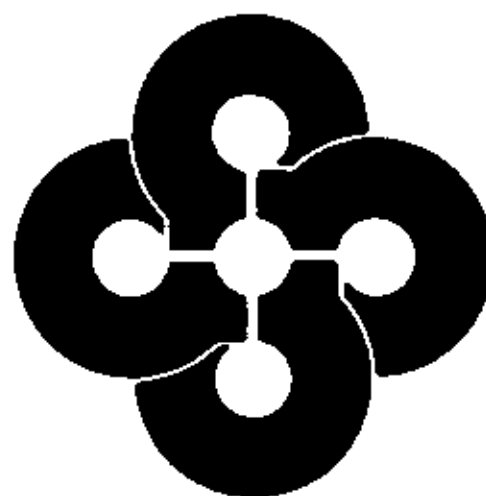
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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October 12, 1999

Fayetteville City Council
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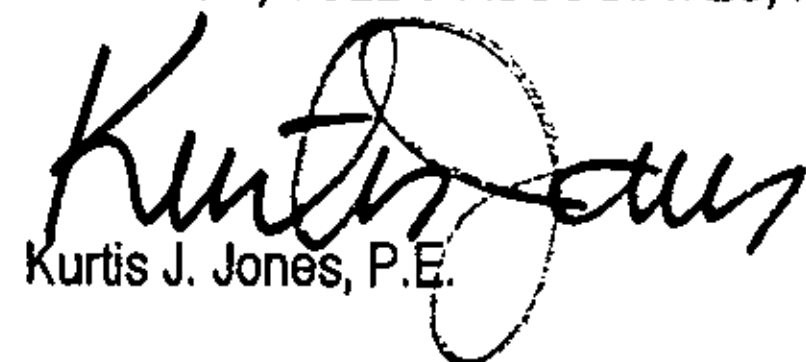
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We greatly appreciate your thoughtful consideration regarding this matter.

Sincerely,

CRAFTON, TULL & ASSOCIATES, INC.


Kurtis J. Jones, P.E.

ATLAS CONSTRUCTION


Francis Ferguson

RECEIVED

OCT 12 1999

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF October 19, 1999

FROM:

Charles Venable

Name

Division

Public Works

Department

ACTION REQUESTED: Approval of an engineering agreement with Garver Engineers of Fayetteville to furnish surveys and geotechnical information for the architect's use in development of the proposed library site.

COST TO THE CITY:

\$27,960

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

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Approval of this agreement in order that the information can be furnished to the architect so that preliminary plans can be developed.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res #

Mayor

Date

Orig. Contract Date:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Hanna and Fayetteville City Council

From: Charles Venable, Public Works Director

Date: October 11, 1999

Subject: Engineering Agreement to Provide Surveys and Geotechnical Information for
the Proposed Library Site

Attached hereto is a copy of an engineering agreement with Garver engineers of Fayetteville. The contract is a cost plus a fixed fee in the amount not to exceed \$27,960, and includes a fixed fee of \$2,996.

As stated previously, this project is in conjunction with the architectural agreement that was approved on October 5, and is necessary to provide field data to the architect for his use in the placement and design of the building.

CV:msm

attachement

CITY OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Agreement entered into and executed this ____ day of _____ 1999, by and between the City of Fayetteville acting by and through its Mayor, hereinafter called the "OWNER," and with Garver Engineers, with offices located at Fayetteville, Arkansas, hereinafter called the "ENGINEER."

WITNESSETH:

Whereas, the "OWNER" is planning to construct a library on the property bounded by School Avenue, Rock Street, West Avenue, and Mountain Street, containing approximately three acres; and whereas, the "OWNER'S" forces are fully employed on other urgent work that prevents their early assignment to the aforementioned work; and whereas, the "ENGINEER'S" staff is adequate and well qualified and it has been determined that its current work load will permit completion of the plans for the project on schedule;

Now, therefore, it is considered to be in the best public interest for the "OWNER" to obtain assistance of the "ENGINEER'S" organization in connection with said engineering services. In consideration of the faithful performance of each party of the mutual covenants and agreements set forth hereinafter, it is mutually agreed as follows:

SECTION I - EMPLOYMENT OF ENGINEER

The "OWNER" agrees to employ the "ENGINEER" to perform, and the "ENGINEER" agrees to perform, professional engineering services in connection with the project set forth in the Sections to follow; and the "OWNER" agrees to pay and the "ENGINEER" agrees to accept, as specified in the Sections to follow as full and final compensation for work accomplished in the specified time.

SECTION II -DESCRIPTION OF THE PROJECT

This project includes construction of a library, at the site described above, with the required sitework.

SECTION III - INFORMATION & SERVICES

The "OWNER" will furnish any standards and other information which may relate to the project including the record description of the property, any record easements affecting the property to which the survey shall make reference, free of charge, to the "ENGINEER".

SECTION IV - SERVICES TO BE FURNISHED BY THE "ENGINEER" DURING "DESIGN" PHASE

Specifically, our scope of services is described in the following paragraphs:

We will provide a boundary survey, prepare a surveyed description, and a plat of the parcel of land. All of the above will meet Arkansas Minimum Standards for Property Boundary Surveys. We will assist with the reconciliation of any discrepancies between the survey and the legal recorded description. All adjacent property within 50 feet will be included. In addition, topographic information is also required and will include the location of all trees, buildings, utilities, sidewalks, streets, etc.

A contour map of the site will be produced with contour intervals at one foot intervals. Error will not exceed one-half contour interval. At least two permanent benchmarks will be established noting the location and elevation to the nearest 0.01 foot. Spot elevations at each intersection of a 25-foot (approximate) square grid covering the property and at street intersections, and at 25 feet on center of curbs, sidewalks, and edge of paving will also be provided. Location of buildings, trees over six inches in diameter, utilities both above and below ground (with depths of the below ground and flow lines of any sanitary sewers and storm sewers), and any other topographic features that may be present on the site, will be indicated.

All survey data will be tied to the City of Fayetteville's plane coordinate system and all elevations shall be tied to the National Geodetic Vertical Datum (NGVD) 1929.

All drawings will be at a scale of 1" = 30'-0" and shall be on 30" x 42" trim size paper with a left binding edge and 3/4" border. We will furnish one (1) reproducible transparency, and three (3) copies of each drawing. Composite drawings of the boundary and topographic information will be produced. In addition to the composite drawings, separate plots of (A) boundaries, easements and topographic features without utilities, and (B) boundaries, easements and utilities will be furnished.

A digital copy in Autocad Release 14 will also be provided to the Owner. It is also understood that the Owner or the Owner's architect may reproduce the Engineer's drawings without modification and distribute the prints in connection with the use or disposition of the property without incurring compensation to the Engineer. Digital copies of the survey data may also be used as a basis for site planning.

Geotechnical data will also be provided. A subconsultant of the Engineer will provide six (6) preliminary soil borings, at least 12 inches into bed rock or hard shale. These borings will be made near each property corner and at locations within the property that will provide a general idea of the location and depth of the rock. A geotechnical report and soil boring log will be furnished. The subconsultant fee is based on boring depths not to exceed 40 feet.

SECTION V - COORDINATION WITH "OWNER" - Not Used

SECTION VI - OFFICE LOCATION FOR REVIEW OF WORK - Not Used

SECTION VII - CONCEPT AND PRELIMINARY SUBMISSION - Not Used.

SECTION VIII - FINAL SUBMISSION - Not Used

SECTION IX - ENGINEER RESPONSIBILITY DURING "BIDDING" AND
"CONSTRUCTION" PHASES - Not Used

SECTION X - SUBCONTRACTING

Subcontracting by the "ENGINEER" of any of the services provided herein shall require prior approval by the "OWNER."

SECTION XI - TIME OF BEGINNING AND COMPLETION

The "ENGINEER" shall begin work under this Agreement within ten (10) calendar days of a Notice to Proceed and complete the work within 35 calendar days from the date work begins.

SECTION XII - FEES AND PAYMENTS

A. "Design" Phase Services:

For, and in consideration of, the services to be rendered by the "ENGINEER," the "OWNER" shall pay the "ENGINEER" on the basis of actual salary costs for work time directly connected with work chargeable to the project, plus payroll additives and general overhead costs of 168% of direct labor costs, plus direct reimbursable expenses associated with the project, plus a fixed fee which are payable as follows:

- | | | |
|----|--|--------------------|
| 1. | "Design" phase services (Surveying and Geotechnical Services) not to exceed: | <u>\$24,964.00</u> |
| 2. | Fixed fee for "Design" services: | <u>\$2,996.00</u> |
| 3. | Engineering contract amount for "Design" phase services not to exceed: | <u>\$27,960.00</u> |

The basis of this upper limit and justification for the fee is contained in Appendix "A" attached hereto. Subject to the City Council's approval, adjustment of the upper limit may be made should the "ENGINEER" establish and the "OWNER" agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if the "OWNER" decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

Appendix "B" covers the classification of personnel and the salary rate for all personnel to be assigned to this project by the "Engineer."

Final payment for Design services shall be made upon the "OWNER'S" approval and acceptance with the satisfactory completion of the "Design" phase for the project.

- B. "Bidding" Phase Services - Not Used
- C. "Construction" Phase Services - Not Used
- D. "Geotechnical Investigation" Services:

Payment for geotechnical investigative services performed under this contract is covered under Part "A" - Design Phase Services

- E. "Special" Services

For "Special" services, not described herein, the "OWNER" shall pay the "ENGINEER" at the rates listed in Appendix B multiplied by a 3.0 markup. Special services will be required only when directed by the City in writing. These hourly rates will be subject to change after six months from the date of the Contract to reflect any changes in our pay rates which may occur.

SECTION XIII - CHANGES

The "OWNER" may at any time, by written order, make changes within the general scope of the contract in the work and services to be performed. If any such change causes an increase or decrease in the cost of, or the time required for, performance of this contract, an equitable increase or decrease shall be made in the upper limit contract amount, including fee or time of required performance, or both, and the contract shall be modified in writing accordingly.

Changes, modifications or amendments in scope, price or fees to this contract shall not be allowed without a formal contract amendment approved by the Mayor or the City Council in advance of the change in scope, price of fees.

Any claim by the "ENGINEER" for adjustment under this clause must be asserted with thirty (30) days from the date of receipt by the "ENGINEER" of the notification of change, provided, however, that the "OWNER" if it decides that the facts justify such action, may receive and act upon any such claim assessed at any time prior to the date of final payment under this contract. Failure to agree to any adjustment shall be cause for a dispute concerning a question of fact within the meaning of the clause of this contract entitled SECTION XVII MISCELLANEOUS PROVISIONS, (1) Dispute Resolutions. However, nothing in this clause shall excuse the "ENGINEER" from proceeding with the contract as changed.

SECTION XIV - OWNERSHIP OF DOCUMENTS

All documents, including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of the "OWNER." The "ENGINEER" may retain reproduced copies of drawings and copies of other documents.

SECTION XV - POSTPONEMENT OR CANCELLATION OF THE CONTRACT

It is understood that the "OWNER" will have the right to suspend or cancel the work at any time.

- A. Postponement - Should the "OWNER," for any reason whatsoever, decide to postpone the work at any time, the "OWNER" will notify the "ENGINEER," who will immediately suspend work. Should the "OWNER" decide during such suspension not to resume the work, or should such suspension not be terminated within a year, the work shall be cancelled as hereinafter provided.
- B. Cancellation - Should the "OWNER," for any reason whatsoever, decide to cancel or to terminate the use of the "ENGINEER'S" service, the "OWNER" will give written notice thereof to the "ENGINEER," who will immediately terminate the work. If the "OWNER" so elects, the "ENGINEER" may be instructed to bring a reasonable stage of completion to those items, whose value would otherwise be lost. The "ENGINEER" shall turn over all data, charts, survey notes, figures, drawings and other records or information collected or produced hereunder whether partial or complete. Upon such termination of the "ENGINEER'S" services, the "ENGINEER" shall be paid on a proportional amount of the total fee, less prior partial payments, based on the ratio of work done to the total amount of work to be performed.

SECTION XVII - MISCELLANEOUS PROVISIONS

- 1. Dispute resolution - Any dispute concerning a question of fact in connection with the work and having a financial value of \$10,000, or less, shall be referred for determination to the Mayor of the City of Fayetteville, whose decisions in the matter shall be final and conclusive. Disputes resulting from claims greater than \$10,000

- shall be subject to mediation.
2. Responsibility for Claims and Liability - The "ENGINEER" shall save harmless the "OWNER" from all claim and liability due to its (the "ENGINEER'S") activities, or those subcontractors, its agents, or its employees during the time this contract is in force.
 3. General Compliance with Laws - The "ENGINEER" shall comply with all federal, state and local laws and ordinances applicable to the work. The "Engineer" shall be a professional engineer, licensed in the State of Arkansas.
 4. Engineers Endorsement - The "ENGINEER" shall endorse and recommend all plans, specifications, estimates and engineering data finished by it. All design shall be checked in accordance with accepted engineering practices. All plan quantities shall be checked and verified.

SECTION XVIII - SUCCESSORS AND ASSIGNS

The "OWNER" and the "ENGINEER" each binds itself and its partners, successors, executors, administrators, and assigns to the other party of this Agreement, except as above. Neither the "OWNER" nor the "ENGINEER" shall assign, sublet or transfer its interest in this Agreement without written consent of the other. Nothing herein shall be construed as creating any possible personal liability on the part of any officer or agent of any public body which may be party hereto.

SECTION XIX - COVENANT AGAINST CONTINGENT FEES

The "ENGINEER" warrants that it has not employed or retained by company or person, other than a bonafide employee working solely for the "ENGINEER," to solicit or secure this contract, and that it has not paid or agreed to pay any company or person, other than a bonafide employee working solely for the "ENGINEER," any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this contract.

For breach or violation of this warranty, the "OWNER" shall have the right to annul this contract without liability.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date and year first herein written.

CITY OF FAYETTEVILLE

ENGINEER

By: _____
Mayor

GARVER ENGINEERS
Name of the firm

By: 
Authorized Representative

ATTEST:

ATTEST

City Clerk

City of Fayetteville

Fayetteville City Library

Surveying Services and Preliminary Geotechnical Services

Boundary Survey

- 1 Provide a boundary survey, prepare a surveyed description, and a plat of survey of the parcel of land. All of the above will meet Arkansas Minimum Standards for Property Surveys. Assist with the reconciliation of any discrepancies between the survey and legal recorded description. This survey will be tied to the City of Fayetteville's plane coordinate system.

	1	Total
Project Manager	4	4
Project Engineer	0	0
Design Engineer	0	0
Project Surveyor	72	72
Technician/Draftsman	0	0
Clerical	2	2
Survey Crew	16	16
Construction Observer	0	0
Construction Engineer	0	0

Topographic Survey and Map

- 1 A contour map will be produced with one foot contour intervals. Error will not exceed one-half contour interval. At least two permanent bench marks will be established noting the location and elevation to the nearest 0.01 foot. Spot elevations at each intersection of a 25 foot approximately square grid covering the property and at street intersections, and at 25 feet on center of curbs, sidewalks, and edge of paving will also be provided. Location of building, trees over six inches in diameter, utilities both above and below ground (with depths of the below ground and flow lines of any sanitary sewers and storm sewers), and any topographic features that may be present on the site will be indicated. This survey will be tied to the City of Fayetteville's plane coordinate system and all elevations shall be tied to the National Geodetic Vertical Datum (NGVD) 1929.
- 2 All drawings will be at a scale of 1" = 30' and shall be on 30" x 42" trim size paper with a left binding edge and 3/4" border. We will furnish one (1) reproducible transparency, and three (3) copies of each drawing. Composite drawings of the boundary and topographic information will be produced. In addition to the composite drawings, separate plots of (A) boundaries, easements, and topographic features with utilities, and (B) boundaries, easements and utilities will be furnished. A digital copy in Autocad Release 14 will also be provided to the Owner.

	1	2	Total
Project Manager	4	2	6
Project Engineer	0	0	0
Design Engineer	0	0	0
Project Surveyor	54	32	86
Technician/Draftsman	0	2	2
Clerical	2	2	4
Survey Crew	76	0	76
Construction Observer	0	0	0
Construction Engineer	0	0	0

Geotechnical Investigation

- 1 The Engineer or his subcontractor shall provide six (6) preliminary soil borings, at least 12 inches into bedrock or hard shale. These borings will be made near each property corner and at locations within the property that will provide a general idea of the location and depth of the rock. A geotechnical report and soil boring log will be furnished.

	1	Total
Project Manager	4	4
Project Engineer	0	0
Design Engineer	0	0
Project Surveyor	0	0
Technician/Draftsman	0	0
Clerical	0	0
Survey Crew	0	0
Construction Observer	0	0
Construction Engineer	0	0

Appendix A - Page 2 of 2
City of Fayetteville
Fayetteville City Library

11-Oct-99

Surveying Services and Preliminary Geotechnical Services

DIRECT SALARY COST	Boundary Survey		Topographic Survey and Map		Geotechnical Investigation	
	MAN HOURS	COST	MAN HOURS	COST	MAN HOURS	COST
Project Manager	4	\$120.00	6	\$180.00	4	\$120.00
Project Engineer	0	\$0.00	0	\$0.00	0	\$0.00
Design Engineer	0	\$0.00	0	\$0.00	0	\$0.00
Project Surveyor	72	\$1,494.00	86	\$1,784.50	0	\$0.00
Technician/Draftsman	0	\$0.00	2	\$32.50	0	\$0.00
Clerical	2	\$22.00	4	\$44.00	0	\$0.00
Survey Crew	16	\$608.00	76	\$2,888.00	0	\$0.00
Construction Observer	0	\$0.00	0	\$0.00	0	\$0.00
Construction Engineer	0	\$0.00	0	\$0.00	0	\$0.00
Subtotal - Salaries		\$2,244.00		\$4,929.00		\$120.00
LABOR AND GENERAL ADMINISTRATIVE OVERHEAD (168%)		\$3,769.92		\$8,280.72		\$201.60
DIRECT NON-PAYROLL COSTS						
Consultant		\$0.00		\$0.00		\$5,000.00
Reproduction		\$100.00		\$154.00		\$0.00
Survey Supplies		\$50.00		\$50.00		\$0.00
Aerial Photography		\$0.00		\$0.00		\$0.00
Computer Rental		\$0.00		\$0.00		\$0.00
Travel Costs		\$25.00		\$40.00		\$0.00
Subtotal - Direct Non-Payroll Costs		\$175.00		\$244.00		\$5,000.00
Subtotal		\$6,188.92		\$13,453.72		\$5,321.60
PROFESSIONAL FEE (profit)		\$742.67		\$1,614.45		\$638.59
TOTAL :		\$6,932.00		\$15,068.00		\$5,960.00

TOTAL ESTIMATED COST:

\$27,960.00

Appendix B
Garver Engineers
Hourly Rate Schedule

<u>Classification</u>	<u>Regular</u>
Senior Project Manager	\$37.00
Project Manager	\$30.00
Senior Project Engineer	\$26.00
Project Engineer	\$24.00
Senior Design Engineer	\$22.25
Construction Engineer	\$19.50
Design Engineer/Designer	\$22.25
Environmental Scientist	\$21.00
Geologist	\$20.00
CADD Administrator	\$20.00
Senior CADD Technician	\$18.00
CADD Technician	\$16.25
Senior Construction Observer	\$20.00
Construction Observer	\$19.50
Project Surveyor	\$20.75
Party Chief	N/A
Instrument Man	\$19.25
Rodman	\$12.00
Clerical	\$11.00

October, 1999

Senior Project Manager

Hannah, T.B. PE
 Johnson, T.L. PE
 Johnson, W.B. PE
 Jones, C.F. PE
 Morgan, B.D. PE
 Parker, H.J. PE
 Pierce, R.R. PE
 Reese, W.T. PE
 Taylor, R.E. PE,RLS (Nville)
 Walker, E.T. PE (Nville)
 White, R.D. PE (Nville)
 Williams, D.H. PE (Tulsa)

Project Manager

Bennett, G.E. PE
 Dalla Rosa, M.G. PE
 Griffin, M.J. PE
 Holder, J.D. PE (MAD)
 Hoskins, B.E. PE (Fville)
 Lee, D.S. PE (Lville)
 Lynch, M.D. PE
 McCarley, J.D. PLS (Hville)
 McMillin, A.T. PE
 Rowland, K.B. PE
 Wilson, K.W. PE (Nville)

Senior Project Engineer

Brown, D.L. PE
 Cummings, S.W. PE (Lville)
 Davis, W.D. PE
 Fish, R.A. PE
 Fulmer, G.A. PE
 Haynes, S.L. PE
 Larson, A.T. PE
 Ruck, W.E. PE,RLS
 Ruddell, J.H. PE
 Tiner, N.D. PE
 Watkins, J.T. PE
 Wilbourn, D.C. PE

Project Architect

Lebovitz, P.A. (Nville)

Project Engineer

Allen, J.Q. PE (Nville)
 Brashear, J.N. PE
 Catlett, W.C. PE
 Farmer, E.C. PE
 Mott Jr., W.E. PE

Senior Design Engineer

Barr, J.L. PE
 Elkhairi, A.S. PE
 Garner, D. M. PE (Tulsa)
 Garvin, D. D. PE (Tulsa)
 Hammons, R.C. PE
 Harrison, J. Matt PE
 Leone, C.G. PE
 McEntire, W.M. PE
 Parker, C.G. PE (Tulsa)
 Watt, C.J. PE (Tulsa)

Sr. Construction Engineer

Morris, J. C. PE (Fville)
 Stengel, M.H. EI

Construction Engineer

Isbell, G. D. EI (Tulsa)

Design Engineer/Designer

Aussieker, B. EI (Tulsa)
 Barner, N.H. EI
 Boos, J. E. EI
 Britton, S.N. EI
 Brown, B. W. EI
 Carson, D.K. EI
 Clinehens, C. E. EI
 Deegan, D.W. EI (Nville)
 Duden, E.D. EI
 Falbe, W. R. EI
 Flood, M A EI
 Garrett, R EI (Fville)
 Grant, John (MAD)
 Guthrie, K.D. EI (Fville)
 Hanks, S. N. EI (Tulsa)
 Higgins, Karyn EI
 Lindley, J. G. EI
 McIlwain, F.O. EI
 McNeill, N. S. EI
 Overstreet, J.K. EI (MAD)
 Phillips, D. S. EI (MAD)
 Shaw, J R EI
 Spaul, W.H. EI,RLS
 Storey, G. T. EI (Hville)
 Teague, E.A. EI
 Thornsberry, S. EI
 Turner, T. R. EI
 Weindorf, Blake EI
 Zorn, T. S. EI

Environmental Scientist

Gates, S.J.

Geologist

Miller, A.L. PG

Network Administrator

Taylor, L.D.
 Whitley, V.

Senior Technician

Beasley, D.D.
 Beazley, B.W.
 Bowen, S.L.
 Farrar, R.D.
 Fortner, R.N.
 Guss, T. F. RLS (Nville)
 Hutchinson, D.E.
 Ketzcher, C.H.
 Kline, J.E. (Lville)
 Kyzer, L.K.
 Raley, P. S.
 Rogers, Terry (Lville)
 Ross, R.D.
 Skinner, T.W.
 Yandell, D.W. RLS

Technician

Agginie, R.M.
 Boles, D. S. (Nville)
 Bridges, Kyle
 Brown, M. C.
 Deck, B E.
 Delk, J.P.
 Edwards, D W (Nville)
 Erwin, M. C. (Nville)
 Garr, C.A.
 Hibbard, J.D.
 Jones, K. H. (Fville)
 Kuca, R. J.

Lawhon, R.D. (Tulsa)
 Leary, D. (MAD)
 Loney, T. M. (Tulsa)
 Macom, C.F.
 Rouse, N.J.
 Sheridan, P.J.
 Thomas, C.W.
 Webb, D. J. (Fville)
 Wier, J.M.
 Williams, H.E.

Senior Construction Observer

Billing, L.W.
 Chambless, J.H.
 Ward, J.W.

Construction Observer

Beavers, L. R.
 Evans, D.L. (Nville)
 Robinson, W.D.
 Thompson, R R

Survey Coordinator

Aston, J.S. PLS (Hville)

Project Surveyor

Davis P.E. (Fville)

Party Chief

Carpenter, L.W. (Hville)
 Caudle, J.T.
 Mott, W.E.
 Warren, G.M. (Lville)

Instrument Man

Dinges, A.E. (Hville)
 Pierce, C.S. (Lville)
 Weston, R.L.

Rodman

Connolly, J P
 Cook, M. N. (Hville)
 Criss, S.E.
 Warhurst, J.J. (Hville)

Clerical

Ballentine, D.L.
 Bastin, C. (Hville)
 Cromer, C.E.
 Fuller, K J (Fville)
 Garrett, D. (Nville)
 Hall, C.S.
 Isaacs, S. (Lville)
 Jones, D.R. (Tulsa)
 Madden T. B.
 Morgan, A. N.

City of Fayetteville, Arkansas
2000 - 2004 Capital Improvements Program
Comprehensive Detail

Source/Division	Project	2000	2001	2002	2003	2004	Total Request
<u>Airport Fund</u>							
<u>Airport Improvements</u>							
Airport	Ernest Lancaster Drive Extension	\$ 487,000	\$	\$	\$	\$	487,000
	Federal Grant & Local Matches	110,000	32,000	28,000			170,000
	Professional Services	90,000	70,000	30,000			190,000
	High Intensity Runway Lights	50,000					50,000
	Pavement Maintenance & Rehabilitation	562,000	315,000	276,000			1,153,000
	T-Hangar Unit Expansion	300,000			380,000		680,000
	Individual Hangar	115,000	142,000	145,000		193,000	595,000
	Pavement Maintenance				80,000		80,000
	Airfield Marking				81,000		81,000
Total Airport Fund Projects		<u>1,714,000</u>	<u>559,000</u>	<u>479,000</u>	<u>541,000</u>	<u>193,000</u>	<u>3,486,000</u>
<u>Parks Development Fund</u>							
<u>Parks & Recreation Improvements</u>							
Parks & Rec.	Tennis/Basketball Surface Renovation	260,000					260,000
	Wilson Park Improvements	244,000		60,000			304,000
	Red Oak Park Development	45,000					45,000
	Skate Park	75,000					75,000
	Park Land Acquisition	53,000	55,000	94,000	50,000	95,000	347,000
	Gary Hampton Softball Complex	95,000					95,000
	Lake Fay Softball Complex Improvements		250,000				250,000
	Bundrick Park Development		55,000				55,000
	Park Trail Development		380,000	40,000	100,000	175,000	695,000
	Lewis/Asbell Athletic Complex Development			241,000			241,000
	Davis Park Improvements			120,000			120,000
	Family Water Park				395,000		395,000
	Bayarri Park Development				50,000		50,000
	Wildwood Park Development				50,000		50,000
	Gordon Long Park Bridges					100,000	100,000
	Crossover Park Development					345,000	345,000
	Friendship Park Development					30,000	30,000
Total Parks Development Fund Projects		<u>772,000</u>	<u>740,000</u>	<u>555,000</u>	<u>645,000</u>	<u>745,000</u>	<u>3,457,000</u>
<u>Sales Tax Capital Improvements Fund</u>							
<u>Fire Safety Improvements</u>							
Fire	Fire Apparatus Replacement - Reserve Pumper	212,000					212,000
	Radio System Replacement	127,000					127,000
	Facility Maintenance	20,000	20,000	20,000	20,000	20,000	100,000
	Aerial Ladder Fire Apparatus - Replacement		562,000				562,000
	Fire Station - #7 Escrow Funds		20,000	317,000	323,000	82,000	742,000
	Fire Training Center					378,000	378,000
		<u>359,000</u>	<u>602,000</u>	<u>337,000</u>	<u>343,000</u>	<u>480,000</u>	<u>2,121,000</u>
<u>Police Safety Improvements</u>							
Police	Radio System Replacement	287,000					287,000
	Mobile Data System	42,000	10,000			30,000	82,000
	Dictaphone Upgrade/Replacement	39,000					39,000
	Radar Equipment Replacement	11,000					11,000
	PC/Terminal - Upgrade/Replacements	20,000	15,000	11,000		10,000	56,000
	Police Building Improvements	30,000	20,000	65,000		201,000	316,000
	Specialized Police Equipment	15,000	10,000	47,000		15,000	87,000
	City Jail Improvements		114,000				114,000
	Evidence Storage Improvements			54,000			54,000
	Public Safety Computer System Replacement				309,000		309,000
	Dash Mounted Police Car Video Systems					40,000	40,000
		<u>444,000</u>	<u>169,000</u>	<u>177,000</u>	<u>309,000</u>	<u>296,000</u>	<u>1,395,000</u>
<u>Library Material Purchases & Improvements</u>							
Library	Library Materials Purchases	142,000	160,000	161,000	175,000	194,000	832,000
	Library HVAC Replacement & Improvement		10,000		10,000		20,000
		<u>142,000</u>	<u>170,000</u>	<u>161,000</u>	<u>185,000</u>	<u>194,000</u>	<u>852,000</u>
<u>Parks & Recreation Improvements</u>							
Parks & Rec.	Park Master Plan - City Wide	75,000					75,000
	Babe Ruth Ballpark Improvements	107,000					107,000
	Other Park Improvements	33,000	25,000	25,000	25,000	25,000	133,000
	Lake Fayetteville/Sequoiah Improvements	75,000	75,000	100,000	75,000	200,000	525,000

City of Fayetteville, Arkansas
2000 - 2004 Capital Improvements Program
Comprehensive Detail

Source/Division	Project	2000	2001	2002	2003	2004	Total Request
	Gulley Park Tot Lot Playground	50,000					50,000
	Gulley Park Pavilion and Parking Lot		314,000				314,000
	Concession/Restroom Improvements		40,000				40,000
	Lewis/Asbell Athletic Complex Development			249,000			249,000
	Veterans Memorial Park Playground Replacement			60,000			60,000
	Finger Park Improvements			75,000			75,000
	Family Water Park			25,000	1,105,000		1,130,000
	Athletic Complex Lighting Improvements				410,000		410,000
	Parking Lot Improvements				100,000		100,000
	Walker Park North Playground Replacement					100,000	100,000
	Park Regulation Signs					25,000	25,000
		<u>340,000</u>	<u>454,000</u>	<u>534,000</u>	<u>1,715,000</u>	<u>350,000</u>	<u>3,393,000</u>
Bridge and Drainage Improvements							
Engineering	Miscellaneous Drainage Improvements	305,000	250,000	325,000	300,000	300,000	1,480,000
	Drainage Study and Phase II Stormwater Management	130,000	150,000	200,000	150,000	150,000	780,000
	Stone Bridge Road - Street & Drainage Improvements		175,000				175,000
	Lake Sequoyah Bridge Improvements			250,000			250,000
	Dead Horse Mountain Road - Bridge Cost Sharing			357,000			357,000
		<u>435,000</u>	<u>575,000</u>	<u>1,132,000</u>	<u>450,000</u>	<u>450,000</u>	<u>3,042,000</u>
In-House Street & Sidewalk Improvements							
Public Lands	Sidewalk Improvements	298,000	315,000	335,000	355,000	377,000	1,680,000
Street	Pavement Improvements	893,000	947,000	1,004,000	1,064,000	1,128,000	5,036,000
		<u>1,191,000</u>	<u>1,262,000</u>	<u>1,339,000</u>	<u>1,419,000</u>	<u>1,505,000</u>	<u>6,716,000</u>
Street Improvements							
Engineering & Street	Street ROW/Intersection/Cost Sharing Improvements	150,000	150,000	150,000	150,000	150,000	750,000
	Hollywood Street - 6th & Sang Avenue Intersection	418,000					418,000
	Sixth Street Improvements	1,300,000					1,300,000
	Maple Street / Arkansas Avenue Intersection	75,000					75,000
	Steele Property - Street Improvements	300,000					300,000
	Old Missouri Road - Mud Creek to Stubblefield		1,500,000				1,500,000
	Kings Drive Reconstruction		562,000				562,000
	Gregg Avenue - Highway 71 to Mud Creek Bridge		380,000				380,000
	Cleveland Street Improvements - Leverett to Hall		798,000				798,000
	Joyce - East of Highway 265 to City Limits			500,000			500,000
	West View Drive Reconstruction			195,000			195,000
	Hyland Park Partial Reconstruction			328,000			328,000
	Old Missouri Road - Stubblefield to Rolling Hills			526,000			526,000
	Old Missouri Road - Rolling Hills to Old Wire				513,000		513,000
	Old Wire Road - Township to Highway 45				1,385,000		1,385,000
	Gregg Avenue Extension - Dickson to North				569,000	931,000	1,500,000
	Shiloh Drive Extension					827,000	827,000
	Old Missouri Road - Joyce to Mud Creek					817,000	817,000
		<u>2,243,000</u>	<u>3,390,000</u>	<u>1,699,000</u>	<u>2,617,000</u>	<u>2,725,000</u>	<u>12,674,000</u>
Transportation Improvements							
Traffic	Traffic Signal Improvements	93,000	98,000	101,000	100,000	110,000	502,000
	M.U.T.C.D. Sign Material	29,000	30,000	32,000	33,000	24,000	148,000
		<u>122,000</u>	<u>128,000</u>	<u>133,000</u>	<u>133,000</u>	<u>134,000</u>	<u>650,000</u>
Water & Sewer Improvements							
Water/Sewer & Engineering	Garland Avenue - Water/Sewer Relocations	540,000					540,000
	Ark. Research & Technology Park - W/S Improvements	570,000					570,000
	Water and Sewer Operations/Services Center	1,304,000					1,304,000
	Sanitary Sewer Rehabilitation		1,094,000	1,500,000	1,500,000	1,500,000	5,594,000
	Gregg Water/Sewer Relocations - 71 to Mud Creek		663,000				663,000
	Razorback Road - Water/Sewer Relocations			1,059,000	613,000		1,672,000
	Hyland Park Elevated Water Storage Tank				831,000		831,000
		<u>2,414,000</u>	<u>1,757,000</u>	<u>2,559,000</u>	<u>2,944,000</u>	<u>1,500,000</u>	<u>11,174,000</u>
Other Capital Improvements							
Animal Serv.	Animal Shelter Roof Replacement		20,000				20,000
	Kennel Cage Doors - Woven Wire Replacement		12,000		13,000		25,000
Bud. & Research	Impact Fee Study - City Wide	40,000					40,000
Building Maint.	TCA Cable Building Renovation	275,000					275,000
	Building Improvements		165,000	185,000	205,000	225,000	780,000
Cable Admin.	P.E.G. Television Center - Equipment	49,000	49,000	46,000	51,000	61,000	256,000
City Wide	Radio System Replacement	370,000					370,000

City of Fayetteville, Arkansas
2000 - 2004 Capital Improvements Program
Comprehensive Detail

Source/Division	Project	2000	2001	2002	2003	2004	Total Request
Information Tech.	Microcomputer Replacements	33,000	35,000	38,000	38,000	38,000	182,000
	Geographic Information System	117,000	120,000	140,000	200,000	260,000	837,000
	Software Upgrades - City Wide	40,000					40,000
	Printer Replacements	25,000	30,000	30,000	30,000	35,000	150,000
	High Speed Data Transmission Network	60,000					60,000
	Local Access Network (LAN) Upgrades			60,000			60,000
	AS/400 Minicomputer System Upgrades			75,000			75,000
Inspections	Automated Inspection Request System		40,000				40,000
Public Lands	Forestry Program	60,000	63,000	67,000	66,000	70,000	326,000
Street	Work Order System	100,000	30,000				130,000
		<u>1,169,000</u>	<u>564,000</u>	<u>641,000</u>	<u>603,000</u>	<u>689,000</u>	<u>3,666,000</u>

Total Sales Tax Capital Improvements Fund Projects

<u>8,859,000</u>	<u>9,071,000</u>	<u>8,712,000</u>	<u>10,718,000</u>	<u>8,323,000</u>	<u>45,683,000</u>
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Shop Fund

Vehicles & Equipment

Fleet Opers.	Police/Passenger Vehicles - Repl / Exp	329,000	322,000	322,000	368,000	368,000	1,709,000
	Fire Vehicles/Equipment - Replacement	60,000	30,000				90,000
	Sanitation Vehicles/Equipment - Repl / Exp	553,000	120,000	125,000	695,000	797,000	2,290,000
	Light/Medium Utility Vehicles - Repl / Exp	189,000	187,000	415,000	304,000	188,000	1,283,000
	Medium/Heavy Utility Vehicles - Repl / Exp	168,000	101,000	142,000	172,000		583,000
	Back Hoe/Loaders - Repl / Exp	171,000	114,000	159,000	95,000	384,000	923,000
	Tractor/Mower - Repl / Exp	154,000	196,000	119,000	58,000		527,000
	Other Vehicles/Equipment - Repl / Exp	43,000	248,000	252,000	45,000	137,000	725,000
	Construction Equipment - Exp		184,000			376,000	560,000
		<u>1,667,000</u>	<u>1,502,000</u>	<u>1,534,000</u>	<u>1,737,000</u>	<u>2,250,000</u>	<u>8,690,000</u>

Total Shop Fund Projects

<u>1,667,000</u>	<u>1,502,000</u>	<u>1,534,000</u>	<u>1,737,000</u>	<u>2,250,000</u>	<u>8,690,000</u>
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Water & Sewer Fund

Wastewater Treatment Improvements

W.W.T.P.	Safety Equipment Improvements	5,000	6,000	6,000	6,000	6,000	29,000
	Plant Pumps and Equipment	50,000	101,000	101,000	101,000	101,000	454,000
	Testing Equipment	9,000	9,000	10,000	10,000	10,000	48,000
	Computer System Upgrade/Maintenance	8,000	8,000	9,000	9,000	9,000	43,000
	Upgrade/Replace Lift Stations	30,000	50,000	50,000	50,000	50,000	230,000
	S.M.S. Access Road Improvements	5,000	5,000	5,000	5,000	5,000	25,000
		<u>107,000</u>	<u>179,000</u>	<u>181,000</u>	<u>181,000</u>	<u>181,000</u>	<u>829,000</u>

Water & Sewer Improvements

Water/Sewer & Engineering	S.C.A.D.A. System Upgrade	300,000	150,000				450,000
	Water and Sewer Cost Sharing	80,000	150,000	180,000	150,000	150,000	710,000
	36" Water Line Replacement and Protection	100,000	550,000				650,000
	Sanitary Sewer Rehabilitation	1,553,000	275,000				1,828,000
	Highway 62 West - Water Line Replacement	796,000					796,000
	Mount Sequoyah Water/Sewer System Upgrade		405,000	1,995,000			2,400,000
	North College Water Line - Township to Sycamore		949,000				949,000
	East Ridgeway - Water Line Extension		300,000				300,000
	Hinkle Mobile Home Park - Water Line Replacement		180,000				180,000
	South School Water Line Replacement			180,000			180,000
	Huntsville Road - Water Line Replacements				761,000		761,000
	Highway 16 E. Water Line - Crossover to Van Hoose				1,232,000	170,000	1,402,000
	North College Water Line - Millsap to Rolling Hills					615,000	615,000
	Gregg Avenue 18" Water Line - Township to Sycamore					811,000	811,000
	Sang Avenue Water Line - Deane to Lawson					70,000	70,000
		<u>2,829,000</u>	<u>2,959,000</u>	<u>2,355,000</u>	<u>2,143,000</u>	<u>1,816,000</u>	<u>12,102,000</u>

Water & Sewer Services Improvements

W/S Services	Water Meters	215,000	253,000	285,000	302,000	261,000	1,316,000
	Backflow Prevention Assemblies	13,000	15,000	16,000	17,000	18,000	79,000
	Cash Register Replacement	20,000					20,000
	Water & Sewer Rate/Operations Study				126,000		126,000
		<u>248,000</u>	<u>268,000</u>	<u>301,000</u>	<u>445,000</u>	<u>279,000</u>	<u>1,541,000</u>

Total Water & Sewer Fund Projects

<u>3,184,000</u>	<u>3,406,000</u>	<u>2,837,000</u>	<u>2,769,000</u>	<u>2,276,000</u>	<u>14,472,000</u>
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City of Fayetteville, Arkansas
2000 - 2004 Capital Improvements Program
Comprehensive Detail

Source/Division	Project	2000	2001	2002	2003	2004	Total Request
<u>Bond Fund</u>							
<u>Water & Sewer Improvements</u>							
Water/Sewer & Engineering	Wastewater Treatment Plant Expansion	3,300,000	3,200,000	37,300,000	23,000,000	23,000,000	89,800,000
	Lift Station 21 - Force Main Replacement/Lining			3,016,000			3,016,000
	15th Street Sewer Transmission Line Replacement			960,000			960,000
W.W.T.P.	Sludge Dewatering / Drying System		12,500,000				12,500,000
Total Bond Fund Projects		<u>3,300,000</u>	<u>15,700,000</u>	<u>41,276,000</u>	<u>23,000,000</u>	<u>23,000,000</u>	<u>106,276,000</u>
<u>Community Development Block Grant Fund</u>							
<u>Community Development Improvements</u>							
C.D.	Project for Family Violence - Expansion	104,000					104,000
	Southeast Community Center - Addition	120,000	148,000	132,000			400,000
	Abilities Unlimited - Land Acquisition	95,000					95,000
	Sage House	75,000	50,000				125,000
	Trolley - Southern Route Expansion	40,000					40,000
	Walker Park Senior Complex		351,000				351,000
	Community Development Projects			300,000	300,000	300,000	900,000
Total Community Development Block Grant Fund Projects		<u>434,000</u>	<u>549,000</u>	<u>432,000</u>	<u>300,000</u>	<u>300,000</u>	<u>2,015,000</u>
<u>General Fund</u>							
<u>Street Improvements</u>							
Engineering	Ark. Research & Technology Park - Streets	700,000					700,000
Total General Fund Projects		<u>700,000</u>					<u>700,000</u>
<u>Off-Street Parking Fund</u>							
<u>Off-Street Parking Improvements</u>							
Parking Enf.	Parking Lot Overlays	11,000	32,000	13,000	24,000	6,000	86,000
	Gated Parking Conversion	13,000	15,000				28,000
	Parking Deck Rehabilitation	35,000	25,000	25,000	25,000	25,000	135,000
	Parking Garage(s)	30,000		2,170,000		4,115,000	6,315,000
Total Off-Street Fund Projects		<u>89,000</u>	<u>72,000</u>	<u>2,208,000</u>	<u>49,000</u>	<u>4,146,000</u>	<u>6,564,000</u>
<u>Solid Waste Fund</u>							
<u>Solid Waste Improvements</u>							
Solid Waste	Solid Waste Rate Study	35,000				20,000	55,000
	City Wide Waste Audit	35,000				35,000	70,000
	Dumpster Lease Program	40,000	30,000	25,000	50,000	31,000	176,000
	Commercial Cart Program	20,000			20,000		40,000
	Container Maintenance Building	200,000					200,000
	Collection Bins - Curbside		10,000		10,000		20,000
	Curbside Recycling Improvements		25,000	25,000	20,000		70,000
	Roll-Off Containers		10,000			10,000	20,000
	Composting Site Improvements			50,000	35,000	20,000	105,000
Total Solid Waste Fund Projects		<u>330,000</u>	<u>75,000</u>	<u>100,000</u>	<u>135,000</u>	<u>116,000</u>	<u>756,000</u>
<u>Projects By Fund - All Sources</u>							
Airport Fund		1,714,000	559,000	479,000	541,000	193,000	3,486,000
Parks Development Fund		772,000	740,000	555,000	645,000	745,000	3,457,000
Sales Tax Capital Improvements Fund		8,859,000	9,071,000	8,712,000	10,718,000	8,323,000	45,683,000
Shop Fund		1,667,000	1,502,000	1,534,000	1,737,000	2,250,000	8,690,000
Water & Sewer Fund		3,184,000	3,406,000	2,837,000	2,769,000	2,276,000	14,472,000
Bond Fund		3,300,000	15,700,000	41,276,000	23,000,000	23,000,000	106,276,000
Community Development Block Grant Fund		434,000	549,000	432,000	300,000	300,000	2,015,000
General Fund		700,000					700,000
Off-Street Parking Fund		89,000	72,000	2,208,000	49,000	4,146,000	6,564,000
Solid Waste Fund		330,000	75,000	100,000	135,000	116,000	756,000
		<u>\$ 21,049,000</u>	<u>\$ 31,674,000</u>	<u>\$ 58,133,000</u>	<u>\$ 39,894,000</u>	<u>\$ 41,349,000</u>	<u>\$ 192,099,000</u>

RZ 99-28

B.1 page 1

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

C & L Properties, LLC

1412 CRUTCHER
P.O. BOX 312
SPRINGDALE, AR, 72765-0312

Kim Ledbetter
Phone 501-756-2296
Fax 501-927-3413

October 06, 1999

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: RZ-99-28

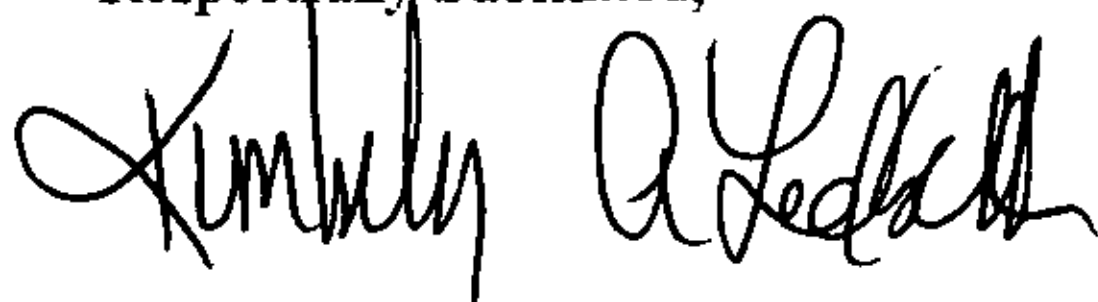
To Whom It May Concern:

I am writing regarding the Rezoning of a piece of property that is on the back side of my property on Linda Jo Place in Fayetteville. The concerns I have are the noise that an apartment complex would bring. This neighborhood is very quiet and peaceful and my current tenants enjoy this.

Drainage is also a problem in this area. I am concerned that this development would only make this situation worse.

Therefore, I am against the Rezoning of this property.

Respectfully Submitted,



Kimberly A. Ledbetter
C & L Properties

10/13/99

08:55

☎ 1 501 575 8257

City of Faye

001

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	4463
CONNECTION TEL	915016310091p5897
CONNECTION ID	
START TIME	10/13 08:53
USAGE TIME	01'13
PAGES	1
RESULT	OK

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RZ 99-29 APPEAL

C.6 page 1

OCT 11 1999

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
FROM: Tim Conklin, City Planner
DATE: October 11, 1999

RZ 99-29.00: Rezoning (Atlas Construction, pp 367) was submitted by Kurt Jones of Crafton, Tull & Associates, Inc. on behalf of Atlas Construction for property located on Sycamore Street east of Woodland Heights. The property is zoned R-1, Low Density Residential and contains approximately 1 acre. The request is to rezone the property to R-1.5 Moderate Density Residential.

RECOMMENDED MOTION:

Staff recommends approval of the proposed R-1.5 zoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: YES Required
_____ Approved _____ Denied

Date: October 11, 1999

Comments:

CITY COUNCIL ACTION: YES Required
_____ Approved _____ Denied

Date: / /

BACKGROUND :

The applicant requests the rezoning of approximately one acre from R-1 to R-1.5 (Moderate Density Residential) in order to build a two three-unit residential structures as a planned unit development. The owner is Francis Ferguson of Atlas Construction. The land is located along Sycamore Street close to the intersection of College Avenue across the street from Gregory Park.

ADJACENT LAND USE AND ZONING:

- North:** Richardson Center, Woodland Junior High School and undeveloped property owned by the school are to the north zoned P-1
- South:** Gregory Park is directly south and zoned P-1
- East:** Three single family homes, a dance studio, and a fast food restaurant exist to the east and zoned R-1, R-O and C-2.
- West:** There are several single family residences to the west zoned R-1.5 and R-1.

INFRASTRUCTURE:

- Streets:** Sycamore Street is a Collector street with 70' of R.O.W. (35' of R.O.W. from the centerline)
- Water:** There is an 8" waterline along Sycamore Street and a 1-1/2" waterline along Woodland Avenue.
- Sewer:** There is an 8" sewer line along College Avenue and a 6" sewer line located along the rear side of the property.

LAND USE PLAN:

The General Plan 2020 shows this area as Residential with Community Commercial to the east and Open Space/Recreation to the south.

§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
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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.

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

Cross Reference: Variance, Chapter 156.

F. Building Area. The area occupied by all buildings shall not exceed 50% of the total lot area.

G. Height Regulations. No building shall exceed a height of 30 feet.

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-1.5 (Moderate 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-1.5 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 R-1.5 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 zoning R-1.5 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 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**

RZ 99-29 APPEAL
C.6 page 6

BILL OF ASSURANCE

This declaration of a Bill of Assurance made this _____ day of _____, 1999, by the undersigned, owners of the following real estate described in Exhibit "A" attached hereto and made a part hereof located in the City of Fayetteville, Washington County, Arkansas.

WHEREAS, the aforesaid owners of the real property described in said Exhibit "A" have agreed that the property will not be developed to a density greater than six (6) residential unit per acre; and

WHEREAS, the owners are desirous of making a declaration of the same in the form of this Bill of Assurance with the intention of guaranteeing the preservation of certain values and amenities in the community and to bind the owners and the owners' successors and assigns and the real estate described in Exhibit "A" and its subsequent owners with the obligations and restrictions hereinafter set forth for all present and future development and use of said property.

NOW, THEREFORE, the owners declare that the above described property shall be held, developed, transferred, sold, conveyed and occupied subject to the covenants and restrictions herein set forth:

The property described in Exhibit "A" as of the date of this Bill of Assurance shall not be developed to a density greater than six (6) residential unit per acre.

WITNESS our hands this _____ day of _____, 1999.

ATLAS CONSTRUCTION OF ARKANSAS, LLC

(SEAL)

By: _____
FRANCIS FERGUSON PRESIDENT

By: _____
LEONA C. FERGUSON SECRETARY

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss:
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this day came before the undersigned, Notary Public duly commissioned, qualified and acting within and for the County and State aforesaid, appeared in person the within named, Francis Ferguson, President and Leona C. Ferguson, Secretary duly commissioned and acting, officers for Atlas Construction of Arkansas, LLC, to me well known, who acknowledged that they had executed the foregoing Bill of Assurance for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this _____ day of _____, 1999.

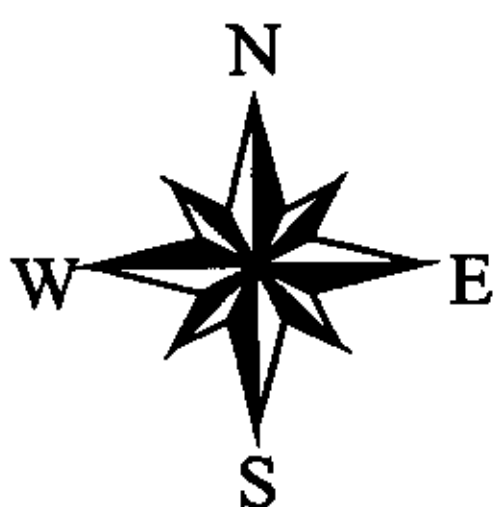
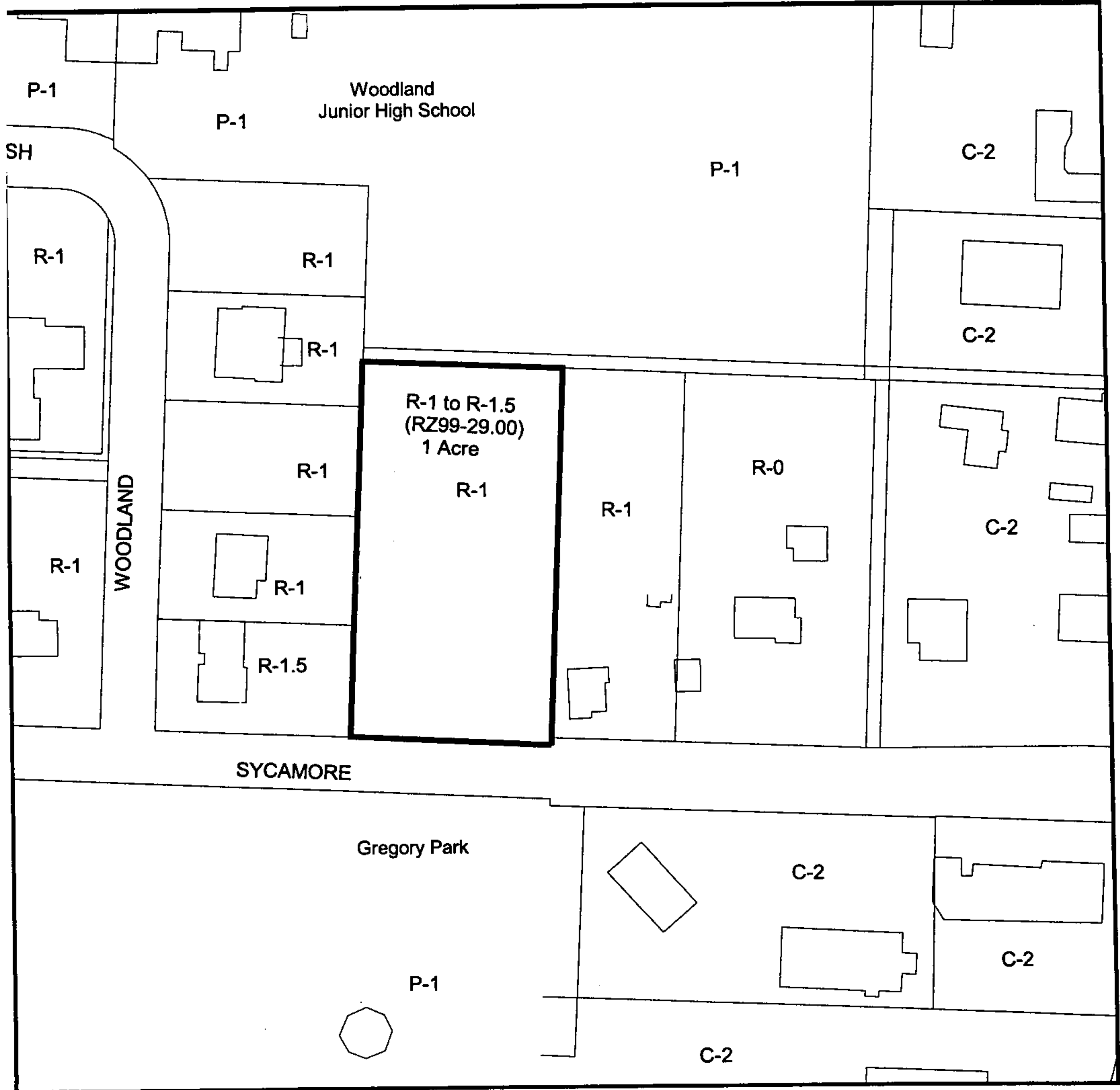
Notary Public

My Commission Expires:

EXHIBIT "A"**RZ 99-29 APPEAL**
C.6 page 7**LEGAL DESCRIPTION**

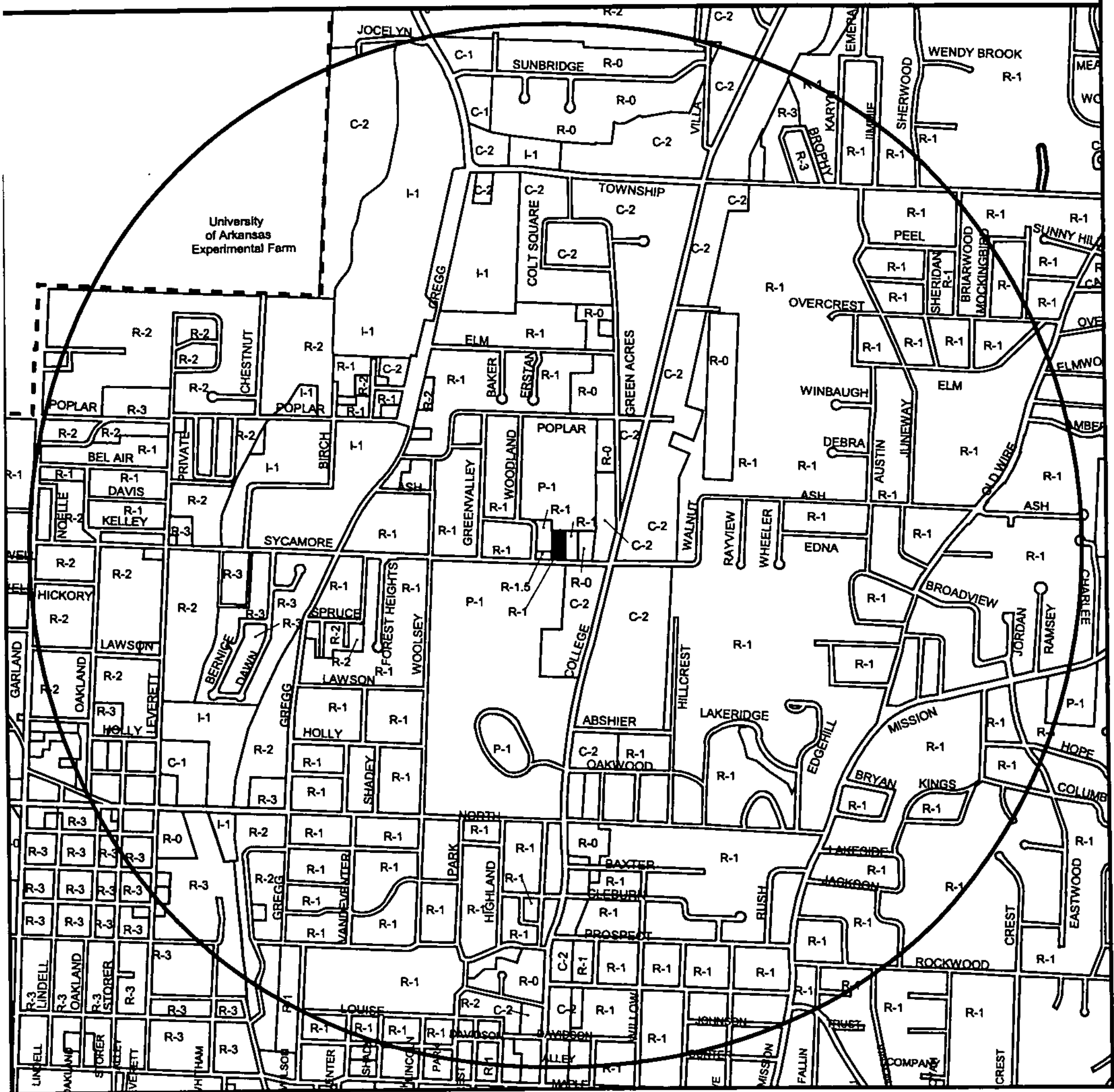
Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section Four (4), in Township Sixteen (16) North of Range Thirty (30) West, described as follows: Beginning at the Southeast corner of said forty acre tract, and running thence North 297 feet, thence West 146 feet and 8 inches; thence South 297 feet, thence East 146 feet and 8 inches, to the place of beginning, containing one (1) acre, more or less, being situated in Washington County, Arkansas.

RZ99-29.00 - Atlas Construction - Close Up

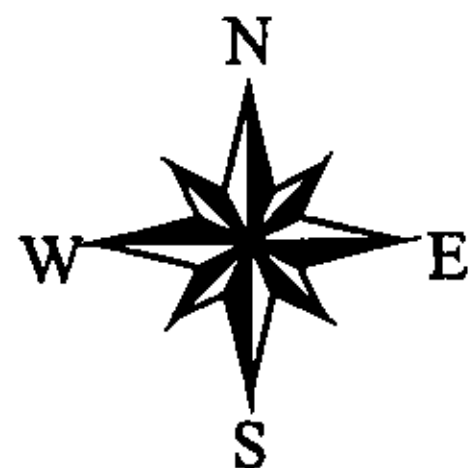


100 0 100 Feet

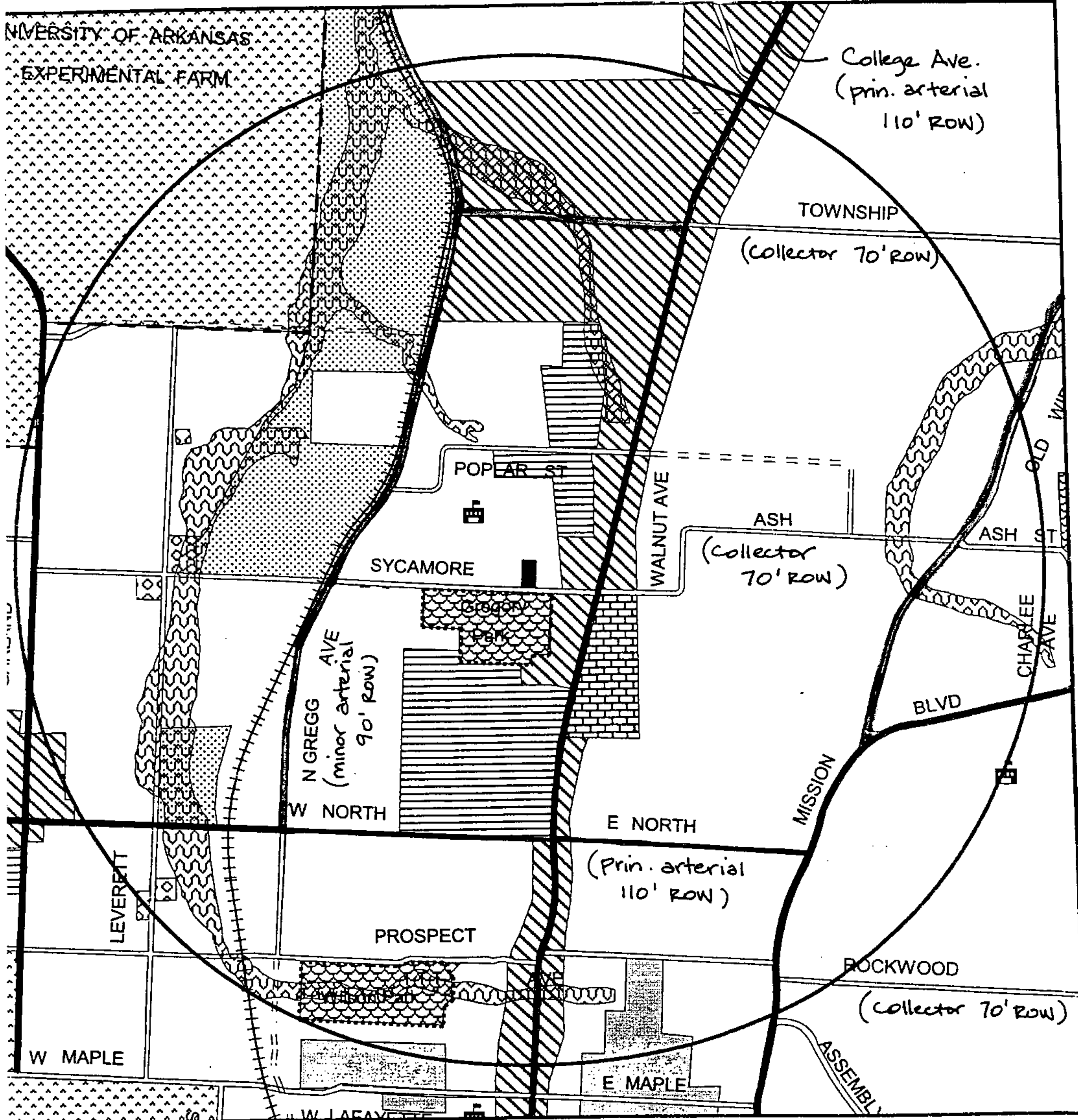
RZ99-29.00 - Atlas Construction - One Mile Diameter



1400 0 1400 Feet



RZ99-29.00 - Atlas Construction - 2020 Plan



0 1400 Feet



- Schools
- School Districts
- Railroad
- Planning Area
- City Limits

- Community Commercial
- Historic Commercial
- Historic Districts
- Industrial
- Mixed Use
- Flood Zone

- Neighborhood Commercial
- Open / Space Recreational
- Office
- Regional Commercial
- University
- Residential

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**RZ99-29: REZONING
ATLAS CONSTRUCTION, PP367**

This item was submitted by Kurt Jones of Crafton, Tull & Associates, Inc. on behalf of Atlas Construction for property located on Sycamore Street east of Woodland Heights. The property is zoned R-1, Low Density Residential and contains approximately 1 acre. The request is to rezone the property to R-1.5 Moderate Density Residential.

Kurt Jones and Frances Ferguson were present on behalf of the request.

Staff recommended approval of the proposed R-1.5 zoning based on the findings included as part of the staff report.

Commission Discussion

Johnson: Staff, would you give us the background on this proposed rezoning.

Conklin: The applicant is requesting R-1.5 zoning on a 1 acre tract of land located on Sycamore just east of Woodland Street and west of College Avenue. They have requested this rezoning in order to build 6 units. They plan on bringing forward to the Commission a Planned Unit Development for 2 three unit condominiums. They have offered a Bill of Assurance and staff has distributed that to the Commission this evening. The Bill of Assurance states that they will limit the maximum density to 6 units per acre. Staff is recommending approval. This site is adjoined to the north by the Richardson Center, Woodland Jr. High School and undeveloped property. To the south is Gregory Park and west of that is a medical clinic, an office, and a fast food restaurant. To the east, there are 3 single family homes. The closest single family home is zoned R-1. Two of the other single family homes immediately east of that one are zoned R-O and there is a dance studio and another fast food restaurant. Further west are several single family homes zoned R-1 and R-1.5. The house on the northeast corner of Woodland and Sycamore is zoned R-1.5 which was rezoned in 1987. Also, a conditional use was approved at that location for a child care facility. Staff has also handed out this evening approximately 12 letters in opposition to this rezoning. We have included a map locating where the opposition is coming from within the neighborhood.

Johnson: Is the applicant here and do you have additional information for us?

Jones: My name is Kurt Jones and I'm representing the owner, Frances Ferguson. We can explain details of what he is trying to do. He plans to develop 6 individual single family units. Basically, there would be 2 buildings containing 3 units. He is planning to sell these as individual units. Each unit will have approximately 2,800 square feet. The price range will be between \$140,000 to \$160,000 per unit. Mr. Ferguson does intend to live in one of these units.

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They are not apartments. We have given the City a Bill of Assurance which limits the development of this property to a maximum of 6 units per acre which would enable Mr. Ferguson to do the development he wants to do. This is an upper scale condominium or townhouse development.

Public Comment

Nate Allen residing at 1917 Woodland was present.

Allen: It seems Atlas has transferred the weight of the world on our neighborhood's shoulders with the announcement of this proposed zoning change. It's good new to none of us. Traffic is overloaded already in our area especially concerning activities at Woodland Jr. High School and the Richardson Center. With that said, I would like to make it clear that our relationship to the current traffic around Woodland Jr. High and the Richardson Center is not like someone moving next door to George's Majestic Lounge and then complaining about the noise. We respect the needs of both the Jr. High and the Richardson Center and believe we have been good neighbors. The multiple dwelling tenements have never been part of the equation. Increased traffic puts the school children and ourselves at risk. Home owners in our neighborhood, and some have been there for decades, have invested their lives in their homes with the understanding this neighborhood would be for homes and only for homes. Those who rent homes here rented with the presumption that multiple dwelling apartments would not be a part of the mix. They presumed they would be a part of a neighborhood of homes. I read that the builder of this project proposes it will be upscale and we've just heard that again. Well, increased traffic is increased traffic no matter the scale of the additional drivers. Besides, even presuming the builder's upscale intention, things change. Owners change. What begins as upscale can and often does deteriorate. Also, no matter how upscale these tenements might be, changing the zoning opens a pandora's box. Apartments spread like crabgrass, especially when some homeowners who live near these proposed apartments get discourage and sell out and another unique neighborhood will fade into apartmentalized oblivion. Another local developer has a slogan, "We bring great neighbors together." This threat to our great neighborhood has indeed brought great neighbors together and we urge you to keep our great neighborhood great by resisting the zoning change that could only detract from it's greatness. Thank you.

Johnson: I am interested in a show of hands of those who are in agreement with Mr. Allen's position.

Approximately 10 people raised their hands.

Steve Parker residing on Sycamore Street was present.

Parker: I am a local attorney and National Guard officer. I live on Sycamore Street and I

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happened to see the rezoning sign and I made a trip down the street to 7 houses and 6 of those were vehemently opposed to this rezoning. Some of them are here in the audience tonight. I'm speaking on behalf of some who asked if they needed to come and I said let's see if it gets approved and if so, you'll have to go to the City Council meeting. Hopefully, it won't get past this stage. Traffic was mentioned and I remember the Council talking about residential homes in a development each generating approximately 10 traffic trips per day on the average. I would imagine that multi family housing on Sycamore Street will be rented to students and groups of students. First, you have a higher than normal amount of traffic coming out of that area. Believe me, on Sycamore St., we don't need anymore traffic. As a matter of fact, we need more stringent enforcement of the speed limit. It's 25 and people already use it as one of the major thoroughfares like they do Township. We certainly don't want to see this rezoning which would increase the amount of traffic in that area. It is a single family dwelling neighborhood regardless of what Mr. Conklin said. I don't know if there is still have a child care facility. Maybe that conditional use has already passed or maybe not. It's still single family homes. We're looking at a population that is stable in that area consisting of people who buy homes to settle and live there and let their kids go to the school nearby. If you have the 6 units that they are proposing to build as multi family housing, you're going to get transiency in there to a far higher degree. I don't know if you have the paperwork but I understand that the Richardson Center felt strongly enough about this that their board considered this particular matter and voted to oppose it. Is that correct?

Allen: That's what I was told.

Parker: They were going to relay that to you in written fashion. Did that occur?

Conklin: I spoke to the director and he didn't say whether he was for the rezoning or opposed to the rezoning. That was last Friday.

Parker: I believe he signed one of the petitions opposing the rezoning so I would think that would make the position of the Richardson Center quite clear. I would say that any change to multi family housing is going to tend to degrade the neighborhood. We're close to College Avenue. We have had incursions at the edges of the neighborhood and we certainly don't want it to reach the middle. As they mentioned, to the east is single family housing. To the west is single family housing. We do not want to plop apartments right in the middle of it. We want to preserve the unique character of our neighborhood. It's a beautiful place. It's right across from Gregory Park and we wish for you to give the same consideration that would to other areas such as the Wilson Park area where you respect the beautiful relationship between City park land and single family homes that exist in other places. We would like you to please consider that and vote against this rezoning and turn it down. I'm speaking on my behalf and also on behalf of a number of neighbors who said they would willing to come if they have to but I certainly hope that is not required.

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Jack Legune residing at 1833 Woodland was present.

Legune: I live directly across the street from the Woodland Jr. High gymnasium. I don't have a whole lot to say other than I agree with what has been said. There are times in the afternoon when the parents pick up the children at Woodland that I have to work to get out of my drive way. There is that much traffic. The traffic is so heavy around 3 p.m. that if there was an emergency on that street, it would be hard for an emergency vehicle to get up that street. They park on both sides of the street. A fire truck couldn't get up the street. Thank you.

Marie Legune residing at 1833 Woodland was present.

Legune: I think Jack failed to mention something that we have a great concern for and that's the Richardson Center. Elizabeth Richardson established that school many years ago. She picked a place that would be safe and in a neighborhood for the little children to go there. We've lived there 35 years at the same address. You have to have lived there a long time to realize what goes on in that neighborhood. We knew when we located there that we would have traffic but we didn't know to what extent it was going to be. Beyond that is the safety of these children. Their playground is very close to this proposed site for this multiple housing project. While we know or think we know right now that the tenants of these townhouses or whatever are going to be choice people that have been picked by the developer or owner, we all know that property changes hands. Also, rental property has a variety of people that come to live in these places and we have a great concern for the safety of the children attending not only Richardson Center but the Jr. High as well. A number of children at the Jr. High walk to McDonalds and their safety should be considered as well. I would dearly appreciate you considering denying this rezoning of the property for multi housing.

Tim Sweethalp residing at 1847 Woodland was present.

Sweethalp: I would just ask this body to consider the costs and the benefits when making this decision. That property is currently zoned low density and I think there is reason why it was zoned low density to begin with and I think that any benefit should be a huge benefit if that is going to be changed to moderate density. I know that the person who wants to put these units in is anxious to speak and I would like to hear him address that issue. What is the overwhelming benefit to this neighborhood to having a change in the zoning.

Burch Raley residing at 132 Sycamore was present.

Raley: I want to echo all of the things that have been said. I've lived on Sycamore since 1965.

Marie Wischser residing at 1700 Woolsey was present.

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Wischser: I'm here tonight to ask that you give serious consideration to not rezoning that lot. I think Fayetteville is already overbuilt their apartment capacity. I don't think all the complexes are filled 100%. This is a nice, quite residential area and we don't need another apartment complex. It will affect our property values. Sycamore is an extremely busy street. I live on the corner of Sycamore and Woolsey. During the winter time, when the weather is bad, we have at least 4 or 5 accidents. You can count on it. Please give your consideration to not rezoning this lot. Thank you.

Connie Weiderspan residing at 1732 Green Valley was present.

Weiderspan: I think we've communicated quite effectively what our hearts want. When I come up the street to approach Sycamore, it is a very dangerous road. The traffic issues have a lot of validity. I've lived there for a year and a half. What my neighbors are saying is very true. This is a long established neighborhood. I would not like to see any multi family housing. Thank you.

Kathleen Plat Parker residing at 112 W. Sycamore was present.

Parker: I want to say that traffic is really bad and there is also a lot of trash that is thrown out in our yard. It's very dangerous. I don't let my dog out in the yard without a leash in my own yard. I have to be very careful about crossing the street to go to the park. We have to be very careful with our children. It's dangerous backing out of the driveway. If you add 6 more units with several people and several cars, that's going to increase traffic. There is a heavy load from the apartments on the other end of Sycamore and we don't want that to change in our area. Please think about this when you decide. Thank you.

Further Commission Discussion

Johnson: On this one acre, if it was developed under R-1, what would be the maximum number of units that they could handle?

Conklin: The density is limited to 4 units per acre. Looking at this, in my opinion, they would have to do a planned unit development to get the 4 units on this property.

Johnson: Maximum R-1 development would have 4 units and the proposal is for 6 units.

Conklin: That's correct.

Jones: I wanted to address the comments of the adjoining property owners. First, this is not an apartment complex. These will be single family homes which people will purchase. They will not be rented. They are not rental units. They are homes. Mr. Conklin pointed out the

RZ 99-29 APPEAL

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existing allowable density for this property would be 4 units. All we're asking for and guaranteeing with our Bill of Assurance is 2 additional units. The traffic situation, specifically regarding Woodland, will not be affected. We don't plan any access to any street other than Sycamore. Sycamore is a collector street. As a collector it serves the City as a main route between College and Gregg and over to Leverett and Garland. I think it will continue to do that. The majority of the traffic on Sycamore is not from the residents living along Sycamore. This number of units is not going to significantly increase the traffic on Sycamore. I want to stress this is not an apartment complex. If the City or the Commission feels they need more assurance that it will not be an apartment complex, I'm sure the owner would offer additional assurances. This is going to be an upscale townhouse type development similar to the duplex/townhouse type units that are located on Joyce Blvd. along the golf course. These will not be rental units. They are not apartments. They are going to be single family units.

Johnson: Is there a way that you know of that a Bill of Assurance could get the assurance that these townhouses will be owner occupied and not rental units? Is there any way that can be addressed?

Conklin: I do not believe so. We have not addressed the ownership question in Bills of Assurance. R-1.5 allows single family, duplex and triplex. It does not allow for anything larger than a 3 unit structure or triplex.

Johnson: I imagine that one can offer anything one wishes in a Bill of Assurance. I'm not sure whether it would be enforceable.

Ferguson: We propose to be the builder of these units. As Mr. Jones said, these are not rentals. They are not apartments. We have used this plan before and every unit sold. I'm the first buyer. The people buying the previous units which are this same, basic plan in other areas are people that are tired of mowing grass and all the yard work and watering and would rather be out playing golf or fishing. This complex will have a maintenance crew to take care of the outside. We'll have covenants to accomplish that. These are townhouses which are joined and have a zero lot line. This is quite common in other areas. It is single family. I have 2 other prospective buyers. I can't go forward until I get this rezoned. They start at \$140,000. There is rental property next door to this. It's a tiny house with maybe 500-600 square feet. I can assure you we will do much better than that. I think you will find this comparable to anything in the area. The entire area will be fenced. We'll dedicate the required right of way for Sycamore which could help the traffic. Basically, I'm marketing to seniors. Thank you.

Hoffman: If this were rezoned to R-1.5 with no Bill of Assurance, how many units would be permitted?

Conklin: 12 units per acre.

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Hoffman: If this zoning is approved it would be half of what is allowable.

Conklin: Yes, with the Bill of Assurance as offered by the applicant.

Hoffman: This neighborhood compared itself to the Wilson Park neighborhood. I used to live there and I have close ties to the Wilson Park area. One of the charms of that neighborhood is the residential diversity. There is a mixture of single family, duplex, and apartments. There are apartments right next to the south end of the park. As a Planning Commissioner, I've tried to be sensitive to neighborhoods yet take into account the overall benefit to the City. This might be a nice addition to the neighborhood and wouldn't impact as badly as you think on the traffic. Unless the residence of the proposed development have children, they wouldn't be using Woodland. They would be more likely to go down Sycamore. They have no reason to turn back to the neighborhood.

Conklin: I looked at the site several times. Exiting this development, you would be on a collector street. Down Woodland is not the most direct route.

Hoffman: There's no stoplight at Poplar. There's a stop sign on Green Acres. They wouldn't use that as a cut through to get to College. I'm more likely to support this with the Bill of Assurance.

Odom: I think this is a good opportunity for the neighborhood but the neighborhood doesn't feel that way. I think the neighborhood has a problem because they don't have anything to look at. I get upset when a neighborhood comes in here and says they don't want things to change and that they've bought into a brand new home in a brand new area with a completely undeveloped area next to it but this is completely different. This area has an expectation of single family homes in R-1 residential. It's currently zoned R-1. I think the burden is on the developer more in this area than say another area of town. I agree with the staff comments that it does meet the general land use plan but what exists there now meets the general land use plan, too. Personally, I think this is a good project but I'm not going to support it.

Johnson: Does the Commission have as much say in a P.U.D. development? Isn't that something where we look very closely at the development.

Conklin: I would say the Commission has more discretion as far as where the buildings are located, amenities, and green space location requirements. That gives you latitude to be sure it is compatible with the surrounding area.

Bunch: What is the compelling reason to rezone this neighborhood to something other than single family and change the character of it?

RZ 99-29 APPEAL

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Jones: The target market is for people who don't want to maintain a yard. It's a beautifully wooded lot with trees and that makes it attractive for this development. These are single family homes, they just happen to be connected.

Bunch: It's a good concept but that didn't address my question as to why this location was selected.

Jones: We don't feel this changes the character. There is R-O zoning adjacent to this. There is commercial development, too.

Johnson: This Commission does not have final say on rezoning. Rezoning must have 5 positive votes which will be difficult this evening because we are short handed. With 5 positive votes, this would be recommended to the Council. Without 5 positive votes, the applicant does have the right to appeal. With less than a full Commission, I'll allow the applicant the opportunity to postpone. Does the applicant want to postpone this evening?

Odom: I have a comment to that remark. The applicant was made aware at the agenda session that there would be very few members here tonight and if they were going to pull it they were asked to pull it at that time.

Johnson: My response to that is I thought there would be 7 here and we only have 6. I see a considerable difference between 6 and 7.

Jones: We would like to have the Commission vote on it.

Hoffman: Is there a method where by a P.U.D. could be acted on and the zoning and density set at one meeting instead of rezoning and then having the P.U.D. come through? If there was a method, the applicant would be able to submit drawings or schematic plans to show what was being proposed. This is not very dense and more communication would probably help.

Conklin: Their current proposal would not be allowed because of the required setback adjacent to R-1. Other cities do bring both the rezoning and the development forward together. The City of Little Rock, has a Planned Zoning District where they bring the site plan and the zoning together. We do not have that option.

Shackelford: Zero lot line developments are a fairly new product for our market. I have had the opportunity to look at a couple of these in financing. It's my opinion that they are single family dwellings. I don't think you can group them in with apartment complexes. They will be sold and the buyers will maintain the property the same as we maintain our single family dwellings.

MOTION

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Shackelford: Based on the fact that there will only be 2 more units than what is allowed under the current zoning and the fact that they will be of equal size and value of the surrounding homes, I support this project. The staff has addressed the traffic issues and the fact that this development will exit onto a collector and not into the neighborhood. I make a motion that we approve RZ99-29.

Hoffman: I'll second.

Johnson: We have the motion by Commissioner Shackelford and second by Commissioner Hoffman.

Roll Call

Upon roll call, the motion failed with a vote of 4-2-0. Commissioners Bunch and Odom voted against the motion.

Gregory Park
5611 Blake Lane
Fayetteville, AR 72703

Karl & Brenda Thiel
172 E. Willoughby
Fayetteville, AR 72701

Nationsbank Mortgage Corp.
1710 Woodland
Fayetteville, AR 72703

Ronny & Barbara Weaver
5611 Blake Lane
Springdale, AR 72762

Earl & Kay Gill, Trustees
308 Hwy. 72 East
Bentonville, AR 72712

Timothy Ernst
411 Patricia Lane
Fayetteville, AR 72703

Fayetteville School Dist. No. 1
P.O. Box 849
Fayetteville, AR 72702



League of Women Voters Washington Co.

P. O. Box 4 • Fayetteville, AR 72702 • 501-575-1841

I-540 SCENIC

C.7 page 1

TO: ALL CONCERNED CITIZENS

FROM: LWV OF WASHINGTON COUNTY

I-540 Scenic Byway Designation

In May 1999, the League of Women Voters of Washington County (LWVWC) adopted a position that "all off-premise signs except 'Logo Signs' and 'Tourist Oriented Directional Signs' visible from federal and state highways in Washington County should be prohibited." Because of this position LWVWC has sponsored the designation of I-540, from Fayetteville to Alma, as a scenic byway. Last Friday, the Ozark Headwaters Sierra Club joined us in this sponsorship.

The scenic designation would prohibit all new billboard signs located away from the businesses they advertise (off-premise). Directional and/or official signs would be allowed if authorized by State or local law (logo and tourist oriented directional signs). "For sale or lease" signs would be allowed on the property they advertise. Church signs and/or service club signs would be allowed if eight square feet or less in size. All signs located at the businesses they advertise (on-premise) would be allowed. Under this provision, there are no land-use restrictions, no logging restrictions, no development restrictions.

During our study, we found that tourists are attracted to NW Arkansas because of the natural beauty—not to look at signs. We agreed that the pleasing visual appearance of sign control is important in creating a sustainable community. We also determined that off-premise billboards hinder long-term economic growth. Billboards make a few people a lot of money.

The main opposition to the scenic designation of I-540 has come from "property rights" groups. The LWV of Arkansas, studied the "takings" issue and adopted a "Property Rights and Environment" position at Convention '99. One of the things we learned during our study was that increased property values resulting from public-funded improvements should benefit everyone not just the property owners. As a rule, the value of their land is greatly increased by tax dollars and not by something that they individually paid for.

If you believe, as the LWVWC does, that I-540 should be designated as an Arkansas Scenic Byway, here is what you can do. Write to Mr. Dan Flowers, Director of the Arkansas State Highway and Transportation Department, P. O. Box 2261, Little Rock, AR 72203-2261 or e-mail to info@ahtd.state.ar.us or fax to 501-569-2400.

Let him know how you feel as soon as possible. There has been a moratorium placed on I-540 sign permits for the past five years but it is going to be determined whether or not to make this scenic byway designation by the first of the year.

You can also participate by going to the public hearings scheduled for October 18 at Ramay Junior High School (tentative), 401 South Sang, Fayetteville; October 19 at Mountainburg School Cafeteria, 129 Highway 71 SW, Mountainburg; or October 26 at Creekmore Park Center, 3301 South M Street, Fort Smith. All three meetings will be held from 5 to 10 P.M. with formal presentation beginning at 7:00 P.M.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA FAYETTEVILLE CITY COUNCIL OCTOBER 19, 1999

A meeting of the Fayetteville City Council will be held on October 19, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Items to be discussed:

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the October 5, 1999 City Council meeting.
2. **WILSON PARK TOY SURFACING:** A resolution approving award of Bid #99-74 to Westlin Concrete Inc. in the amount of \$29,145.83 for the installation of a 2,404 square feet concrete base and playground poured-in-place around the current Big Toy at Wilson Park.
3. **SILVERTHORN WAIVER:** A resolution approving a Waiver of Ordinance 3793 to accept money in lieu as the park land requirement for the Silverthorn Subdivision.
4. **HOMEBUYER SALE:** A resolution approving an Offer and Acceptance Contract to sell the property known as 21 East 4th Street to the designated eligible Affordable Homeownership Program applicant.

B. OLD BUSINESS

1. **RZ 99-28.00:** An ordinance approving rezoning request RZ 99-28 submitted by Michele Harrington on behalf of William M. Weatherford and Larry and Brenda Swain for property located at 2200 & 2201 W. Deane Street. The property is zoned R-1, Low Density Residential and contains approximately 11.64 acres. The request is to rezone the property to R-2, Medium Density Residential. This item was left on the first reading.

C. NEW BUSINESS

1. **PASSENGER BUS:** An ordinance approving a Bid Waiver to purchase one used Diesel-Powered Forward Control Passenger Bus. This will allow the Mayor and City Clerk to approve for purchase the unit recommended by the Fleet Operations Division, the Youth Center Director, and the Equipment Committee. This unit will be primarily utilized by the Fayetteville Youth Center.
2. **SCIACCA POSSESSION:** An ordinance authorizing the City Attorney to seek court-ordered possession of certain lands (0.22 acre) and easement from property owned by Jerry L. Sciacca in association with the extension of 6th Street to Huntsville Road. Compensation of \$46,565.00 for the acquisition has been agreed upon and approved by City Council with Resolution 85-99. It is the intent of the City to let the courts settle a dispute on the distribution of funds between the property owner and certain lien holder(s).
3. **CAPITAL IMPROVEMENTS:** A resolution approving the 2000-2004 Capital Improvements Program. This is a planning document; any funding will be submitted with the 2000 Operating Budget.
4. **FIREWORKS AMENDMENT:** An ordinance amending Ordinance 3706, Chapter 94, Fire Prevention, Section 94.04, Sale and Use of Fireworks, Subsection (B) of the Fayetteville Code of Ordinances, to regulate the use of fireworks. The amendment would change Subsection (B) to read: "It shall be unlawful for any person to use fireworks within the City at any time except on the dates of July 3 and 4 *and on December 31, the use of pyrotechnics before a proximate audience as defined by the National Fire Protection Association 1126, 1996 Edition*" (inserted text in italics) to allow for such use by First Night Fayetteville.
5. **LIBRARY SURVEYS:** A resolution approving an agreement with Garver Engineers to furnish surveys and geotechnical data to provide information for the architect for the proposed library site. Additional contract information will be provided at the October 12, 1999 City Council Agenda Session.

RECEIVED

OCT 05 1999

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICExx AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEWFor the Fayetteville City Council meeting of October 19, 1999
FROM:Connie Edmonston
NameParks & Recreation
DivisionPublic Works
Department

ACTION REQUIRED:

Approval of Bid #99-74 for the Wilson Park Big Toy Poured-in-Place Surfacing project to
in the amount of \$29,145.83

COST TO CITY:

\$29,146
Cost of this Request1010 -1502-02
Account Number99067-1
Project Number\$29,246
Category/Project Budget\$100
Funds Used To Date\$29,146
Remaining BalanceGreen Space-Wilson Park
Improvements
Category/Project Name

Program Name

Fund

BUDGET REVIEW: xx Budgeted Item Budget Adjustment Attached

10/1/99

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Marilyn J. Chamer
Accounting Manager

City Attorney

P. Vice
Purchasing Officer10-1-99
Date10-1-99
Date10-1-99
Date

GRANTING AGENCY:

Gloria Fields
Internal Auditor 10-4-99
Date

ADA Coordinator Date

STAFF RECOMMENDATION:

Approval of Bid #99-74.

E. J. Schult
Division HeadCharles J. Sene
Department DirectorWm. D. Cross
Administrative Services DirectorFred Brown
Mayor10-1-99
Date10-4-99
Date10-1-99
Date10-1-99
Date

Note:

\$28,500 was approved
on June 21, 1999. The low
bid came in at \$29,145.83.
We will be asking for an
additional \$746.00 at the
PRAB meeting on October 4.

Eric

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Hanna and City Council

THRU: Charlie Venable, Public Works Director

FROM: *C.E.*
Connie Edmonston, Parks & Recreation Superintendent

DATE: September 30, 1999

RE: Award of Bid #99-74: Wilson Park Big Toy Poured-in-Place Surfacing

The Parks and Recreation Division requests award of bid #99-74 for the Wilson Park big toy poured-in-place surfacing project to Westlin Concrete Inc. in the amount of \$29,145.83. There were 4 bids with Westlin Concrete Inc. returning the lowest.

The project consist of installation of 2,404 square feet concrete base and playground poured-in-place around the current big toy at Wilson Park. Park staff will remove the existing pea gravel underneath the big toy. This will provide the most safe and maintenance free surfacing for one of our most heavily used park playground areas. The poured-in-place surfacing is a seamless recycled rubberized safety zone. It is expensive, but extremely durable and safe in providing the required shock absorbency. The surfacing will match the new tot playground apparatus surfacing to be installed this fall. It will be very durable and aesthetically pleasing with the big toy on the west side of the new gazebo and the new tot playground on the east side. There is poured-in-place surfacing at Walker and Happy Hollow Park which has proven to be very satisfactory. This project was approved to be funded by Green Space Funds in the southwest park district at the June 21, 1999 and October 4, 1999 Parks and Recreation Advisory Board meeting. (See attached minutes.)

I will be attending the City Council agenda session and meeting should you have any questions, or you may call me at 444-3473.

Attachment:
Parks and Recreation Advisory Board June 21, 1999 Meeting Minutes
Parks and Recreation Advisory Board October 4, 1999 Meeting Minutes
Bid tabulation sheet

of the school. Facilities include basketball courts, soccer practice field, and two playgrounds. The Root School Park basketball courts are a very popular site for evening and weekend pickup basketball games.

Routh Park: Routh Park is located at the intersection of Highway 265 and Old Wire Road. It was obtained by the City from James Skillern on June 17, 1975 for \$540 in exchange for two water meter hookups. The park was named Routh Park in 1978 in honor of Benjamin Routh who was an early businessman in Fayetteville. Facilities on the 1.5 acres include picnic tables, grills, and landscaped areas.

Clarence Craft Park: In the Hidden Lake Subdivision located on Jordan Lane, 4.75 acres was obtained in 1995 as a requirement of the Green Space Ordinance. The park was named Clarence Craft Park in 1999. The park name dedication of Clarence Craft Park was held October 2, 1999. Clarence Craft is a World War II Medal of Honor recipient who has lived the past 32 years in Arkansas. Mr. Craft was presented the Medal of Honor at the White House by President Harry S. Truman. A park bench was built and dedicated to Ted Ingram in 1997. Mr. Ingram was a park maintenance worker for the City of Fayetteville who specialized in carpentry work. He retired in 1997. Park maintenance staff have trimmed trees, cleared brush and rock debris around the small lake. The quality of the lake has deteriorated substantially during the past few years due to all the development occurring around the lake. Future plans for this neighborhood park are to be determined.

Lake Wilson Park: Located south of Fayetteville off County Road 156 across the Tilly Willy bridge on the west fork of the White River is Lake Wilson Park. In 1930 construction on a 50-foot dam began and was completed in 1936 at a cost of \$75,000. The City purchased 320 acres at Lake Wilson in 1936 as the City's first water system. The water system was constructed in 1898 by the Rease Brothers. It consisted of a coal-fired pump station and the lake was built upstream. In 1948 bonds were issued to construct Lake Fayetteville as the water source for the city with Lake Wilson serving as a back-up system. On October 6, 1959 Lake Wilson was drained, cleaned, and restored with fish and declared no longer a source for the City's water supply. Lake Wilson was designated a city park in August of 1975. In 1976 the Fayetteville Jaycees donated \$3,000 in matching funds from the Bicentennial Committee to construct a pavilion and picnic area. The Arkansas Game and Fish Commission has restocked the lake throughout the years with catfish, crappie, and bass. There is currently no boat ramp at the lake, but fishing is permitted. There is a 2.56 mile trail named Clark Trail in 1995 after Joe and Maxine Clark, Sierra Club Members. The Ozark Off-Road Cyclist Club have been riding their bicycles here for several years. Contact David Renko at 582-3472 for more information on the Ozark Off-Road Cyclist Club.

7. **Other Business:**

 Ms. Edmonston requested additional green space funds for the playground surface at Wilson Park because the bid came in a little over.

 MOTION:

Mr. Stockland moved to appropriate an additional Seven Hundred Forty-Six dollars (\$746) from the Southwest Park District Green Space Fund to install a new rubberized play surface under the existing big toy at Wilson Park.

Ms. Eads seconded the motion.

★ Park Staff also requests approval to expend up to \$28,500 to install a new rubberized play surface under the existing big toy at Wilson Park in the Southwest Park District. It would be similar to the surfacing under the new playground at Walker Park and would replace the current pea gravel. This will provide the most safe and maintenance free surfacing for one of our most heavily used parks. The surfacing will match the new tot playground apparatus surfacing to be installed later this year. The resurfacing would be very durable and aesthetically pleasing with the big toy on the west side of the new pavilion and the new tot playground on the east side. Currently, there is \$28,507 of unencumbered funds in this park district.

Discussion was held regarding the longevity and durability of the surfacing. Ms. Edmonston said the surface came with a ten year warranty and for aesthetic and safety reasons it was recommended to replace existing play surface with this type of surfacing. The seamless surface also requires virtually zero maintenance and eliminates problems such as weeds, hidden obstructions, and displacement. Replacement of the existing tot play area in the near future would also utilize the same type surfacing. Happy Hollow was the first place this surfacing was used, and it has received favorable response. Ms. Edmonston said the high utilization of Wilson Park justified the expense for the surfacing.

Mr. Ackerman expressed concerns about exhausting funds in the quadrant and asked if serious consideration as to the needs of other parks in the quadrant had been given. Ms. Edmonston said the Wilson gazebo, Washington School gym, and Greathouse bridge were all projects in the Southwest Park District. Finger Park is included in CIP. An entry gate and two-rail wood fencing was recently completed at Finger. Mr. Ackerman said Greathouse Park would see increased usage in the near future once the new bridge was in place. However, previous monies dedicated to Washington School for outdoor facilities [*\$8,200 for 80x80 concrete pad and basketball poles (9/8/97)*] may not be expended. Mr. Ackerman said he was supportive of improving Wilson Park facilities since it is highly used by the community as long as other needs of the quadrant are addressed.

MOTION:

★ **Mr. Ackerman moved to appropriate Twenty-Eight Thousand Five Hundred Dollars (\$28,500) from the Southwest Park District Green Space Fund to install a new rubberized play surface under the existing big toy at Wilson Park.**

Mr. Stockland seconded the motion.

Mr. Colwell asked if this product was the only approved surface. Ms. Edmonston said there were other acceptable materials, but this particular surface was poured and seamless. Mr. Gulley said tiles were not much cheaper and presented problems with exposed cement if the tiles came unglued. Mr. Ackerman said seasonal changes could also possibly affect tiles due to moisture. Ms. Edmonston said across the nation rubberized play surfaces and tiles were being used in lieu of sand, gravel, or wood chips.

TABULATION OF BIDS

DESCRIPTION: **Wilson Park Paved In Place Project #99067-1**
 BID NO. **79.74** PROJECT NO. **1130A00**

BIDDER	UNIT/AMT	ITEM	ITEM	ITEM	ITEM	EXTENSION
BIDDER: Weston Concrete	UNIT/AMT					
	EXT. COST					
	UNIT/AMT					
	EXT. COST					
BIDDER: Hunter Prepshield	UNIT/AMT					
	EXT. COST					
	UNIT/AMT					
	EXT. COST					
BIDDER: Midland Const	UNIT/AMT					
	EXT. COST					
	UNIT/AMT					
	EXT. COST					
BIDDER: EJT I Services	UNIT/AMT					
	EXT. COST					
	UNIT/AMT					
	EXT. COST					
BIDDER: Weston Concrete	UNIT/AMT					
	EXT. COST					
	UNIT/AMT					
	EXT. COST					

ID AWARD SUMMARY:

EM 10 P.O. #
 EM 10 P.O. #
 EM 10 P.O. #
 EM 10 P.O. #
 EM 10 P.O. #

DATE: CERTIFIED BY:

REMARKS:

REMARKS:

WILSON

STAFF REVIEW FORM

SILVERTHORN

A.3 page 1

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of October ¹⁷~~8~~, 1999
 FROM:

<u>Connie Edmonston</u>	<u>Parks & Recreation</u>	<u>Public Works</u>
Name	Division	Department

ACTION REQUIRED: Waiver of Ordinance 3793 to accept money in lieu as the park land requirement of the Silverthorn Subdivision.

COST TO CITY:

<u>n/a</u>	<u>Category/Project Budget</u>	<u>Category/Project Name</u>
Cost of this Request		
<u>Account Number</u>	<u>Funds Used To Date</u>	<u>Program Name</u>
	<u>Remaining Balance</u>	
<u>Project Number</u>		<u>Fund</u>

BUDGET REVIEW:	<u>Budgeted Item</u>	<u>Budget Adjustment Attached</u>
<u>[Signature]</u>	<u>9-10-99</u>	<u>[Signature]</u>
Budget Coordinator		Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

<u>[Signature]</u>	<u>9-10-99</u>	<u>ADA Coordinator</u>	<u>Date</u>
Accounting Manager			
<u>[Signature]</u>	<u>9-13-99</u>	<u>[Signature]</u>	<u>9-14-99</u>
City Attorney		Internal Auditor	
<u>P. Vice</u>	<u>9-13-99</u>		
Purchasing Officer			

STAFF RECOMMENDATION:

Waiver of Ordinance 3793 and to accept money in lieu as the park land requirement of Silverthorne Subdivision

<u>[Signature]</u>	<u>9-10-99</u>	<u>Cross Reference</u>
Division Head		
<u>[Signature]</u>	<u>9-14-99</u>	New Item: Yes No
Department Director		
<u>[Signature]</u>	<u>14 SEP 1999</u>	Prev Ord/Res
Administrative Services Director		#:
<u>[Signature]</u>	<u>9/14/99</u>	
Mayor		Orig Contract
		Date:

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Fred Hanna and City Council

THRU: Charles Venable, Public Works Director *cd*

FROM: *C.E.* Connie Edmonston, Parks & Recreation Superintendent

DATE: September 10, 1999

SUBJECT: Waiver of the Park Land Dedication Ordinance 3793

Silverthorne is a proposed subdivision located south of Highway 16 West and west of Double Springs Road with 59 single family units on 47.98 acres. From the Farmington City limits, this subdivision lies approximately 2,500 feet to the east and 1,000 feet to the north. The owner of the subdivision is John DeWeese, Mike Schmidt and Karen Schmidt. The engineer is Engineering Services, Inc.

The requirement for park land is 1.48 acres and money in lieu is \$22,125. A letter was received from the subdivision owner's attorney requesting consideration of a cash payment in lieu of a land dedication. (See attached letter.) Park staff toured the site with John DeWeese and Brian Moore and recommended money in lieu be accepted as the requirement.

The plat was brought before the Parks and Recreation Advisory Board at a special meeting held on September 8, 1999. The board recommended to accept money in lieu as the park land requirement for the reasons stated below:

1. The extreme position of the property to the Farmington City limits - 2,500 feet to the west and 1,000 feet to the south.
2. The small size of the proposed 1.48 acre park land. There appears to be no land available adjacent to this subdivision to be purchased in order to increase the park acreage.
3. High maintenance cost of the small parcel of land.
4. There are a large number of acre lots in this subdivision which would be close to the size of the proposed park. Usually we see a higher density of lots on subdivisions with this acreage.
5. The small acreage would not adequately serve this subdivision and surrounding neighborhoods. A park located more east and south is preferred.

Park staff and Parks and Recreation Advisory Board agreed to continue searching for a larger parcel of land more centrally located and conducive for park purposes in this vicinity. It is the opinion of the Parks and Recreation staff that future acquisition of park land be directed toward large parcels of land rather than small parcels that serve only a few and are associated with high maintenance cost. Because the Silverthorne subdivision is over 40 acres, Ordinance 3793 regulates the Parks Division to accept a land dedication. The ordinance states:

However, if the Parks and Recreation Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to our ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks Board with instructions or for further study.

Please review this request to waive the park land dedication requirement and to accept money in lieu as the green space requirement for Silverthorne. If you have questions concerning our requests to waive the Park Land Dedication Ordinance and to accept money in lieu, please call me at 444-3473.

Attachments:

PRAB September 9, 1999 Meeting Minutes
Michele A. Harrington Letter

**PRAB
SPECIAL MEETING
SEPTEMBER 8, 1999**

A special Parks and Recreation Advisory Board meeting was held September 8, 1999. The Board visited three subdivision/large scale developments: Butterfield Trail Village Expansion, Gary Brandon Subdivision, and Silverthorne Subdivision.

Members Present: Colwell, Eads, Luttrell, Shoulders, Thiel

Staff Present: Edmonston, Gulley, Nelson, Schuldt

Guests Present: Chuck Rutherford, City of Fayetteville Sidewalk and Trails Administrator; David Norman, McClelland Engineering; Brian Moore, Engineering Services Inc.; Gary Brandon, Michele Harrington, John Deweese

Media Present: Jill Rohrbach, *Morning News*

A special meeting of the Parks and Recreation Advisory Board was held Wednesday, September 8, 1999. The purpose of the meeting was to visit three subdivision/large scale developments to consider for park land or money in lieu of the Park Land Ordinance. Parks and Recreation Advisory Board members and staff departed in a FYC van at 5:15 p.m. to visit the sites.

Development:	<u>Butterfield Trail Village Expansion</u>
Engineer:	McClelland Engineering, David Norman
Owner:	Bill Wickiser
Butterfield Village Representative:	Don Honeycutt
Location:	West of Old Missouri Road, South of Joyce Street
Park District:	NW
Priority:	None, right next to priority 1
Units:	60 Multi-Units
Land Dedication:	1.2 acres
Money in Lieu:	\$18,000
1990 Needs:	22 to 44 acres
2010 Needs:	34 to 68 acres
Existing Park Acres:	526.25 acres
	Lake Fayetteville (458 acres), Covington (new 2.48 acres), Mudcreek/Lindsey (0.4 mile trail - 19.92 acres), Sweetbriar (4 acres), Routh (1.65 acres), Vandergriff (~8 acres), Gulley (26.5 acres), Brookbury (5.7 acres)
Staff Recommendation:	Park Staff recommends park land. Chuck Rutherford, Sidewalk and Trails Administrator, has requested for Parks to require land for a trail head. This trail is planned to link into the Joyce Street trail and CMN trail over by the mall. Park staff agrees with this concept and to support our city wide trail system.

City Sidewalk and Trails Administrator, Chuck Rutherford, requested the Parks and Recreation Advisory Board acquire land for the development of a trail head. The trail head will serve as an entry

point for a section of the proposed city wide trail system.

MOTION:

Mr. Colwell moved to accept land, preferably in the flood plain and adjacent to the floodway, for a trail head.

Ms. Eads seconded the motion.

The motion was approved 5-0-0.

Development:	<u>Gary Brandon Subdivision</u>
Engineer:	Engineering Services Inc. (ESI) - Brian Moore
Representative:	Michele Harrington, Attorney at Law
Owner:	Valerie Zanaberletti
Location:	East of Hwy 265, North of Zion Road
Park District:	NE
Priority:	None (currently requesting annexation)
Units:	85 Single Family Units on 34.72 acres
Land Dedication:	2.125 Acres
Money in Lieu:	\$31,875
1990 Needs:	22 - 44 Acres
2010 Needs:	34 - 68 Acres
Existing Park Acres:	Lake Fayetteville/Highway 265 Park 1,284 acres; Routh 1.84 acres; Sweetbriar 4 acres; Covington 2.48 acres; Vandergriff 8 acres
Outstanding Features:	Developer is providing a park area with a swimming pool and other park amenities.
Staff Recommendation:	Park staff recommends a land dedication. This property is located immediately east of the Foster addition. The growth in this area has so much potential. We would recommend land that would adjoin adjacent subdivisions to increase the park size in order to serve this large growing area.

Parks and Recreation Advisory Board members met Gary Brandon, Brian Moore, and Michele Harrington at the site of the proposed development. This is a large growth area with potential in the future to acquire additional park land. Parks and Recreation Advisory Board Members had noted during a May 17, 1999 meeting regarding the Stonewood development, that future park land dedication in this area needed to be reviewed closely. The proposed park land for Gary Brandon Subdivision is less than the required, but the developer has agreed to contribute money in lieu for the difference.

MOTION:

Mr. Luttrell moved to accept the proposed acreage and money in lieu for the balance of the required land dedication.

Mr. Shoulders seconded the motion.

SILVERTHORN

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The motion was approved 5-0-0.

Development:	Silverthorne Subdivision
Engineer:	Engineering Services Inc. (ESI) - Brian Moore
Owner:	John Deweese, Mike Schmidt and Karen Schmidt
Representative:	Michele Harrington, Attorney at Law
Location:	South of Hwy 16, West of Double Springs Road
Park District:	SW
Priority:	None (currently requesting annexation)
Units:	59 Single Family Units on 47.98 acres.
Land Dedication:	1.48 Acres
Money in Lieu:	\$22,125
1990 Needs:	6.5 - 13 Acres
2010 Needs:	9 - 18 Acres
Existing Park Acres:	Bundrick 4.25 acres; Red Oak 8.07 acres; Meadowlands 3.08 acres
Staff Recommendation:	Park staff recommends money in lieu of a land dedication. This would require a waiver of the Park Land Ordinance to City Council because it contains over 40 acres. This subdivision requires only 1.48 acres. There are a large number of one acre lots in this subdivision with no potential for expansion to the south and little to the west. It is in close proximity to Farmington, 2,500 feet to the west and 1,000 feet to the south.

Parks and Recreation Advisory Board members met John Deweese, Brian Moore, and Michele Harrington at the site of the proposed development. Rezoning is scheduled to be addressed at the September 21, 1999 City Council meeting.

MOTION:

Mr. Luttrell moved to accept money in lieu of land dedication due to the extreme position of the property and the large size of lots to be developed and recommend a waiver of the Park Land Ordinance from City Council.

Mr. Colwell seconded the motion.

The motion was approved 5-0-0.

The meeting adjourned at 7:20 p.m.

Minutes taken by John Nelson 

HARRINGTON, MILLER, NEIHOUSE & KRUG

A PROFESSIONAL ASSOCIATION

ATTORNEYS

113 East Emma Avenue * P.O. Box 687

Springdale, Arkansas 72765-0687

Telephone (501) 751-6464 * Fax (501) 751-3715

e-mail address: mail@arkansaslaw.com

Michele A. Harrington

Stephen J. Miller

John P. Neihouse, LL.M. (in Taxation)

Wayne Krug **

William F. Mertins, Jr.

OF COUNSEL

Stephen D. Stitt

*Also licensed in Texas

**Also licensed in Oklahoma

August 25, 1999

ATTN: Kim Rogers
City of Fayetteville Parks & Recreation
113 West Mountain
Fayetteville, Arkansas 72701

Re: Silvertorne Subdivision

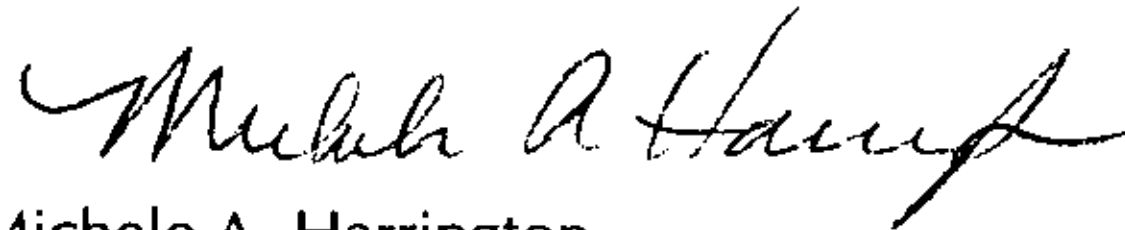
Dear Ms. Rogers:

Please favorably consider allowing my client to make a cash payment in lieu of a land dedication to meet the requirements of the City of Fayetteville for park land dedication.

Thank you.

Sincerely,

HARRINGTON, MILLER, NEIHOUSE & KRUG, P.A.

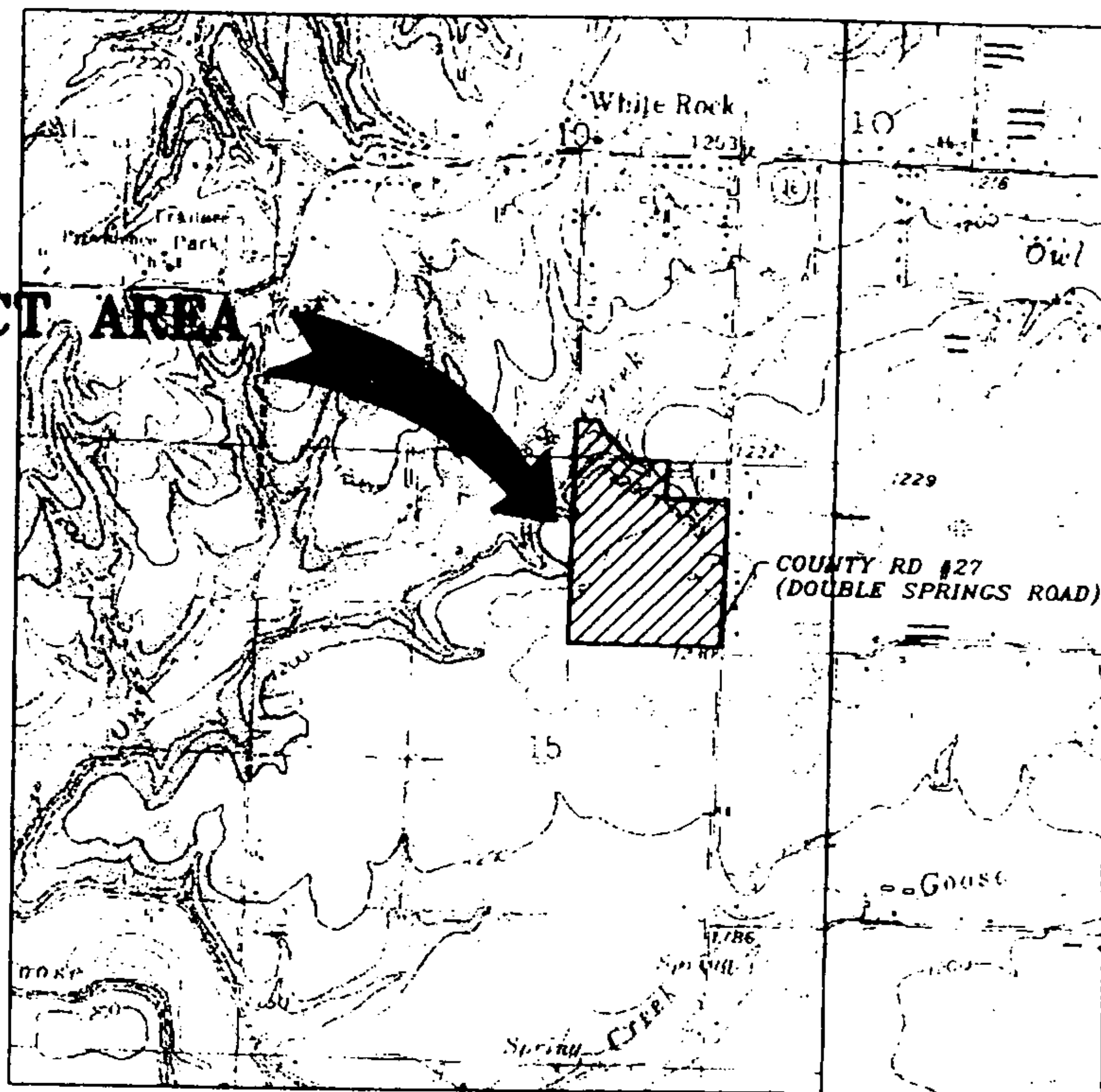


Michele A. Harrington

Attorney for John DeWeese, Mike Schmidt
and Karen Schmidt

MAH/rtv

PROJECT AREA



VICINITY MAP

STAFF REVIEW FORM

RECEIVED

HOMEBUYER

A.4 page 1

X Agenda Request
 _____ Contract Review
 _____ Grant Review

OCT 05 1999

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

For the City Council Meeting of

October 19th, 1999

From:

James Nicholson

Community Development

Admin Services

Name

Division

Department

ACTION REQUESTED:

Agenda Request. Approval of an Offer and Acceptance Contract to sell the property known as 21 E 4th Street to the designated eligible Affordable Homeownership Program applicant.

COST TO THE CITY:

\$54,000.00 (revenue)	(CDBG)	\$37,516 (revenue)	
Cost of this request	(HOME grant)	\$25,997 (revenue)	Program Income
		Project Budget	Category/Project Name
2180.0918.4910.00	(CDBG)	\$32,139 (revenue)	
2180.0918.4920.00	(HOME grant)	\$42,325 (revenue)	Housing Services
Account Number		Funds used to date	Program Name
970081		(\$10,951) <i>Revenue above Budget</i>	Community Development
Project Number		Remaining Budget	Fund

BUDGET REVIEW:

X Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Grantor Agency:

Marlene Cramer 9-29-99
 Accounting Manager Date

Yolanda Fields 10-4-99
 Internal Auditor Date

[Signature] 9-29-99
 City Attorney Date

 ADA Coordinator Date

[Signature] 9-29-99
 Purchasing Manager Date

STAFF RECOMMENDATION:

Staff requests approval of sales contract

[Signature] 9-29-99
 Division Head Date

[Signature] 5 OCT 99
 Admin Svcs Director Date

 Department Director Date

[Signature] 10/5/99
 Mayor Date

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

From: Kevin Crosson, Administrative Services Director *KAC*

Date: September 29, 1999

Re: Offer and Acceptance Contract - Community Development Division

This property sale is through the Community Development Homebuyer Program. The program purchases substandard housing in a targeted area of our city with Community Development Block Grant (CDBG) funds, rehabilitates those homes using a special HOME Investment Partnership Program grant, and offers them for sale to eligible program applicants.

The goals of the program are ambitious; revitalization and preservation of the neighborhood, moving renters to home ownership, better utilization of the grant funds by "recycling" sale proceeds back into the program. Program income from these home sales is prorated between the CDBG and HOME grant funds as a percentage of the amount expensed on the project from each fund. The PI monies are then spent on the current HOME & CDBG projects.

Applicants to the program must meet our income limits. These limits are set by HUD and represent 80% of the area median income adjusted for family size. A program buyer must also apply for and be approved for a mortgage loan through a private lending institution just like any potential home buyer.

In conjunction with the acquisition/rehabilitation project we offer a down payment and closing costs assistance grant to assist the purchaser to qualify for financing and to reduce their cost at closing to an affordable sum. The down payment and closing costs grant is also an incentive for our program applicants to attend a home buyers education workshop, an eight hour class which is hosted by an associate organization, Family Service Agency, a division of Consumer Credit Counseling Service. The course is designed to prepare potential home buyers for their purchase.

Although the program participant will purchase the property for market value, these housing units are subsidized with the city's entitlement grant dollars. The subsidy is necessary due to high cost of land in the city and because rehab construction costs are more expensive than new construction. In this case, the direct project costs are \$74,778 while the appraised value of the property is \$54,000, a subsidy of just over \$20,000. This subsidy amount correlates with our Housing Rehab program for existing homeowners, however we can accomplish a much more comprehensive rehab job, plus provide a home buying opportunity for a modest income person or family.



City of Fayetteville, Arkansas

DEFERRED LOAN AGREEMENT

This agreement executed this 29th day of October, 1999 between the City of Fayetteville, hereinafter called the City and Regina Eilerts, hereinafter called the Grantee.

In consideration of the mutual covenants herein, the parties agree as follows:

1. That the City shall provide the Grantee a loan in the amount of **Seventeen Thousand, Five Hundred and Fifty Three Dollars, (\$17,553.00)**, representing the subsidy to the Grantee(s) for the rehabilitation and down payment assistance of the existing residential structure located at 21 East 4th Street being more particularly described as:

Lot Numbered Four (4) in Block Numbered Three (3) of Jennings Addition to the City of Fayetteville, Arkansas, as per Plat of said Addition on file in the office of the Circuit Clerk of Washington County, Arkansas Parcel # 765-07021

2. Grantee certifies that he/she intends to occupy this property as his/her principal residence.

3. If the residence described above is sold, transferred, rented or otherwise conveyed within a Seven, (7) year period, a.k.a. the "affordability period", Grantee agrees to repay the loan in a manner satisfactory to the City, less any credit accrued as follows:

For each year the Grantee personally occupies the residence, the total Deferred Loan amount specified above will be reduced by FOURTEEN, AND THREE TENTHS OF A PERCENT (14.3%) of the original amount.

The proceeds of said sale or conveyance shall be applied as follows; the Grantee is permitted to recover his or her initial investment, plus capital improvements made subsequent to the original sale, and, the remaining proceeds shall be applied to satisfying the terms of this agreement. In the event proceeds from said sale equal an amount over and above the amount necessary to return the Grantee's investment and satisfy the terms of this agreement, the additional amount shall be split between the Grantee and the City as follows; Grantee 75%, City 25%.

4. If the residence described above is sold, transferred, or otherwise conveyed to an income eligible household during the affordability period described in paragraph 3., the Grantee may at his or her option, and with permission in writing from the City, transfer the mutual covenants and remaining term of the affordability period plus (+) three (3) years, but no less than seven (7) years total, to the subsequent buyer or transferee. Income eligible household is described as a household having a combined adjusted gross annual income, as defined in the federal income tax IRS form 1040, at or below 80% of the area median income adjusted for family size.

5. In the event of default and non-payment of the balance due by Grantee, the City shall have the power to offer the property at public sale to the highest bidder for cash. Public notice of the time and place of said sale having first been given ten (10) days in advance by advertising in a newspaper of general publication in the City of Fayetteville, at which sale the City may bid and purchase as any third person might do. The proceeds of said sale shall be applied, first, to the payment of all costs and expenses attending said sale, and second, the Grantee is permitted to recover their initial investment plus capital improvements made subsequent to the original sale,

HOMEBUYER

A.4 page 4

lastly, the remaining proceeds shall be applied to satisfying the terms of this agreement.

6. During the term of this agreement the Grantee shall;

- a. Insure all insurable property encumbered hereby against such hazards and in such amounts and under such form of policies, as shall be acceptable to the City for the term of this Agreement; the Grantee shall supply a copy of a current Certificate of Insurance to the City once annually for the term of this agreement as described in paragraph 3.
- b. Protect the property from damage, deterioration, and waste including hazardous waste and to make all replacements and repairs necessary to keep the property in good physical condition;
- c. Prevent the property from becoming encumbered by any lien or charge having priority over the lien of this Agreement. This Agreement shall not be subordinated to any subsequent lien, other than those which are perfected in the original financing arrangement of the property. In the event the Grantee(s) refinances the property, he/she agrees to repay the Deferred Loan in full, less any credit accrued at the rate stipulated in Paragraph 3., of this agreement.

7. The failure of the City or Grantee to enforce any term or provision, or right given in this agreement at the time of any default, shall not be a waiver to enforce same at a later date.

8. The Grantee covenants and agrees that he/she will comply with all requirements imposed by regulations of Title VI of the Civil Rights Act of 1964. Grantee agrees not to discriminate upon the basis of race, color, religion, sex, or national origin in the sale, lease, rental, use of or occupancy of the real property rehabilitated with the assistance of this Loan.

9. Upon execution, this agreement will be filed with the Ex-Officio Recorder of Washington County, Arkansas for the period specified in paragraph 3 of this Agreement, and shall be considered to constitute a lien on the property with all rights and privileges of said lien as set forth by applicable Arkansas State statutes and assigned to the City as lien holder.

10. Upon satisfactory completion of all terms and conditions of this agreement by the Grantee, or upon payment of any balance due; the Grantee shall be entitled to a release and satisfaction by the City of the lien.

CITY OF FAYETTEVILLE
COMMUNITY DEVELOPMENT DIVISION COORDINATOR

GRANTEE(S)

SUBSCRIBED AND SWORN to before me, a Notary Public this day,
1999

My Commission Expires:

Notary Public

REAL ESTATE CONTRACT

(Offer and Acceptance)

September 22, 1999

HOMEBUYER

A.4 page 5

1. BUYER: Regina Filberts offers to buy, subject to the terms set forth herein, the following property:
2. PROPERTY DESCRIPTION AND ADDRESS: 21 East 4th St
Lot 4, Block 3, Jennings Addition Fayetteville
Washington County, Arkansas
3. PURCHASE PRICE: The Buyer will pay \$ 54,000 for the property at closing. The down payment shall be \$ 1200.00* with the balance subject to the following conditions:
- A. ☒ NEW LOAN: ☐ Conv. ☒ FHA ☐ VA
The Buyer's ability to obtain a loan to be secured by the property in an amount not less than \$ 52,650.00, payable over a period of not less than 30 years, with interest not to exceed 8% per annum. Unless otherwise specified, all loan costs and prepaid items shall be paid by Buyer. If said loan is not available or is not closed, Buyer agrees to pay for loan costs incurred, including appraisal and credit report, unless failure to close is caused by Seller.
- B. ☐ LOAN ASSUMPTION: The Buyer's ability to assume existing loan payable to _____ in the approximate amount of \$ _____, currently payable at approximately \$ _____ per month, including ☐ principal, ☐ interest, ☐ existing taxes, and ☐ existing insurance. Payments on existing loan to be current at closing.
- C. ☒ OTHER: * Buyer will receive down payment and closing costs assistance grant with valid certificate from Family Service Agency Homebuyer education class. 1/2 downpayment and all elig closing costs to \$3500
4. APPLICATION FOR FINANCING: If applicable, Buyer agrees to make application for a new loan or loan assumption within 30 days from date of this contract.
5. EARNEST MONEY: Buyer herewith tenders a check for \$ 500.00 as earnest money, which shall apply on purchase price or closing costs if this offer is accepted. This sum shall be deposited by Agent and if offer is not accepted or if title requirements are not fulfilled, it shall be promptly refunded to Buyer. If, after acceptance, Buyer fails to fulfill his obligations, the earnest money shall become liquidated damages, WHICH FACT SHALL NOT PRECLUDE SELLER OR AGENT FROM ASSERTING OTHER LEGAL RIGHTS WHICH THEY MAY HAVE BECAUSE OF SUCH BREACH.
6. CONVEYANCE: Conveyance shall be made to Buyer, or as directed by Buyer by general warranty deed, except it shall be subject to recorded restrictions and easements, if any, which do not materially affect the value of the property. Unless expressly reserved herein, such conveyance shall include mineral rights owned by seller.
7. ABSTRACT OR TITLE INSURANCE: The owner(s) of the above property, hereinafter called Seller, shall furnish, at Seller's cost, a complete abstract reflecting merchantable title satisfactory to Buyer's attorney; however, Seller shall have an option to furnish Buyer, in place of abstract, a policy of title insurance in the amount of the purchase price, and submission of an abstract shall not constitute a waiver of this option. If objections are made to title, Seller shall have a reasonable time to meet the objections or to furnish title insurance.
8. PRORATIONS: Taxes and special assessments due on or before closing shall be paid by Seller. Any deposits on rental property are to be transferred to Buyer at closing. Insurance, current general taxes and special assessments, rental payments, and any interest on assumed loans shall be prorated as of closing unless otherwise specified herein.
9. CLOSING: The closing date, which will be designated by Agent, is estimated to be on or about October 29, 1999
10. POSSESSION: Possession shall be delivered to Buyer:
- A. ☒ Upon closing.
- B. ☐ After closing, but not later than _____ days after closing. In this event, Seller agrees to pay at closing \$ _____ per day from closing to date possession is delivered and to leave this sum with Agent to be disbursed to the parties entitled thereto on the date possession is delivered.
11. FIXTURES AND ATTACHED EQUIPMENT: Unless specifically excluded herein, all fixtures and attached equipment, if any, are included in the purchase price. Such fixtures and attached equipment shall include, but not be limited to, the following: window air conditioners, carpeting, indoor and outdoor light fixtures, window and door coverings, gas or electric grills, awnings, mail boxes, garage door openers and remote units, water softeners, propane and butane tanks, antennas and any other items bolted, nailed, screwed, buried or otherwise attached to the real property in a permanent manner.
12. TERMITE CONTROL REQUIREMENTS:
- A. ☐ None.
- B. ☐ Purchase price to include a current termite control policy issued by licensed operator.
- C. ☒ Purchase price to include termite control policy and inspection report, as required by HUD, VA, or lender.
13. INSPECTIONS AND REPAIRS: Buyer certifies that Buyer has inspected the property and is not relying upon any warranties, representations or statements of Agent or Seller as to age or condition of improvements, other than those specified herein. 13A and 13B do not apply to new previously unoccupied dwellings.
- A. ☒ Buyer accepts the property in its present condition, subject only to the following: none
- B. ☐ The following items, if any, shall be in normal working order at closing: dishwashers, disposals, trash compactors, ranges, exhaust fans, heating and air conditioning systems, plumbing system, electrical system, and _____
Buyer shall have the right, at Buyer's expense, to inspect the above items prior to closing. If any of the above items are found not to be in normal working order, Buyer may notify Seller in writing prior to closing. After notice as provided herein, Seller agrees to pay the cost of repair of any such items up to but not exceeding \$ _____.
If cost of such repairs will exceed the above amount, and Seller refuses to pay the additional cost, Buyer may accept the property in its condition at closing with credit on the purchase price in the above amount; or Buyer may declare this contract null and void.
If Buyer does not give notice of defects in writing prior to closing, all subsequent repairs shall be solely at Buyer's expense.
14. RISK OF LOSS: The risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the Seller.
15. EXPIRATION OF OFFER: This offer expires if not accepted within 30 days from this date.
16. OTHER CONDITIONS: Sale subject to Deferred Loan Agreement(attached)
Contract is contingent on approval by the Fayetteville City Council
If Council fails to approve, contract is null and void and buyer's
earnest money will be refunded to buyer.

1980 FTC Ruling

INSULATION: (All of the following information MUST be inserted if this is a NEW home) Insulation is / will be installed as follows:

	TYPE	THICKNESS	R-VALUE
Exterior Walls			
Interior Walls			
Ceiling (on all areas)			

SPACES for which above offer applies (such as attic, crawlspace, etc.)

Insulation is to be installed in accordance with the manufacturer's instructions and is relied on by Seller and Agent.

Buyer and Seller are advised that this contract is not intended to be a contract of sale and is not intended to be a contract of purchase. It is not intended to be a contract of purchase and is not intended to be a contract of sale. Buyer and Seller are advised that this contract is not intended to be a contract of sale and is not intended to be a contract of purchase. It is not intended to be a contract of purchase and is not intended to be a contract of sale.

Selling Agent: _____ N/A _____
Selling Associate Signature: _____ N/A _____
The above offer is accepted on _____, 19_____. I/We agree to pay the below named agent a fee of _____ for professional services rendered in securing said offer. If for any reason the earnest money provided for herein is forfeited by Buyer under the provisions hereof, same shall be divided equally between Seller and Agent after payment of incurred expenses.

Listing Agency: _____ N/A _____
Listing Associate: _____ N/A _____
Broker Signature: _____ N/A _____
Buyer: _____
Seller: _____

HOMEBUYER **A.4 page 6**

ACQUISITION REHAB PROJECT #2 21 East 4th **Project # 97081 HOME Project #0821700051** **SCHEDULE OF EXPENDITURES** **AS OF 28-Sep-99**

Check Date	Description	Total	CDBG	CDBG Indr	HOME	Funding Sources
04/15/97	Earnest money	200.00	200.00			
04/28/97	Purchase property	25,929.58	25,929.58			29,178.78 CDBG
05/30/97	Pennington-Initial yard work	63.90		63.90		7,327.88 Indirect costs
06/05/97	Gregg's excavating	650.00			650.00	45,599.83 HOME
06/12/97	Hull & Company - ACM survey	500.00			500.00	
06/12/97	AB Tri State Termite	820.00			820.00	82,108.29
06/12/97	Pennington - mowing	31.84		31.84		
06/20/97	Home Builders Insurance Prog.	77.53	77.53			
06/25/97	Pennington - mowing	31.84		31.84		
07/09/97	Home Builders Insurance Prog.	82.07	82.07			
07/10/97	Pennington - mowing	31.84		31.84		
07/23/97	Petty Cash Reimburse	15.07		15.07		
08/01/97	Sunray Services	1,260.00	1,260.00			
08/11/97	Pennington - mowing	31.84		31.84		
08/26/97	Taxes - prepaid	93.47		93.47		
08/28/97	Johany On the Spot	63.64			63.64	
09/01/97	Pennington - mowing	31.84		31.84		
09/01/97	Sunray Services	519.75	519.75			
09/12/97	Cameron Ashley - doors/windows	1,013.59			1,013.59	
09/15/97	National Home Centers	54.38			54.38	
09/15/97	Ozark Restoration	14,000.00			14,000.00	
09/15/97	Ozark Restoration - retainage	(1,400.00)			(1,400.00)	
09/15/97	photo's	15.07		15.07		
09/25/97	Ozark Restoration	11,180.00			11,180.00	
09/25/97	Ozark Restoration - retainage	(1,118.00)			(1,118.00)	
09/30/97	Home Builder's Insurance - credit	(41.15)	(41.15)			
09/30/97	SWEPCO	8.95	8.95			
10/03/97	Petty Cash Reimburse	38.64		38.64		
10/03/97	Petty Cash Reimburse-photos	13.63			13.63	
10/13/97	Pennington - mowing	63.90		63.90		
10/13/97	National Home Centers	48.34			48.34	
10/13/97	Sunray Services	829.00	829.00			
10/14/97	Petty Cash Reimburse-photos	22.53		22.53		
10/17/97	National Home Centers	507.12			507.12	
10/24/97	National Home Centers	229.43			229.43	
10/24/97	Johnny On the Spot	63.16			63.16	
10/24/97	SWEPCO - Electric	11.30	11.30			
10/27/97	Petty Cash Reimburse-photos	20.34		20.34		
11/03/97	Ozark Restoration	9,991.70			9,991.70	
11/03/97	Ozark Restoration - retainage	(999.17)			(999.17)	
12/15/97	Ozark Restoration release retainag	3,517.17			3,517.17	
11/10/97	Mike Pennington Home Repair	600.00			600.00	
11/10/97	Pennington - mowing	138.61		138.61		
11/10/97	National Home Centers	3,283.63			3,283.63	
11/18/97	National Home Centers	830.21			830.21	
11/14/97	Sunray Services	301.75	301.75			
11/21/97	SWEPCO - Electric	17.87		17.87		
12/01/97	West Tree Service	800.00		800.00		
12/01/97	City of Fayetteville - water	17.11		17.11		
12/08/97	Arkansas Western Gas	19.85		19.85		
12/31/97	Petty Cash	23.12		23.12		
12/31/97	City of Fayetteville - water	12.31		12.31		
of submitted 1997 Project Staff Costs		1,751.00			1,751.00	
01/05/98	SWEPCO - Electric	9.88		9.88		
01/12/98	Arkansas Western Gas	35.23		35.23		
01/26/98	SWEPCO - Electric	10.75		10.75		
02/02/98	City of Fayetteville - water	25.64		25.64		
02/06/98	Arkansas Western Gas	30.64		30.64		
02/23/98	SWEPCO - Electric	10.26		10.26		
03/02/98	City of Fayetteville - water	25.64		25.64		
03/09/98	Arkansas Western Gas	24.07		24.07		
03/27/98	SWEPCO - Electric	8.83		8.83		
03/30/98	Real Estate Consult. Appraisal	300.00		300.00		
04/02/98	Arkansas Western Gas	22.43		22.43		
04/22/98	Bryant's Lawn Care	26.68		26.68		
04/23/98	Pennington Home Services	30.00		30.00		
04/24/98	SWEPCO - Electric	7.90		7.90		
05/15/98	Ark Western Gas	8.30		8.30		
05/27/98	SWEPCO - Electric	7.87		7.87		
06/01/98	Pennington Home Services	90.00		90.00		
06/05/98	Ark Western Gas	7.68		7.68		
06/26/98	SWEPCO - Electric	11.97		11.97		
07/08/98	Pennington Home Services	60.00		60.00		
07/09/98	Arkansas Western Gas	7.68		7.68		
07/24/98	SWEPCO - Electric	17.94		17.94		
07/30/98	Home Builders Insurance Prog.	77.52		77.52		
08/07/98	SWEPCO - Electric	7.68		7.68		
08/07/98	Pennington Home Services	60.00		60.00		
08/21/98	SWEPCO - Electric	35.90		35.90		
09/03/98	Pennington - mowing serv	90.00		90.00		
09/04/98	Ark Western Gas	7.68		7.68		
09/24/98	SWEPCO - Electric	17.92		17.92		
10/05/98	Pennington - mow yard	45.00		45.00		
10/05/98	Ark Western Gas	7.68		7.68		
10/26/98	SWEPCO	24.90		24.90		
10/31/98	Pennington - mow yard	90.00		90.00		
11/06/98	Ark Western Gas	7.68		7.68		
11/13/98	Pennington - mow yard	90.00		90.00		
11/23/98	property taxes	308.07		308.07		
11/23/98	previous sellers taxes (in escrow)	(93.47)		(93.47)		
11/30/98	SWEPCO	11.00		11.00		
12/04/98	Ark Western Gas	7.68		7.68		
12/31/98	SWEPCO	8.79		8.79		
12/31/98	Ark Western Gas	28.76		28.76		
01/29/99	SWEPCO	12.06		12.06		
02/05/99	Ark Western Gas	33.49		33.49		
02/26/99	SWEPCO	9.07		9.07		
03/05/99	Ark Western Gas	21.30		21.30		
03/26/99	SWEPCO	9.45		9.45		
04/09/99	Ark Western Gas	31.16		31.16		
04/23/99	SWEPCO	7.82		7.82		
05/21/99	SWEPCO	7.74		7.74		
06/24/99	SWEPCO	20.69		20.69		
07/02/99	Ark Western Gas	7.84		7.84		
07/23/99	SWEPCO	23.81		23.81		
08/05/99	Ark Western Gas	7.21		7.21		
08/27/99	SWEPCO	42.79		42.79		
09/03/99	Ark Western Gas	7.21		7.21		
09/24/99	SWEPCO	30.91		30.91		
09/23/99	Wash Cnty Prop tax	420.66		420.66		
of submitted 1998 /99 project staff costs		0.00				
of submitted downpayment & closing assist		3,500.00		3,500.00		

1998 expns 1,557.30

TOTAL EXPENDITURES	82,106.29	29,178.78	7,327.88	45,599.83
REMAINING BUDGET	0.00	0.00	0.00	0.00
Direct Project Cost	74,778.61			
RECAP		HOME Drawdowns:	14,961.21	
		Program Income used	30,638.62	
Total CDBG funds expensed:	36,506.46	% of Proj:	44.46	
Total HOME funds expensed:	45,599.83	% of Proj:	55.54	
Proceeds from sale: estimated	50,500.00			
Reimbursable to CDBG: estimated		22,453.53		
Reimbursable to HOME: estimated		28,046.47		

STAFF REVIEW FORM

PASSENGER BUS

C.1 page 1

XX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of October 19, 1999

FROM:

W.A.Oestreich
 Name

Fleet Operations
 Division

Administrative Services
 Department

ACTION REQUIRED:

Approval of Ordinance providing for a Bid Waiver to purchase 1 Used Diesel Powered Forward Control Passenger Bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Youth Center Director and the Equipment Committee. This unit will be primarily utilized by the Fayetteville Youth Center.

COST TO CITY:

\$ 46,000.00
 Cost of this Request

\$ 632,544.00
 Category/Project Budget

Repl/Exp Lt/Med Util. Veh.
 Category/Project Name

9700-1920-5802.00
 Account Number

\$ 286,457.00
 Funds Used To Date

Vehicles & Equipment
 Program Name

98063-001
 Project Number

\$ 346,087.00
 Remaining Balance

Shop
 Fund

BUDGET REVIEW:

XX Budgeted Item _____ Budget Adjustment Attached

[Signature]
 Budget Coordinator

[Signature]
 Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn J. Cramer
 Accounting Manager

9-28-99
 Date

ADA Coordinator

Date

[Signature]
 City Attorney

9-28-99
 Date

Internal Auditor

9-28-99
 Date

[Signature]
 Purchasing Officer

9-28-99
 Date

STAFF RECOMMENDATION:

Approval of Bid Waiver Ordinance

[Signature]
 Division Head

9-28-99
 Date

Cross Reference

Department Director

Date

New Item: Yes No

[Signature]
 Administrative Services Director

9-28-99
 Date

Prev Ord/Res #: _____

[Signature]
 Mayor

9/24/99
 Date

Orig Contract Date: _____

CITY OF FAYETTEVILLE

FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: Kevin Crosson, Administrative Services Director 

FROM: William Oestreich, Fleet Operations Superintendent 

DATE: September 28, 1999

SUBJECT: Bid Waiver for a Used Forward Control Diesel Powered Passenger Bus

Attached is a proposed Ordinance providing for a Bid Waiver to purchase a Used Diesel Powered Forward Control Passenger Bus.

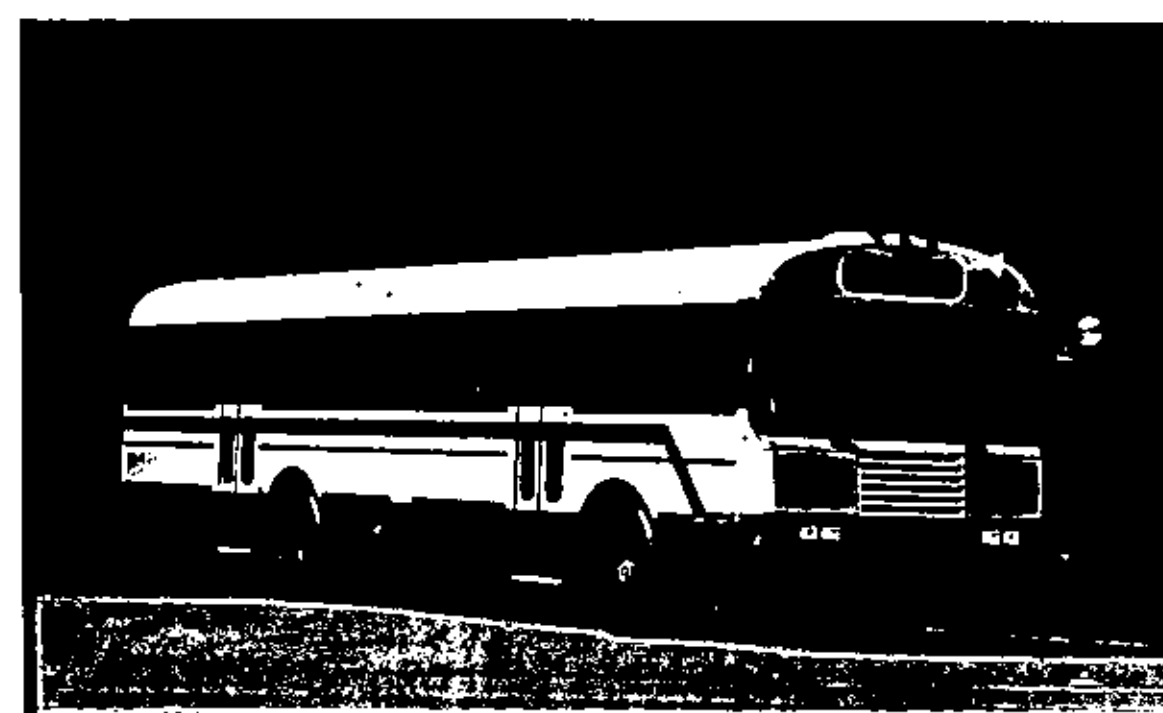
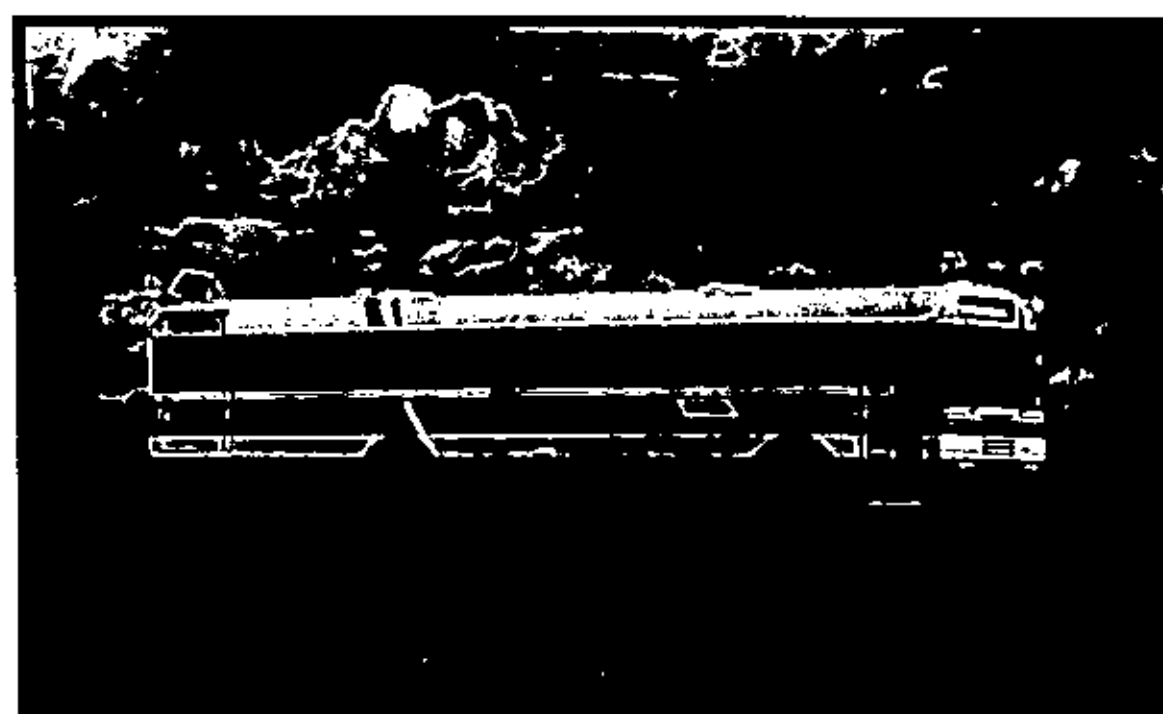
A new unit of this type has a customer cost of \$75,000.00 to \$95,000.00. It is the intent to limit the cost to a maximum of \$46,000.00 for a used unit in good condition delivered to our facility in Fayetteville.

An opportunity to save a substantial amount of money with the purchase of a used unit has proven to work out well in the past. We have been very fortunate in locating very serviceable units in the market. Therefore every effort will be made to continue this record with another economically priced used unit.

Upon approval of a Bid Waiver, a purchase recommendation for a suitable unit will be submitted to the Equipment Committee and Mayor Hanna.

PASSENGER BUS
C.1 page 3

COMMERCIAL BUSES BY CARPENTER



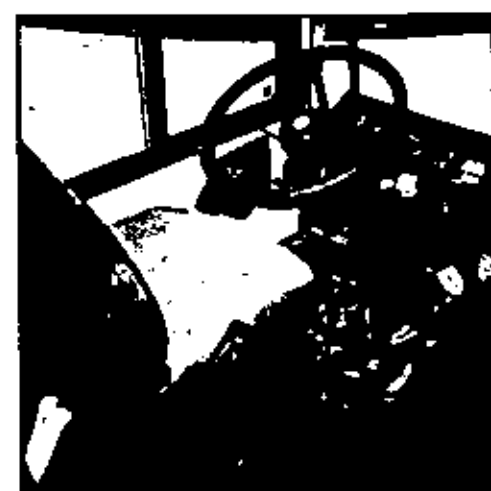
Comfort. Safety. Reliability. Serviceability. All are important factors when you are buying buses. That's why you should consider the new line of Crown buses from Carpenter Industries. Carpenter has created a full line of buses built around customer needs, with a choice of drive trains and fuel options, front and rear engines, traditional and transit-style designs. All can be fully customized to meet your needs exactly with the hundreds of options available from Carpenter. And all can be custom-painted with a durable finish for years and years of distinctive good looks. Take a closer look at Crown. We think you'll find the best value in buses on the market today.



COMMERCIAL BUS FEATURES & OPTIONS



Crown's standard entrance features a wide opening and low first step that let passengers board in comfort.



Crown buses are built for driver comfort and convenience, with adjustable seating, controls within easy reach, and a clear view of the road.



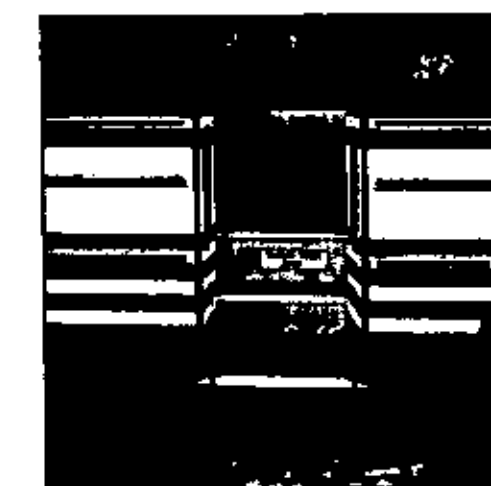
All Crown buses can be customized with a variety of seating options and plans to meet your needs.



Ceilings ranging from 74" to 77" give standing passengers ample headroom. Buses used for public transit or shuttle service can be equipped with an optional standee rail to provide standing passengers with more stability during their ride.



Crown buses are available with a rear emergency exit door, as pictured, or a solid rear with a full-width window.



The optional side exit door helps alleviate aisle congestion and reduces your passenger loading and unloading time.



Heavy-duty chassis with a variety of wheelbases available.



Front or rear engine chassis available with a wide selection of power trains.



A variety of window styles available including transit style and split-sash.

AVAILABLE OPTIONS

- Air conditioning system
- Exterior storage compartments
- Deluxe interior package
- Air suspension on chassis
- Variety of seats, styles and floorplans
- Deluxe driver seat
- Radio-P/A systems
- Wheelchair lift
- Custom painting
- Variety of engines
- Side entrance door

SEE YOUR CROWN DEALER

Or, for the name of your nearest Crown dealer, call Carpenter Industries at 765-965-4000.



GIVE US A LOOK. WE'LL CHANGE YOUR MIND.

STAFF REVIEW FORM

SCIACCA POSS.

C.2 page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of October 19, 1999

FROM:

Ed Connell
Name

Engineering
Division

Public Works
Department

ACTION REQUIRED: Approval of an ordinance authorizing the City Attorney to seek court ordered possession of certain lands (0.22 acre) and easement from property owned by Jerry L. Sciacca in association with the extension of 6th St. to Huntsville Road. Compensation of \$46,565.00 for the acquisition has been agreed upon and approved by City Council with Resolution 85-99. It is the intent of the City to let the courts settle a dispute on the distribution of funds between the property owner and certain lien holder(s).

COST TO CITY:

\$ 100.00
Cost of this Request

\$ 365,649.00
Category/Project Budget

Sixth Street Extension to E. Huntsville Road
Category/Project Name

4470-9470-5809-00
Account Number

\$ 112,829.00
Funds Used To Date

Program Name

96044-30
Project Number

\$ 252,880.00
Remaining Balance

Sales Tax CIP
Fund

BUDGET REVIEW:

☒ Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

9-20-99
Date

Internal Auditor Date

City Attorney

9-20-99
Date

ADA Coordinator Date

Purchasing Officer

9-20-99
Date

STAFF RECOMMENDATION: Staff recommends approval of this ordinance so that possession of this property can be implemented. Efforts to resolve the dispute between property owner and lien holder or judgements have resulted in little or no success.

Division Head

20 Sept 99
Date

Cross Reference

Department Director

9-20-99
Date

New Item: Yes ☒ No ☐

Administrative Services Director

20 Sept 99
Date

Prev Ord/Res #: _____

Mayor

9/21/99
Date

Orig Contract Date: _____

RESOLUTION NO. 85-99

A RESOLUTION AUTHORIZING STAFF TO PURCHASE 0.22 ACRES, INCLUDING IMPROVEMENTS (OLD SERVICE STATION) FROM PROPERTY OWNER, JERRY SCIACCA, IN THE AMOUNT OF \$46,565, PLUS CLOSING COSTS, FOR THE EXTENSION OF SIXTH STREET FROM WOOD AVENUE TO EAST HUNTSVILLE ROAD.

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

Section 1. That the City Council hereby authorizes staff to purchase 0.22 acres, including improvements (old service station) from property owner, Jerry Sciacca, in the amount of \$46,565, plus closing costs, for the extension of Sixth Street from Wood Avenue to East Huntsville Road. A copy of the legal description is attached hereto marked Exhibit "A" and made a part hereof.

PASSED AND APPROVED this 6th day of July, 1999.

APPROVED:

By: _____

Fred Hanna, Mayor

ATTEST:

By: _____

Heather Woodruff, City Clerk



DEPARTMENTAL CORRESPONDENCE

DATE: September 21, 1999

TO: Fayetteville City Council

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

FROM: Ed Connell, City Land Agent *EC*

RE: Sixth Street Extension from Wood to Huntsville
Property of Jerry L. Sciacca
Pt. of Lot #10, Aumick's Addition
Possession thru Power of Eminent Domain

The City of Fayetteville is planning the extension of Sixth Street, from Wood Avenue to Huntsville Road. As part of this project, a sizeable portion of the land owned by Mr. Sciacca is required for street right of way, as well as other lands required for permanent and temporary drainage easements.

Mr. Sciacca and the City have reached a mutual agreement on the monetary compensation to be made for this acquisition. However, certain encumbrances on the title for this property prohibits the sale of any portion without certain releases from the parties involved. Mr. Sciacca and the other parties have been unable to reach an agreement on the repayment of such encumbrances; thus it is necessary for the City to seek possession of the lands through the courts and let the courts settle the matter between Mr. Sciacca and his lien holders.

The City Council approved the purchase of this property with Resolution No. 85-99 of July 6, 1999. This purchase consisted of the following categories:

Building & Paved Parking Area	\$	31,600
Additional Right of Way		9,700
Damages to Remaining Property		3,600
Permanent Drainage Easement		1,050
Temporary Construction Easements		<u>615</u>
TOTAL	\$	46,565
 Earnest Money paid to Sciacca	\$	 1,000
 AMOUNT TO BE DEPOSITED WITH COURT	\$	 45,565

SCIACCA POSS.

C.2 page 4

Fayetteville City Council

September 1, 1999

Sciacca

Page 2

The following addresses are applicable to this acquisition:

Jerry L. Sciacca
210 West Lafayette St.
Fayetteville, AR 72701
Mobile: 466-8838

Attorney for lien holder;
John Wm. (Bill) Murphy
Attorney at Law
16 East Spring St.
Fayetteville, AR 72701
442-7572

State of Arkansas
Dept. of Human Services
Child Support Enforcement

All parties, or their representatives, in this transaction have been notified by phone of this course of action and have agreed (some reluctantly) to the approach. Staff needs the passage of an ordinance which directs the City Attorney to seek possession of the lands through the courts. Unless some controversy were to develop, all three readings should be considered at the earliest possible date.

PROPERTY DESCRIPTIONS

1. TOTAL PROPERTY: Parcel No. 765-02499-000

Lot Ten (10) in Aumick's Addition to the City of Fayetteville, Arkansas, as per plat of said addition on file in the office of the Circuit clerk and Ex-Officio Recorder of Washington County, Arkansas.

2. FEE SIMPLE LAND ACQUISITION DESCRIPTION:

A part of Lot Ten (10) of Aumick's Addition to the City of Fayetteville, Washington County, Arkansas, being more particularly described as follows: Commencing at the Southwest corner of Lot 10; thence with the west line of said Lot 10, North 02° 25' 48" East 155.47 feet, to the Point of Beginning; thence continuing with said west line, North 02° 25' 48" East 134.56 feet; thence South 54° 55' 34" East 148.42 feet to the east line of said Lot 10; thence with said east line South 02° 27' 17" West 77.76 feet; thence North 77° 01' 28" West 127.09 feet, to the Point of Beginning and containing a total of 13,267 square feet (0.305 acre), including 3,594 square feet (0.083 acre) in existing right of way, more or less.

The bearings for this description are based on Arkansas State Plane Coordinates, North Zone, the system which the City of Fayetteville presently uses. This bearing system may vary from the bearings used in previous descriptions of this property.

3. ROADWAY TEMPORARY CONSTRUCTION AND GRADING EASEMENT DESCRIPTION

A temporary construction and grading easement fifteen (15) feet in equal and uniform width, being more particularly described as follows: Commencing at the Southwest corner of Lot 10 of Aumick's Addition to the City of Fayetteville, Washington County, Arkansas; thence with the west line of said Lot 10, North 02° 25' 48" East 155.47 feet, to a point on the proposed new south right of way of Sixth Street, said point also being the Point of Beginning; thence with said south right of way line, South 77° 01' 28" East 127.09 feet, to the east line of Lot 10; thence with said east line, South 02° 27' 17" West 15.26 feet; thence North 77° 01' 28" West 127.08 feet; to the west line of Lot 10; thence with said west line, North 02° 25' 48" East 15.26 feet, to the Point of Beginning and containing 1,907 square feet (0.044 acre), more or less,

4. PERMANENT DRAINAGE EASEMENT DESCRIPTION

A permanent drainage easement more particularly described as follows: Beginning at the Southwest corner of Lot 10; thence North 02° 25' 48" East 20.0 feet; thence South 87° 32' 43" East 109.88 feet; thence North 02° 27' 17" East 115.05 feet, to a point on the proposed new south right of way line of Sixth Street; thence with said South right of way line, South 77° 01' 28" East 15.26 feet, to the east line of Lot 10; thence with said east line South 02° 27' 17" West 132.26 feet; thence with the South line of said Lot 10, North 87° 32' 43" West 124.88 feet, to the Point of Beginning and containing 4,203 square feet (0.096 acre), more or less.

SCIACCA POSS.

C.2 page 6

Fayetteville City Council

September 1, 1999

Sciacca

Page 4

5. DRAINAGE TEMPORARY CONSTRUCTION & GRADING EASEMENT DESCRIPTION

A temporary construction and grading easement twenty (20) feet in equal and uniform width, being more particularly described as follows: Commencing at the Southwest corner of Lot 10; thence with the west line of said Lot 10, North 02° 25' 48" East 20.00 feet, to a point on the north line of the above described Permanent Drainage Easement, said point also being the Point of Beginning; thence with said north line South 87° 32' 43" East 109.88 feet; thence North 02° 27' 17" East 115.05 feet, to a point on the proposed new South right of way of Sixth Street; thence with said South right of way line, North 77° 01' 28" West 20.34 feet; thence South 02° 27' 17" West 98.76 feet; thence North 87° 32' 43" West 89.89 feet; thence South 02° 25' 48" West 20.00 feet, to the Point of Beginning and containing 4,136 square feet (0.095 acre), more or less.

SCIACCA POSS.
C.2 page 7

TELEPHONE
A.C. 501-442-7572
A.C. 501-442-5431
FAX 501-442-4121

FACSIMILE TRANSMISSION COVER SHEET

BY: Tracy Stord

Talked w/ Murphy 9-22-99

7 KAREN Phillips (Sciaccia) currently incarcerated
in Conway. WAS MARRIED TO GERRY SCIACCIA

7 Bought out MORTGAGE (\$14,100.16) from Edward Mayo — holds MORTGAGE on this property

> We need to work through Bill Murphy AS FAR AS Karen Phillips is concerned.

7 Karen Phillips mother (Betty Phillips - Huntsville
wasted Murph to foreclosure on this property

Murphy traced her out at H. pending
Sale to City.

SCIACCA POSS...

C.2 page 8

FILED FOR RECORD

'97 JAN 22 AM 8 40

ASSIGNMENT OF MORTGAGE AND NOTE

WASHINGTON CO AR
KANSAS

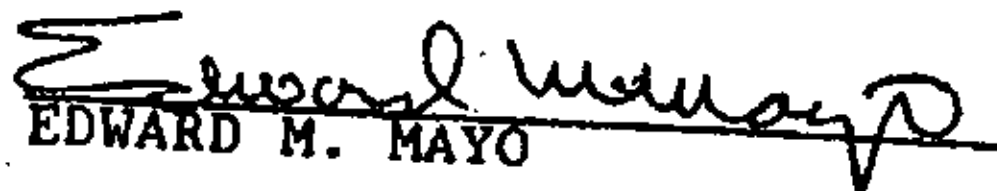
The undersigned, Edward M. Mayo, in consideration of the sum of \$ 14,100.16, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell and assign and transfer to Karen Phillips, her heirs, personal representatives and assigns, a mortgage dated February 1, 1994, executed to him by Jerry Lee Sciacca, securing the sum of \$ 20,000.00 which is recorded in Mortgage Record 94007668 of the Record of Washington County, Arkansas, and which mortgages the following described property, to-wit:

Lot Ten (10) in Aumick's Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas

And the undersigned further assigns and transfers to Karen Phillips formerly, Sciacca, her heirs, personal representatives and assigns, the obligation secured by said mortgage, the same being a promissory note in the amount of \$ 20,000.00 of even date.

The undersigned covenants that he is the lawful owner and holder of said Mortgage and Note, and that it is his intention to assign and transfer to the assignee all of his right, title, interest and estate in and to the above-described mortgage and note. It is further agreed and provided, however that no recourse may be asserted against the undersigned based upon nonpayment of said note.

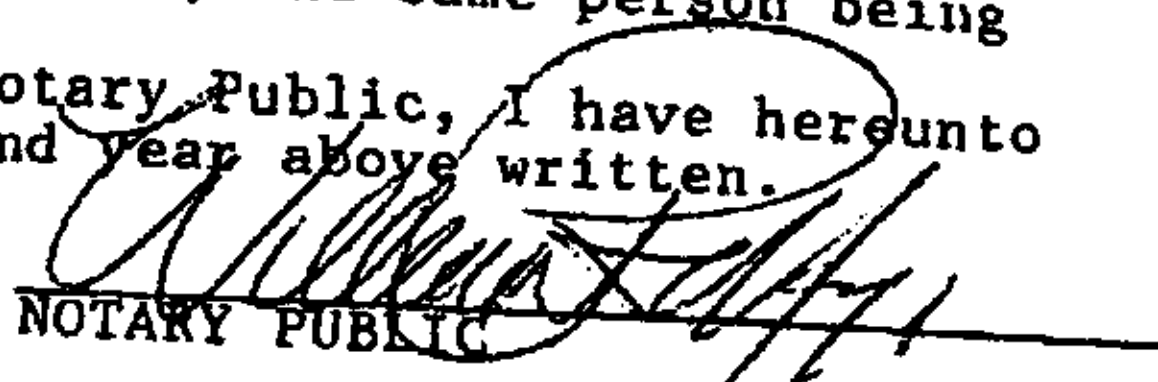
Dated this 8th of January, 1997.

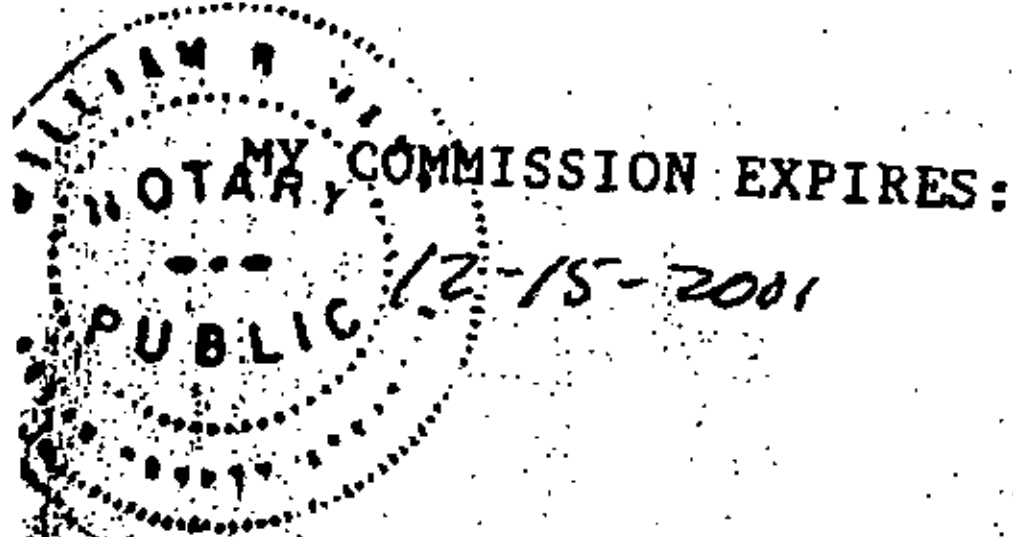

EDWARD M. MAYO

STATE OF ARKANSAS)
COUNTY OF BENTON) ss

On this 8th day of January, 1997, personally appeared before me, a Notary Public, Edward M. Mayo haveing executed the foregoing release for the purposes stated therein, the same person being personally known to me.

IT WITNESS WHEREOF, as such Notary Public, I have hereunto set my hand and seal on the date and year above written.


NOTARY PUBLIC



97003856

FAYETTEVILLE

SCIACCA POSS.
C.2 page 9

THE CITY OF FAYETTEVILLE, ARKANSAS

September 20, 1999

Mr. Jerry L. Sciacca
201 W. Lafayette St.
Fayetteville, AR 72701

RE: Sixth Street Extension
Job No. 96044
Property Condemnation

Dear Jerry:

Since you have been unable to reach an agreement with your former wife relative to a distribution and disbursement of the proceeds from the sale and easements associated with the City's acquisition of parts of Lot # 10 of Aumick's Subdivision, the City must seek possession of the property through the courts. The courts will then determine the distribution of the proceeds, which will be deposited by the City with the court.

This item will be placed on the Fayetteville City Council meeting agenda for October 21, 1999. We consider this action to be a friendly condemnation since the City cannot interfere with the distribution of proceeds, especially where liens on the property are concerned. Although it is not necessary for you to attend this council meeting, you are aware that you will have to pursue the recovery of your property compensation, as well as easement compensation, through the courts. As noted in the attached letter of June 21, 1999, you have been paid \$1,000.00 as earnest money on the purchase of the required land and easements. The remaining balance due is \$45,565.00.

If you have any questions, give me a call at 444-3415.

Sincerely,


Edward D. Connell
City Land Agent

cc: Bill Murphy, Attorney Murphy & Carlisle

FAYETTEVILLE

SCIACCA POSS.

C.2 page 10

THE CITY OF FAYETTEVILLE, ARKANSAS

June 21, 1999

Jerry L. Sciacca
201 W. Lafayette
Fayetteville, AR 72701

RE: Sixth Street Extension
Job No. 96044
Earnest Money

Dear Mr. Sciacca:

Enclosed please find Check No. 249221 for \$1,000.00 as the earnest money deposit as per the Offer and Acceptance Contract with the City of Fayetteville.

This proposed purchase is being recommended to be on the July 6, 1999, City Council meeting agenda. We will inform you of a closing date after Council approval.

If you have any questions or need additional information, please feel free to call either Ed Connell at 444-3415 or myself at 444-3407. Thank you for your assistance.

Sincerely,



Jill S. Goddard
Land Agent

/jsg

Enclosure

STAFF REVIEW FORM

RECEIVED CAPITAL IMPROV

C.3 page 1

OCT 05 1999

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of October 19, 1999

FROM:

<u>Steve Davis</u>	<u>Budget & Research</u>	<u>Administrative Services</u>
Name	Division	Department

ACTION REQUIRED:

Council approval of the 2000-2004 Capital Improvements Program. This is a planning document - any funding required will be submitted with the 2000 operating budget.

COST TO CITY:

\$ see attachment

<u>Cost of this Request</u>	<u>Category/Project Budget</u>	<u>Category/Project Name</u>
<u>Account Number</u>	<u>Funds Used To Date</u>	<u>Program Name</u>
<u>Project Number</u>	<u>Remaining Balance</u>	<u>Fund</u>

BUDGET REVIEW: N/A Budgeted Item Budget Adjustment Attached

Steve Davis
Budget Manager

Harold O. Cross
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn J. Chamer
Accounting Manager

10-4-99
Date

Yolanda Fields
Internal Auditor

10-4-99
Date

Harold O. Cross
City Attorney

10-4-99
Date

ADA Coordinator
Date

P. Vice
Purchasing Officer

10-4-99
Date

STAFF RECOMMENDATION: Staff recommends approval of the 2000-2004 Capital Improvements Program.

Division Head Date

Cross Reference

Department Director Date

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

Harold O. Cross
Administrative Services Director

30 Oct 99
Date

Prev Ord/Res #: _____

Harold O. Cross
Mayor

10/5/99
Date

Orig Contract Date: _____

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THRU: Fred Hanna, Mayor
Kevin Crosson, Administrative Services Director 

FROM: Budget & Research 

DATE: October 1, 1999

SUBJECT: **2000-2004 Capital Improvements Program**

The 2000-2004 Capital Improvements Program (CIP) is submitted for City Council adoption. The CIP contains approximately \$191.8 million in planned capital improvements over the next five years. The CIP is the planning tool that provides guidance in making infrastructure and capital improvements. The 2000-2004 CIP contains planned expenditures in the following areas:

Wastewater Plant Expansion & Improvements	\$ 106.3 million
Water & Sewer Improvements	25.6 million
Street Improvements	19.0 million
Vehicles & Equipment Replacements / Expansions	8.6 million
Parks & Recreation Improvements	6.8 million
Off-Street Parking Improvements	6.6 million
Airport Improvements	3.5 million
Bridge & Drainage Improvements	3.0 million
Fire Safety Improvements	2.1 million
Community Development Improvements	1.8 million
Sidewalk Improvements	1.7 million
Police Safety Improvements	1.4 million
Solid Waste Improvements	0.8 million
Other Capital Improvements	4.6 million

The projected cost of constructing a new wastewater treatment plant and making improvements to the City's current wastewater collection system and the Paul Noland Wastewater Treatment Plant is incorporated in this capital improvement program at an estimated cost of \$106.3 million.

The process for completing the annual update of the City's Five-Year Capital Improvements Program began in June with the preparation of projected funding available and a packet distributed to in-house staff to be used in the submission of capital projects. Since that time, numerous staff

meetings have been held concerning the proposed CIP to assist in fine tuning it. In addition, City Council committee meetings, Airport Board meetings, and Parks & Recreation Advisory Board meetings have been held to obtain comments on the proposed improvements.

By adopting the CIP, the City Council is providing direction on what is considered the prioritized capital replacement and expansion needs of the City during the next five-year period. As a planning tool, the CIP may be updated and/or revised on an annual basis to reflect changing priorities, to renew existing priorities, and to revise cost estimates. The funding requests for the projects planned for 2000 will be incorporated in the 2000 budget to be submitted for City Council review and approval in November.

Thank you for consideration of this request and should you have any questions, please feel free to contact either Kevin Crosson at 575-8330 or Steve Davis at 575-8296.

FIREWORKS

C.4 page 1



Board of Directors
Honorary Chairman
Mayor Fred Hanna

President: Trent Trumbo
Secretary: Gary Tucker
Treasurer: Heather Daniel

Bootsie Ackerman
David Baire
Alice Bishop
Margo Clark
Dana Copp, M.D.
Betty Dutton
Father Lowell Grisham

Patricia Gustavson
Edith Hawkins
Nancy Hendricks

John Lewis
Alett Little
Bernard Madison

Cherie McFadin
John Newman

Bill Rogers
John Rownak
Sylvia Scott
Lisa Skiles

Susan Stiers
Peggy Smith Hart
Alan Wilbourn

Tobi Kaufman,
Executive Director
570 Vinson
Fayetteville, AR
72701
501-443-4797
FAX 587-7017

First Night is 501(c)(3)
nonprofit organization.

ORDINANCE NO 3706

Chapter 94: FIRE PREVENTION
94.04 SALE AND USE OF FIREWORKS.

(B) It shall be unlawful for any person to use fireworks within the City at any time except of the dates of July 3 and 4 and on December 31, the use of pyrotechnics before a proximate audience as defined by the National Fire Protection Association 1126, 1996 Edition:

Submitted by First Night Fayetteville
Tobi Kaufman, Director
For the agenda setting session: 10/12/99
October 8, 1999

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF October 19, 1999

FROM:

Charles Venable

Name

Division

Public Works

Department

ACTION REQUESTED: Approval of an engineering agreement with Garver Engineers of Fayetteville to furnish surveys and geotechnical information for the architect's use in development of the proposed library site.

COST TO THE CITY:

\$27,960

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

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Approval of this agreement in order that the information can be furnished to the architect so that preliminary plans can be developed.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res #: _____

Mayor

Date

Orig. Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Hanna and Fayetteville City Council

From: Charles Venable, Public Works Director

Date: October 11, 1999

Subject: Engineering Agreement to Provide Surveys and Geotechnical Information for
the Proposed Library Site

Attached hereto is a copy of an engineering agreement with Garver engineers of Fayetteville. The contract is a cost plus a fixed fee in the amount not to exceed \$27,960, and includes a fixed fee of \$2,996.

As stated previously, this project is in conjunction with the architectural agreement that was approved on October 5, and is necessary to provide field data to the architect for his use in the placement and design of the building.

CV:msm

attachement

CITY OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Agreement entered into and executed this ____ day of _____ 1999, by and between the City of Fayetteville acting by and through its Mayor, hereinafter called the "OWNER," and with Garver Engineers, with offices located at Fayetteville, Arkansas, hereinafter called the "ENGINEER."

WITNESSETH:

Whereas, the "OWNER" is planning to construct a library on the property bounded by School Avenue, Rock Street, West Avenue, and Mountain Street, containing approximately three acres; and whereas, the "OWNER'S" forces are fully employed on other urgent work that prevents their early assignment to the aforementioned work; and whereas, the "ENGINEER'S" staff is adequate and well qualified and it has been determined that its current work load will permit completion of the plans for the project on schedule;

Now, therefore, it is considered to be in the best public interest for the "OWNER" to obtain assistance of the "ENGINEER'S" organization in connection with said engineering services. In consideration of the faithful performance of each party of the mutual covenants and agreements set forth hereinafter, it is mutually agreed as follows:

SECTION I - EMPLOYMENT OF ENGINEER

The "OWNER" agrees to employ the "ENGINEER" to perform, and the "ENGINEER" agrees to perform, professional engineering services in connection with the project set forth in the Sections to follow; and the "OWNER" agrees to pay and the "ENGINEER" agrees to accept, as specified in the Sections to follow as full and final compensation for work accomplished in the specified time.

SECTION II -DESCRIPTION OF THE PROJECT

This project includes construction of a library, at the site described above, with the required sitework.

SECTION III - INFORMATION & SERVICES

The "OWNER" will furnish any standards and other information which may relate to the project including the record description of the property, any record easements affecting the property to which the survey shall make reference, free of charge, to the "ENGINEER".

SECTION IV - SERVICES TO BE FURNISHED BY THE "ENGINEER" DURING "DESIGN" PHASE

Specifically, our scope of services is described in the following paragraphs:

We will provide a boundary survey, prepare a surveyed description, and a plat of the parcel of land. All of the above will meet Arkansas Minimum Standards for Property Boundary Surveys. We will assist with the reconciliation of any discrepancies between the survey and the legal recorded description. All adjacent property within 50 feet will be included. In addition, topographic information is also required and will include the location of all trees, buildings, utilities, sidewalks, streets, etc.

A contour map of the site will be produced with contour intervals at one foot intervals. Error will not exceed one-half contour interval. At least two permanent benchmarks will be established noting the location and elevation to the nearest 0.01 foot. Spot elevations at each intersection of a 25-foot (approximate) square grid covering the property and at street intersections, and at 25 feet on center of curbs, sidewalks, and edge of paving will also be provided. Location of buildings, trees over six inches in diameter, utilities both above and below ground (with depths of the below ground and flow lines of any sanitary sewers and storm sewers), and any other topographic features that may be present on the site, will be indicated.

All survey data will be tied to the City of Fayetteville's plane coordinate system and all elevations shall be tied to the National Geodetic Vertical Datum (NGVD) 1929.

All drawings will be at a scale of 1" = 30'-0" and shall be on 30" x 42" trim size paper with a left binding edge and 3/4" border. We will furnish one (1) reproducible transparency, and three (3) copies of each drawing. Composite drawings of the boundary and topographic information will be produced. In addition to the composite drawings, separate plots of (A) boundaries, easements and topographic features without utilities, and (B) boundaries, easements and utilities will be furnished.

A digital copy in Autocad Release 14 will also be provided to the Owner. It is also understood that the Owner or the Owner's architect may reproduce the Engineer's drawings without modification and distribute the prints in connection with the use or disposition of the property without incurring compensation to the Engineer. Digital copies of the survey data may also be used as a basis for site planning.

Geotechnical data will also be provided. A subconsultant of the Engineer will provide six (6) preliminary soil borings, at least 12 inches into bed rock or hard shale. These borings will be made near each property corner and at locations within the property that will provide a general idea of the location and depth of the rock. A geotechnical report and soil boring log will be furnished. The subconsultant fee is based on boring depths not to exceed 40 feet.

SECTION V - COORDINATION WITH "OWNER" - Not Used

SECTION VI - OFFICE LOCATION FOR REVIEW OF WORK - Not Used

SECTION VII - CONCEPT AND PRELIMINARY SUBMISSION - Not Used.

SECTION VIII - FINAL SUBMISSION - Not Used

SECTION IX - ENGINEER RESPONSIBILITY DURING "BIDDING" AND
"CONSTRUCTION" PHASES - Not Used

SECTION X - SUBCONTRACTING

Subcontracting by the "ENGINEER" of any of the services provided herein shall require prior approval by the "OWNER."

SECTION XI - TIME OF BEGINNING AND COMPLETION

The "ENGINEER" shall begin work under this Agreement within ten (10) calendar days of a Notice to Proceed and complete the work within 35 calendar days from the date work begins.

SECTION XII - FEES AND PAYMENTS

A. "Design" Phase Services:

For, and in consideration of, the services to be rendered by the "ENGINEER," the "OWNER" shall pay the "ENGINEER" on the basis of actual salary costs for work time directly connected with work chargeable to the project, plus payroll additives and general overhead costs of 168% of direct labor costs, plus direct reimbursable expenses associated with the project, plus a fixed fee which are payable as follows:

- | | | |
|----|--|--------------------|
| 1. | "Design" phase services (Surveying and Geotechnical Services) not to exceed: | <u>\$24,964.00</u> |
| 2. | Fixed fee for "Design" services: | <u>\$2,996.00</u> |
| 3. | Engineering contract amount for "Design" phase services not to exceed: | <u>\$27,960.00</u> |

The basis of this upper limit and justification for the fee is contained in Appendix "A" attached hereto. Subject to the City Council's approval, adjustment of the upper limit may be made should the "ENGINEER" establish and the "OWNER" agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if the "OWNER" decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

Appendix "B" covers the classification of personnel and the salary rate for all personnel to be assigned to this project by the "Engineer."

Final payment for Design services shall be made upon the "OWNER'S" approval and acceptance with the satisfactory completion of the "Design" phase for the project.

- B. "Bidding" Phase Services - Not Used
- C. "Construction" Phase Services - Not Used
- D. "Geotechnical Investigation" Services:

Payment for geotechnical investigative services performed under this contract is covered under Part "A" - Design Phase Services

- E. "Special" Services

For "Special" services, not described herein, the "OWNER" shall pay the "ENGINEER" at the rates listed in Appendix B multiplied by a 3.0 markup. Special services will be required only when directed by the City in writing. These hourly rates will be subject to change after six months from the date of the Contract to reflect any changes in our pay rates which may occur.

SECTION XIII - CHANGES

The "OWNER" may at any time, by written order, make changes within the general scope of the contract in the work and services to be performed. If any such change causes an increase or decrease in the cost of, or the time required for, performance of this contract, an equitable increase or decrease shall be made in the upper limit contract amount, including fee or time of required performance, or both, and the contract shall be modified in writing accordingly.

Changes, modifications or amendments in scope, price or fees to this contract shall not be allowed without a formal contract amendment approved by the Mayor or the City Council in advance of the change in scope, price of fees.

Any claim by the "ENGINEER" for adjustment under this clause must be asserted with thirty (30) days from the date of receipt by the "ENGINEER" of the notification of change, provided, however, that the "OWNER" if it decides that the facts justify such action, may receive and act upon any such claim assessed at any time prior to the date of final payment under this contract. Failure to agree to any adjustment shall be cause for a dispute concerning a question of fact within the meaning of the clause of this contract entitled SECTION XVII MISCELLANEOUS PROVISIONS, (1) Dispute Resolutions. However, nothing in this clause shall excuse the "ENGINEER" from proceeding with the contract as changed.

SECTION XIV - OWNERSHIP OF DOCUMENTS

All documents, including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of the "OWNER." The "ENGINEER" may retain reproduced copies of drawings and copies of other documents.

SECTION XV - POSTPONEMENT OR CANCELLATION OF THE CONTRACT

It is understood that the "OWNER" will have the right to suspend or cancel the work at any time.

- A. Postponement - Should the "OWNER," for any reason whatsoever, decide to postpone the work at any time, the "OWNER" will notify the "ENGINEER," who will immediately suspend work. Should the "OWNER" decide during such suspension not to resume the work, or should such suspension not be terminated within a year, the work shall be cancelled as hereinafter provided.
- B Cancellation - Should the "OWNER," for any reason whatsoever, decide to cancel or to terminate the use of the "ENGINEER'S" service, the "OWNER" will give written notice thereof to the "ENGINEER," who will immediately terminate the work. If the "OWNER" so elects, the "ENGINEER" may be instructed to bring a reasonable stage of completion to those items, whose value would otherwise be lost. The "ENGINEER" shall turn over all data, charts, survey notes, figures, drawings and other records or information collected or produced hereunder whether partial or complete. Upon such termination of the "ENGINEER'S" services, the "ENGINEER" shall be paid on a proportional amount of the total fee, less prior partial payments, based on the ratio of work done to the total amount of work to be performed.

SECTION XVII - MISCELLANEOUS PROVISIONS

- 1. Dispute resolution - Any dispute concerning a question of fact in connection with the work and having a financial value of \$10,000, or less, shall be referred for determination to the Mayor of the City of Fayetteville, whose decisions in the matter shall be final and conclusive. Disputes resulting from claims greater than \$10,000

- shall be subject to mediation.
2. Responsibility for Claims and Liability - The "ENGINEER" shall save harmless the "OWNER" from all claim and liability due to its (the "ENGINEER'S") activities, or those subcontractors, its agents, or its employees during the time this contract is in force.
 3. General Compliance with Laws - The "ENGINEER" shall comply with all federal, state and local laws and ordinances applicable to the work. The "Engineer" shall be a professional engineer, licensed in the State of Arkansas.
 4. Engineers Endorsement - The "ENGINEER" shall endorse and recommend all plans, specifications, estimates and engineering data finished by it. All design shall be checked in accordance with accepted engineering practices. All plan quantities shall be checked and verified.

SECTION XVIII - SUCCESSORS AND ASSIGNS

The "OWNER" and the "ENGINEER" each binds itself and its partners, successors, executors, administrators, and assigns to the other party of this Agreement, except as above. Neither the "OWNER" nor the "ENGINEER" shall assign, sublet or transfer its interest in this Agreement without written consent of the other. Nothing herein shall be construed as creating any possible personal liability on the part of any officer or agent of any public body which may be party hereto.

SECTION XIX - COVENANT AGAINST CONTINGENT FEES

The "ENGINEER" warrants that it has not employed or retained by company or person, other than a bonafide employee working solely for the "ENGINEER," to solicit or secure this contract, and that it has not paid or agreed to pay any company or person, other than a bonafide employee working solely for the "ENGINEER," any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this contract.

For breach or violation of this warranty, the "OWNER" shall have the right to annul this contract without liability.

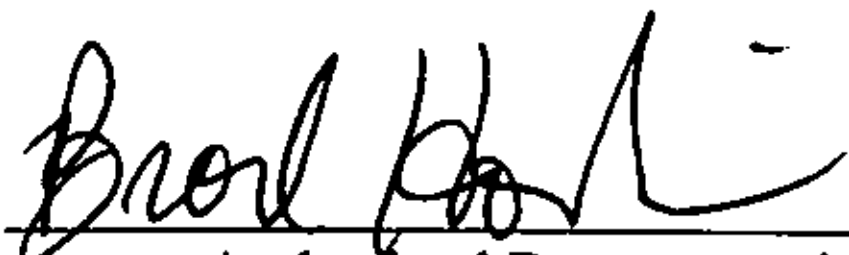
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date and year first herein written.

CITY OF FAYETTEVILLE

ENGINEER

By: _____
Mayor

GARVER ENGINEERS
Name of the firm

By: 
Authorized Representative

ATTEST:

ATTEST

City Clerk

Boundary Survey

- 1 Provide a boundary survey, prepare a surveyed description, and a plat of survey of the parcel of land. All of the above will meet Arkansas Minimum Standards for Property Surveys. Assist with the reconciliation of any discrepancies between the survey and legal recorded description. This survey will be tied to the City of Fayetteville's plane coordinate system.

	1	Total
Project Manager	4	4
Project Engineer	0	0
Design Engineer	0	0
Project Surveyor	72	72
Technician/Draftsman	0	0
Clerical	2	2
Survey Crew	16	16
Construction Observer	0	0
Construction Engineer	0	0

Topographic Survey and Map

- 1 A contour map will be produced with one foot contour intervals. Error will not exceed one-half contour interval. At least two permanent bench marks will be established noting the location and elevation to the nearest 0.01 foot. Spot elevations at each intersection of a 25 foot approximately square grid covering the property and at street intersections, and at 25 feet on center of curbs, sidewalks, and edge of paving will also be provided. Location of building, trees over six inches in diameter, utilities both above and below ground (with depths of the below ground and flow lines of any sanitary sewers and storm sewers), and any topographic features that may be present on the site will be indicated. This survey will be tied to the City of Fayetteville's plane coordinate system and all elevations shall be tied to the National Geodetic Vertical Datum (NGVD) 1929.
- 2 All drawings will be at a scale of 1" = 30' and shall be on 30" x 42" trim size paper with a left binding edge and 3/4" border. We will furnish one (1) reproducible transparency, and three (3) copies of each drawing. Composite drawings of the boundary and topographic information will be produced. In addition to the composite drawings, separate plots of (A) boundaries, easements, and topographic features with utilities, and (B) boundaries, easements and utilities will be furnished. A digital copy in Autocad Release 14 will also be provided to the Owner.

	1	2	Total
Project Manager	4	2	6
Project Engineer	0	0	0
Design Engineer	0	0	0
Project Surveyor	54	32	86
Technician/Draftsman	0	2	2
Clerical	2	2	4
Survey Crew	76	0	76
Construction Observer	0	0	0
Construction Engineer	0	0	0

Geotechnical Investigation

- 1 The Engineer or his subcontractor shall provide six (6) preliminary soil borings, at least 12 inches into bedrock or hard shale. These borings will be made near each property corner and at locations within the property that will provide a general idea of the location and depth of the rock. A geotechnical report and soil boring log will be furnished.

	1	Total
Project Manager	4	4
Project Engineer	0	0
Design Engineer	0	0
Project Surveyor	0	0
Technician/Draftsman	0	0
Clerical	0	0
Survey Crew	0	0
Construction Observer	0	0
Construction Engineer	0	0

Surveying Services and Preliminary Geotechnical Services

DIRECT SALARY COST	Boundary Survey		Topographic Survey and Map		Geotechnical Investigation	
	MAN HOURS	COST	MAN HOURS	COST	MAN HOURS	COST
Project Manager	4	\$120.00	6	\$180.00	4	\$120.00
Project Engineer	0	\$0.00	0	\$0.00	0	\$0.00
Design Engineer	0	\$0.00	0	\$0.00	0	\$0.00
Project Surveyor	72	\$1,494.00	86	\$1,784.50	0	\$0.00
Technician/Draftsman	0	\$0.00	2	\$32.50	0	\$0.00
Clerical	2	\$22.00	4	\$44.00	0	\$0.00
Survey Crew	16	\$608.00	76	\$2,888.00	0	\$0.00
Construction Observer	0	\$0.00	0	\$0.00	0	\$0.00
Construction Engineer	0	\$0.00	0	\$0.00	0	\$0.00
Subtotal - Salaries		\$2,244.00		\$4,929.00		\$120.00
LABOR AND GENERAL ADMINISTRATIVE OVERHEAD (168%)		\$3,769.92		\$8,280.72		\$201.60
DIRECT NON-PAYROLL COSTS						
Consultant		\$0.00		\$0.00		\$5,000.00
Reproduction		\$100.00		\$154.00		\$0.00
Survey Supplies		\$50.00		\$50.00		\$0.00
Aerial Photography		\$0.00		\$0.00		\$0.00
Computer Rental		\$0.00		\$0.00		\$0.00
Travel Costs		\$25.00		\$40.00		\$0.00
Subtotal - Direct Non-Payroll Costs		\$175.00		\$244.00		\$5,000.00
Subtotal		\$6,188.92		\$13,453.72		\$5,321.60
PROFESSIONAL FEE (profit)		\$742.67		\$1,614.45		\$638.59
TOTAL :		\$6,932.00		\$15,068.00		\$5,960.00

TOTAL ESTIMATED COST:

\$27,960.00

Appendix B
Garver Engineers
Hourly Rate Schedule

<u>Classification</u>	<u>Regular</u>
Senior Project Manager	\$37.00
Project Manager	\$30.00
Senior Project Engineer	\$26.00
Project Engineer	\$24.00
Senior Design Engineer	\$22.25
Construction Engineer	\$19.50
Design Engineer/Designer	\$22.25
Environmental Scientist	\$21.00
Geologist	\$20.00
CADD Administrator	\$20.00
Senior CADD Technician	\$18.00
CADD Technician	\$16.25
Senior Construction Observer	\$20.00
Construction Observer	\$19.50
Project Surveyor	\$20.75
Party Chief	N/A
Instrument Man	\$19.25
Rodman	\$12.00
Clerical	\$11.00

October, 1999

Senior Project Manager

Hannah, T.B. PE
 Johnson, T.L. PE
 Johnson, W.B. PE
 Jones, C.F. PE
 Morgan, B.D. PE
 Parker, H.J. PE
 Pierce, R.R. PE
 Reese, W.T. PE
 Taylor, R.E. PE, RLS (Nville)
 Walker, E.T. PE (Nville)
 White, R.D. PE (Nville)
 Williams, D.H. PE (Tulsa)

Project Manager

Bennett, G.E. PE
 Dalla Rosa, M.G. PE
 Griffin, M.J. PE
 Holder, J.D. PE (MAD)
 Hoskins, B.E. PE (Fville)
 Lee, D.S. PE (Lville)
 Lynch, M.D. PE
 McCarley, J.D. PLS (Hville)
 McMillin, A.T. PE
 Rowland, K.B. PE
 Wilson, K.W. PE (Nville)

Senior Project Engineer

Brown, D.L. PE
 Cummings, S.W. PE (Lville)
 Davis, W.D. PE
 Fish, R.A. PE
 Fulmer, G.A. PE
 Haynes, S.L. PE
 Larson, A.T. PE
 Ruck, W.E. PE, RLS
 Ruddell, J.H. PE
 Tiner, N.D. PE
 Watkins, J.T. PE
 Wilbourn, D.C. PE

Project Architect

Lebovitz, P.A. (Nville)

Project Engineer

Allen, J.Q. PE (Nville)
 Brashear, J.N. PE
 Catlett, W.C. PE
 Farmer, E.C. PE
 Mott Jr., W.E. PE

Senior Design Engineer

Barr, J.L. PE
 Elkhairi, A.S. PE
 Garner, D. M. PE (Tulsa)
 Garvin, D. D. PE (Tulsa)
 Hammons, R.C. PE
 Harrison, J. Matt PE
 Leone, C.G. PE
 McEntire, W.M. PE
 Parker, C.G. PE (Tulsa)
 Watt, C.J. PE (Tulsa)

Sr. Construction Engineer

Morris, J. C. PE (Fville)
 Stengel, M.H. EI

Construction Engineer

Isbell, G. D. EI (Tulsa)

Design Engineer/Designer

Aussieker, B. EI (Tulsa)
 Barner, N.H. EI
 Boos, J. E. EI
 Britton, S.N. EI
 Brown, B. W. EI
 Carson, D.K. EI
 Clinehens, C. E. EI
 Deegan, D.W. EI (Nville)
 Duden, E.D. EI
 Falbe, W. R. EI
 Flood, M A EI
 Garrett, R EI (Fville)
 Grant, John (MAD)
 Guthrie, K.D. EI (Fville)
 Hanks, S. N. EI (Tulsa)
 Higgins, Karyn EI
 Lindley, J. G. EI
 McIlwain, F.O. EI
 McNeill, N. S. EI
 Overstreet, J.K. EI (MAD)
 Phillips, D. S. EI (MAD)
 Shaw, J R EI
 Spaul, W.H. EI, RLS
 Storey, G. T. EI (Hville)
 Teague, E.A. EI
 Thornsberry, S. EI
 Turner, T. R. EI
 Weindorf, Blake EI
 Zorn, T. S. EI

Environmental Scientist

Gates, S.J.

Geologist

Miller, A.L. PG

Network Administrator

Taylor, L.D.
 Whitley, V.

Senior Technician

Beasley, D.D.
 Beasley, B.W.
 Bowen, S.L.
 Farrar, R.D.
 Fortner, R.N.
 Guss, T. F. RLS (Nville)
 Hutchinson, D.E.
 Ketzscher, C.H.
 Kline, J.E. (Lville)
 Kyzer, L.K.
 Raley, P. S.
 Rogers, Terry (Lville)
 Ross, R.D.
 Skinner, T.W.
 Yandell, D.W. RLS

Technician

Agginie, R.M.
 Boles, D. S. (Nville)
 Bridges, Kyle
 Brown, M. C.
 Deck, B E.
 Delk, J.P.
 Edwards, D W (Nville)
 Erwin, M. C. (Nville)
 Garr, C.A.
 Hibbard, J.D.
 Jones, K. H. (Fville)
 Kuca, R. J.

Lawhon, R.D. (Tulsa)
 Leary, D. (MAD)
 Loney, T. M. (Tulsa)
 Macom, C.F.
 Rouse, N.J.
 Sheridan, P.J.
 Thomas, C.W.
 Webb, D. J. (Fville)
 Wier, J.M.
 Williams, H.E.

Senior Construction Observer

Billing, L.W.
 Chambless, J.H.
 Ward, J.W.

Construction Observer

Beavers, L. R.
 Evans, D.L. (Nville)
 Robinson, W.D.
 Thompson, R R

Survey Coordinator

Aston, J.S. PLS (Hville)

Project Surveyor

Davis P.E. (Fville)

Party Chief

Carpenter, L.W. (Hville)
 Caudle, J.T.
 Mott, W.E.
 Warren, G.M. (Lville)

Instrument Man

Dinges, A.E. (Hville)
 Pierce, C.S. (Lville)
 Weston, R.L.

Rodman

Connolly, J P
 Cook, M. N. (Hville)
 Criss, S.E.
 Warhurst, J.J. (Hville)

Clerical

Ballentine, D.L.
 Bastin, C. (Hville)
 Cromer, C.E.
 Fuller, K J (Fville)
 Garrett, D. (Nville)
 Hall, C.S.
 Isaacs, S. (Lville)
 Jones, D.R. (Tulsa)
 Madden T. B.
 Morgan, A. N.



CITY OF FAYETTEVILLE

FINAL AGENDA

FAYETTEVILLE CITY COUNCIL

OCTOBER 19, 1999

A meeting of the Fayetteville City Council will be held on October 19, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Items to be discussed:

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the October 5, 1999 City Council meeting.
2. **WILSON PARK TOY SURFACING:** A resolution approving award of Bid #99-74 to Westlin Concrete Inc. in the amount of \$29,145.83 for the installation of a 2,404 square feet concrete base and playground poured-in-place around the current Big Toy at Wilson Park.
3. **HOMEBUYER SALE:** A resolution approving an Offer and Acceptance Contract to sell the property known as 21 East 4th Street to the designated eligible Affordable Homeownership Program applicant.
4. **LIBRARY SURVEYS:** A resolution approving an agreement with Garver Engineers to furnish surveys and geotechnical information for the architect's use in the development of the proposed library site. The contract is a cost plus a fixed fee in the amount not to exceed \$27,960 and includes a fixed fee of \$2,996.

B. OLD BUSINESS

1. **RZ 99-28.00:** An ordinance approving rezoning request RZ 99-28 submitted by Michele Harrington on behalf of William M. Weatherford and Larry and Brenda Swain for property located at 2200 & 2201 W. Deane Street. The property is zoned R-1, Low Density Residential and contains approximately 11.64 acres. The request is to rezone the property to R-2, Medium Density Residential.

C. NEW BUSINESS

1. **PASSENGER BUS:** An ordinance approving a Bid Waiver to purchase one used Diesel-Powered Forward Control Passenger Bus.
2. **SCIACCA POSSESSION:** An ordinance authorizing the City Attorney to seek court-ordered possession of certain lands (0.22 acre) and easement from property owned by Jerry L. Sciacca in association with the extension of 6th Street to Huntsville Road.
3. **CAPITAL IMPROVEMENTS:** A resolution approving the 2000-2004 Capital Improvements Program.
4. **FIREWORKS AMENDMENT:** An ordinance amending Ordinance 3706, Subsection (B) to read: "It shall be unlawful for any person to use fireworks within the City at any time except on the dates of July 3 and 4 *and on December 31 and January 1*"
5. **SILVERTHORN WAIVER:** A resolution approving a Waiver of Ordinance 3793 to accept money in lieu as the park land requirement for the Silverthorn Subdivision.
6. **RZ 99-29 PC APPEAL:** A resolution reversing the decision of the Planning Commission to approve rezoning request RZ 99-29.00. The request is to rezone approximately 1.0 acres of land located along Sycamore Street from R-1, Low Density Residential, to R-1.5, Moderate Density Residential to allow the development of an upper-scale 6-unit residential Planned Unit Development.
7. **I-540 SCENIC BYWAY:** A resolution supporting the designation of I-540 from Fayetteville to Alma as an Arkansas Scenic Byway.

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